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191551

Emergency Ordinance

***Authorize bid solicitation and contract with lowest responsive and responsible bidder for construction of the Thompson Elk Fountain Restoration Project for an estimated cost of \$1,500,000**

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The Thompson Elk Fountain (Elk Fountain), a historical monument, fountain, and bronze sculpture, was damaged in July 2020 and subsequently removed from its original location on SW Main Street between 3rd and 4th Avenues.
2. In May 2022, Council directed bureaus to take necessary steps to restore and return the Elk Fountain to its original condition and location (Resolution No. 37576).
3. Through the Thompson Elk Fountain Restoration Project (Project), the City will restore the stone carving and masonry, reinstall the elk sculpture, install a recirculating water fountain system and construct the facility in accordance with all applicable codes and standards.
4. The Project has been planned and located in accordance with appropriate engineering and historic standards for the construction, restoration, and maintenance of the City's second-oldest piece of public art. The solicitation for the procurement action for the construction will use the City's standard construction procurement bid process with the addition of a Special Prequalification component to ensure selection of a qualified contractor.
5. The engineer's estimate for the construction work is \$1,500,000. Funding is approved in the fiscal year (FY) 2023–24 Budget.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Water](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

December 13, 2023

Time Requested

10 minutes

6. Funding of \$2,200,000 for the Project was secured as of July 2023: the General Fund provided \$1,500,000 in fiscal year (FY) 2023–24, and \$700,000 is available from the insurance claim on the fountain.

NOW, THEREFORE, the Council directs:

- A. The City Procurement Office is authorized to bid the solicitation for construction of the Project.
- B. Upon the Council's acceptance of the Chief Procurement Officer's Report to Council recommending the lowest responsive and responsible bidder, the Chief Procurement Officer is authorized to negotiate and execute a contract, provided the contract has been approved as to form by the City Attorney's Office.
- C. As required, a post-project evaluation of the Project will be provided to the Chief Procurement Officer in order to request and authorize final payment to the contract.
- D. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists in order to keep on schedule because further delay will cost additional money; therefore, this Ordinance shall be in full force and effect from and after its passage by City Council.

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 as amended by Council
December 13, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

Prominently located in the center of the City of Portland's Civic Affairs district, the Thompson Elk Fountain (Elk Fountain) is the second-oldest piece of public art in the City of Portland and has been an object of endearment and community building for more than 120 years.

In July 2020, several fires were lit in the fountain's troughs during the racial justice protests. While the bronze elk statue suffered only minor damage, the fires caused significant damage to the granite fountain. To prevent further damage while the protests continued, the Regional Arts and Culture Council removed the bronze sculpture on July 2, 2020. On July 17, 2020, as

the fires continued, the remaining undamaged stone fountain pieces were carefully disassembled. All salvaged stones were cleaned, catalogued, and placed in storage.

On March 31, 2022, the City of Portland announced a partnership with the private nonprofit Portland Parks Foundation to commission a design and feasibility study for the restoration of the entire Elk Fountain and options for returning it to its original location. This proposal was funded by Portland Parks Foundation donors and developed with the full support of the City Arts Program, the Portland Bureau of Transportation, the Portland Water Bureau, the Regional Arts & Culture Council, and other partners.

Less than two months later, on May 11, 2022, Portland City Council approved Resolution 37576, directing bureaus to “take necessary steps to restore and return the Thompson Elk Fountain to its original condition and location.”

In June 2022, the Portland Parks Foundation hired Architectural Resources Group (ARG) to manage the design of the Thompson Elk Fountain Restoration Project (Project). The ARG team has the necessary experience in architectural restoration, stone carving and masonry, and traffic engineering design to accurately assess the remaining fountain parts and develop scenarios for redesigning the right-of-way to accommodate the restored fountain and base while addressing safety concerns for pedestrians, bikes, public transit, and cars. ARG will provide a cost estimate for these scenarios during each design phase.

By August 2022, ARG produced a schematic design and estimate. Between November 2022 and January 2023, the Portland Water Bureau met with the City Attorney’s Office and the City Procurement Office to discuss and decide upon project delivery strategies. Portland City Council directed the Portland Water Bureau and the Portland Parks Foundation to collaborate closely and forge a partnership to ensure joint participation in the design and delivery of the Project.

Funding of \$2,200,000 for the Project was secured as of July 2023: the General Fund provided \$1,500,000 in fiscal year (FY) 2023–24, and \$700,000 is available from the insurance claim on the fountain.

The design phase of the Project began on August 2, 2023, with representatives from all partner groups attending a Project kick-off meeting.

Financial and Budgetary Impacts

The current cost estimate for the construction based on the 60% design and including contingency of 25% is \$1,500,000.

Portland Water Bureau is responsible for operation and repair costs of the Elk Fountain. In addition, the bureau also funds Portland Parks and

Recreation for maintenance and upkeep of the Elk Fountain. Funding for the Project (W02962) is available in the FY 2023–24 Budget.

The total cost of the Project, including the construction services, is estimated at approximately \$2,200,000. The confidence level is medium for the Project based on the 60% design. The proposed legislation will not create, eliminate, or reclassify any positions.

Community Impacts and Community Involvement

The Elk Fountain has been an object of endearment and community building for more than 120 years. People have gathered at the fountain for generations to not only appreciate the artistry and history of this piece of public art.

The Office of Management and Finance submitted a design advice request to the Portland Historic Landmarks Commission in November 2022. The design team received feedback from the Landmarks Commission as well as from the community. Community feedback was a critical component of the initial design process, as community has been at the heart of the Elk Fountain from the beginning.

Regarding construction impacts, the Project is located in the right-of-way along SW Main Street, between SW 3rd and 4th Avenues, in the Elk Fountain's original location. Impacts to vehicular, bike, and pedestrian traffic will be coordinated via the necessary permitting process with the Portland Bureau of Transportation to ensure safe access around the site during construction. Public notifications will begin prior to construction and continue through the duration of the Project.

There are no significant objections or concerns related to the Project. We do not anticipate any groups will testify for or against the Project.

100% Renewable Goal

This legislation will increase the City's total energy use due to the recirculating pump. However, this increase in energy use will be offset by an estimated 7-million-gallon annual savings of fresh drinking water, sufficient to supply 146 homes annually.

Budget Office Financial Impact Analysis

The bureau received \$1.5 million in GF resources during the FY 2023-24 budget process to support this work. Further, the bureau has \$700k available via insurance claim for the fountain bringing the total available resources for this work to \$2.2 million. Cost estimates for the project are based on 60% design while allowing for 25% contingency leading to the \$1.5 million project cost estimate.

Agenda Items

1046 Regular Agenda in [December 13, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/13)
(<https://www.portland.gov/council/agenda/2023/12/13>)

Passed As Amended

Motion to add an emergency clause to keep on schedule because further delay will cost additional money: Moved by Ryan and seconded by Mapps.
(Y-4; Wheeler absent)

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent