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191106

Ordinance

Authorize contract with McMillen, LLC for design services for the Dam 1 Spillway Gates Replacement Project in the amount of \$1,329,325

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Water Bureau is a water utility that provides drinking water to nearly one million people. The Portland Water Bureau strives to provide the highest quality water to enhance public health and safety and contribute to the economic viability and livability of the Portland metropolitan region.
2. In 2017, the Federal Energy Regulatory Commission (FERC) and the Portland Water Bureau completed an inspection of Dam 1 in the Bull Run Watershed. The inspection identified maintenance and potential structural deficiencies with the existing three spillway gates and hoisting mechanisms.
3. Further Portland Water Bureau investigations of the existing three gates and hoisting mechanisms based on current seismic design standards have determined they do not meet all loading conditions based on current design practices and must be retrofitted or replaced with seismically upgraded gates.
4. An alternative analysis performed by the Portland Water Bureau indicates that it is more cost effective, and poses reduced risk to the water quality, to remove and replace the gates as opposed to retrofitting them in place.
5. FERC requires the upgraded gates and hoisting equipment to be installed and functional by March 2025.
6. The Portland Water Bureau must retain the professional, technical, and expert services of an engineering consultant to design and develop plans and specifications for a construction contract for the Dam 1 Spillway Gates Replacement Project (Project).
7. Design services for the Project are necessary to implement the design and construction of the slide gates that comply with the FERC

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Water](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date
December 14, 2022

design criteria. The project is located on top of Dam 1.

8. A consultant selection was conducted in accordance with Portland City Code Chapter 5.68 via QBS-RFP No. 00001831. After reviewing proposals and conducting interviews, the evaluation committee determined McMillen, LLC, was the most qualified proposer to perform the work on this Project.
9. Through the contract, McMillen, LLC, will provide design services for the Project, which includes design of new slide gates and appurtenances, design quality management, assistance during construction, Construction Manager/General Contractor support and interactions, commissioning assistance, operations support, and other related support services for the Project.
10. The not to exceed amount for the contract is \$1,329,325. Funds are available in the FY 2022-23 Budget and will be requested in the FY 2023-24 through FY 2024-25 Budgets.
11. The Certification Office for Business Inclusion and Diversity participation in this contract is estimated to be 20% of the total contract dollars.

NOW, THEREFORE, the Council directs:

- A. That the Chief Procurement Officer is authorized to execute on behalf of the City a contract with McMillen, LLC, in a form substantially in accordance with the contract attached as Exhibit A.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Documents and Exhibits

 [Exhibit A](#) (16.46 Mb)

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
December 14, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize a contract with McMillen, LLC, for on-site design services for the Dam 1 Spillway Gates Replacement Project (Project). The Project will require a consultant to design and develop plans and specifications for a construction contract for new spillway gates on the top of Dam 1.

In 2017, the Federal Energy Regulatory Commission (FERC) and the Portland Water Bureau inspected Dam 1 in the Bull Run Watershed. The inspection identified potential deficiencies with the existing spillway gates and hoisting mechanisms. The Portland Water Bureau conducted further investigations and specialized analysis of the gates and hoisting mechanisms based on current seismic design standards. The analysis of the gates determined they do not meet all the loading conditions based on current design practices and need to be modified or replaced with seismically upgraded gates. FERC requires the new gates and hoisting equipment to be installed and functional by March 2025.

The location of the gates on top of Dam 1 makes this a very challenging and remote location. Because Dam 1 is a critical element of the water supply system, it is fundamental that work here does not impact water quality or delivery.

A request for proposal was solicited in accordance with City of Portland Code Chapter 5.68. After reviewing proposals and conducting interviews, the evaluation committee determined McMillen, LLC was the most qualified proposer to perform the design services for the Project.

The services provided by McMillen, LLC, will include, but are not limited, to project management, design of on-site appurtenances, quality management, assistance during construction, commissioning assistance, and Construction Manager/General Contractor support and interactions.

The Portland Water Bureau recommends approval of the on-site design services for the Project to meet FERC requirements. The Portland Water Bureau will continue to provide annual reports and information relating to the progress of this Project.

Financial and Budgetary Impacts

The not to exceed amount for the contract is \$1,329,325. Funds are available in the FY 2022–23 Budget and will be requested in the FY 2023–24 through FY 2024–25 Budgets.

The Project budget in the Capital Improvement Program is \$6,037,000. The current level of confidence in the estimated cost is low since the project has not started Design. The Portland Water Bureau does not expect this action to change the forecasted water rates or future staffing levels.

Community Impacts and Community Involvement

The City shares the community's values regarding the need to balance the cost, public health, current and future regulatory compliance, and system resilience considerations in a responsible manner.

Projects located in the Bull Run Closure Area are either subject to NEPA review if they are located on federal land or to City of Portland Title 21.36.050 on city-owned land. All projects located on city-owned land will be posted on the website with notifications sent to people who sign up. In some cases, projects require additional public notice *with opportunities for public objection and appeal*. Projects like this one that are in an area that is already developed do not trigger additional public notice.

100% Renewable Goal

This action does not affect the City's total energy use. This action does not affect the City's renewable energy use.

Agenda Items

1014 Consent Agenda in December 7, 2022 Council Agenda

Passed to second reading

Passed to second reading December 14, 2022 at 9:30 a.m.

1047 Consent Agenda in December 14-15, 2022 Council Agenda

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea