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190566

Ordinance

Authorize agreement for Downtown Business District Management District Services with Clean and Safe, Inc. for estimated amount of \$25 million over five years

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Pursuant to Chapter 6.06 of the City Code, the City has established a district property management fee within the Downtown Business District, also known as the Downtown Clean & Safe District ("DC&S District"). The purpose of the license fee is to provide revenues to fund supplemental cleaning, public safety and business development services within the DC&S District. A resolution is before the City Council on September 23, 2021 to extend the DC&S District for a ten-year period.
2. Clean & Safe, Inc. (Clean & Safe) is presently providing such services to the Downtown Business District under an Agreement for Downtown Clean and Safe District Management Services (City Contract No. 30005542, approved by Ordinance No 188007) which expires September 30, 2021.
3. Clean & Safe is an Oregon non-profit 501 (c)(3) corporation formed by license fee payers within the DC&S District. Clean & Safe is the only qualified contractor under City Code Section 6.06.020.N, which defines a "qualified contractor" as "... a non-profit corporation or other non-profit entity established by property owners or licensees in the District for the purpose of providing services that benefit the District."
4. The services provided for the DC&S District are part of a unique and coordinated program that Clean & Safe provides at the DC&S District's request. There is at this time no other "qualified contractor" with the experience, expertise and capability of Clean & Safe. Therefore, it is appropriate for the City to enter into an agreement with Clean & Safe for such service and Clean & Safe is

Introduced by

[Mayor Ted Wheeler](#) ; [Commissioner Mingus Mapps](#)

Bureau

[Chief Administrative Officer](#) ; [Management and Finance](#) ; [Revenue and Financial Services](#)

Prepared by

Geraldene Moyle, Shawn Campbell

Date Prepared

September 9, 2021

Requested Agenda Type

Regular

willing to contract to provide the services.

5. In accordance with City Code 5.33.120.C, a Sole Source Procurement Notice was approved by the Chief Procurement Officer and published on September 2, 2021 and remained posted for a minimum of seven (7) business days. No responses were received to the public notification of the intent to award a sole source contract. The City may award a sole source contract in accordance with City Code Chapter 5.33.
6. Both the City of Portland and Clean & Safe recognize that the City Auditor report: "Enhanced Service Districts: City provides little oversight of privately funded public services", and recent public listening sessions, highlight the need for greater accountability and transparency in the functioning of the DC&S District and other enhanced service districts.
7. In response to the City Auditor report and public listening sessions, Clean & Safe has shown a willingness and good faith effort in the negotiation of this contract to make needed reforms with regards to accountability and transparency, and as part of this contract has committed itself to further changes as part of the City's audit response if needed.
8. Specifically, Clean & Safe has agreed to greater oversight over its use of private security in public areas, improved transparency of its finances and programs, increased focus on improving interactions with houseless and other community members, and a commitment to following City procurement standards.
9. Though this is a five-year contract valued annually at approximately \$5 million, portions of this contract may be re-negotiated prior to its expiration if the City's audit response results in changes to City Code Chapter 6.06.

NOW, THEREFORE, the Council directs:

- A. The Mayor, Chief Procurement Officer, and Chief Administrative Officer are authorized to execute an agreement with Clean & Safe, Inc. to manage and provide certain Downtown Business District services, in substantially the form attached to this Ordinance as Exhibit A and upon City Attorney approval as to form.

Documents and Exhibits

 [Exhibit A](#) (421.66 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
September 29, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (132.37 Kb)

Agenda Items

706 Time Certain in [September 22-23, 2021 Council Agenda](#)

Passed to second reading

Passed to second reading September 29, 2021 at 9:30 a.m.

718 Regular Agenda in [September 29, 2021 Council Agenda](#)

Passed

Motion to extend the contract by 1 year: Moved by Hardesty and seconded by Rubio. (Y-1 Hardesty; N-4 Mapps, Rubio, Ryan, Wheeler). Motion failed.
Commissioner Jo Ann Hardesty Nay

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea