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Ordinance

Amend Price Agreements for urgent sanitary and storm repairs to extend term by one year for \$3 million per contract (amend Price Agreements 31002492, 31002491, and 31002490)

Passed

The City of Portland ordains.

Section 1. The Council finds:

1. Price Agreements are used as a project delivery method for urgent design support and construction of rehabilitation and/or repair/maintenance needs. Task Orders are issued for a specific scope of work and are negotiated under the master Price Agreement, using established unit costs, labor and equipment rates, and markups.
2. The Council authorized an exemption to the competitive bidding requirements of ORS Chapter 279C and Portland City Code Chapter 5.34 via Ordinance No. 190881, passed on June 15, 2022. Accordingly, price agreements were competitively solicited and awarded to Interlaken Inc., James W. Fowler Co. and Iron Horse Excavation LLC, dba Oxbow Construction for a combined not-to-exceed amount of \$9,000,000 over three years. Per Ordinance 190881 directive D, price agreements may be amended provided the Council approves the extensions.
3. Amendments to Price Agreements No. 31002492, 31002491 and 31002490 with Interlaken Inc., James W. Fowler Co. and Iron Horse Excavation LLC, dba Oxbow Construction, are required to authorize additional capacity, adjust previous unit prices by 2.8% to reflect current market conditions, and to extend the term. Amendments will increase each contract by \$3,000,000 for a combined total of \$9,000,000. The new combined total not-to-exceed value for all three price agreements is \$18,000,000. The confidence level is high. Funds are available in the Sewer System Operating Fund, FY 2024-25 Budget, Bureau of Environmental Services, ESEN000020.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to amend Price Agreement Nos. 31002492, 31002491, and 31002490 with Interlaken Inc., James W.

Introduced by

[Mayor Ted Wheeler](#)

City department

[Environmental Services](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

November 20, 2024

Fowler Co., and Iron Horse Excavation LLC, dba Oxbow Construction, in accordance with the amendments attached hereto as Exhibit A, provided the amendments have been approved by City Attorney.

B. The Mayor and Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Exhibits and Attachments

 [Exhibit A](#) 270.43 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
November 20, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The Price Agreements for Urgent Repair of Sanitary and Storm (PAURSS) projects allows BES to respond to urgent sewer repair needs for intermediate size projects in an expedited manner. PAURSS projects address BES assets that are deemed in need of urgent repair, modification and/or rehabilitation to prevent the condition from deteriorating to the point the project becomes an emergency need. Proactively addressing urgent sewer repair projects before they become Emergency projects improves service to the community, protects public health, safety, the environment, and vital adjacent utility systems while maximizing the benefit of available funds by addressing deficiencies before they become an emergency repair.

The PAURSS project was initiated in 2014 for public bid as a master service, task order-based agreement. A second PAURSS contract was awarded in 2018 for a 1-year duration and was extended multiple times. The current PAURSS contracts expired July 31, 2023, and have been temporarily extended to allow work in progress to be completed.

The amendments will extend the three existing contracts 1-year duration and authorize an additional \$3,000,000 per contract. By proactively addressing urgent sewer repair needs before they become Emergencies, the PAURSS project supports City Core Values of Equity, Transparency, and Fiscal Responsibility as well as the BES Mission to manage Portland's wastewater and stormwater infrastructure to protect public health and the environment.

Financial and Budgetary Impacts

PAURSS urgent sewer projects will be funded through Sewer System Operating Fund, FY 2024-2025, CIP Budget, Bureau of Environmental Services, ESEN000020.

Economic and Real Estate Development Impacts

Not applicable

Community Impacts and Community Involvement

This contract will allow the Bureau of Environmental Services to respond in a timely manner to urgent sewer and stormwater related project needs. The projects covered by this contract are not emergency projects, but they do need to be taken care of in an expedited manner. Environmental Services is committed to effective and equitable community engagement. The projects that result from these contracts will follow an expedited design and construction process conducted by the Bureau. As a result, a Public Involvement staff member will be added to each project delivery team, and the full outreach process will be used.

Community engagement for PAURSS projects will be similar to the typical BES CIP projects. During a typical BES CIP project, a variety of outreach methods and activities are conducted:

- Personal letters
- Phone calls
- One-on-one "office hours" meetings
- Focus groups and workshops
- Project-wide flyer/newsletter mailings
- Regular email updates
- Door-to-door site visits to residents
- Project updates placed at community gathering places
- Presentations to neighborhood and business associations
- Visits to distribute surveys to local businesses impacted by the work
- Development and maintenance of a project webpage
- Social media posting
- Specialized coordination with schools, non-profits, and other key stakeholders

An equity and demographic analysis of each project area will also be conducted to determine additional outreach needs. Examples of enhanced outreach that may be conducted includes:

- Translation of documents/interpretation at meetings
- Deployment of CELs to conduct outreach to culturally specific groups
- Small group meetings/open houses with impacted communities hosted by partner organizations
- Coordination with organizations representing culturally specific communities

The ability of the Bureau of Environmental Services to respond to sewer and stormwater related urgent situations in an expedited manner is key to maintaining the health and safety of the public as well as protecting the environment and existing City utilities such as adjacent drinking water systems from sewer utility failures. Expedited response minimizes impacts to effected communities and allows the Bureau to remediate problems that are outside of planned large-scale work that cannot wait for future planning efforts. In addition, PAURSS Contractors will be required to meet equity and inclusion goals for the life of the contract and PAURSS projects will be utilized throughout the City.

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.

Financial and Budget Analysis

This action amends price agreements for urgent sanitary and storm repairs by one year for \$3 million per contract. This extension increases amounts to a new total from \$6 million, effective through October 31, 2025. Fund will be provided by Sewer Operating Fund via the FY 2024-25 Adopted Budget. No additional resources or appropriations are required as a result of this action.

Document History

Item 962 Consent Agenda in [November 13, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/11/13)
(<https://www.portland.gov/council/agenda/2024/11/13>)

City Council

Passed to second reading

Passed to second reading November 20, 2024 at 9:30 a.m.

Item 997 Consent Agenda in [November 20-21, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/11/20)
(<https://www.portland.gov/council/agenda/2024/11/20>)

City Council

Passed

Aye (5): Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler