

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Amin Wahab		2. Telephone No. 503-823-7895	3. Bureau/Office/Dept. Environmental Services
4a. To be filed (hearing date):  2/22/12	4b. Calendar (Check One)  <div style="display: flex; justify-content: space-around;"> <span>Regular <input checked="" type="checkbox"/></span> <span>Consent <input type="checkbox"/></span> <span>4/5ths <input type="checkbox"/></span> </div>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input type="checkbox"/> Public involvement section completed	

**1) Legislation Title:** \*Amend Intergovernmental Agreement with TriMet and the Oregon Department of Transportation for stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance; Amend Contract No. 30001999)

**2) Purpose of the Proposed Legislation:** The ordinance will amend the current IGA with TriMet and ODOT to authorize a construction cost contingency budget of \$85,000 to be split 50/50 (\$42,500 BES and \$42,500 ODOT) between ODOT and BES.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |   |                                    |   |                                |
|---|------------------------------------|---|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest            | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast  | <input type="checkbox"/> Southeast | <input checked="" type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City       |                                    |   |                                |

**FINANCIAL IMPACT**

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source. No.

**5) Expense:** What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

This legislation will create a construction contingency funding for the project to assure timely response to any necessary changes or additional costs that arise during construction. The total construction contingency budget is \$85,000 to be split between ODOT and BES. Any expenditures from the construction contingency would be for construction costs in excess of the current ODOT funded construction budget of \$600,000 and would require prior approval of all parties to the IGA (BES/TriMet/ODOT). The apparent low bid for this project is \$587,528.

The maximum cost to the City is \$42,500. Funds are available in the Sewer System Operating Fund, FY 2012 Budget, Bureau of Environmental Services, Cost Center ESWS000009, Project E09107.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*  
No.
- **Will positions be created or eliminated in *future years* as a result of this legislation?** No

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☐ YES: Please proceed to Question #9.

☒ NO: Please, explain why below; and proceed to Question #10.

This action is intended to address construction management and construction budget requirements. There are no new impacts to the community or public. It will help mitigate potential impacts to the public by assuring timely completion of the project. There is an existing public involvement plan for the project which is not affected by this action.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

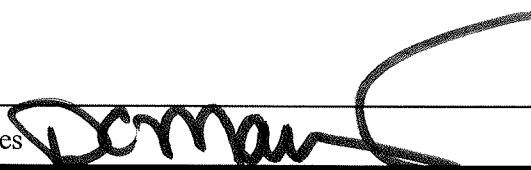
d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. This action does not require additional public involvement. The scope of the overall project remains the same. Public involvement during construction will be led by TriMet which is responsible for project construction management.

Dean Marriot, Director, Environmental Services



APPROPRIATION UNIT HEAD (Typed name and signature)



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

City Council  
Agenda Item  
Staff Supplemental Report

TO: Commissioner Dan Saltzman  
THROUGH: Matt Grumm or Amy Trieu

FROM: Amin Wahab

DATE: January 30, 2012

RE: \*Amend Intergovernmental Agreement with TriMet and the Oregon Department of Transportation for stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance; Amend Contract No. 30001999)

Requested Council Hearing Date: February 22, 2012

## I. RECOMMENDATION

Approve the Amendment 01 to intergovernmental agreement (IGA) between BES, TriMet and ODOT for stormwater retrofits at the Barbur Boulevard Transit Center.

## II. BACKGROUND

On March 3, 2011 the City entered into an Intergovernmental Agreement (IGA) with TriMet and the Oregon Department of Transportation (ODOT) as authorized by Ordinance 184385 for implementation of stormwater retrofits at the Barbur Boulevard Transit Center.

The IGA provided for a project budget of \$770,000 with construction by ODOT (\$600,000), project management by TriMet (\$50,000), and in consideration of design services provided by BES (\$120,000).

Final design drawings and documents which were submitted to TriMet by BES for bidding utilizing TriMet's project procurement process. This resulted in TriMet receiving bids from two firms on May 24, 2011. The bids received ranged from \$992,916 to \$955,796 which was substantially above the engineer's construction estimate for the project of \$644,605 and the construction budget of \$600,000 established in the IGA. (Note: the estimated construction cost had increased from the estimate in the IGA due to design modifications identified in the final design review and permitting requirements). Based on this and discussions with BES and ODOT, TriMet elected to reject the bids.

The project and bidding process was then reviewed and evaluated with the decision made to rebid the project in the fall of 2011. Subsequently, TriMet received 12 bids ranging from \$969,410 to an apparent low bid of \$587,528.

Based on the apparent low bid of \$587,528 and discussion with the parties to the IGA, it was determined that the existing construction budget of \$600,000 did not have a sufficient cost contingency to provide for potential changes or additional costs during construction. A lack of an adequate contingency could result in construction delays or additional impacts to the public at the transit center. Based on this determination, it was agreed that a construction cost contingency budget of \$85,000 dollars would be established to be funded 50/50 by ODOT and BES.

The proposed amendment to the IGA would establish the construction contingency funding. Any expenditures of the \$85,000 construction cost contingency would only be for additional construction costs exceeding the established construction budget of \$600,000 (ODOT funded). Additionally, all the parties to the IGA (BES/TriMet/ODOT) have made a strong commitment to avoid additional construction costs and any expenditure of the construction cost contingency funding will require prior approval of all parties to the IGA.

Funding is available in the FY12 budget for the project.

### III. FINANCIAL IMPACT

The proposed amendment authorizes establishment of a \$85,000 construction cost contingency budget for the project to be split 50/50 between BES and ODOT. The total cost to the City shall not exceed \$42,500. There is a strong commitment from all parties to the IGA to avoid additional costs during construction and any expenditure of these funds would only be for costs exceeding the established construction budget of \$600,000 (funded by ODOT) and would require prior approval of all parties to the IGA.

### IV. LEGAL ISSUES

None anticipated. Proposed Amendment has been reviewed and approved as to form by all parties to the IGA (BES/TriMet/ODOT)

### V. CONTROVERSIAL ISSUES

None.

### VI. LINK TO CURRENT CITY POLICIES

This project helps meet watershed health goals established in the Portland Watershed Management Plan (PWMP) and the Council's stated objectives for recovery of ESA listed species in Tryon Creek.

### VII. CITIZEN PARTICIPATION

The transit center project will be used by TriMet and ODOT as a pilot stormwater retrofit project. The project site with its public access and usage will be utilized by TriMet for public education regarding stormwater. BES will have right of access to the site for future monitoring, observation and public education use of the facilities.

## VIII. OTHER GOVERNMENT PARTICIPATION

TriMet and ODOT have both been partners for planning, designing and construction of the stormwater retrofits at this site. TriMet will be responsible for future operation and maintenance of the facilities.

## IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

- X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_\_\_\_ WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_\_\_ IS THEIR ACCOUNT WITH THE CITY CURRENT? \_\_\_\_ IF NOT, HOW MUCH IS OWING? \_\_\_\_