

ORDINANCE No. 189392

*Authorize an Intergovernmental Agreement with Oregon Health and Science University for reimbursement of the SW Curry Street traffic signal construction expenses and to establish repayment terms of Immediate Opportunity Fund grant (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City applied for, and successfully was awarded, an Immediate Opportunity Fund ("IOF") grant from the Oregon Department of Transportation ("ODOT"), to help offset the costs of constructing transportation improvements on the SW Moody Avenue and SW Bond Avenue corridor that will support the creation and retention of jobs on the OHSU South Waterfront campuses, particularly jobs associated with the Knight Cancer Research Building ("KCRB") and the Center for Health and Healing 2 ("CHH South").
2. Council, through Ordinance 188661 adopted on November 1, 2017, authorized an Intergovernmental Agreement ("IGA") between the Bureau of Transportation ("PBOT") and ODOT, ultimately executed by both parties on November 17, 2017 and attached as Exhibit A-1, allowing PBOT to accept the IOF grant and construct the SW Moody Avenue and SW Bond Avenue corridor improvements, including environmental remediation of the SW Bond Avenue right-of-way under the Marquam Bridge, installation of traffic signals at the intersection of SW Moody Avenue and Curry Street and the intersection of SW Bond Avenue and Curry Street ("the Curry Street traffic signals"), and completion of the SW Bond Avenue extension north of SW Porter Street.
3. PBOT and ODOT executed an administrative amendment to the IOF grant IGA, attached as Exhibit A-2, on May 30, 2018, removing language that required PBOT to advertise and award all contracts, thereby allowing a third party such as OHSU to advertise, award and construct improvements funded by the grant.
4. PBOT required the installation of the Curry Street traffic signals as a condition of approval for the OHSU CHH South development and subsequently reviewed, approved, inspected and accepted OHSU's design and construction of the Curry Street traffic signals as part of a Public Works Permit attached as Exhibit A-3.
5. OHSU completed a procurement process for the construction of CHH South and associated public improvements including the Curry Street traffic signals consistent with Oregon Revised Statute chapters 279A, 279B and 279C, also known as the Public Contracting Code, and consistent with City Code Chapter 5.34, Public Improvements and Construction Services.

6. The ODOT IOF grant requires that, within five years of the execution of the IOF grant IGA, PBOT provide documentation to ODOT that OHSU has retained 316 full-time equivalent (FTE) staff positions and created 225 new FTE positions as a result of the construction of KCRB and CHH South, and that failure to deliver these job numbers will necessitate a pro-rated reimbursement of the grant by the City to ODOT based on the ratio of actual jobs retained/created to projected jobs retained/created, plus interest.
7. The Bureau's level of confidence in the cost estimate for this project is high, because the contractor's bid, attached as Exhibit A-4, was accepted and the improvements are complete.

NOW, THEREFORE, the Council directs:


- a. That the Commissioner-in-Charge is hereby authorized to enter into an intergovernmental agreement with OHSU attached hereto as Exhibit A and reimburse OHSU \$316,675 (three hundred sixteen thousand six hundred and seventy-five dollars) for construction of the Curry Street traffic signals.
- b. That, in the event that OHSU provides job creation and retention numbers that do not meet the terms of the ODOT IOF grant agreement attached hereto as Exhibit A-1 and as amended in Exhibit A-2, PBOT staff is authorized to send an invoice to OHSU for the amount owed based on the terms of the ODOT IOF grant.

Section 2. The Council declares that an emergency exists because OHSU has completed the Curry Street traffic signals and paid its contractors using its own funds; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, FEB 27 2019

Commissioner Chloe Eudaly
Prepared by: Steve Szigethy: cb
Date Prepared: 1/28/2019

Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

Agenda No.

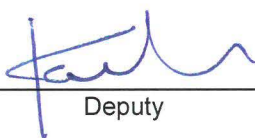
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INTRODUCED BY Commissioner/Auditor: Chloe Eudaly	CLERK USE: DATE FILED FEB 19 2019
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: PBOT Group: Policy, Planning & Projects Group Manager: Art Pearce Director: Chris Warner Prepared by: Steve Szigethy; cb Supervisor: Millicent Williams Date Prepared: January 25, 2019	ACTION TAKEN:
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date February 27, 2019	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

Revised 8/2017

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	