

**PROSPER PORTLAND**

Portland, Oregon

**RESOLUTION NO. 7378**

**AUTHORIZING A CONTRACT WITH O'NEILL/WALSH COMMUNITY BUILDERS, LLC IN AN AMOUNT NOT TO EXCEED \$4,400,000 FOR THE CONSTRUCTION OF AN INTERIM RETAIL FACILITY FOR THE UNITED STATES POSTAL SERVICE AT 715 NW HOYT STREET**

**WHEREAS**, the acquisition and redevelopment of the United States Postal Service ("USPS") Property ("Property") at 715 NW Hoyt Street in the River District Tax Increment Finance District has long been envisioned by the general public, elected officials, and adopted land use and development plans as one of the most significant redevelopment sites in Portland's central city;

**WHEREAS**, Prosper Portland acquired the Property from USPS in September 2016 and has been preparing a Master Plan for redevelopment of the Property and initiating site preparation activities to facilitate redevelopment;

**WHEREAS**, one key component of the necessary site preparation activities is the demolition of the existing Processing and Distribution Center ("P&DC Facility");

**WHEREAS**, the USPS currently operates a retail facility within the P&DC Facility pursuant to a Lease with Prosper Portland dated July 26, 2016 ("USPS Lease");

**WHEREAS**, Prosper Portland and USPS have worked collaboratively to develop plans for an interim retail location ("Interim Retail Facility") for USPS located in the existing parking garage adjacent to the P&DC Facility, which would allow USPS to relocate its retail operations from the P&DC Facility and thus enable the P&DC Facility's demolition before the end of the Lease's term;

**WHEREAS**, the Prosper Portland Board of Commissioners ("Board") acting as the agency's Local Contract Review Board ("LCRB") adopted Resolution No. 7334 on August 14, 2019, thereby exempting the construction of the Interim Retail Facility from low-bid solicitation requirements of Oregon Revised Statutes Chapter 279C and the LCRB Rules, and specifically approved construction of the Interim Retail Facility through an alternative Construction Manager/General Contractor ("CM/GC") delivery method and contracting approach;

**WHEREAS**, O'Neill/Walsh Community Builders, LLC ("OWCB") was selected as the CM/GC for the construction of the Interim Retail Facility and associated improvements through a competitive Request for Proposals process; and

**WHEREAS**, OWCB and Prosper Portland staff have worked collaboratively to establish that the guaranteed maximum price (“GMP”) may not exceed \$4,400,000, although the specific GMP remains subject to further refinement.

**NOW, THEREFORE, BE IT RESOLVED**, the Prosper Portland Board authorizes the Executive Director to enter into a contract with OWCB in an amount not to exceed \$4,400,000 substantially consistent with the terms and conditions described in Exhibit A, together with any amendments thereto or modifications thereof that do not materially increase Prosper Portland’s financial obligations or materially alter Prosper Portland’s risks, as determined in consultation with the General Counsel; and

**BE IT FURTHER RESOLVED**, that this resolution shall become effective immediately upon its adoption.

Adopted by the Prosper Portland Commission on June 10, 2020



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Pam Feigenbutz, Recording Secretary

### Summary of Terms

1. Guaranteed Maximum Price. The contract will establish a guaranteed maximum price which will not be exceeded except due to changes in work, such as differing site conditions. The guaranteed maximum price may not exceed \$4,400,000.
2. Construction of Project. The contractor will be responsible for the timely construction of an approximately 15,000 square foot Interim United States Post Office Retail Facility in the ground floor of the existing parking structure located on the Prosper Portland-owned property at 715 NW Hoyt Street. The project will be constructed in accordance with plans prepared by GBD Architects and Cornerstone Architectural Group, which were prepared to conform to USPS design requirements.
3. USPS-Specific Provisions. Certain provisions as may be agreed upon between Prosper Portland and USPS in the underlying Third Amendment to Lease currently being negotiated will be incorporated into the contract and/or the plans and specifications. These may include terms such as non-interference with USPS's existing retail facility and parking during construction (such as noise and dust limitations), early access on the part of USPS to expedite its move, and assignment of contractor warranties to USPS.
4. Insurance and Bonds. Payment and performance bonds in the amount of the contract price must be obtained, and the contractor will obtain insurance consistent with or exceeding Prosper Portland's general construction contracting practices.
5. BOLI / Davis-Bacon. Both Oregon's prevailing wage law and the Federal Davis-Bacon Act apply to the project. As provided by ORS 279C.830(1)(d), workers will be paid the higher of state and federal prevailing wage rates.
6. Prosper Portland Policies. Prosper Portland's Business Equity Policy and Workforce Training and Hiring Program apply to the project. Pursuant to Resolution No. 7333, adopted August 14, 2019, the Board exempted the project from Prosper Portland's Green Buildings Policy.



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Building an Equitable Economy

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PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Gustavo J. Cruz, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Alisha Moreland-Capua MD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Francesca Gambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Peter Platt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner William Myers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consent Agenda                       Regular Agenda

**CERTIFICATION**

The undersigned hereby certifies that:

*The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Prosper Portland Commission and as duly recorded in the official minutes of the meeting.*

	<b>Date:</b>  June 16, 2020
<b>Pam Feigenbutz, Recording Secretary</b>	