

## ORDINANCE No. 186320

\*Adopt findings and authorize exemption to the competitive bidding requirements of ORS Chapter 279C and City Code 5.34 and authorize a Construction Manager/General Contractor contracting method for the Streetcar Relocation Project. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2011, the Portland Bureau of Transportation (PBOT) received a \$1,958,651 ConnectOregon III grant from the Oregon Department of Transportation (ODOT), for the Streetcar Relocation Project that will build a dual streetcar track and improve operations for the Streetcar (the "Project").
2. The Project's technical complexities require specialized expertise for its construction within a very tight timeframe. The Project must be completed by January 2015. The Project has a series of unique construction requirements not normally encountered on public works projects. The Project involves the construction of a drivable concrete track slab with embedded girder rail and specialized rubber insulation for cathodic protection of underground City and private utility lines. Poles and overhead wires, transformer equipment, vaults and housings and underground conduits must be installed for traction electrification.
3. Procurement Services and PBOT recommend that the alternative contracting method of Construction Manager/General Contractor (CM/GC) be used in lieu of the low bid competitive bidding process. The successful contractor will provide input during the design process for value engineering and constructability review, will assist in developing phasing and other construction planning, and will provide the highly specialized skills required to shorten the overall duration of Project construction.
4. The City will invite prospective contractors to submit competitive proposals in response to Request for Proposal (RFP). A selection committee will select the Contractor based on an evaluation of the proposals. The RFP process will be completed under the guidance and direction of Procurement Services and in accordance with Portland City Code 5.34.
5. The Council is the Local Contract Review Board for the City with the authority to exempt certain public contracts from the competitive bidding requirements of ORS Chapter 279C and Portland City Code 5.34.
6. Draft findings addressing favoritism, competition, substantial costs savings, operational, budget, financial data, public benefits, value engineering, specialized expertise, public safety, market conditions, technical complexity and funding sources recommended by the City, substantially in the form attached hereto as Exhibit A, were made available and a notice of the public hearing of this Ordinance was published fourteen (14) days in

advance of this public hearing.

7. Based on the Findings, the exemption of the Project from the competitive bidding requirements of ORS 279C is: (i) unlikely to encourage favoritism or to diminish competition for public contracts because, among other things, the impartial public process that will be carried out in making the selection; and (ii) likely to result in substantial cost savings to the City because, among other things, the contractor will participate in value engineering and constructability reviews, and will develop a construction phasing plan and a well-coordinated project schedule. Also, the contractor will have more time and opportunity to negotiate costs than normally afforded during the traditional low-bid process. The contractor's participation will benefit the public by planning for the continuous provision of transportation services and timely project delivery.
8. The Engineer's estimate for Project costs is \$2,500,000 with a Low Confidence Level Rating.

NOW, THEREFORE, the Council directs:

- a. The Findings attached as Exhibit A to the original of the Ordinance are hereby adopted.
- b. Based on the Findings, the Council hereby approves a CM/GC as the alternative contracting method for the Project and exempts from the competitive low bid requirement.
- c. The Chief Procurement Officer is authorized to use a competitive Request for Proposals process to select a CM/GC contractor for the Project, and upon selection is authorized to execute a contract for CM/GC pre-construction services during design of the Project.
- d. Upon Council's acceptance of the Chief Procurement Officer's report for recommending the acceptance of the Guaranteed Maximum Price from the CM/GC for the Project, the Chief Procurement Officer is authorized to execute a contract for construction of the Project.
- e. The Mayor is authorized to draw and issue checks chargeable to 200000 - Transportation Operating Fund when demand is present and approved by the proper authorities.
- f. As required by ORS 279C.355 and PCC 5.34.820C, PBOT will prepare and deliver a post-project evaluation to the City Council on behalf of Chief Procurement Officer, within 30 days of the date the City accepts the Project.

Section 2. The Council declares that an emergency exists because preliminary engineering activities have begun and the Contractor's participation in value engineering, constructability reviews and construction planning should occur as soon as possible in order to positively impact design and construction issues and meet the mandated timeline for Project completion in January

2015; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: NOV 06 2013

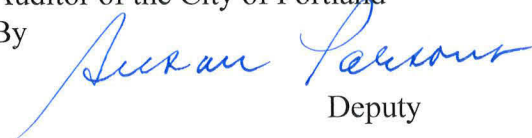
Mayor Charlie Hales

Prepared by: Christine Moody:kbm

Date Prepared: 10/23/13

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

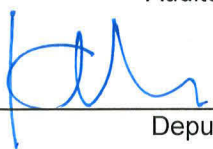


Deputy

1050

Agenda No:  
**ORDINANCE NO. 186320**  
 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <i>JDH</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF/Bureau of Internal Business Services/Procurement Services <i>CM/BA</i></p> <p>Bureau Head: Christine Moody</p> <p>Prepared by: K Brenes-Morua          Date Prepared: October 24, 2013</p> <p>Financial Impact &amp; Public Involvement Statement          Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document          If "Yes" requires City Policy paragraph stated in document.          Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b>          required for Code Ordinances</p> <p><b>City Attorney Approval:</b>          required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date  <b>November 6, 2013</b></p>	<p style="text-align: right; color: blue;">NOV 01 2013</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: center;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p><b>Total amount of time needed: 10 minutes</b>          (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	