



[Home](#) / [Council Documents](#)

# 191514

Ordinance

## Approve findings to authorize an exemption to the competitive bidding requirements and authorize use of the alternative contracting method of Construction Manager/General Contractor for the Columbia Boulevard Wastewater Treatment Plant Wet Weather Clarifier and Hypochlorite System Modifications Project for an estimated amount of \$63 million

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland Bureau of Environmental Services (BES) owns and operates the Columbia Boulevard Wastewater Treatment Plant (CBWTP) which protects public health, safety, and environment by treating sanitary sewage and stormwater from the City of Portland in accordance with State of Oregon Department of Environmental Quality (DEQ) issued National Pollutant Discharge Elimination System (NPDES) permit requirements.
2. The CBWTP was initially constructed in 1952 with secondary treatment facilities added in the early 1970's.
3. To minimize constructability and scheduling risks, the Bureau is combining previously identified, priority CIP projects in the CBWTP Wet Weather Clarifiers and Hypochlorite System Modifications Project (Project).
4. The Project scope of work includes rehabilitation of eight (8) wet weather clarifiers, built over 50 years ago, and replacement of the hypochlorite disinfection system to meet ongoing NPDES permit requirements. Condition assessments of these assets depict structural deficiencies and equipment deterioration that are at high risk of failure and require action to extend their service lives.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

Muriel Gueissaz-Teufel

Engineering Manager

✉ [muriel.gueissaz-teufel@portlandoregon.gov](mailto:muriel.gueissaz-teufel@portlandoregon.gov)

📞 [503-823-2498](tel:503-823-2498)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

November 8, 2023

5. The Project will require specialized skills and experience in construction methodology, sequencing, scheduling, and cost estimating to successfully integrate the new facilities with the existing CBWTP facilities.
6. Procurement Services and BES recommend using the alternative contracting method of Construction Manager/General Contractor (CM/GC) for the Project.
7. 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.
8. Draft findings addressing favoritism, competition, operations, budget and financial data, public benefits, constructability reviews, specialized expertise required, public safety, market conditions, technical complexity, and funding sources recommended by the City, substantially in the form attached here to 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.
9. The estimated Construction Contract is approximately \$63,000,000, following AACE Class 5 cost estimating methods, with estimated ranges between -50% to +100%. Funds are available in the Sewer System Operating Fund, FY 2024 budget, Bureau of Environmental Services, WBS Element E11485. 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 CBWTP Wet Weather Clarifier and Hypochlorite System Modifications Project from the competitive bidding requirements of ORS 279C.
- B. The Chief Procurement Officer is hereby authorized to use an alternative competitive solicitation process to select a CM/GC contractor for the Project and, upon selection of a CM/GC, is authorized to execute a contract for CM/GC pre-construction services during the 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 one or more Guaranteed Maximum Price(s) 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 \(https://www.portland.gov/sites/default/files/council-documents/2023/e11485-findings-cmgc.docx\)](https://www.portland.gov/sites/default/files/council-documents/2023/e11485-findings-cmgc.docx) 52.77 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 8, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize the City to use a Construction Manager/General Contractor (CM/GC) contracting method to support successful completion of the Columbia Boulevard Wastewater Treatment Plant (CBWTP) Wet Weather Clarifier and Hypochlorite Systems Modification Project (Project) to:

- Allow BES to select a contractor with the experience and qualifications necessary to coordinate and perform complex wastewater treatment facility construction and with demonstrated expertise in participating in a collaborative design process.
- Deliver input during the design process, including construction packaging and sequencing which will minimize operational risks and scheduling delays;
- Provide input on large equipment costs and procurement timelines which can inform design decisions and/or be incorporated into the overall project schedule;
- Review constructability and conduct value engineering to control cost and develop construction phasing plan focused on maintaining continuous plant operations during construction;
- Support opportunities for disadvantaged, minority-owned, women-owned, emerging, or disadvantaged businesses in the contracting community.

A separate Request for Proposals (RFP) process will occur to select the most qualified contractor to engage in the design phase of the project as well as construct the improvements identified. Guaranteed Maximum Prices (GMP) will be developed for complete construction costs of the Project and brought to City Council for approval prior to construction.

The CBWTP is owned and operated by the BES. The Plant treats sanitary sewage and stormwater conveyed from the City's sewer collection system from both separated and combined sewers. Major project elements are as follows:

- Wet weather treatment includes eight (8) clarifiers to treat storm flows in excess of the secondary treatment capacity, typically approximately 290 and up to 450 million gallons per day. These wet weather clarifiers have been in service for over 50 years and concrete structures and equipment are deteriorating over time.
- The hypochlorite disinfection system for CBWTP plant effluent is nearly 20 years old. Due to system corrosivity, the system requires ongoing mechanical, storage and structural repairs.

This Project will rehabilitate eight (8) wet weather clarifiers and replace the hypochlorite disinfection system to extend useful service lives, meet NPDES permit requirements, improve system resilience, support operations and effectively sustain City infrastructure.

## Financial and Budgetary Impacts

The planning level project construction cost is approximately \$63 million. Design work has not started, and the level of confidence is low. This is a Class 5 AACE estimate with a broad range of accuracy between +100 percent to -50 percent of actual construction costs.

The Project does not modify current treatment processes at CBWTP, but it may yield operational cost savings by implementing appropriate system upgrades. The overall Project is funded by the Sewer System Operating Fund from FY24.

This legislation does not generate or reduce current or future revenue. In addition, no current positions will be affected, and no positions will be created, eliminated, or reclassified as a result of this legislation.

## Community Impacts and Community Involvement

The project is located within the Columbia Boulevard Wastewater Treatment Plant campus with limited anticipated impact to the public. The Community Advisory Committee will be updated on a regular basis. Debbie Caselton, Environmental Services, is the contact for Community Outreach and Public Involvement for this project.

In addition, delivering the Project using alternative contracting supports the City goals to advance goals of equity and inclusion in the construction

industry. This Project will apply the Regional Workforce Equity Agreement (RWEA) to promote the inclusion of historically under-represented people, including people of color and women, in construction. The CM/GC method supports training, employment and high-quality opportunities for workers to build pathways in long-term construction careers.

## 100% Renewable Goal

This project does not contribute to the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

## Budget Office Financial Impact Analysis

The construction costs are an estimated \$63 million and funds are available in the bureau's five-year CIP. Since design work has not started, the bureau has low confidence in the \$63 million, and this project is a "Class 5 AACE" estimate with a range of accuracy between +100% and -50% of actual construction costs.

## Agenda Items

922 Regular Agenda in [November 1, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/11/1)  
(<https://www.portland.gov/council/agenda/2023/11/1>)

Passed to second reading

Passed to second reading November 8, 2023 at 9:30 a.m.

943 Regular Agenda in [November 8, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/11/8)  
(<https://www.portland.gov/council/agenda/2023/11/8>)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea