

# **ORDINANCE NO. 187333**

\*Approve findings to authorize an exemption to the competitive bidding requirements; authorize the alternative contracting method of Construction Manager/General Contractor; and authorize payment for construction, all in connection with the Pioneer Courthouse Square Renovation Project (Ordinance)

## **The City of Portland ordains:**

### **Section 1. The Council finds:**

1. Portland Parks & Recreation ("PP&R") is the steward of over 10,000 acres of land at more than 250 locations throughout the City of Portland. It offers thousands of recreational and enrichment opportunities for people of all ages and abilities giving life and beauty to the City. PP&R established a set of guiding principles in its 2020 Vision Plan to deliver and maintain high quality parks and recreation services to all Portlanders.
2. One of the most loved facilities in the Portland Parks system is the City's "living room" Pioneer Courthouse Square ("Square") at 701 SW 6<sup>th</sup> Avenue in the heart of Downtown. The 40,006 square foot Square located in the center of Downtown Portland was established in 1984 after winning an Architectural Design Citation from Progressive Architecture and is ranked one of the best public squares in the world. The Square hosts more than 300 events each year.
3. The Square costs an estimated \$1.2 million per year to maintain and is now in desperate need of renovation and repair, to address the failing waterproof membrane, deteriorating brick plaza, structural failures and stoa column repairs, as well as restroom upgrades for safety and accessibility.
4. The goal of the Pioneer Courthouse Square Renovation Project is to renovate the Square, and make other critical repairs to infrastructure and facilities in order to protect and ensure the public's safety, continued accessibility and enjoyment of the Square.
5. In 2014, the Portland community voted to support a Measure to issue up to \$68 million in general obligation bonds and to use the money from the bonds for the capital costs of repairs and improvements, for facilities owned or operated by PP&R. Initial Replacement Bond projects identified with community input included and prioritized the Pioneer Courthouse Square Renovation Project.
6. For this project, Procurement Services and PP&R recommend that the CM/GC be used in lieu of the traditional low bid competitive bidding process. In order to complete the Project construction by winter 2017/2018, the successful contractor will provide the highly specialized skills and experience in construction methodology, sequencing, scheduling, and cost estimating for the repair and renovation elements by using the alternative contracting method of CM/GC to:
  - Provide input during the design process;
  - Provide value engineering;

contracts because the contract will be awarded using a competitive solicitation process; and (ii) likely to result in substantial cost savings to the City because the CM/GC contractor will be integrated into the design team for value engineering, constructability review, and assistance in developing a construction phasing plan. Such early integration greatly reduces the chances of redesign and change orders.

15. The current estimate for construction costs is approximately \$7 million with a Low Confidence Level Rating. The overall Project Budget including design services, insurance, bonding, escalation, project management/staff costs and contingencies is \$10 million. Parks Replacement Bond Funding of the Project is approved and in place in the PP&R FY 2015/2016 Budget.

NOW, THEREFORE, the Council directs:


- a. Council hereby approves the Findings and on that basis exempts the Pioneer Courthouse Square Renovation Project from the competitive bidding requirements of ORS 279C.
- b. The Chief Procurement Officer is authorized to use an alternate competitive solicitation process to select a CM/GC contractor and, upon selection of a CM/GC, is authorized to execute a contract for CM/GC pre-construction services during design phase of the project.
- c. Upon Council's acceptance of the Chief Procurement Officer's report for recommending the acceptance of the Guaranteed Maximum Price from the CM/GC, the Chief Procurement Officer is authorized to execute a contract for construction of the Project.
- d. The Commissioner of Public Utilities and Auditor are hereby authorized to pay for the contract from the Parks Replacement Bond Funds when demand is presented and approved by the proper authorities.
- e. As required by ORS 279C.355 and PCC 5.34.820C, PP&R will prepare and deliver a post project evaluation to the Council on behalf of the Chief Procurement Officer, within 30 days of the date the City accepts the project as complete.

Section 2. The Council declares that an emergency exists because of the limited Parks Replacement Bond duration and the necessity to have the Contractor's participation in value engineering, constructability reviews and construction design and planning as soon as possible in order to positively impact design and construction issues and meet the mandated timeline for completion; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: SEP 09 2015

Mayor Charlie Hales  
Prepared by: Christine Moody:kbm  
Date Prepared: 8/17/15

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

By   
Deputy

924

Agenda No.  
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 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>SEP 04 2015</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</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>Mary Hull Caballero          Auditor of the City of Portland</p> <p>By: <u><i>Susan Larson</i></u>          Deputy</p> <p><b>ACTION TAKEN:</b></p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF/Bureau of Revenue and Financial Services          OMF CAO: Fred Miller <i>Fred Miller</i>          Bureau Head: Ken Rust <i>KLR</i></p> <p>Prepared by: K Brenes-Morua          Date Prepared: August 17, 2015</p> <p>Impact 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:          September 9, 2015</p>	

<p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <span style="float: right;">1 of 4</span>  <b>Start time: 10:15 a.m.</b></p> <p><b>Total amount of time needed: 15 minutes</b>          (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Novick</td> <td>4. Novick <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Hales</td> <td>Hales <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <input checked="" type="checkbox"/>		2. Fish	2. Fish <input checked="" type="checkbox"/>		3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>		4. Novick	4. Novick <input checked="" type="checkbox"/>		Hales	Hales <input checked="" type="checkbox"/>	
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