

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2016-115

Approving the FAC-1 Project Design and Construction Early Work Package and Authorizing Early Work Construction and Procurements for the Health Department Headquarters Project (HDHQ).

The Multnomah County Board of Commissioners Finds:

- a. The County Health Department is housed in the McCoy Building, an aging, retail building, in need of costly seismic upgrades and not well suited for provision of health services to the public. In August of 2010, the County and Home Forward studied the feasibility of relocating the McCoy Building functions to a new facility on the vacant, easterly portion of Block U at N.W. 6th & Hoyt (Property), adjacent to the newly opened Bud Clark Commons and currently owned by the Portland Housing Bureau (PHB).
- b. In December of 2011, the Board of County Commissioners (Board) approved Resolution 2011-141: FAC-1 Health Department Headquarters Preliminary Planning Proposal. Resolution 2011-141 directed the Health Department and Facilities to work with Home Forward to submit the proposal to PHB to secure the Property for the HDHQ Project. The proposal was submitted on December 21, 2011.
- c. In May 2012, the Board approved Resolution 2012-060: Authorizing the County Chair to Execute an Intergovernmental Agreement (IGA) with Home Forward for development of the HDHQ Project on the Property.
- d. In November 2012, the Board approved Resolution 2012-191: Authorizing acquisition of the Property from PHB through an Agreement for Disposition of Property (Disposition Agreement). By a First Amendment to the Disposition Agreement, dated June 25, 2014, the County and PHB agreed to extend the Closing Date for conveyance of the Property from June 30, 2014, to June 30, 2015, to provide additional time for the County to finish design and engineering of and obtaining entitlements for the Project.
- e. In November 2012, the Board also approved Resolution 2012-192: Authorizing an Intergovernmental Agreement (Grant Agreement) with the Portland Development Commission (PDC), accelerating PDC's grant to the County of Tax Increment from the River District Urban Renewal Area (URA).
- f. Pursuant to the IGA and with the County's approval and direction, Home Forward, as owner, and ZGF Architects (Architect) entered into an AIA B101 – 2007 Standard Form of Agreement, for the Project, on December 19, 2012 (Architectural Contract). Pursuant to the IGA and with the County's approval and direction, Home Forward, as owner, and JE Dunn Construction (Contractor) entered into an AIA A102 – 2007 Standard Form of Agreement between Owner and Contractor, for the Project, on July 16, 2013 (Construction Contract).

- g. In April 2014, a FAC-1 Project Plan was approved by the Board authorizing the completion of design development. Design Development was completed in June 2014. At the time, height restrictions for the Property limited development to six floors, which was insufficient to accommodate Health Department programs now at the McCoy and Lincoln buildings.
- h. As required by the URA, PDC made the Initial Payment to the County on or before June 30, 2014. By a First Amendment to the Grant Agreement, dated June 27, 2014, the County and PDC agreed to extend the deadline for the Final Payment from June 30, 2014, to June 30, 2015, to provide additional time for the County to finish design and engineering of and obtaining entitlements for the Project.
- i. On January 23, 2015, Home Forward and the County entered into a Termination and Release Agreement pertaining to the IGA (the Termination), and an Assignment and Assumption of Architectural and Construction Agreements, under which Home Forward assigned and the County assumed the owner's rights and obligations under the Architectural and Construction Contracts, pursuant to the terms and conditions of the Termination.
- j. The County worked with the City Bureau of Planning and Sustainability to develop a proposal for zoning map amendments to increase the base height limit on the Property from 75 feet to 105 feet and to make the Property eligible for FAR bonuses. The City of Portland Planning and Sustainability Commission recommended approval of the zoning map amendments following a public hearing on April 28, 2015, and the City Council approved the amendments on June 24, 2015. The combined effect of the amendments allows the County to relocate substantially all of the HDHQ programs from the McCoy and Lincoln Buildings to the Property, consistent with the original Project goals.
- k. The County recognized additional resources and expertise were needed for the delivery of the Project and issued a formal solicitation for owner's representative services. In April 2015, Shields Obletz Johnsen (SOJ) was selected through this competitive process to provide owner's representative and project management services. The County's Project Management Team, with SOJ as owner's representative, initiated an effort to confirm and re-evaluate the HDHQ building program and to prepare a FAC-1 Amended Project Plan incorporating Health Department program growth and the City-approved increase in site capacity.
- l. By a Second Amendment to the Disposition Agreement, dated June 30, 2015, the County and PHB agreed to extend the Closing Date for conveyance of the Property from June 30, 2015, to December 30, 2016, to provide additional time for the County to reprogram, redesign, reengineer and obtain City entitlements for an expanded Project on the Property, which are all required pre-conditions to the County's acquisition of the Property from PHB.
- m. By a Second Amendment to the Grant Agreement, dated June 30, 2015, the County and PDC agreed to extend the deadline for the Final Payment from June 30, 2015, to December 30, 2016, to provide additional time for the County to reprogram, redesign, reengineer and obtain City entitlements for an expanded Project on the Property, which are all required pre-conditions to the County's acquisition of the Property from PHB.

- n. Under the Disposition Agreement, the County is required to complete building design and City of Portland permitting (including PHB approval) prior to acquiring the Property. In addition, the County is obligated to obtain all PHB and City of Portland approvals and show funding capacity for the Project prior to accessing TIF funds under the Grant IGA with PDC.
- o. In November 2015, the Board adopted Resolution #2015-118: Approving the FAC-1 Amended Project Plan and authorizing the Schematic and Design Development Phases of the Project.
- p. In July 2016, the Board adopted Resolution #2016-070: Approving the FAC-1 Project Design and Construction Plan and authorizing the development of the Construction Documents for the Project.
- q. The Project team, with Shiels Obletz Johnsen as Owner's Representative, has now completed the development of an Early Work Package.

The Multnomah County Board of Commissioners Resolves:

- 1. Approval of the FAC-1 Project Design and Construction Early Work Package for the HDHQ Project.
- 2. Authorization of the Early Work Construction and Procurements for the HDHQ Project.

ADOPTED this 10th day of November, 2016.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Kenneth M. Elliott*
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY: Sherry Swackhamer, Department of County Assets Director.