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# 190602

Ordinance

## Approve findings to authorize an exemption to the competitive bidding requirements and approve use of the alternative contracting method of Construction Manager/General Contractor for the Carolina Trunk Work Zones 01 & 03 Rehabilitation Project

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) has identified the existing Carolina Trunk crossing highway Interstate-5 (I-5) between SW Slavin and S Macadam in Southwest Portland to be in poor condition requiring immediate rehabilitation and replacement.
2. BES has planned to separate the sanitary sewer and stormwater systems within the Carolina basin. This requires construction of new sewer and stormwater collection pipes including a new pipe crossing under I-5 that is parallel and is in addition to the existing trunk currently in use.
3. The location, underground conditions and depth of the existing Carolina Trunk will require specialized skills in deep shaft excavation, trenchless large utility construction, work on private properties and in proximity to a major highway, complex sewer flow bypass coordination and traffic control, as well as experience in complex construction approaches, risk and safety control, construction sequencing, scheduling, and cost estimating to overcome the challenges and risk associated with this work.
4. Procurement Services and BES recommend using the alternative contracting method of Construction Manager/General Contractor (CM/GC) for the Project. The Council is the Local Contract Review Board with the authority to exempt certain public contracts from the competitive bidding requirements of ORS Chapter 279C and Portland City Code 5.34.
5. Draft findings addressing favoritism, competition, substantial cost savings, operations, budget and financial data, public benefits, value engineering, specialized expertise required, public safety, market

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Prepared by

Joe Dvorak, P.E.

Date Prepared

September 20, 2021

Requested Agenda Type

Regular

conditions, technical complexity, and funding sources recommended by the City, substantially in the form attached hereto as Exhibit A (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.

6. The estimated CM\GC construction contract is approximately \$20,000,000. Funds are available in the Sewer System Operating Fund, WBS Element E11004 with the Bureau of Environmental Services FY 2022-2026 Capital Improvement Plan (CIP). The Project Estimate Confidence Level Rating Index, per Binding City Policy BCP-ADM-1.13, is Low.

NOW, THEREFORE, the Council directs:

- A. Council hereby approves the Findings, as attached as Exhibit A, and on that basis exempts the Carolina Trunk Work Zones 01 & 03 Rehabilitation Project from the competitive bidding requirements of ORS Chapter 279C.
- B. The Chief Procurement Officer is hereby authorized to use an alternative competitive solicitation process to select a CM/GC contractor for the Projectand, upon selection of a CM/GC, is authorized to execute a contract for CM/GC pre-construction services during design phase of the Project, provided the contract has been approved as to form by the City Attorney.
- C. Upon the Council’s acceptance of the Chief Procurement Officer’s report recommending the acceptance of a Guaranteed Maximum Price from the CM/GC for the Project, the Chief Procurement Officer is authorized to negotiate and execute a contract for the construction of the Project, provided the contract has been approved as to form by the City Attorney’s office.
- D. The Mayor and City Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.
- E. As required by ORS 279C.355 and PCC 5.34.820C, BES will prepare and deliver a post project evaluation to the Council on behalf of the Chief Procurement Officer, once the City accepts the Project as complete.

## Documents and Exhibits


 [Exhibit A](#) (41.84 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
November 17, 2021

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

 [Impact Statement](#) (30.17 Kb)

## Budget Office Financial Impact Analysis

The use of the CM/GC contracting method allows collaboration between a selected Contractor and the design team beginning in the design phase before construction and continuing through the construction phase. Benefits of this method include a better design package, better coordination with stakeholders, promotion of cost-saving opportunities, better sequencing and scheduling of construction activities to reduce the project risks and costs, and allowing the City to monitor Contractor outreach and utilization of apprentices and D/M/W/ESB subcontractors.

Project construction is estimated to cost approximately \$20 million. As design work has not started, the level of confidence is Low for this estimate. The project is part of BES's Large Scale Sewer Rehabilitation Program, which is included in the bureau's FY 2022-26 Capital Improvement Plan. The CM/GC method allows for a Guaranteed Maximum Price (GMP) to be developed to cover the complete construction costs of the project and brought to City Council for approval prior to construction activities starting.

## Agenda Items

### 802 Regular Agenda in [November 10, 2021 Council Agenda](#)

Passed to second reading

Passed to second reading November 17, 2021 at 9:30 a.m.

### 820 Regular Agenda in [November 17, 2021 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea