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191665

Emergency Ordinance

*Authorize a contract with Forest Restoration, Inc., dba Integrated Resource Management for an estimated amount of \$244,423 for arborist services

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Water Bureau is responsible for delivering the Bull Run Filtration Project, which will protect public health and bring the City of Portland into compliance with federal safe drinking water regulations. The bureau entered into a Bilateral Compliance Agreement with the Oregon Health Authority to begin delivering filtered water to customers by September 30, 2027, which requires constructing both the planned water filtration facility and related pipelines.
2. This emergency authorization is needed due to the time-sensitive window in which services are able to be performed and involves the removal of the trees and shrubs along SE Carpenter Lane east of SE Cottrell Road, along SE Cottrell Road from SE Dodge Park Boulevard to SE Carpenter Lane, near the intersection of SE Dodge Park Boulevard and SE Cottrell Road east approximately 1400 feet, near 36910 SE Lusted Road, and along the eastern edge of the filtration facility site and emergency access road.
3. Timely removal of trees and brush along SE Carpenter Lane east of SE Cottrell Road, along SE Cottrell Road from SE Dodge Park Boulevard to SE Carpenter Lane, near the intersection of SE Dodge Park Boulevard and SE Cottrell Road east approximately 1400 feet, near 36910 SE Lusted Road, and on the filtration facility site and emergency access road is critical to minimize disruption to bird migration and nesting season and not impact the start of construction for the Bull Run Filtration Project.
4. Portland Water Bureau does not have the resources required to perform the removal of the trees and shrubs in preparation for the construction of the Bull Run Filtration Projects. Emergency work began immediately in order to minimize the disruption to bird migration and in preparation for the construction phase of the Bull Run Filtration Project.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Water](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

March 20, 2024

Time Requested

10 minutes

5. Portland Water Bureau required an emergency contract with Forest Restoration, Inc., dba: Integrated Resource Management, under the auspices of Emergency Procurement per Portland City Code 5.33.
6. Portland Water Bureau's project manager negotiated with Forest Restoration, Inc., dba Integrated Resource Management to conduct emergency arborist services and received a quote in the amount of \$244,422.82.
7. Portland Water Bureau Commissioner-in-Charge, Portland Water Bureau Director, and the City Procurement Office approved the declared emergency work (refer to attached Exhibit A, memorandum with quote approving the emergency).
8. Funding for this emergency work is available as part of the FY 2023–24 Budget and will be requested in FY 2024–25 Budget if necessary.

NOW, THEREFORE, the Council directs:

- A. That the Chief Procurement Officer is authorized to execute an emergency contract under Portland City Code 5.33.130 with Forest Restoration, Inc., dba Integrated Resource Management for an amount not to exceed \$244,422.82.

Section 2. The Council declares that an emergency exists because if the trees and shrubs are not removed as soon as possible to reduce conflicts with bird nesting season, construction of the Bull Run Filtration Project will face delays that will negatively impact compliance with the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#)

867.83 KB

(<https://www.portland.gov/sites/default/files/council-documents/2024/emergency-arborist-services-exhibit-a.pdf>)

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
March 20, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

Portland Water Bureau is responsible for delivering the Bull Run Filtration Project (Project), which will protect public health and bring the City of Portland into compliance with federal safe drinking water regulations. The bureau entered into a Bilateral Compliance Agreement with the Oregon Health Authority to begin delivering filtered water to customers by September 30, 2027, which requires constructing both the planned water filtration facility and related pipelines.

In preparation for Project construction, a select number of trees and shrubs must be cleared to give construction crews necessary access and to meet the Land Use Conditions of Approval. Timely removal of these trees and shrubs will reduce the potential for significant schedule delays to the project due to migrating and nesting birds in the area. This is critical to keep this time-sensitive construction project on track and in compliance with the Bilateral Compliance Agreement.

The trees and shrubs are located along SE Carpenter Lane east of SE Cottrell Road, along SE Cottrell Road from SE Dodge Park Boulevard to SE Carpenter Lane, near the intersection of SE Dodge Park Boulevard and SE Cottrell Road east approximately 1400 feet, near 36910 SE Lusted Road, and on the filtration facility site and emergency access road. The Portland Water Bureau has received a tree removal permit from Multnomah County for the trees included in this scope of work and any trees removed are being mitigated with new trees as part of the land use conditions of approval.

This Project is funded in part by a federal Water Infrastructure Finance and Innovation Act (WIFIA) loan, and the contractor will be subject to federal reporting requirements as part of the WIFIA program's compliance monitoring responsibilities.

This legislation authorizes the Chief Procurement Officer to execute on behalf of the City an emergency contract under the auspices of Emergency Procurement per Portland City Code 5.33 for arborist services with Forest Restoration, Inc., dba Integrated Resource Management.

Financial and Budgetary Impacts

Portland Water Bureau received a quote for services from Forest Restoration, Inc., for an estimated amount of \$244,422.82.

Funding for this emergency work is available as part of the fiscal year (FY) 2023–24 Budget and will be requested in FY 2024–25 Budget if necessary. The action will not result in a change to the forecasted water rates. The proposed legislation will not create, eliminate, or reclassify any positions now or in the future.

Community Impacts and Community Involvement

All arborist work in support of the Project will be performed in the areas identified above. Most of this work is in the public rights-of-way within residential neighborhoods. Some work will be on private property and the Portland Water Bureau has obtained all necessary access agreements and easements for the work on private property. Portland Water Bureau has also notified and met with neighboring property owners in advance of the right-of-way work and continues to communicate Project updates to the neighborhood.

Portland Water Bureau will continue current outreach efforts associated with the Project, including ongoing communication with customers and the neighboring community about construction milestones and safety.

100% Renewable Goal

This legislation will have no impact on the City's 100% renewable goal.

Agenda Items

252 Regular Agenda in [March 20, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/3/20)
(<https://www.portland.gov/council/agenda/2024/3/20>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea