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## 191974

Ordinance

### Authorize Price Agreements for Owner Advisor Services for Alternative Delivery Projects not to exceed \$18 million

Passed

Amended by Council

The City of Portland ordains.

Section 1. The Council finds:

1. The City, through the Bureau of Environmental Services (BES), owns and operates Columbia Boulevard Wastewater Treatment Plant (CBWTP), Tryon Creek Wastewater Treatment Plant (TCWTP), and nearly 100 pump stations and associated non-process facilities for the purpose of collecting, conveying, and treating Portland's wastewater and stormwater.
2. BES is anticipating an increase in high- risk and complex projects that utilize the alternative delivery approach, when approved by Council in accordance with its authority to exempt certain public contracts from the competitive bidding requirements of ORS Chapter 279C and City Code Chapter 5.34.
3. Qualified professionals are sought to provide Owner's Advisor and Construction Management and Inspection services ("OA services") to protect the interests of the City relative to alternative delivery project contractors and other alternative delivery projects consultants throughout each phase of the projects and pending on projects' needs.
4. OA services will be solicited in the areas of Project Management and Controls, Technical Services, Procurement Assistance, Construction Management and Inspection, and Programmatic Support.
5. Consultant selection will be conducted in accordance with Chapter 5.68 of the City Code. The total not-to-exceed amount of the on-call Owner Agent Services price agreements is \$18,000,000 for a period of

Introduced by

[Mayor Ted Wheeler](#)

City department

[Environmental Services](#)

Contact

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**Requested Agenda Type**

Regular

**Date and Time Information**

**Requested Council Date**

November 20, 2024

five years distributed over up to two price agreements. The level of confidence is high.

6. The total not to exceed amount for the Price Agreement(s) is \$18,000,000. Funds are available in the Sewer System Operating Fund FY 2024-25 Budget's 5-year Capital Improvement Plan, Bureau of Environmental Services.
7. Work performed under these price agreements will be authorized via written Task Orders under specific capital projects. Each negotiated Task Order will include the Certification Office for Business Inclusion and Diversity (COBID) for Disadvantaged, Minority, Women, Emerging Small Business or Veteran-Owned Business Enterprises (D/M/W/ESB/VBE) subconsultant firms. The aspirational participation goal for D/M/W/ESB/VBE utilization is 30% and all consultants must commit to making good faith efforts towards achieving the goal.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to conduct a competitive solicitation process in accordance with Chapter 5.68 of the City Code and to negotiate contracts with the selected engineering consultants.
- B. The Chief Procurement Officer is authorized to execute up to two price agreements, for a combined total not-to-exceed amount of \$18,000,000, provided the price agreements have been approved as to form by the City Attorney's office.
- C. The Mayor and 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.

## Exhibits and Attachments

 [Approved Amendment](#) 69.17 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 as amended by Council  
November 20, 2024

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Owner Advisors are part of industry best practices and have been effectively used by BES on its largest alternative delivery projects. BES is increasing its investments in high-risk priority portfolios, including the wastewater treatment, pumping, and non-process facilities. BES is expecting an on-going increasing need for large and complex projects in these portfolios that would benefit from alternative contracting methods to meet overall project goals, including cost, schedule, quality, and risk control. The purpose of this legislation is to authorize the creation of Price Agreement(s) for Owner Advisor services to support the continued successful delivery of BES's most complex and high-risk Capital Improvement program (CIP) projects under alternative delivery methods.

The selected firms from the competitive solicitation will support CIP projects on an as-needed basis working closely with BES staff to advise and represent the City's interests with consultant and contractors on alternative delivery project teams.

The legislation will provide assistance and expertise in areas such as project management and controls, technical services, delivery method selection and development, construction management and inspection services, contract administration training, and generally facilitate successful collaboration between the City and contracting and consultant teams.

Alternative contracting methods contemplated include but are not limited to Construction Manager-General Contractor (CM/GC), Progressive Design-Build (PDB), Design-build, and Best Value contract methods.

### Financial and Budgetary Impacts

Total not-to-exceed amount for the Price Agreement(s) is \$18,000,000 and will be funded over the five-year program period through annual appropriations in the BES CIP budget.

This legislation will not affect staffing levels but is expected to assist in developing expertise within BES to administer and deliver alternative delivery projects.

### Economic and Real Estate Development Impacts

N/A

### Community Impacts and Community Involvement

This legislation will positively affect the community by implementing projects that ensures short-term and long-term viability and resiliency of our sanitary and stormwater systems and their associated support facilities.

BES is requesting prime consultants exceed the 30% COBID-Certified aspirational participation goal, which will provide economic opportunities for a diversity of consultants.

As projects are further developed, and construction impacts identified, BES will develop an engagement plan to reduce impacts on communities and neighborhoods affected by the projects.

100% Renewable Goal

This action does not increase or decrease the City’s total or renewable energy use. This action does not contribute to or take away from the City’s goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Financial and Budget Analysis

This action authorizes price agreements for Owner Advisor services for alternative delivery projects , with a do not exceed amount of \$18 million, service capital projects in the BES high-risk priority portfolio. The agreement and resulting services are to be resourced over five years, through the BES CIP budget.

Document History

Agenda	Council action
<a href="#">November 13, 2024</a> Consent Agenda City Council	<b>Passed to second reading as amended</b> Item 965 was pulled from the consent agenda for discussion. Motion to amend Directive B to remove “Upon Council acceptance of the Chief Procurement Officer’s Report”: Moved by Wheeler and seconded by Ryan. (Aye (4) - Rubio, Ryan, Gonzalez; Absent (1) - Mapps) Passed to second reading as amended November 20, 2024 at 9:30 a.m.
<a href="#">November 20, 2024</a> Regular Agenda City Council	<b>Passed As Amended</b>  <b>Aye (5):</b> Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler