

**17.24.025 Fees for Public Improvement Permits.**

- A. Engineering and superintendence services in connection with public improvement projects shall be charged in accordance with Portland Policy Document TRN 3.450 – Transportation Fee Schedule ~~the schedule below, when either the City does design and survey or a consultant does design and survey. Direct cost shall be computed in accordance with the provisions of Section 5.48.030. The City Engineer shall review actual yearly program costs of engineering and superintendence to insure that only usual and ordinary costs are included and adjust the rates accordingly.~~

Final Engineer's Estimate	
Engineering and Superintendence Fee	
Under \$10,000	75% of direct cost
\$10,001 to 25,000	85% of direct cost
Over \$25,000	100% of direct cost

- ~~B. For public improvement projects for which the City does design and survey, application for a permit requires a deposit of one-half of the estimated total permit fee; the balance of the fee is due prior to issuance of the permit. For projects for which a consultant does design and survey, application for a permit requires a deposit of 20 percent of the estimated total permit fee; the balance of the fee is due prior to issuance of the permit.~~
- ~~C. Prior to the issuance of the certificate of completion by the City Engineer the fees charged to the permittee will be adjusted to agree with the actual costs of services as recorded by the City Engineer. The remaining balance, if any, after payment of all costs shall be returned to the permittee. If additional funds are required from the permittee, they shall be paid prior to the issuance of the certificate of completion.~~

# Public Works Permitting Administrative Rules

TRN – 9.07

November 2015



ENVIRONMENTAL SERVICES  
CITY OF PORTLAND

working for clean rivers

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*These are administrative rules of the City of Portland Public Works Program.*

## 1. Applicability

These rules apply to any person wishing or required to modify, remove, or install an improvement that serves the public and that will be or has been relinquished to the City for long-term maintenance.

## 2. Purpose

These rules establish City decision-making, processing, and fee requirements for review and approval of public works permits. Additional permits may need to be obtained from other City bureaus or agencies outside of the City.

## 3. Definitions

Certain terms used in these rules are defined by Portland City Code (PCC) Chapters 17.04 and 17.06.

## 4. Regulatory Authority

These rules are adopted by City Council to implement the broad permitting authorities granted in PCC Chapters 17.06, 17.24, and 17.32 but may be amended from time to time by the Director of the Portland Bureau of Transportation (PBOT) in consultation with the Directors of the Portland Water Bureau (PWB) and the Bureau of Environmental Services (BES).

## 5. Permit Types

There is a variety of public works permits that may be required for development proposals within public rights-of-way (ROW) and easements as described in the PCC. Permits may apply to projects that will result in improvements to the infrastructure of a single City bureau or multiple City bureaus. The affected bureaus will determine which permits apply to a certain project. The following is a non-exhaustive list of those permits (from simplest to most complex):

- A. BES Simplified Permit (SP). This permit is for sanitary sewer extensions of less than 100 feet. A development proposal that would result in any of the following is generally *not* eligible for an SP:
  1. A location outside the public ROW;
  2. Construction in arterial streets or other locations requiring extensive traffic control;
  3. Conflict with standard proximity rules pertaining to utilities;
  4. A crossing of any regional utility service line or a cross-section of public ROW with a high density of utility lines;
  5. Construction of a manhole 12 feet deep or greater;
  6. A sewer main greater than 18 feet deep;
  7. An extension from a brick manhole, brick or clay sewer;

8. An extension from a City storm sewer, interceptor line, or combination sewer where the proposed pipe size deviates from the minimum pipe size required;
  9. An excavation at or near structures or retaining walls;
  10. An excavation within 50 feet of a water body or located in high groundwater areas; or
  11. The need for a design variance from the standards of the City's *Sewer and Drainage Facilities Design Manual*.
- B. BES Basic Sewer Extension.** This BES permit type generally includes all candidate projects for BES separate sewer extension permits that do not meet SP criteria but that involve all of the following:
1. A proposal for only one sewer line;
  2. A location within existing improved ROW;
  3. A proposal for sewers that are 8 inches in diameter for sanitary sewer lines or 12 inches in diameter for stormwater or combination sewer lines;
  4. A proposal for at least one excavation between 6 and 18 feet deep;
  5. The need for a sewer extension of less than 300 feet in length;
  6. A proposal to use standard pipe material;
  7. No proposal for new outfalls; and
  8. A location other than within the Central City area.
- C. PBOT Grade-and-Gravel Permit.** The grade-and-gravel permit is intended for streets that are graded at least well enough for a passenger vehicle to pass safely. The need for grading should be minor and is usually accomplished with a small motorized blade grader or rubber-tire bulldozer. Grading that requires a large excavator and involves the following would not generally be allowed under a grade-and-gravel permit:
1. Significant clearing and grubbing of trees and brush;
  2. Removal of manmade obstructions such as structures, walls, or fences;
  3. Major utility relocation or grade adjustments;
  4. Retaining walls; or
  5. An embankment building.
- D. PBOT Limited Permit.** This PBOT permit authorizes sidewalk and driveway improvements that require a minimal level of engineering review. Improvements of sidewalk corners with existing or planned Americans with Disabilities Act-compliant ramps may be allowed under a PBOT Limited Permit

at the discretion of the City Engineer. A PBOT Limited Permit is only allowed when *all* of the following are true:

1. The location of the proposed development has an existing curb or some other type of public improvement (such as edge of pavement) that allows the grade and alignment of the sidewalk to be set;
2. No change in street grade or drainage pattern is proposed; and
3. The location of the proposed development has an established stormwater conveyance and disposal system, such as a stormwater inlet or swale.

**E. Public Works Residential Infill Development Permit.** This permit authorizes the construction of street improvements and stormwater facilities for infill development and can be a PBOT-only, BES-only, or joint PBOT and BES permit. This permit may only be used if the proposed development:

1. Would be served by an existing roadway identified in the Transportation System Plan as a local residential street;
2. Would be served by an existing, paved, City-maintained street;
3. Would not be located within a special street design district;
4. Has less than 150 feet of total street frontage (counting both adjacent streets for corner lots);
5. Would require no more than two stormwater management facilities;
6. Would be served by a BES-approved nearby stormwater disposal point;
7. Would not conflict with standard proximity rules pertaining to utilities and would not cross a section of public ROW containing a high density of utility lines; and
8. Would not involve:
  - a. A traffic operational change;
  - b. An alternative street or stormwater facility design; or
  - c. A storm or sanitary sewer extension.

**F. Public Works Permit.** This permit applies to all development proposals except those to which the PBOT Limited, BES Access, BES Simplified, Public Works Residential Infill, BES Basic Extension, or Public Works Complex Permits apply. This permit is either a joint BES and PBOT permit or a stand-alone PBOT or BES permit.

**G. Public Works Complex Permit.** This permit is for projects for which a number of factors necessitate additional review. For example, a Complex Permit may be required if the proposed project would:

1. Result in a project that the City would consider "large" because it would disturb more than 800 lineal feet of frontage or of a pipeline or drainage system extension;
2. Involve an alternative design for project scope;
3. Require permitting and construction on a schedule contrary to the standard City permit and construction sequence;
4. Involve the use of special materials (e.g., porous pavement);
5. Result in a development with no approved stormwater disposal point;
6. Conflict with standard proximity rules pertaining to utilities or cross a section of public ROW containing a high density of utility lines;
7. Require special structural review (e.g., a bridge);
8. Require encroachment permits for use of City ROW;
9. Require inter-bureau or inter-agency agreements; or
10. Require permits from other jurisdictions (e.g., ODOT, Corp of Engineers).

## 6. Submittal Requirements

The City's public works bureaus will identify the complete submittal requirements for permit applications.

- A. Authorized Persons.** A Public Works Permit may only be issued to the owner of the property to be served or to a developer or contractor who is authorized by the owner to construct improvements. The applicant is responsible for completing the work allowed under the permit. Regardless of which party signs the permit, both the applicant and the contractor are subject to its terms and must jointly assure that its requirements are satisfied.
- B. Application Requirements.** An applicant is solely responsible for all costs associated with collecting information for a public works permit application and costs associated with errors in permit submittals.
  1. *Public Works Permit Application.* A public works permit applicant must submit a Public Works application form to the City to commence a public works permit review.
  2. *Concept Development.* An applicant must bring conceptual plans for the public works improvements as well as supporting information regarding the development site and planned land uses as applicable to the project per the forms on the Public Works Permitting website. A deposit fee is required at the time of the concept development submittal.
  3. If the concept development submittal is approved, the City will provide a permit fee invoice for the project, an estimate of the construction inspection

fees, and an estimate of the amounts and types of any financial guarantees required before the City public works bureaus will approve the development plans.

4. *Design Development.* An applicant must submit to the City detailed plans for the proposed public works improvements, all applicable permit fees, and information as applicable to the project per the forms on the Public Works Permitting website.
5. *Final Plans Review.* An applicant must submit to the City final plans for the public works improvements, all applicable fees, and information as applicable to the project per the forms on the Public Works Permitting website.
6. *Bonds and Insurance.* The City requires bonds and liability insurance for construction of public improvements.
  - a. *Performance Guarantee.* The permittee must provide a fully-executed performance guarantee in an amount equal to the estimated construction cost of the project and complete all punch-list items before the public works permit will be released and the improvements accepted by the BES Chief Engineer or the City Engineer.
  - b. *Maintenance Guarantee.* The permittee must guarantee the first two years of the operation of the installed public improvements in an amount equal to 20% of the estimated construction cost for the project, although the warranty period may be extended by the City for failure to maintain the improvements. The guarantee will be released upon formal, written acceptance of the improvements by the BES Chief Engineer or City Engineer at the end of the warranty period.
  - c. *Liability Insurance.* An insurance certificate and endorsement form listing the City of Portland as an additional insured entity must be provided, subject to the City Attorney's approval, prior to issuance of the public works permit.

## 7. Permit Review

A permit application must satisfy all applicable City public improvement standards and construction specifications and must be determined to be complete before the City will review it.

- A. **Standard Review.** Technical guidance manuals and design guidelines applicable to public works improvement permit applications include, but are not limited to, the *Street Design Guidelines*, *Pedestrian Guidelines*, *Sewer and Drainage Facilities Design Manual*, *Stormwater Management Manual*, and the Oregon Plumbing Specialty Code. Engineering calculations for sizing, depth, and other attributes will be checked to ensure that they provide adequate use estimates for City

services. Constructability and maintenance issues will be verified through plan review. At a minimum, the proposed project must meet or exceed current:

1. Engineering design specifications;
2. Constructability needs;
3. Maintenance standards;
4. Environmental regulations; and
5. Permit conditions.

Requests for deviations from requirements may be made in writing to the City Engineer or BES Chief Engineer, as applicable. Appeals of the application of these rules are discussed in Section 12 below.

## **8. Inspections**

- A. City inspectors will visit a project site multiple times during construction to assure conformance with the site's public works permits and will list any deficiencies that need to be corrected. Failure to comply with the instructions of a public works inspector may lead to City enforcement action or to delay or refusal of the City to accept a public improvement.
- B. The applicant will be invoiced for all inspection costs separately from the public works fees described in Section 9 of these rules. BES construction management and inspection fees are described in Administrative Rules ENB-4.11. PBOT construction management and inspection fees are described in Administrative Rules TRN-10.43.
- C. Inspections and City acceptance must occur before the performance and warranty bonds will be released.

## **9. Fees**

Permit fees are intended to allow the City to recover all of its costs for design and review services. This section describes the general criteria used to calculate fees for the permit types listed in Section 5 of these rules. Exact fee amounts are established on an annual basis through rate ordinances approved by City Council. There may be both PBOT and BES fees, as well as a PWB consultation fee. The applicant will be invoiced for the fees at the concept approval stage. The fees will be revised if there is a scope change for the project.

The methodology for calculating the public works permit fee will be published on the City's public works website and may be used by the public for estimating the fee. The appropriate permit types and fees will be determined by the affected bureaus upon approval of the concept phase.

- A. **PBOT fees.** The PBOT portion of the fee will have a base fee plus a fee per lineal foot of curb or sidewalk improvements proposed or required:



1. *Base fees.* Infill Residential or Commercial fees will be applied, as appropriate.
2. *Additional costs.* Each of the transportation elements (street lighting, signals, traffic, parking, & structures) will have a separate calculation methodology for review and inspection of modifications to them.
  - a. *Street Lighting.* Option C fees are charged per block face and apply to South Waterfront; the Pearl District and the Lloyd Center and Central Business Districts; and residential subdivisions. For all other areas, Option B fees are charged per light and apply to stand-alone lights on wood poles.
  - b. *Signals.* New signal systems and modifications to or relocations of existing signal systems are subject to different fees, which are based on the number of systems proposed or affected.
  - c. *Traffic.* A fee will be assessed for each lineal foot of curb in residential and commercial streets. A residential fee will be assessed for improvements on streets that are classified as local service with predominately single-family residences; a commercial fee applies elsewhere.
  - d. *Parking.* A fee will be assessed for commercial areas where parking is controlled, such as the Central Business, Pearl, South Waterfront, and Lloyd Center Districts. Other streets located in commercial districts may also require a traffic parking review.
  - e. *Structures.* Most structures that are constructed under encroachment permits will be subject to the review fees established by those permits.
- B. BES fees.** The BES portion of the PW permit fee is comprised of a base fee plus added fees for items, work, or project complexity beyond the minimum standards.
- C. Water Bureau Fees.** The PWB will charge review fees as established by the PWB annual rate ordinance.
- D. Complex Permit.** Public Works Complex Permits will be subject to a project schedule and review timelines, which will be established during the concept phase review and may include recurring meetings. A fee estimate will be provided at the completion of the concept phase and will be based on full cost recovery by the City.
- E. Other Permits.** Fees for BES Simplified, Public Works Residential Infill, BES Basic Sewer Extension, PBOT Grade-and-Gravel, and PBOT Limited Public Works permits are established by the PBOT and BES annual rate ordinances.

## 10. Fee Collection Processes

- A. Fees Due.** For most public works permit projects, an initial fee will be collected at the concept phase, with the full amount due at the end of the design phase:

1. *Set-Fee Permit Types.* The full fee for BES Simplified, BES Basic Sewer Extension, PBOT Limited, and Public Works Infill Permits is required at the time of permit application. If it is later determined by the City that the project meets the criteria of a different permit type, additional fees may be owed or refunded as appropriate.
2. *Other Permit Types.*
  - a. A *non-refundable* deposit must be provided with the project's concept plans.
  - b. A full permit review fee estimate will be provided to the applicant after the City approves the concept plan. This estimate will only be valid for one year from the date it is provided to the applicant.
  - b. The balance of the permit fee will be due at time of design development submittal and is non-refundable once the submittal has been deemed complete and ready for review. If the applicant elects not to pursue a permit, the applicant must submit a withdrawal request in writing to Public Works Permitting no more than 10 business days after the City deems the submittal complete and ready for review. At that point, only 50% of the fee submitted at design review may be refunded. The City will retain the remainder to recover costs related to staff time.
3. *Public Works Complex Permit.*
  - a. A *non-refundable* deposit must be provided with the project's concept plans.
  - b. A full permit review fee estimate will be provided to the applicant following the concept review meeting, during which a mutually agreed-upon schedule for review and fee submittals will be established.
  - c. If the project is cancelled, the applicant will be responsible for the City's actual costs to date. Final settlement of costs will take a minimum of 60 days. The financially responsible party will receive either a refund or a bill for any outstanding balance.

**B. Permit Cancellation / Reactivation.** A permit may be cancelled by the applicant's written request. Additionally, a permit will expire from lack of review activity for over one year. If a permit is cancelled or expires, all fees received to date will be nonrefundable unless otherwise specified in Section 9 of these rules. A reactivation fee will be applied if a permit is reactivated after cancellation or expiration. This fee is established in the BES and PBOT annual rate ordinances. Other permit review fees may apply.

## 11. Administrative Review

An applicant may request reconsideration of a City determination of the appropriate type of permit and of the criteria used to establish a Public Works Permit fee. Requests must be made in writing to the appropriate bureau's public works permit

division manager and must state which City decisions were made in error. If the applicant is dissatisfied with the division manager's response, the applicant may request review by the bureau's director.

## 12. Public Works Permit Appeals

A Public Works Permit applicant who (1) is denied a Public Works Permit or (2) is required to incur an expense for the alteration, repair, or construction of a facility in the public right-of-way as a condition of the grant of a Public Works Permit may request a reconsideration of that decision as follows:

- A. Exhausting Administrative Remedies.** Prior to appealing a Public Works Permit decision, the applicant must have fully exhausted all available administrative remedies, including but not limited to variances, alternative methods reviews, design exceptions, special circumstance reviews, and bureau-level administrative reviews. Once this requirement has been met, the appeal will be heard by the Public Works Administrative Appeals Panel (PWAAP) and the Public Works Board of Appeals (PWBA), in that order.
- B. Non-Appealable Items.** PCC section 17.06.050 lists the items that are not subject to appeal through the Public Works Permitting appeal process. All other decisions and matters may be appealed, except for a bureau response to a Land Use Review (LUR) if the applicant has not waived the 120-day LUR deadline requirement or if the matter is related to a final LUR decision.
- C. Appeal Requests.**
  1. All City decisions regarding Public Works Permits will be communicated to applicants in writing and, if appealable, the City will provide information on the means to request appeals.
  2. *Submittal.* An appeal request must be submitted in writing to the Public Works Permitting Engineering Manager within one year of the date of the decision being appealed.
    - a. *New information.* No new or additional information may be submitted for consideration by the PWBA. If the appellant believes that new or additional information should be considered, all other administrative options for consideration of that information must be exhausted before the PWBA will consider it (see Section 12.A of these rules).
    - b. *Fee.* The appellant must pay the appeal fee when submitting the appeal request prior to the deadline indicated in the City's decision letter. Appeal fees for both the PWAAP and the PWBA are adopted by City Council as part of the annual fee schedule of the Bureau of Transportation.

## D. Appeal Evaluation

1. **Initial Completeness Evaluation.** The Public Works Permitting Engineering Manager will determine whether the appeal request is complete and complies with these rules within 7 calendar days of receiving the appeal request and fee. An incomplete request will be returned to the appellant with a brief description of the deficiencies. The appellant will then have 7 calendar days to submit an amended appeal request.
2. **PWAAP Review.**
  - a. The Public Works Administrative Appeals Panel and its decision-making authority are established by PCC Chapter 17.06.
  - b. Provided that an appeal request has been determined to be complete, a PWAAP meeting will be scheduled within 30 calendar days from the City's receipt of the request, unless an alternate time is agreed to by the appellant and the City. PWAAP meetings are not open to the public; only appellants, their representatives, and City personnel are allowed to attend.
  - c. City subject matter experts from a variety of bureaus may be invited to provide information relevant to the appeal. The PWAAP will only consider information that may be reasonably substantiated by documentary evidence and may call upon both the appellant and City staff to corroborate or refute information and arguments.
  - d. If the PWAAP determines that more information is needed from either the appellant or City staff before a decision can be reached, the appeal may be stayed until the next regularly-scheduled meeting of the PWAAP or until a date as mutually decided by the appellant and the PWAAP.
  - e. The PWAAP will provide written notice and an explanation of its final decision on the appeal to the appellant within 14 calendar days after the PWAAP meeting.
3. **PWBA Review.** The Public Works Board of Appeals and its decision-making authority are established by PCC Chapter 17.06. An appellant may appeal the PWAAP's decision to the PWBA by filing a written request on a form provided by the Public Works Permit Engineering Manager within one year of the date of the original City decision being appealed. The request must include all the information required for appeals to the PWAAP (see Section 12.C) and the appropriate appeal fee. The Public Works Permitting Engineering Manager will determine whether the PWBA appeal is complete and complies with these rules within 7 calendar days of receiving the appeal request and fee. An incomplete request will be returned to the appellant with a brief description of the deficiencies. The appellant will then have 7 calendar days to submit an amended appeal request.
4. **PWBA Review Meeting.**
  - a. Provided that an appeal request has been determined to be complete, a PWBA meeting will be scheduled within 30 calendar days from the City's

receipt of the request, unless an alternate time is agreed to by the appellant and the City. A notice of the meeting date and time will be provided to the appellant and the public. These meetings are subject to the public meeting requirements of ORS Chapter 192.

- b. A quorum of two members is required for meetings of the PWBA.
- c. The PWBA may only consider information and arguments that were considered by the PWAAP. The PWBA will only consider information that may be reasonably substantiated by documentary evidence and may call upon both the appellant and City staff to corroborate or refute information and arguments.

**5. PWBA Decision.**

- a. The PWBA will decide appeals by majority vote.
- b. The PWBA will provide written notice and an explanation of its final decision on the appeal to the appellant within 30 calendar days after the PWBA meeting and will post it on the City website.
- c. If the PWBA determines that more information is needed from either the appellant or City staff before a decision can be reached, the appeal will be remanded to the PWAAP.
- d. The PWBA's decision is final and may only be appealed to the Circuit Court pursuant to ORS 34.010 to 34.102.
- e. If the appellant's requested relief cannot be granted without a modification of City policy, rules, or the PCC, the PWBA may, at its discretion, forward a request for a policy, rule, or PCC change to the directors of the Bureaus of Transportation, Environmental Services, and Water. If the policy or rules are changed, those revisions may only be applied to the PWBA's decision if the change occurs before the due date of the PWBA's decision. If a PCC change is required, the PWBA's decision becomes effective on the date of approval of the required change.

ENB-4.11 - Recovering the Costs of Engineering and Superintendence Services for Public Sewer Improvement Projects during the construction phase

## RECOVERING THE COSTS OF ENGINEERING AND SUPERINTENDENCE SERVICES FOR PUBLIC SEWER IMPROVEMENT PROJECTS DURING THE CONSTRUCTION PHASE

Administrative Rule Adopted by Council  
ARC-ENB-4.11

### A. PURPOSE

These administrative rules are intended to provide clear and consistent guidance for the recovery of engineering and superintendence costs during the construction phase incurred by the Bureau of Environmental Services to permit, inspect and accept improvements to the public sewer system. See Administrative Rule TRN-9.07 for cost recovery during the design phase.

### B. AUTHORITY

City Council adopted this rule via Ordinance No. 179274. Ordinance No.                      amended this rule and granted the Director of the Bureau of Environmental Services the authority to adopt future amendments to it. Sections Portland City Code Section 3.13.040 17.32.120, 17.32.150 and 17.32.500 further establishes the authority of the Director of the Bureau of Environmental Services to adopt administrative rules.

### C. GUIDING PRINCIPLES

The Bureau of Environmental Services ~~shall~~ will be guided by the following principles when implementing these administrative rules:

1. Cost recovery methods ~~shall~~ will be transparent, well documented and easily explainable to permittees.
2. Cost recovery methods ~~shall~~ will be consistent with the best management practices of municipal utilities.
3. Cost recovery methods ~~shall~~ will be undertaken in a manner that promotes administrative efficiency, effectively recovers the Bureau's engineering and superintendence costs, and ~~spreads~~ assesses costs equitably and accurately to permittees.

### D. ADMINISTRATIVE RULES

1. Deposits

- ~~a.~~ Concurrent with making the permit application, At the end of the design phase, the person desiring the permit shall must submit a deposit. The deposit will be based on a portion of the estimated Bureau costs of engineering, plan review and superintendence for the construction phase as determined by the Chief Engineer. For projects valued below \$100,000, the deposit shall be fifty percent (50%) of the estimated Bureau costs. For projects with a valuation of \$100,000 or more, the deposit shall be thirty percent (30%) of the estimated Bureau costs
  - ~~b.~~ The permit applicant's engineer shall submit the project valuation. The project valuation shall be calculated consistent with industry standards. The project's value submitted for the purpose of determining the deposit is not to be confused with the project value determined by the Chief Engineer for the purposes of determining the required performance bond.
  - ~~b.e.~~ Estimated Bureau costs shall consist of may include, but are not limited to, required staff time, materials and supplies, services, equipment and other assets, administrative costs; and overhead, etc.
  - ~~c.d.~~ The Bureau shall will use the same method for calculating the estimated Bureau costs as that used to determine the final costs of engineering and superintendence services.
  - ~~d.e.~~ All deposits must be made prior to permit issuance ~~any design work by or on behalf of the permittee.~~
  - ~~f.~~ In the event that no permit is issued for the proposed improvement within 1 year from the time design and plans are reviewed and completed, the City shall retain the amount of the deposit as compensation for the preparation of design and plans or efforts of review. In the event a permit is issued for the proposed improvement within 1 year from the time such design and plans are completed, the amount of the required deposit shall be applied to the cost of the permit fee for such improvements.
2. Accounting Requirements
- a. The Bureau shall will maintain detailed cost recovery records for each public sewer improvement permit.
  - b. Records shall will include staff hours, expended materials and supplies, services, the use of equipment and other Bureau assets, and any other documents that support the final calculation of charges.
3. Final Charges
- a. Prior to the issuance of the certificate of completion, the Chief Engineer shall will calculate final engineering and superintendence charges based on Bureau records of staff time, materials and supplies, services, equipment and other Bureau assets expended on behalf of the public sewer improvement project, administrative and other costs, and overhead.
  - b. The Bureau shall use hourly rates set forth in Figure 14 of Section 17.32.150 of the Portland City Code to calculate the labor cost components of the final charges. The Bureau shall will limit billable overtime hours to overtime work performed at the request of the permittee or in response to events caused

- solely by or on behalf of the permittee. The permittee ~~shall~~ will be given reasonable prior notice of instances requiring the use of overtime labor.
- c. Materials consumed ~~shall~~ will be at actual cost including delivery to the City.
  - d. Services from other City bureaus ~~shall~~ will be at actual cost determined in accordance with Portland City Code Section 5.48.070.
  - e. Services provided from non-City sources ~~shall~~ will be at actual cost to the City.
  - f. Motorized equipment, trailers, etc., ~~shall~~ will be actual time at rates for each particular class of equipment established by the Director of the Bureau of Environmental Services.
  - ~~g. General overhead of 10% percent of the total charges in items c. through f. above shall be added.~~
  - ~~g.h.~~ The Chief Engineer ~~shall~~ will calculate the final charges as set forth above. Any remaining balance, after payment of all costs, ~~shall~~ will be returned to the permittee. If additional funds are required of the permittee, they ~~shall~~ must be paid prior to the issuance of the certificate of completion.

#### HISTORY

Ordinance No. 179274 passed by Council May 25, 2005 and effective June 24, 2005.



TRN 10.43 - Recovering the Costs of Construction Inspection and Superintendence Services for Public Street Improvement Projects

## RECOVERING THE COSTS OF CONSTRUCTION INSPECTION AND SUPERINTENDENCE SERVICES FOR PUBLIC STREET IMPROVEMENT PROJECTS

Administrative Rule Adopted by Council

ARC-TRN-10.43

### A. PURPOSE

These administrative rules are intended to provide clear and consistent guidance for the recovery of engineering and superintendence costs during the construction phase incurred by the Bureau of Transportation to permit, inspect and accept improvements to the public street system. See Administrative Rule TRN-3.404 for cost recovery during the design phase.

### B. AUTHORITY

Portland City Code Section 3.12.010 establishes the authority of the Director of the Bureau of Transportation to adopt administrative rules.

### C. GUIDING PRINCIPLES

The Bureau of Transportation will be guided by the following principles when implementing these administrative rules:

1. Cost recovery methods will be transparent, well-documented, and easily explainable to permittees.
2. Cost recovery methods will be consistent with the best management practices of municipal utilities.
3. Cost recovery methods will be undertaken in a manner that promotes administrative efficiency, effectively recovers the Bureau's engineering and superintendence costs, and assesses costs equitably and accurately to permittees.

### D. ADMINISTRATIVE RULES

1. Deposits
  - a. At the conclusion of the design phase, the person desiring the permit must submit a deposit. The deposit will be based on the estimated Bureau costs of construction inspection and superintendence for the construction phase as determined by the City Engineer.

