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IMPACT STATEMENT

Date: December 15, 2015

Council Date: January 27, 2016

Legislation Title: Authorize the use of the Cooperative Procurement Method to enter into a contract with Wolf Water Resources, Inc. in the amount of \$459,445 for the Sandy River Engineered Log Jam Project (Ordinance)

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Presenter Name: Steve Kucas

Purpose of proposed legislation and background information:

The Water Bureau plans to enter into a contract for the design, engineering, and construction management for the Sandy River Engineered Log Jam Project (Project), as described in the Bull Run Supply Habitat Conservation Plan (HCP). The bureau seeks to enter into a professional, technical, expert contract with Wolf Water Resources, Inc. by utilizing the Cooperative Procurement Method. This Project is part of the City's commitments under the Bull Run Water Supply HCP, approved in October 2008 under Ordinance No. 182235. The HCP is a 50-year plan to protect and improve aquatic habitat in and around the Bull Run River while continuing to manage the Bull Run watershed as a water supply for the City of Portland.

The HCP served as the official application for a federal Incidental Take Permit under the Endangered Species Act. The National Marine Fisheries Service (NMFS) granted the City an Incidental Take Permit for its water supply operations in spring 2009 on the basis of the restoration commitments described in the Bull Run HCP. The HCP also contains a Temperature Management Plan that describes specific actions for addressing the requirements of the federal Clean Water Act. Implementation of the projects defined in the HCP allows the City of Portland to operate the Bull Run Water Supply in full compliance with the federal Endangered Species Act and Clean Water Act.

In accordance with City Code 5.33, the City may participate in Cooperative Procurements by which another public agency has solicited and awarded a contract without further competition if they are conducted in the same manner as prescribed by City Code.

Metro Charter (Metro) competed and entered into a contract with Wolf Water Resources, Inc. for the Oxbow Stream Restoration project. The Metro solicitation and contract allows governmental agencies and municipalities to utilize the contract. The project goal for the Metro contract was to restore habitat for native fish which included placement of log jams along and within the lower Sandy River. The Water Bureau has a similar goal for HCP projects planned for the lower Sandy River.

The Metro solicitation specifically covers the development of large wood project conceptual designs, the preparation of information needed to permit the projects, the creation of draft and final design drawings and specifications, the development of construction contract solicitation bid sheets and contractor selection criteria, and the provision of construction oversight throughout construction on the large wood projects, all of which are important components of the Water Bureau's Sandy River Engineered Log Jam project. The Water Bureau reviewed Metro's contract and City Procurement Services has endorsed the bureau's request to utilize the Cooperative Procurement Method for the Sandy River Engineered Log Jam Project.

As required by City Code 5.33, a Notice of Intent to Award a Participating Agreement was issued on December 18, 2015. Wolf Water Resources, Inc. is in compliance with the City's Equal Benefits Program and their EEO Certification is current. They are a State of Oregon Certified Minority and Women Owned Emerging Small Business. Additionally, Wolf Water Resources, Inc. has extensive experience with ecosystem restoration, floodplain management, water quality, and working in complex stream channels like those required for the large wood projects; and the firm's team is nationally-known and has successfully designed and built large wood projects throughout the Pacific Northwest.

In addition, utilizing the Cooperative Procurement Method will provide the time necessary to complete the services needed in order to assist in meeting the compliance requirements associated with the work. The contract for this Project is for engineering, design, and construction management services. The Water Bureau will return to City Council at a future date with a contract for construction services.

Financial and budgetary impacts:

Project impacts of the HCP include financial impacts to the rate-payers of the Portland Water Bureau and construction impacts from some measures on communities in the Sandy River Basin, where HCP projects will occur. Positive impacts include habitat improvements in the lower Bull Run River and Sandy River Basin benefitting anadromous fish and other species, and long-term regulatory compliance with the federal Endangered Species Act and Clean Water Act for Portland's drinking water utility.

The cost for engineering, design, and construction management services under the proposed contract is estimated not to exceed \$459,445. Funds have been budgeted and are available in the FY 2015-16 Budget. The Water Bureau will request additional funding in the FY 2016-17 through FY 2018-19 Budgets.

Community impacts and community involvement:

Since 2002, the Portland Water Bureau and NMFS have conducted multiple forms of public involvement related to the Bull Run Water Supply HCP.

- 1) From 2002 to 2008, the Water Bureau communicated with key stakeholders and the public about its application for an Incidental Take Permit, namely the draft Habitat Conservation Plan. Water Bureau staff completed the following:
 - Presented or met with six local government agencies 10 times.
 - Engaged 10 national and local non-profit organizations in discussions about the HCP.
 - Presented to seven community, civic and advisory organizations.
 - Conducted additional public education and outreach activities consisting of:
 - four educational events about the HCP and the effects of the drinking water system on salmon (118 participants)
 - 71 water supply facility tours during which information on the HCP was presented (approx. 1,400 participants)
 - three public open houses on the HCP (approx. 45 participants)
 - Sent out information on the HCP to 171,000 households and 15,000 commercial accounts (three separate times, as inserts in water bills)
- 2) As required by the National Environmental Policy Act (NEPA), the NMFS conducted a public comment process for the draft HCP and the accompanying Draft Environmental Impact Statement. This involved:
 - Two formal scoping meetings held in June 2006; 15 members of the public attended.
 - Two formal public comment meetings held in May 2008; 21 members of the public attended.
 - An extended 60-day public comment period; 14 comment letters were received.

Organizations and agencies that participated in the public involvement activities include:

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| * Portland Business Alliance | * Columbia Corridor Association |
| * Water Bureau Wholesale Customers | * Portland Utility Review Board |
| * Portland Large Water Users Coalition | * Bull Run Community Planning Org. |
| * City of Troutdale | * City of Sandy |
| * City of Gresham | * Metro Council |
| * East Multnomah SWCD | * Oregon Congressional Delegation |
| * Clackamas County Commission | * Clackamas County |
| * Multnomah County | * The Nature Conservancy |
| * National Marine Fisheries Service | * Northwest Steelheaders |
| * Oregon Department of Fish & Wildlife | * Oregon Dept. of Environmental Quality |
| * Oregon Trout | * Portland General Electric |
| * Sandy Basin Watershed Council | * Bureau of Land Management |
| * Forest Service | * Mt. Hood National Forest |

- * US Fish & Wildlife Service
- * American Rivers
- * NW Steelheaders - Sandy Chapter
- * Frank Gearhart
- * Ed Hopper
- * Oregon Natural Resource Council
- * Multnomah County Commission
- * State Representatives:
Dingfelder, Metzger, Smith, Minnis
- * Western Rivers Conservancy
- * Trout Unlimited
- * Alder Creek Kayak & Canoe
- * Citizens Interested in Bull Run, Inc.
- * The Resort at the Mountain
- * Council Native Fish Society
- * Clackamas County SWCD

The proposed HCP was shaped over a 10 year planning process with the participation of a wide range of non-governmental agencies, public agencies and community interest groups. These groups provided key input that directly influenced the proposed set of measures the Water Bureau included in the proposed HCP which was then evaluated by NMFS through NEPA.

Per the requirements of NEPA, NMFS was required to prepare an Environmental Impact Statement (EIS) to examine the proposed HCP. One of the key steps in the EIS process was NMFS's consultation with the public to obtain suggestions and information on the scope of issues to include in the EIS. When the EIS and draft HCP were completed, there was an announcement and a public review and comment period for that draft. NMFS received 14 comment letters and these comments were addressed when determining the environmental impacts of the final HCP. The public involvement process for the HCP was conducted according to the regulations outlined in the NEPA and was conducted by NMFS.

Additional public involvement was designed and conducted by Water Bureau Public Involvement staff and consisted of community education, watershed tours, community events, presentations to local special interest, neighborhood and community groups and agencies, and media outreach.

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ YES: Please complete the information below.
☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

Michael Stuhr, P.E., Administrator



APPROPRIATION UNIT HEAD (Typed name and signature)