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191225

Ordinance

Authorize competitive solicitation and execution of price agreements for on-call stormwater improvement services to support the Bureau of Environmental Services Private Property Retrofit Program for \$3 million over five years

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) Private Property Retrofit Program (PPRP) requires three on-call landscape or construction contractors to implement stormwater retrofit projects on private property in targeted combined and separated sewer basins in support of larger capital improvement projects. Current stormwater on-call service contracts are nearing contract capacity and expiration.
2. PPRP implements stormwater retrofit projects in partnership with willing private property owners to install on-site stormwater infiltration facilities including but not limited to rain gardens, drywells and pervious pavers to keep stormwater runoff out of combined and separate sewer systems.
3. BES has a history of implementing rain garden, drywell and other stormwater improvements on private property to assist capital improvement projects by reducing stormwater flows from private property in targeted basins. This work helps reduce local sewer capacity problems and basement sewer backup risk and provides less intrusive alternatives to CIP sewer improvement/rehabilitation and stormwater quality improvement projects by managing an average of 1.9 acres of private impervious area through implementation of an average of 75 projects annually.
4. The estimated cost per year is \$600,000, for a total not to exceed \$3,000,000 over five years. The confidence level in this cost is high. Funds will be made available in the Sewer System Operating Fund, FY2023-2024 Budget, Bureau of Environmental Services, cost center

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Private Property Retrofit

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

April 5, 2023

ESDP000022.

5. The Bureau seeks the Council's authorization for Procurement Services to issue a competitive solicitation and up to three price agreements for stormwater on-call services as described above.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to facilitate the use of the competitive solicitation process in accordance with City Code Chapter 5.33 to obtain the most responsible and responsive offers for up to three price agreements for the services described in Section 1, for a maximum not-to-exceed amount of \$3,000,000 over five years.
- B. Upon the Council's acceptance of the Chief Procurement Officer's report, Procurement Services is authorized to negotiate and execute the agreements, provided they have been approved as to form by the City Attorney's Office.
- C. The Mayor and City Auditor are hereby authorized to pay for the price agreements from the Sewer System Operation Fund Budget.

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

April 5, 2023

Auditor of the City of Portland

Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize a competitive solicitation and price agreements for on-call stormwater improvement services to implement stormwater retrofit projects in partnership with willing private property owners in targeted combined and separated sewer basins. BES currently manages three price agreements that have been in place since February of 2021 that are set to expire in September of 2023. The resulting new price agreements from this solicitation will provide three on-call contractors to construct stormwater improvements on private property.

The BES Private Property Retrofit Program (PPRP) has been supporting capital improvement projects through implementation of small-scale stormwater retrofit projects on private property since 2010. PPRP partners with willing property owners in targeted project areas to implement stormwater retrofit projects including but not limited to rain gardens, drywells and pervious pavers to reduce stormwater flows and infiltrate stormwater runoff on site. Reduced stormwater flows support CIP work by

increasing pipe capacity and improving water quality through managing stormwater runoff at the source. This work helps eliminate/reduce local sewer capacity problems and basement sewer backup risk and can allow for less intrusive and/or cost-effective alternatives to CIP sewer improvement/rehabilitation and stormwater improvement projects.

Over the last 3 seasons, PPRP has implemented an average of 75 projects each year with an average control of approximately 1.9 acres of impervious area management per season (roof and paved areas). To date (fiscal year 22) PPRP has implemented 562 stormwater retrofit projects controlling 20.7 acres of impervious area. Partnerships with private property in support of CIP work has become an integral part of BES CIP project planning and implementation. Price agreements that result from this RFP will enable the bureau to continue this essential work through September of 2028.

The RFP and resulting price agreements do not address any specific City policies.

Financial and Budgetary Impacts

This legislation does not change the adopted BES budget. Funds will be made available in the Sewer System Operating Fund, FY2023-2024 Budget, Bureau of Environmental Services, cost center ESDP000022. The solicitation will result in three price agreements with a cumulative total of \$3,000,000 over five years, with an annual maximum of \$600,000/year for all price agreements. The impact of not approving the RFP and associated price agreements will result in the need to find alternative methods of stormwater control for CIP projects that rely on PPRP support. This could result in an increase in cost for implementation of these projects, and/or increase risk to the City as well as a reduced level of service to the community.

Since this program partners with private property to implement stormwater controls in support of CIP projects, it does not create any new City assets and in turn shares the long-term maintenance costs for sewer improvements with private landowners who participate in the program through an operations and maintenance agreement (O&M) that is recorded on the title and deed of participating properties. The O&M ensures any project implemented through this program is kept in working order and maintained by the private owner rather than the City, saving the City money on long-term maintenance operating costs of alternative solutions.

The level of confidence for this estimate is high based on prior use of on-call stormwater improvement service price agreements, program capacity and past program usage. This legislation does not change the existing allocations for PPRP implementation or the BES budget. Costs for PPRP implementation is already adopted in the current and five-year operating budget, with allowances for variations in workflow and increased cost of implementation due to inflation, supply chain issues or other unforeseen circumstances. The Ordinance supports BES's continued use of the private property retrofit program by soliciting for three new On-call Stormwater Improvement Service contractors to support this essential program.

Community Impacts and Community Involvement

This legislation directly impacts communities by engaging the community to be part of the solution. Partnerships are solicited to develop projects for stormwater controls on private property in targeted areas throughout the city. This legislation indirectly impacts communities served by BES infrastructure by supporting capital projects that repair, replace and/or upgrade sewer infrastructure or improve water quality and watershed health throughout the city. These improvements directly impact the livability of Portland residents through improved levels of service.

Involving community in the solution provides educational and outreach opportunities that directly impact the community's knowledge of BES infrastructure and what it requires to keep City assets functional. Each rain garden is denoted with a sign that emphasizes the partnership between the City and the property owner and further identifies how the rain garden works to improve watershed health and protect our rivers.

This legislation also has positive community impacts by promoting small-scale contractors to implement City work. This solicitation is to obtain qualified contractors that can implement small-scale landscape level work. It is a perfect opportunity for an entry level construction contract with ample City oversight to ensure each contractor is successful. This is an opportunity for new contractors to expand their portfolios with knowledge and skills around green infrastructure and safe and effective stormwater management.

This Council item will allow a public competitive RFP process, with involvement by the public in the evaluation process via the Minority Evaluator Program. PPRP has also been working with the OMF Inclusive Contracting Team to create a list of COBID firms that would fit well with the scale and scope of the work. BES and the Inclusive Contracting Team will reach out to certified firms and others to ensure they have adequate notice about the RFP and support to submit a proposal. Language has been identified as a barrier to participation from some firms interested in past solicitations for this work. Accordingly, the RFP will be released in Spanish as well as English.

100% Renewable Goal

Under the corporate responsibility section of this RFP, respondents are asked to describe the types of sustainable practices in place including practices that minimize air pollution, conserve energy, fuel, and materials, as well as utilize locally produced and/or sources materials and products to minimize waste and energy usage. Due to the small-scale nature of these retrofit projects, projects are designed to be constructed with hand tools only, without the need for large equipment. The use of electric powered equipment is encouraged when possible.

Agenda Items

245 Regular Agenda in [March 22, 2023 Council Agenda](#)

Passed to second reading

Passed to second reading April 5, 2023 at 9:30 a.m.

270 Regular Agenda in [April 5, 2023 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea