



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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NOVEMBER 10 & 12, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	9:00 a.m. Tuesday if needed Executive Session
Pg 2	10:00 a.m. Tuesday Options for Design and Construction Methodology of Sellwood Bridge
Pg 3	9:30 a.m. Thursday Public Comment
Pg 3	9:45 a.m. Thursday CIC Central CBAC Review of Dedicated Funds for Public Safety
Pg 4	10:20 a.m. Thursday Resolution Approving the Troutdale Library Project Plan
Pg 4	10:40 a.m. Thursday \$84,020 General Fund Contingency to Support a Drug Court Deputy District Attorney
Pg 4	10:55 a.m. Thursday Urban League of Portland's "State of Black Oregon 2009" Report
November 17, 19 & 26, 2009 Board Meetings are Cancelled	

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(Portland & East County)

Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

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Tuesday, November 10, 2009 - **9:00 AM**
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 **IF NEEDED:** The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d)(e) and/or (h). Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, November 10, 2009 - **10:00 AM**
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Briefing on Options for Design and Construction Methodology of the Sellwood Bridge. Presented by Cecilia Johnson, Ian Cannon and Larry Gesher. 90 MINUTES REQUESTED.
-

Thursday, November 12, 2009 - **9:30 AM**
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner First Industrial Limited Partnership

REGULAR AGENDA **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NON-DEPARTMENTAL - 9:30 AM

- R-1 Briefing on the Future of Portland International Airport. Presented by Sean Loughran and Lise Glancy of the Port of Portland and Jay Sugnet of the City of Portland. 15 MINUTES REQUESTED.
- R-2 Citizen Involvement Committee Central Citizen Budget Advisory Committee Review of Dedicated Funds for Public Safety. Presented by Kathleen Todd and Jim Lasher. 15 MINUTES REQUESTED.

DEPARTMENT OF COMMUNITY SERVICES – 10:00 AM

- R-3 Intergovernmental Non-Financial Agreement 4710000323 with ODOT for a Traffic Signal Upgrade on Highway 43 (Oswego Highway) at the SW Breyman Avenue/SW Greenwood Avenue Intersection

DEPARTMENT OF HEALTH – 10:05 AM

- R-4 NOTICE OF INTENT to Submit an \$875,000 Grant Request to the US Department of Housing and Urban Development to Implement a Healthy Homes Demonstration Project
- R-5 NOTICE OF INTENT to Submit a Proposal for up to \$10,000,000 to the American Recovery and Reinvestment Act of 2009 Communities Putting Prevention to Work Grant Opportunity
- R-6 BUDGET MODIFICATION HD-09 Appropriating \$45,000 in Revenue from the Coalition of Community Health Clinics

DEPARTMENT OF COMMUNITY JUSTICE – 10:15 AM

- R-7 BUDGET MODIFICATION DCJ-10 Appropriating \$241,089 in State of Oregon Criminal Justice Commission Funds to Provide Continued Program Enhancement for the Sanction Treatment Opportunity Progress (STOP) Drug Court
- R-8 NOTICE OF INTENT to Apply for Recovery Act Funding through the Oregon Criminal Justice Commission Measure 57 Drug Court Grant

DEPARTMENT OF LIBRARY SERVICES – 10:20 AM

- R-9 RESOLUTION Approving the Troutdale Library Project Plan. Presented by Commissioner Diane McKeel, Library Director Vailey Oehlke and Mike Harrington, Library/Facilities and Property Management. 20 MINUTES REQUESTED.

NON-DEPARTMENTAL 10:40 AM

- R-10 BUDGET MODIFICATION DA-04 Appropriating \$84,020 from the County's General Fund Contingency to Support a Drug Court Deputy District Attorney. Presented by Commissioner Diane McKeel and District Attorney Michael Schrunck. 15 MINUTES REQUESTED.
- R-11 Urban League of Portland's "State of Black Oregon 2009" Report. Presented by Marcus Mundy, Tricia Tillman, Joyce Harris and Sheila Holden. 45 MINUTES REQUESTED.

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



Commissioner Jeff Cogen

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MEMORANDUM

TO: Chair Ted Wheeler
Commissioner Deborah Kafoury
Commissioner Judy Shiprack
Commissioner Diane McKeel
Clerk of the Board Deb Bogstad

FROM: Warren Fish

DATE: 11/9/09

RE: Board Briefing, November 10, 2009

Commissioner Cogen will need to leave at 11:00am from the November 10, 2009 Board Briefing.

Thank you,

Warren



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/10/09
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 11/05/09

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: November 10, 2009 Amount of Time Needed: 5-55 mins
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

3. Explain the fiscal impact (current year and ongoing).

4. Explain any legal and/or policy issues involved.

ORS 192.660(2)(d),(e)and/or(h)

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

Date: 11/05/09



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/10/09
Agenda Item #: B-1
Est. Start Time: 10:00 AM
Date Submitted: 10/28/09

Agenda Title: **Briefing on Options for Design and Construction Methodology of the Sellwood Bridge**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 10, 2009 Amount of Time Needed: 90 mins
Department: Department of Community Services Division: Director's Office
Contact(s): Cecilia Johnson
Phone: 593 988-5880 Ext. 85880 I/O Address: 455/224
Presenter(s): Cecilia Johnson, Ian Cannon, Larry Gesher and Invited ODOT Official

General Information

1. What action are you requesting from the Board?

To hear a presentation and ask questions regarding the following 2 issues:

1. The activities and work to be completed between now and the receipt of the Record of Decision from the Federal Highways Administration This is an important time for the Board of County Commissioners to learn of factors affecting cost, timeframe, quality, public engagement and how best to proceed in policy making that will result in the best possible bridge for the least amount of money. This will be the first in a series of informational briefings concerning the project.

2. An overview of the 3 most common methodologies for proceeding with a project of this magnitude and the pros and cons of each as presented by Larry Gesher, project manager for Slayden Construction near Salem, Oregon. Specifically he will review the following:

1) The Design/Build method

2) The Construction Management/General Contractor method (CMGC); and

4

3) The Design, Bid, Construct method

- 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

The Sellwood Bridge is at a critical juncture with the Locally Preferred Alternative being selected in early 2009. For the work to continue, the County has adopted a Funding Plan for the remainder of the work items to continue to construction.

The project's next major milestone is to complete a Final Environmental Impact Statement (EIS), a plan the federal government must approve before construction can begin. The Final EIS will be submitted to the Federal Highway Administration in 2010. Federal approval is expected in Summer/Fall of 2010. After approval, the county can use federal funds already secured to buy right of way and proceed with the design and construction of the project. If funding is secured, construction can begin in 2012.

This is an important time for the Board of County Commissioners to become more knowledgeable about the steps moving forward and to determine, in the very near future, how best to proceed in regard to design and construction of the project.

- 3. Explain the fiscal impact (current year and ongoing).**

The selected methodology may be a key determinant of the final cost of the project.

- 4. Explain any legal and/or policy issues involved.**

- 5. Explain any citizen and/or other government participation that has or will take place.**

A community task force will be organized to assist in the planning for the actual design and construction of the bridge and to provide input from local businesses, Sellwood residents and other stakeholders.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 10/28/09



Sellwood Bridge Project Update & Moving Forward

Board of County Commissioners
November 10, 2009

Overview

- Risk
- Decision Making
- Schedule update
- Opportunities to accelerate
- How the BCC can help
- Process for selecting contracting method
- Presentation about contracting methods

Project Delivery Triangle



Cost and Time

- Cost
 - Project
 - Community
 - Maintenance
- Time
 - Overall construction time
 - Traffic disruption time
 - Design time

Quality

- Public engagement/support
- Amenities wanted/needed
- Aesthetics
- Maintainability
- Long term durability
- Environmental quality
- Diversity and equity goals

Risk

- Due to areas of uncertainty
- Can impact schedule, budget, quality
- Three ways to handle
 - Own
 - Mitigate
 - Insure
- Different contracting methods manage risk differently

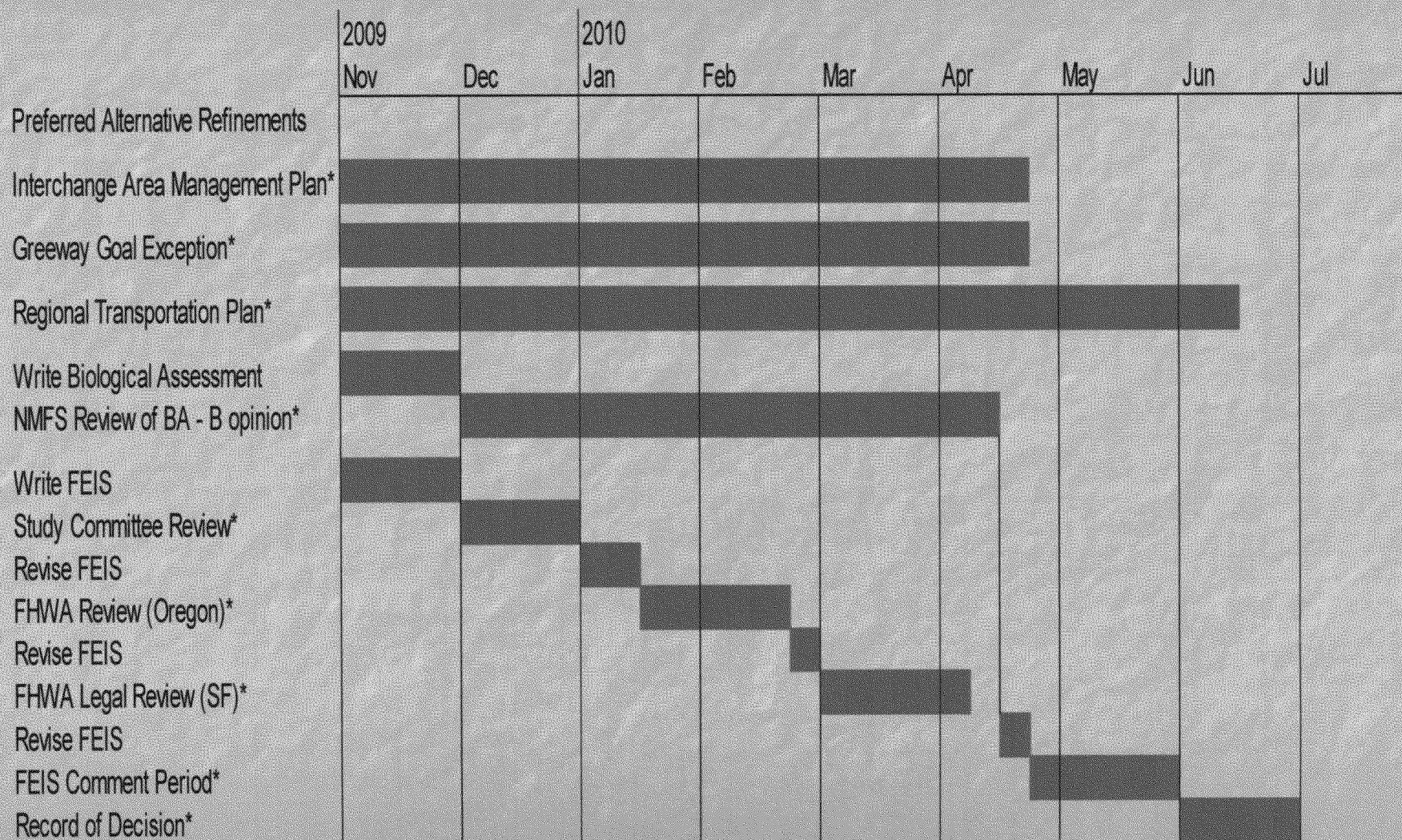
Risk

- Inflation
- Market
- Permit conditions
- Other projects
- Interagency conflict
- Site conditions
- Regulations
- Public Reaction
- Scope Change
- Construction Error
- Mis – coordination
- Delays
- Disputes / Claims
- Design Error

Decision Making

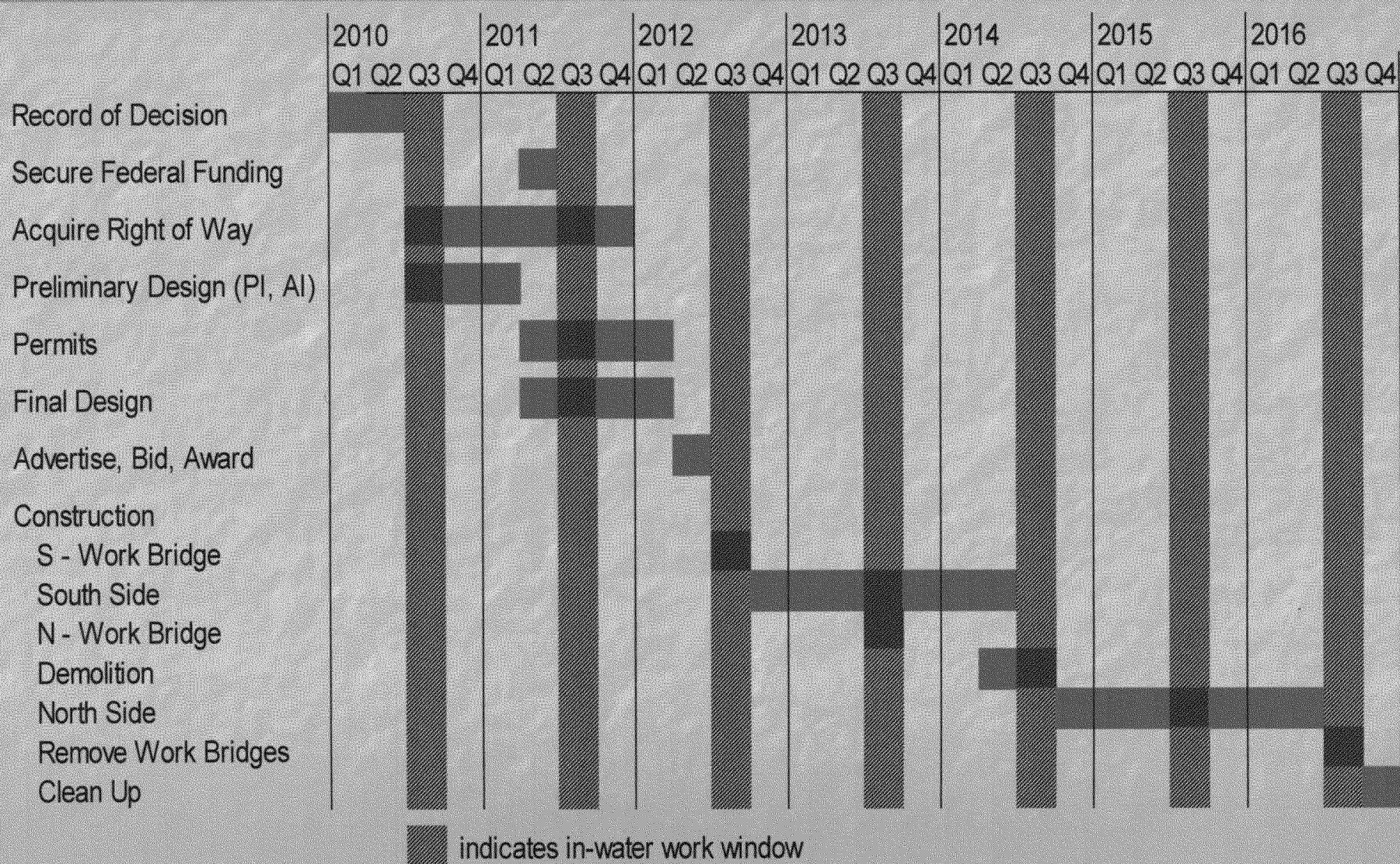
- Who makes decisions varies with contracting method
- From what the bridge looks like to how traffic is accommodated to what kind of paint used in stripes
- How changes are accommodated

Schedule to R.O.D.



* Requires outside agency action

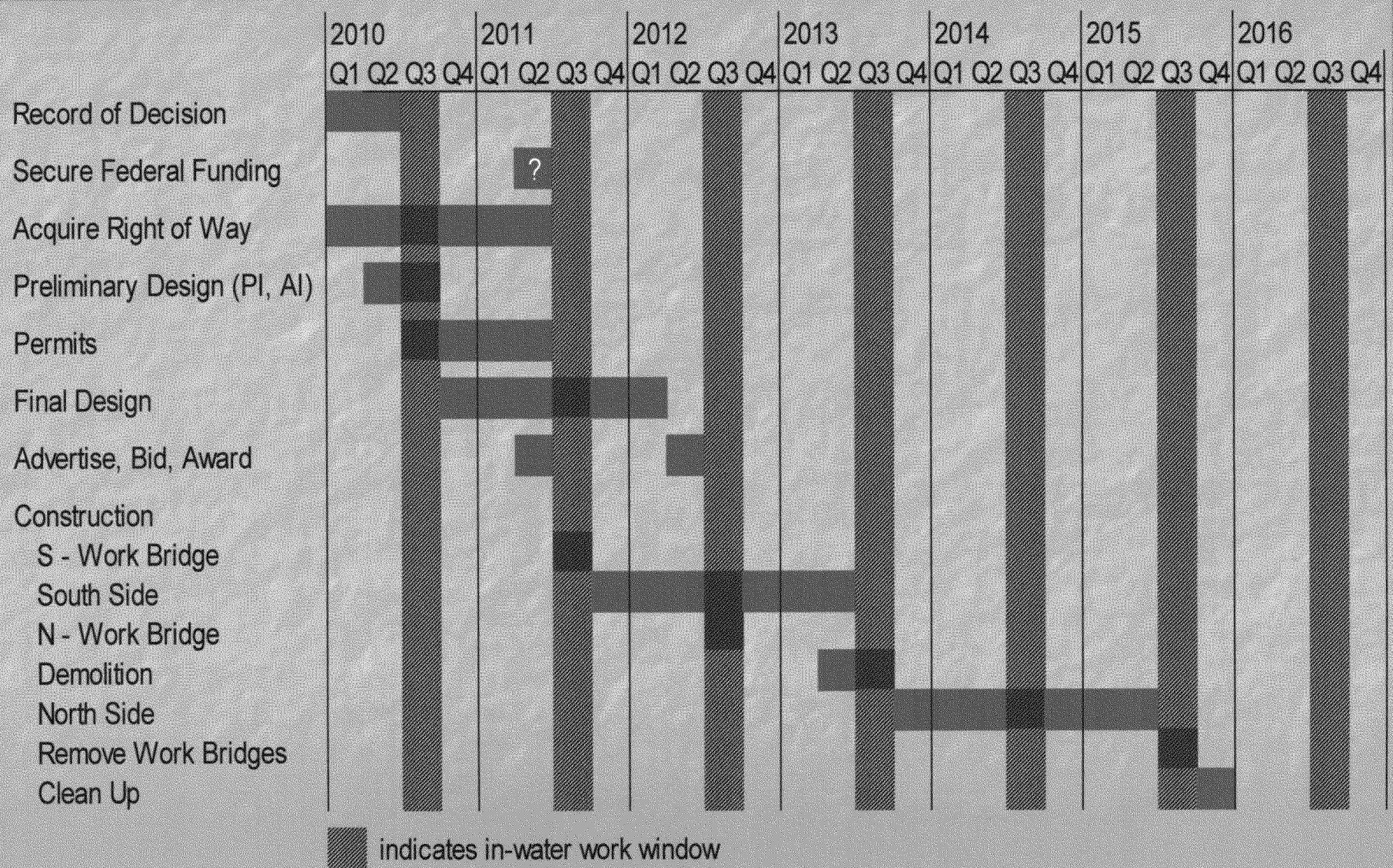
Non-Accelerated Schedule



Opportunities to Accelerate

- Early design
- Early ROW purchase
- Condensed public involvement during design
- Early construction
- Bridge type / construction method
- Penalties / Incentives

Conceptual Accelerated Schedule



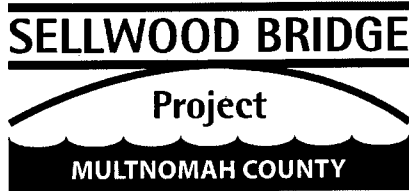
How The BCC Can Help

- Continue to secure funds
- Work with partner agencies to ensure cooperation
- Prioritizing Values
- Provide clear direction at decision points (Contracting method, Bridge type)
- Prioritize project across County operations
- Oversight group

Proposed Process Moving Forward

- Learn about contracting methods
 - November 10 briefing
 - December 1 briefing
- Discuss and clarify values related to the Sellwood Project
- BCC guidance by Dec 15





Glossary for Schedule to the Record of Decision (ROD)

- **Interchange Area Management Plan (IAMP):** An agreement concerning access and land use limitations near the proposed interchange. Required when an interchange on a state highway is modified. Between **ODOT / City of Portland**. They have negotiated terms and it now needs to be formalized, signed and documented by CH2M HILL in a report.
- **Greenway Exception:** An exception to Statewide Greenway Goals due to project impacts that encroach below the floodway elevation. Administered by the **City of Portland**. Application has been submitted. Approval expected in mid-April.
- **Regional Transportation Plan:** The project must be included in the financially constrained regional plan by **Metro**. County has applied, and the project is included in the proposed draft. Approval by resolution expected in December, 2009 and by ordinance in June, 2010.
- **NMFS Biological Opinion:** The County is preparing a Biological Assessment (BA) about the impact of the project on endangered species. The **National Marine Fisheries Service (NMFS)** must respond with a Biological Opinion (BO) spelling out conditions for the project. BA submittal at end of November. BO expected in mid-April 2010.
- **Study Committee Review:** Review of Final Environmental Impact Study (FEIS) draft by **all agencies** (City Bureaus, ODOT, resource agencies) that have jurisdiction over the resources potentially impacted. They are given 4 weeks to perform their review and comment.
- **FWHA Review (Oregon):** Review of FEIS draft by the **Federal Highway Administration (FHWA)** office in Salem, which is overseeing the project. They have 4 weeks for review and comment.
- **FWHA Legal Review (SF):** Review of FEIS draft for legal sufficiency by **FHWA Legal** offices in San Francisco. They have 4 weeks for review and comment.
- **FEIS Comment Period:** Advertised period of time during which agencies can submit final comments, conditions, or objections. NEPA (National Environmental Policy Act) process under **FHWA** in Washington, DC. 30 days.
- **Record of Decision:** A time frame for formal approval, signatures, and the Record of Decision to be published by **FHWA**. Could take one month.

PROJECT PROCUREMENT OPTIONS

OUTLINE

- A. Recap of contracting methods (SCG)
- B. Comparisons of types of contracting methods (SCG)
- C. Questions and answers

A. RECAP OF CONTRACTING METHODS

TYPES OF PROCUREMENT

- DESIGN / BID / BUILD
- DESIGN BUILD
- CONSTRUCTION MANAGEMENT /
GENERAL CONTRACTOR (CMGC)

TYPICAL SELECTION TYPES

- Low Bid
 - Total Construction Cost is the only selection Criteria (Total Construction weighted 100%)
- Best Value Bid
 - Total Construction Cost is a weighted selection criteria (Total Construction Cost is weighted between 0% & 100%)
- Qualifications Based Selection
 - Cost of work is not a selection criteria

TYPES OF PROJECTS

- BASIC LOW DOLLAR JOB
- NEW TECHNOLOGY
- COMPLEX WORK
- HIGH PRIORITY
- FAST TRACK CONSTRUCTION

TYPES OF CONTRACTORS

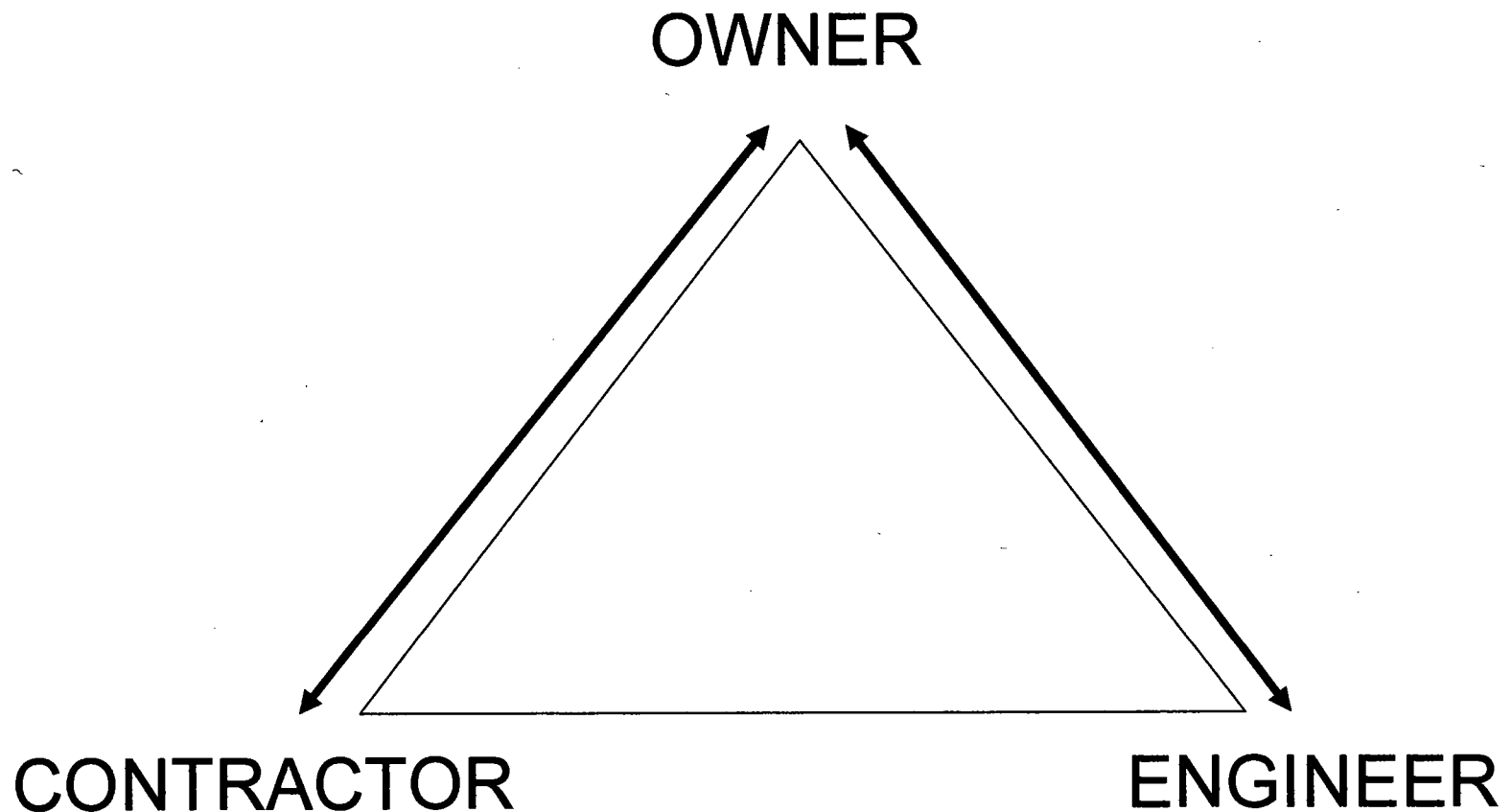
- Traditional low bid
- Innovative cutting edge technology
- Construction management background

DESCRIPTION

DESIGN BID BUILD

- Three prime players – Owner, Engineer, Contractor
- Two Separate contracts – Owner/ Engineer and Owner/Contractor
- Final contractor selection based on low bid
- No contractual relationship between contractor and Engineer
- Adversarial positions inherent

DESIGN BID BUILD



BENEFITS

DESIGN BID BUILD

- Well-established and broadly documented roles
- Well-established legal guidelines
- Contract documents are completed in a single package before construction begins allowing for;
 - Construction planning
 - Allows the owner to see the whole picture first
 - Receive competitive bidding on all aspects

DISADVANTAGES DESIGN BID BUILD

- Long time frame to implement
- Stuck with low bidder
- Higher change orders
- Less flexibility to change things

DESCRIPTION

DESIGN BUILD

- One Contract – Owner/Design Build entity
- Design build team is internally contractually related
- Single point of contracting for owner

DESIGN BUILD

OWNER



ENGINEER / CONTRACTOR
TEAM

PRIMARY REASON FOR CHOOSING DESIGN BUILD

- The owner needs an early cost commitment
- The owner considers shifting the risks to those who can best manage them
- Project requires close coordination of design and construction expertise
- The owner wishes to fast track the project
- The owner does not have management resources available
- Project contains budget limitations requiring a construction cost guarantee during design
- Project will benefit from value engineering and design/construction innovation resulting in cost saving

BENEFITS DESIGN BUILD

- Continuous execution of design and construction
- Fast Track construction
- Ability to select team
- Suited to complex projects or tight time frames
- Single point of responsibility to owner
- One RFQ and/or RFP required
- Engineer and contractor on the same team providing unified recommendations to owner
- Faster, more cost-effective delivery system
- Earlier knowledge of firm costs
- Allows clearest definition of risks
- Fewer changes fewer claims and less litigation

DISADVANTAGES DESIGN BUILD

- Problems can occur from beginning construction without “100%” drawings
- Owners are pushed for earlier and timely decisions
- RFP may not represent Owner’s true goals
- New learning curve for owners
- Different process in front end of project
- Use of new insurance/bonding products
- Resistance among those not familiar with approach

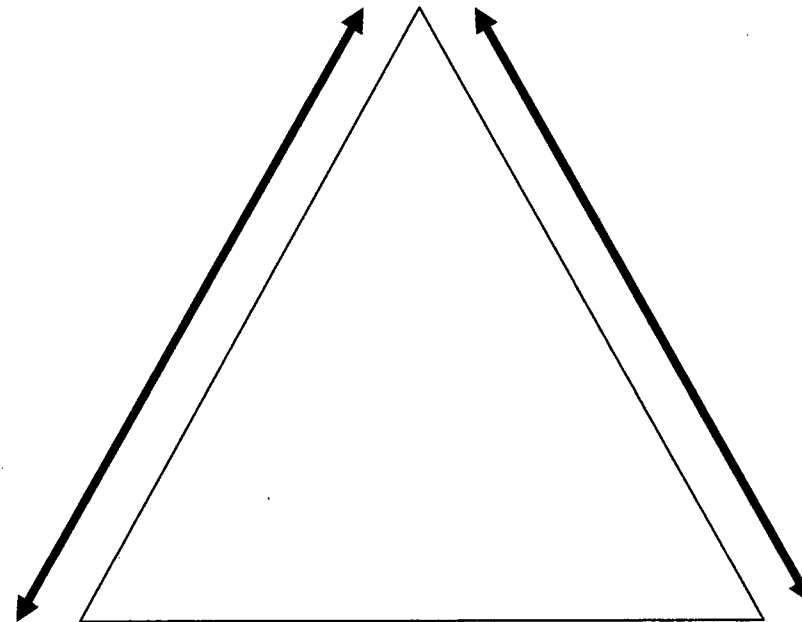
DESCRIPTION

CMGC

- Three prime players – Owner, Engineer, and Contractor
- Two Separate Contracts – Owner/Engineer and Owner/Contractors
- The engineer and the Contractor have a relationship of trust
- The CM is hired during the design phase
- Contractor is selected on qualifications or best value

CMGC

OWNER



CONTRACTOR



Relationship of trust

ENGINEER

PRIMARY REASON FOR CHOOSING CMGC

- The owner needs an early cost estimate
- The owner wishes to accept traditional project risk
- Owner wishes to control design
- Owner wishes to control contractor selection
- Project requires close coordination of design and construction expertise
- The owner wishes to fast track the project
- Project contains budget limitations requiring a construction cost guarantee during design (GMP)
- Project will benefit from value engineering and design/construction innovation resulting in cost saving

BENEFITS CMGC

- Best Measure of Cost Control
- Open book estimates
- Change orders are significantly reduced
- Continuous execution of design and construction (EWA)
- Fast Track construction
- Ability to select team
- Suited to complex projects or tight time frames
- Engineer and contractor have mutual project goals
- Faster, more cost-effective delivery system
- Earlier knowledge of firm costs
- Allows owner to maintain traditional risks
- Allows more changes with fewer claims

DISADVANTAGES CMGC

- Problems can occur from beginning construction without “100%” drawings
- Owners are pushed for earlier and timely decisions
- Resistance among those not familiar with approach
- Owner has to supply dedicated management staff for the entire length of the project
- Ties up key personnel for longer duration

COMPARISON OF DB TO CMGC

Comparison DB to CMGC

	DB	CMGC
Design control	DB Team	Owner
Design Risk	DB Team	Owner
Differing Site Conditions	Owner	Owner
Number of Contracts	1	2
Controls Schedule	Owner	Owner
Designer/contractor linked	Yes	No
Means and methods	DB Team	CMGC
Comparison to DBB	Much Different	Similar
Bonding Rate	Less Favorable	More Favorable
Typical Margins	10-15%	7-12%

Comparison DB to CMGC

	DB	CMGC
Fast Track Schedule	Well Suited	Well Suited
Complex work	Well Suited	Well Suited
Budget Establishment	Minimal Control	Max Control
Cost commitment	At selection	At GMP
Design Factored into Selection	Yes	No
Aesthetic Attributes	Minimal Control	Total Control
Ease of procurement process	Onerous	Straight Forward
Cost of Procurement Process	High	Low

CMGC COST SELECTION FACTORS

- Fee
- General Conditions (project)
- Pre-construction Services
- Qualifications

DB COST SELECTION FACTORS

- Design Chosen
- Compatibility of Team
- Risk associated with Design
- Lump Sum for Whole Project

QUESTIONS AND ANSWERS