

This document constitutes the official meeting record of the December 1, 2008, Portland Development Commission Board of Commissioner's meeting held at 222 NW Fifth Ave., Portland, OR 97209.



I. CALL TO ORDER AND ROLL CALL

Chair Wilhoite called the meeting to order at approximately 3:04 p.m.

Ms. Renee Castilla, acting as recording secretary for the Board, called the Commission roll:

Chair Charles Wilhoite	PRESENT
Commissioner Scott Andrews	PRESENT
Commissioner Bertha Ferran	PRESENT
Commissioner John Mohlis	PRESENT

II. MEETING MINUTES

Chair Wilhoite called for a motion to adopt the meeting minutes of October 8, 2008 and November 5, 2008 Strategic Summit Summary.

Commissioner Ferran moved and Commissioner Mohlis seconded the motion to adopt the meeting minutes as presented.

AYES: Wilhoite, Andrews, Ferran, Mohlis
NAYS: None

III. EXECUTIVE DIRECTOR'S REPORT

Executive Director Bruce Warner presented his Executive Director's report and highlighted the following:

- He directed the Commissioners to the memorandum to the Board regarding the FY 2009-10 Budget Process. He stated PDC staff has begun the first stage of the FY 2009-10 Budget Development Process and reminded the Board about the February Budget meetings currently scheduled on their calendars;
- He also stated Vestas has made their commitment to open their Americas Headquarters here in Portland which retains 350 jobs and brings 850 more;
- He also indicated PDC had received an award for the 2007-08 Budget and when it arrives, it will be brought to the Board.

IV. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

As there was no public comment, Chair Wilhoite moved to the next agenda item.

IV. ADJOURN PDC REGULAR MEETING AND CONVENE LOCAL CONTRACT REVIEW BOARD

Charles A. Wilhoite
Commission Chair

Bertha Ferrán
Commissioner

John C. Mohlis
Commissioner

J. Scott Andrews
Commissioner

Position 5 (vacant)
Commissioner

Tom Potter
Mayor

Bruce A. Warner
Executive Director



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Chair Wilhoite adjourned the PDC Board of Commissioners meeting and convened the Local Contract Review Board.

Ms. Renee Castilla, acting as recording secretary for the Board, called the LCRB roll:

Chair Charles Wilhoite	PRESENT
Commissioner Scott Andrews	PRESENT
Commissioner Bertha Ferran	PRESENT
Commissioner John Mohlis	PRESENT

Mr. David Obern stated the action by the Portland Development Commission (PDC) Local Contract Review Board (the LCRB) would make findings in support of an exemption from competitive bidding for an amendment to the existing Waterfront Park Improvements Contract (No. 307009) with Brown Contracting, Inc. for the Ankeny Wastewater Pump Station Odor Control Civil Work (the Odor Control Project). This exemption is permitted by state law and the following PDC Local Contract Review Board Administrative Rules (the LCRB Rules).

The PDC LCRB may exempt certain public contracts from the competitive bidding requirements upon the following findings:

1. It is unlikely that such exemption will encourage favoritism in the awarding of the contract or diminish competition for the contract; and
2. The awarding of the public contract by exemption will result in substantial cost savings to the agency.

He explained incorporation of the Odor Control Project into the existing Waterfront Park Improvements Project contract via an amendment has been deemed necessary by PDC project staff due to the interrelated nature of the project work, and the inextricable link between the Odor Control Project and the ongoing Waterfront Park Improvement Project work. Previously it was anticipated that the Bureau of Environmental Services (BES) would be completing the Odor Control Project by separate low bid process in conjunction with PDC's work in Waterfront Park. The compressed timeline for the Waterfront Park Improvements Project has required PDC to perform the Odor Control Project in order to keep the project completion date on track. Portland Saturday Market must gain beneficial occupancy of the Waterfront Park site by March 1, 2009, in order to commence their season.

Mr. Dan Hebert stated completion of the Odor Control Project will improve the public amenity and remediate the potential odor created by the Combined Sewage Outfall (CSO) project. PDC will construct the Odor Control Project on behalf of BES in order to integrate this work into the Waterfront Park Project. He said the benefits of completing the Odor Control Civil Work now as part of the Waterfront Park Project are:

1. All subsurface Odor Control Civil Work will be in-place prior to the finish work underway with the Waterfront Park Project – thus not requiring ripping out finish work at a later date;
2. All subsurface Odor Control Civil Work will be completed by the same date as the Waterfront Park Project under a very tight timeline – thus not disrupting any future use of Waterfront Park by Portland Saturday Market or the busy Greenway Trail; and

3. There are efficiencies with utilizing a single contractor already mobilized on-site and familiar with the challenging subsurface conditions – thus not requiring separate mobilization and coordination between two separate overlapping contractors working at a very constrained site.

He further stated the avoided costs of doing the Odor Control Project now could be close to \$.5 million.

Chair Wilhoite asked Interim General Counsel David Elott for further clarification on the reason for the Local Contract Review Board and the findings.

Interim General Counsel David Elott stated every local government body must have a Local Contract Review Board. He explained the Board is responsible for establishing the procurement processes for the local governing body as well as considering and approving any exemptions to the process. He explained both the exemption and the process for considering and approving it is in compliance with ORS Chapter 279 and the PDC LCRB Rules.

Mr. Elott reiterated the PDC LCRB may exempt certain public contracts from the competitive bidding requirements upon the following findings:

1. It is unlikely that such exemption will encourage favoritism in the awarding of the contract or diminish competition for the contract; and
2. The awarding of the public contract by exemption will result in substantial cost savings to the agency.

Chair Wilhoite called for a motion to adopt Resolution No. 6652, titled, "Making findings and exempting from PDC Local Contract Review Board Administrative Rules an amendment to the existing Waterfront Park improvements Contract No. 307009 with Brown Contracting, Inc. for construction of odor control civil work at Ankeny pump station in Waterfront Park."

Commissioner Ferran moved and Commissioner Andrews seconded the motion to adopt Resolution No. 6652.

AYES: Wilhoite, Andrews, Ferran, Mohlis
NAYS: None

V. ADJOURN LOCAL CONTRACT REVIEW BOARD AND RECONVENE PDC BOARD MEETING

Chair Wilhoite adjourned the Local Contract Review Board and reconvened the regular Portland Development Commission meeting.

VI. AUTHORIZE EXECUTION OF INTERGOVERNMENTAL AGREEMENT WITH BES AND AMEND WATERFRONT PARK CONSTRUCTION CONTRACT AMOUNT AND WORK SCOPE

Mr. Peter Englander and Mr. David Obern presented Report No. 08-135, titled, "Intergovernmental Agreement with Bureau of Environmental Services to provide construction services for work related to the Ankeny Pump Station in Waterfront Park; and amend contract with Brown Contracting, Inc. to perform the work."

Mr. Englander stated the action would authorize an Intergovernmental Agreement (IGA) with the City of Portland Bureau of Environmental Services (BES) allowing the Portland Development Commission (PDC) to design and construct necessary in-ground improvements (the Odor Control Facility) related to future upgrades of the Ankeny Pump Station in Waterfront Park. The location of these improvements is within the same area as other improvements being constructed in Waterfront Park at this time to accommodate the relocation of the Portland Saturday Market. If these in-ground improvements are not made at this time, construction in the future will interfere with the use of Waterfront Park by the Portland Saturday Market and the Greenway Trail.

He explained the action would also authorize an amendment to the contract with Brown Contracting, Inc. (currently under contract with PDC constructing other improvements to Waterfront Park) in an amount up to \$1,624,916 for a total contract amount not to exceed \$10,261,236. This increase in the contract will be fully funded by BES.

Mr. Obern stated both subcontractors for the project are M/W/ESB subcontractors.

Chair Wilhoite called for a motion to adopt Resolution No. 6653, titled, "Authorizing an Intergovernmental Agreement with the Bureau of Environmental Services to provide construction services for odor control civil work at the Ankeny pump station; and an amendment to the contract with Brown Contracting, Inc. increasing the contract by an amount not to exceed \$1,624,916."

Commissioner Mohlis moved and Commissioner Andrews seconded the motion to adopt Resolution No. 6653.

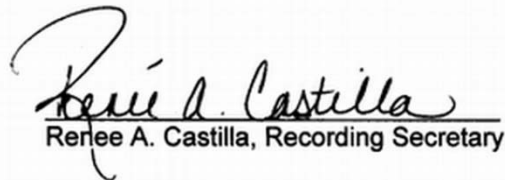
AYES: Wilhoite, Andrews, Ferran, Mohlis
NAYS: None

VII. ADJOURN

There being no further business, Chair Wilhoite adjourned the meeting at 3:33 p.m.

Respectfully submitted,

Approved by the Portland Development Commission on December 10, 2008.



Renee A. Castilla, Recording Secretary