

**ORDINANCE No. 187062**

\*Approve findings and authorize exemptions to competitive bidding requirements, waive performance and payment bonds, authorize an agreement with Rose City Baseball, LLC and authorize Portland Parks and Recreation funding, all in connection with the Walker Stadium at Lents Park Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (the "City"), by and through Portland Parks & Recreation ("PP&R"), owns Walker Stadium at Lents Park (the "Stadium"). The Stadium is in need of repair and the City recognizes it as an important community asset for the Lents neighborhood and the entire City.
2. Rose City Baseball, LLC, ("Rose City Baseball") plans to operate a new summer wood bat baseball team at the Stadium at Lents Park beginning the summer of 2016.
3. In order to improve public use of the Stadium for community sports teams as well as the summer wood bat team, Rose City Baseball plans to restore the Stadium and PP&R plans to restore the field.
4. Rose City Baseball has committed to making improvements estimated at \$400,000 that will include: replacing seating behind home plate, improvements to ADA seating, improved concession area, rebuilt dugouts, new scoreboard and fencing (collectively, the "Stadium Improvement Project").
5. Rose City Baseball has committed to permit, design and construct the Stadium Improvement Project pursuant to and generally in the form of the Agreement attached hereto as Exhibit A (the "Agreement").
6. The City will own and have approval rights over the Stadium Improvement Project. Based on the Findings (as hereinafter defined), the City desires to allow Rose City Baseball to contract for the permitting, design and construction of the Stadium Improvement Project in accordance with the Agreement. The City does not intend to provide funding to Rose City Baseball for the construction of the Stadium Improvement Project.
7. Under the Agreement, Rose City Baseball shall manage the permitting, design and construction of the Stadium Improvement Project without the solicitation of competitive bids contemplated by ORS 279C.300.
8. The City intends to award the Agreement to Rose City Baseball as a sole source procurement in accordance with ORS 279B.075.
9. Pending budget approvals, the Portland Development Commission ("PDC") will contribute \$200,000 (the "PDC Funding") to PP&R to renovate the existing natural grass

field and remove the condemned wooden grandstand, press box and chain link batting screen (collectively, the "Field Renovation"). The Field Renovation will be completed by PP&R and PP&R also plans to contribute \$50,000 (the "PP&R Funding"), for an estimated total cost of \$250,000 for the Field Renovation.

10. Council is the Local Contract Review Board with the authority to exempt certain public contracts, including the Agreement, from the competitive bidding requirements of ORS 279B and ORS 279C.
11. 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 B (collectively, the "Findings"), were made available and a notice of the public hearing of this Ordinance was published fourteen (14) days in advance of this public hearing.
12. Similarly, the City's determination regarding the sole source procurement that would award the Agreement on that basis was published on the City's Procurement Services' website for at least seven (7) days in advance of the public hearing of this Ordinance.
13. Based on the Findings, the exemption of the Stadium Improvement 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, there is no other entity that, like Rose City Baseball, is willing to provide the funding necessary to bring the Stadium Improvement Project to fruition; and (ii) likely to result in substantial cost savings to the City because of, among other things, Rose City Baseball's commitment to contribute the funding that substantially covers the cost of the Stadium Improvement Project.
14. Due to the unique structure of the Stadium Improvement Project, based on the Findings, the City knows of no other source willing to provide such goods or services on the terms and conditions set forth in the Agreement. As such, the goods and services necessary for the Stadium Improvement Project are available from only one source and the Agreement with Rose City Baseball should be awarded as a sole source procurement under ORS 279B.075.

NOW, THEREFORE, the Council Directs:

- a. Council hereby approves the Findings and on that basis exempts the Stadium Improvement Project from the competitive bidding requirements of ORS 279C.
- b. The Agreement is hereby determined, based on the Findings, to be a sole source procurement under ORS 279B.075 and will be awarded to Rose City Baseball on that basis.
- c. Council hereby waives, in accordance with ORS 279C.380(1)(a), the requirement of Rose City Baseball to post a payment and performance bond in connection with the Stadium Improvement Project with the understanding that such payment and

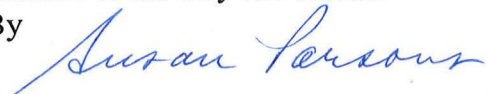
performance bonds will be posted by the contractor selected by Rose City Baseball and under which the City will be named as an obligee.

- d. The Director of PP&R is hereby authorized to execute the Agreement, any amendments, and any other documents necessary to effectuate the The Director of PP&R is hereby authorized to execute the Agreement, any amendments, and any other documents necessary to effectuate the Stadium Improvement Project. All such documents must be approved as to form by the City Attorney.
- e. The Director of PP&R is hereby authorized to expend the PP&R Funding on the Field Renovation.
- f. The Director of PP&R is hereby authorized to execute an intergovernmental agreement with PDC and any amendments, so that PP&R can receive the PDC Funding and complete the Field Renovation. All such documents must be approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the project; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: MAR 25 2015  
Commissioner Fritz  
Prepared by: Todd Lofgren

**Mary Hull Caballero**  
Auditor of the City of Portland  
By



Deputy

Agenda No.  
**ORDINANCE NO. 187062**  
 Title

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 (Ordinance) *at Lents Park*

INTRODUCED BY Commissioner/Auditor: <b>Fritz</b>	CLERK USE: DATE FILED <b>MAR 20 2015</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz <i>[Signature]</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Parks & Recreation Bureau Head: Mike Abbate <i>[Signature]</i> Prepared by: Todd Lofgren Date Prepared: February 24, 2015 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i> Council Meeting Date <b>3/25/2015</b>	<b>ACTION TAKEN:</b>

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>10 min</b> (for presentation, testimony and discussion)
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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	✓	