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# 191516

Ordinance

## Authorize competitive solicitation and price agreements for on-call green stormwater infrastructure maintenance and irrigation services for \$12 million over five years

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) requires on-call contractors to support maintenance of the Bureau's green stormwater infrastructure assets. Current on-call service contracts are nearing expiration.
2. Resolution No. 36500, passed by the Council on April 18, 2007, adopted the Green Streets Policy as Binding City Policy ENB-4.19 to promote and incorporate the use of green street facilities in public and private development, leading to steady construction of new green streets as part of Portland's stormwater collection and management system.
3. BES currently maintains more than 2,500 green street stormwater facilities and approximately 150 vegetated regional water quality facilities distributed throughout the city.
4. The number of full-time City personnel assigned to maintain BES's green stormwater infrastructure is inadequate to meet the needs of the current inventory, and the inventory of assets continues to increase more rapidly than new positions can be added through the annual budget process.
5. The Bureau seeks City Council's authorization for Procurement Services to issue a competitive solicitation and execute multiple price agreements for the green stormwater infrastructure maintenance and irrigation services described above.
6. The estimated total cost is \$12,000,000 over five years. The confidence level in this cost is high. Funds will be made available in the Sewer System Operating Fund, Fiscal Year 2024-2025 Budget, Bureau of Environmental Services, ESOM000031.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

November 8, 2023

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to conduct a competitive solicitation process in accordance with City Code Chapter 5.33 and to negotiate price agreements with the vendors that submit the most responsible and responsive offers.
- B. Upon the Council's acceptance of the Chief Procurement Officer's Report, the Chief Procurement Officer is authorized to execute, amend, and extend up to 10 price agreements with a total not-to-exceed value of \$12,000,000, provided the price agreements have been approved as to form by the City Attorney's Office.
- C. The Mayor and City Auditor are hereby authorized to pay for the price agreements from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

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 Bureau of Environmental Services (BES) manages a portfolio of more than 2,500 green street stormwater facilities and approximately 150 vegetated regional water quality facilities. Maintenance of these stormwater assets is performed by a pool of on-call contractors managed by BES under multi-year price agreements. Current agreements were executed in 2014 and are set to expire on June 30, 2024. The purpose of this ordinance is to authorize a competitive goods and services solicitation to select a new pool of on-call contractors and execute up to 10 new price agreements for green stormwater infrastructure maintenance and irrigation services.

Green stormwater infrastructure, including green streets, reduce sewer overflows and backups by slowing and absorbing stormwater runoff from sidewalks and streets. They also protect water quality by helping to prevent pollution from washing into rivers and streams. In addition to the stormwater benefits, green infrastructure provides a range of community and other environmental benefits, including traffic calming, urban heat island reduction, neighborhood livability, climate resiliency, and air quality.

Portland began installing green streets to help meet stormwater management goals and regulatory requirements two decades ago. Resolution No. 36500, known as the Green Streets Policy and passed by the

Council on April 18, 2007, accelerated the expansion of green streets as part of Portland's public stormwater collection and management system. Green streets are located in practically every neighborhood of the city. The inventory of green streets continues to grow through BES capital projects, interagency projects with PBOT, TriMet and other local agencies, and public works permit projects where they are required by City regulations for development and redevelopment permits.

City Code Chapters 17.28 and 17.32 establish the City's responsibility to maintain green streets. Green street maintenance entails a range of ongoing year-round activities such as clearing inlets, removing sediment, debris, trash, and biohazards, trimming and pruning vegetation, and removing weeds, and seasonal activities, including planting in spring and fall, watering new plants in summer, and removing leaves in fall and winter.

### **Financial and Budgetary Impacts**

This ordinance does not change the adopted BES budget. Funds will be made available in the Sewer System Operating Fund, FY2024-2025 Budget, Bureau of Environmental Services, cost center ESOM000031. The solicitation will result in up to 10 price agreements with a cumulative total of \$12,000,000 over five years. The level of confidence for this estimate is high, based on prior use of on-call service price agreements, program capacity, and past program utilization.

The impact of not approving the solicitation and associated price agreements would be the need to develop and fund alternative methods of maintaining BES's green stormwater infrastructure assets, resulting in both greater cost and significant delay in delivery of services. Delayed maintenance will result in degraded stormwater facility condition, decreased function, escalating cost to rehabilitate impacted assets, potential non-compliance with water quality regulations, and reduced community satisfaction with City services.

This ordinance does not change existing allocations for green stormwater infrastructure operations and maintenance or the adopted BES budget. New price agreements will not increase or decrease workload for existing BES staff. BES staff already manage the portfolio of green stormwater assets utilizing existing on-call contracts.

### **Community Impacts and Community Involvement**

This ordinance indirectly impacts communities served by BES infrastructure by enabling effective and efficient maintenance of green stormwater assets. Green infrastructure provides a range of community and other environmental benefits, including traffic calming, urban heat island reduction, neighborhood livability, climate resiliency, and air quality. Effective maintenance is essential to ensure that these benefits are optimized and protected.

Green streets are located in practically every neighborhood of Portland. (Map of green streets is available at

<https://www.portlandmaps.com/portal/apps/webappviewer/index.html?id=98ef4764872e41f791b5aa4377facfa8#>

(<https://www.portlandmaps.com/portal/apps/webappviewer/index.html?id=98ef4764872e41f791b5aa4377facfa8>.) Delayed or reduced green street maintenance will result in reduced community satisfaction with BES services due to poor green street condition and increased number of customer complaints.

Many green streets are located in historically underserved neighborhoods and vulnerable communities, including east of 82<sup>nd</sup> Ave, in North Portland, and in Central City. Delayed or reduced maintenance of green stormwater infrastructure in these neighborhoods increases the perception of governmental neglect and inequitable delivery of public services.

BES intends to work with the Inclusive Contracting team in OMF Procurement Services to widely advertise this solicitation and conduct outreach, in hopes of reaching a larger and more diverse pool of proposers, including COBID-certified and other minority-owned firms and local small businesses. The resulting price agreements will be an excellent opportunity for a small business to gain experience and expertise in the emerging and growing field of green infrastructure and to grow their business with a relatively consistent stream of work over the five-year period. Language has been identified as a barrier to participation in similar solicitations. Accordingly, BES and OMF Procurement Services will seek to make the solicitation more accessible, including through translation services.

In addition to the regular maintenance implemented by BES's contractors, the Green Street Stewards program presents an opportunity for local community members or organizations to partner with BES to improve their local neighborhood. As Green Street Stewards, residents or organizations adopt green street facilities and are trained and empowered to provide maintenance over and above BES's standard service level. Stewards may remove leaves, sediment, trash, and debris between regular BES maintenance visits in accordance with BES standards. Stewards may also assist with summer watering and, with approval by BES, may remove weeds or add additional plants or flowers (from approved species list).

### **100% Renewable Goal**

- This RFP and resulting contracts will neither increase nor decrease the City's total energy use.
- This RFP and resulting contracts will neither increase nor decrease the City's renewable energy use.

### **Budget Office Financial Impact Analysis**

The bureau has the resources for the solicitation set aside in its operating budget, specifically in cost center ESOM000031. They currently have a \$3.2 million set aside, including \$1.77 in EMS for Misc Services. Per the bureau – there is a high degree of confidence in this price agreement based on prior

use of on-call service price agreements, program capacity, and past program utilization.

## Agenda Items

924 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.

945 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