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191145

Emergency Ordinance

*Authorize competitive solicitation and execution of price agreements for small capital unit-priced construction contracts over three years

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Transportation (PBOT) needs the ability to access multiple contractors for the construction of small capital projects primarily consisting of curb, sidewalk, signing, striping, speed bumps, ADA ramps, small scale pavement repair and other general transportation infrastructure improvements throughout the City of Portland.
2. PBOT shall utilize contractors which are already approved as part of the Prime Contractor Development Program.
3. Access to multiple Contractors allows PBOT to be more responsive and timelier with the construction, installation, and repair of its assets.
4. Price agreements benefit PBOT and the contractors through cost efficiencies and by avoiding a 3 month delay where each project would go through the Procurement process. Contractors in the Prime Contractor Development Program benefit by gaining experience as a Prime in a variety of different types of work while also learning how to efficiently contract with the city.
5. The cumulative annual cost will not exceed \$7,000,000 per year over a three-year period. The level of confidence is High. No budget appropriation is needed in the current fiscal year for these price agreements. The construction funding will come from each individual budgeted CIP project when the project is established.

NOW, THEREFORE, the Council directs:

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

January 18, 2023

Time Requested

10 minutes

- A. The Chief Procurement Officer is authorized to facilitate the use of the competitive solicitation process in accordance with City Code Chapter 5.34 for the purpose of obtaining price agreements in construction of small capital projects.
- B. Upon Council acceptance of the Chief Procurement Officer's Report, the Chief Procurement Officer is authorized to negotiate and execute multiple price agreements, provided the agreements are approved by the City Attorney.
- C. The Mayor and City Auditor are hereby authorized to pay for price agreements budgeted from each individual CIP project.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the Bureau's ability to perform the activities; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

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
January 18, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This legislation for PBOT is re-authorizing an expiring 3-year Price Agreement for Small Capital Unit-Priced Contracts known by the acronym "SCUPC". These Price Agreements allow PBOT the ability to access small contractors from the city's Prime Contractor Development Program for the installation of small contract work including signing, striping, ADA ramps, speed bumps, curbs, sidewalks, and asphalt paving. The benefits of using SCUPC Price Agreements allow PBOT to issue multiple task orders quickly without having to wait 3 months in Procurement. In addition, this work benefits small contractors by allowing them to develop their experience performing a variety of work on contracts typically between \$100,000 and \$500,000.

PBOT awards up to seven (7) price agreements for the 3-year period based on a low-bid solicitation. Contractors are offered work on an as-needed basis according to a set rotation and perform the work through written Task Orders. It is unknown how many construction contracts will be utilized over the course of a 3-year period but PBOT expects to spend no more than \$1 million per year for each Price Agreement.

Financial and Budgetary Impacts

PBOT anticipates awarding multiple price agreements with a cumulative amount not to exceed \$21,000,000 over the three-year term for all price agreements. No budget appropriation is needed in the current fiscal year for these price agreements. The construction funding will come from each individual budgeted CIP project when the project is established.

Community Impacts and Community Involvement

These Price Agreements offer the ability of the Bureau of Transportation to respond immediately for system safety or improvement needs and is key to maintaining the health and safety of the traveling public and expediting the City response. Immediate response minimizes impacts to affected communities and also allows the Bureau to remediate problems that are outside of planned large-scale work that cannot wait for future planning efforts.

100% Renewable Goal

- This action will neither increase nor decrease the City's total energy use.
- This action neither contributes nor takes away from the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Agenda Items

62 Regular Agenda in [January 18-19, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Absent