

## **ORDINANCE No. 190403**

\*Authorize a competitive solicitation and execution of price agreements in support of the Bureau of Transportation Capital Improvement Program in amount up to \$54 million (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Transportation (PBOT) requires professional services to support ongoing needs of the Transportation Capital Improvement Program. PBOT does not have sufficient available engineering capacity in street design and construction engineering services, street lighting, traffic signal, and intelligent transportation system engineering services to accomplish the work.
2. Price agreements for engineering services facilitate long-range planning, increase control of project delivery and provide for an uninterrupted supply of needed services to accomplish the Bureau's Capital Improvement Program. Specific project requirements have not been completely determined at this time.
3. On-call services contracts save time and money by reducing repetitive solicitation processes on a project-by-project basis.
4. Contracting for Professional, Technical and Expert (PTE) services in this manner provides opportunities to firms certified as Disadvantaged Business Enterprises, Minority-owned Business Enterprises, Woman-owned Business Enterprises, Service Disabled Veteran Business Enterprises and Emerging Small Businesses by the Oregon Certification Office for Business Inclusion and Diversity (COBID) by (1) setting a 30% minimum aspirational subconsultant equity goal per task order under Categories I and II, and (2) inclusion of a smaller scale street design solicitation in Category III with criteria and scoring intended to encourage participation from COBID primes and other smaller firms to match the scale of the contract awards in Category III.
5. Council previously approved Ordinance 188871, passed on March 21, 2018, for the implementation of similar agreements that offer a proven, effective, and efficient means of completing projects of this type and are routinely utilized by the City. This set of price agreements, along with other similar on-call price agreements already in place, were established as pilots in which aspirational subconsultant equity goals were raised from the citywide standard of 20% to 30% and were applied per task order, rather than for the overall contract. Prime consultants signed a declaration of understanding around the intent to build capacity through subconsultant equity goals, which has resulted in overall stronger contract equity performance for these pilot Qualifications Based Selection (QBS) price agreements in comparison to PBOT's overall QBS contracts.

6. Outreach to Oregon Certified Office for Business Inclusion and Diversity (COBID) certified firms took place through the National Association of Minority Contractors – Oregon Chapter (NAMCO), the Oregon Association of Minority Entrepreneurs (OAME), and the Professional Business Development Group (PBDG). A pre-solicitation notice has been posted on the City of Portland's procurement portal, Buyspeed, since September 2020. A notification was sent to all vendors registered with the City with matching commodity codes for the solicited services.
7. The City will invite prospective consultants to submit competitive proposals in response to the City's Request for Proposals ("RFP"). A Selection Committee will select consultants based on an evaluation of the proposals received. The selection committee will include City staff and minority evaluator(s) as required per Resolution 36757. The RFP process will be completed under the guidance and direction of Procurement Services and in accordance with requirements set forth in Portland City Code 5.68 and the PTE Manual.
8. PBOT anticipates awarding multiple price agreements with a cumulative amount not to exceed \$54,000,000 over five-year terms for all price agreements, for the following service areas.
9. Services needed for specific projects will be defined, authorized, assigned and approved for a not-to-exceed dollar value at the discretion of PBOT via negotiated Task Orders. Task Orders will be negotiated with the selected firms on a rotational basis. The maximum value of each contract varies depending on the service area as shown below, unless otherwise amended and approved by the Chief Procurement Officer.

<b>Category</b>	<b>Service Area</b>	<b>Maximum Number of Price Agreements to be Awarded</b>	<b>Maximum Price Agreement Amount for the Five-year Period (EACH CONTRACT)</b>	<b>Task Order Maximum</b>
I	Street Design Engineering Services – large scale	8	\$5.00M	\$1M
II	Traffic Signals, Street Lighting, Intelligent Transportation Engineering Services	4	\$1.50M	\$300K
III	Street Design Engineering Services – small scale	8	\$1M	\$200K

NOW, THEREFORE, the Council directs:

- a. The Chief Procurement Officer is authorized to solicit and execute multiple price agreements with a cumulative amount not to exceed \$54,000,000 for the purpose specified in Section 1, provided the price agreements have been approved as to form by the City Attorney's Office.
- b. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to PBOT's Transportation Capital Improvement Program when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because current contract dollar authority in select service areas has been programmed and projects are waiting in the capital projects queue for services as needed; therefore, this Ordinance shall be full force and effect from and after its passage by Council.

Passed by the Council: May 12, 2021

Commissioner: Jo Ann Hardesty  
 Prepared by: Eva Huntsinger, P.E., JD  
 Date Prepared: March 22, 2021

**Mary Hull Caballero**  
 Auditor of the City of Portland  
 By *Megan Lehman*  
 Deputy

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Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Jo Ann Hardesty</b>	CLERK USE: DATE FILED <u>May 4, 2021</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities - Rubio Position 2/Works - Ryan Position 3/Affairs - Hardesty <i>Jo Ann Hardesty</i> Position 4/Safety - Mapps	Mary Hull Caballero Auditor of the City of Portland  By: <u><i>Keelan McClymont</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: PBOT Bureau Head: Christopher Warner <small>Digitally signed by Christopher Warner Date: 2021.04.20 08:24:35 -07'00'</small> Prepared by: <b>Eva Huntsinger</b> Date Prepared: <b>3/19/2021</b>	<b>ACTION TAKEN:</b>
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"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> Ken McGair <small>Digitally signed by Ken McGair Date: 2021.04.05 14:32:45 -07'00'</small> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date May 12, 2021	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Rubio</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Ryan</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Mapps</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Rubio	✓		2. Ryan	✓		3. Hardesty	✓		4. Mapps	✓		Wheeler	✓	
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<b>CONSENT</b> <input type="checkbox"/>																						
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>15 Min</b> (for presentation, testimony and discussion)																						