

Agenda
Aurora City Council Meeting
 Tuesday, March 12, 2024 at 7pm.
 City of Aurora Council Chambers
 21420 Main Street NE, Aurora, OR 97002

To participate via Zoom:

<https://us02web.zoom.us/j/84570119680?pwd=aTF2eXAwbDRHL2RKMVN0aWFFTnI5Zz09>

Meeting ID: 845 7011 9680

Passcode: 687850

1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

2. ROLL CALL

Mayor Brian Asher

Councilor Wendy Veliz

Councilor Mercedes Rhoden-Feely

Councilor Charles Roper

Councilor John Berard

3. AFFIRMATIONS [2 min.]

4. CONSENT AGENDA [2-3 min.]

- a) City Council Minutes—February 13, 2024
- b) City Council Work Session Minutes – February 13, 2024
- c) Planning Commission Minutes—February 6, 2024
- d) Parks Committee Minutes—February 15, 2024
- e) Historic Review Board Minutes—January 23, 2024

5. VISITOR

Anyone wishing to address the Aurora City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Aurora City Council could look into the matter and provide some response in the future.

6. CORRESPONDENCE [10 min.]

- a) Bleicherode, Germany Sister City Update
- b) Airport Land Use Update
 - Circuit Court Decision re 2012 Master Plan
 - TLM Wastewater Report by Environmental Management Systems, Inc.
- c) PGE Rate Review Filing

7. NEW BUSINESS [15-20 min.]

- a) Public Safety Report
- b) Wastewater Treatment Plant: Alternative Delivery Method of Contracting, Findings, RFP to Reference as Example

8. OLD BUSINESS [1-2min.]

- a) Council Communication with Community
- b) Economic Opportunities Analysis (updated Buildable Lands Inventory)
- c) Aurora Traffic and Traffic Speed

9. HEARING [5 min.]

- a) LA 23-01 Public Hearing Before City Council; Subject: Legislative Text Amendments to Title 8, 10, and 16

10. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS [5 min.]

- a) Ordinance 502, An Ordinance Amending Title 8 (Health and Safety) and Title 10 (Vehicles and Traffic) and Title 16 (Land Development) of the Aurora Municipal Code [first reading; see referenced Exhibit under Hearing Staff Report above]
- b) Resolution 853, A Resolution for Awarding and Designation of Proposer as Consultant or Contractor for City of Aurora Water Projects
- c) Resolution 854, A Resolution for Awarding and Designation of Proposer as Consultant or Contractor for City of Aurora Wastewater Projects

11. EXECUTIVE SESSION

ORS 192.660(2)(e): To conduct deliberations with persons you have designated to negotiate real property transactions

ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

12. REPORTS [5-10 min.]

- a) Finance Officer
- b) Public Works
- c) City Attorney
- d) City Recorder
- e) Business License Deposits
- f) Traffic Safety Liaison
- g) Airport
- h) Planning
- i) Community Outreach
- j) Community Preparedness
- k) Parks Committee
- l) Mayors Report

13. ADJOURN

Consent Agenda

Minutes

Aurora City Council Meeting

Tuesday, February 13, 2024, 7pm

City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Mark Gunter, Public Works Superintendent; Deputy Pete Walker; David James Robinson, City Attorney; Stuart A. Rodgers, City Recorder

STAFF ABSENT: Mary Lambert, Finance Officer

VISITORS PRESENT: Jan Peel, Joseph Schaefer, Julie Sixkiller, Aurora

1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

Mayor Brian Asher called the meeting to order at 7:02pm.

2. ROLL CALL

Mayor Brian Asher-Present (arrival at 7:14pm)

Councilor Mercedes Rhoden-Feely-Absent

Councilor John Berard-Present

Councilor Charles Roper-Present

Councilor Wendy Veliz-Present (Zoom)

3. AFFIRMATIONS-NA

4. CONSENT AGENDA

- a) City Council Minutes—January 9, 2024
- b) Planning Commission Minutes—January 2, 2024
- c) Parks Committee Minutes—December 20, 2023
- d) Parks Committee Minutes—January 25, 2024
- e) Historic Review Board Minutes—November 28, 2023

Councilor Wendy Veliz moved to pass the Consent agenda. The motion was seconded by Councilor Charles Roper and passed.

5. VISITORS-No visitor comment.

6. CORRESPONDENCE

- a) Oregon Government Ethics Commission – Reminder of April 15 Filing Deadline for Annual Verified Statement of Economic Interest

This line item serves as a reminder of a filing each Aurora board or commission member will need to fill out and submit by the above date.

- b) Bleicherode, Germany Sister City Update

The city has provided a proclamation of support and in turn has received a proclamation from Bleicherode, translated from German to English. Also, the sister city relationship

has reached an official level by joining Sister Cities International with membership account. Donald Kunz, ancestor of Aurora's Founder through Wilhelm Keil's sister will be presenting a couple of plaques to Bleicherode this summer, one to be posted at the old farmhouse outside of the city proper and the other to be placed near the Lutheran church where Keil was baptized. There is talk of rounding up a small gift to send with Kunz to Bleicherode on behalf of the City of Aurora.

c) Westside Express Service (WES) Update on Legislative Hearing
Mayor Asher attended this hearing in Salem and provided a brief recap of the experience.

d) Aurora Emergency Preparedness Report
Councilor Wendy Veliz attended the AEP meeting last week and noted Greg Walsh, Marion County Emergency Manager, to possibly join Aurora City Council next month for an update and discussion on what the city should be doing as a community to prepare for emergency events. A tabletop exercise is one point of discussion.

e) Airport Land Use Update
Joseph Schaefer noted a TLM approval from Marion County in 2020 to develop 16.5 acres, appealed successfully and concluded in March of last year. Now TLM has submitted a new application for a slightly different use, all helicopters and office space, no fixed wing aircraft. There are two hearings expected given comprehensive plan amendments to apply under a different administrative rule and to see if this can be used to get the project done. Proposed are 277 parking spaces, but there are only 90 employees. On vehicle trips, each trip end is a trip, so if you commute to your office in the morning and leave at the end of the day, which counts as two trips. If everybody drives every day, the number of proposed spaces does not equate with actual need based on employees. The 2012 master plan still sits at the Court of Appeals. The new master plan was going to be a Public Advisory Committee meeting but canceled at last minute because some new documents were not on the website and the meeting bumped to March 12, 5pm. The first TLM case still sits at the Court of Appeals awaiting a decision on motions to dismiss.

7. NEW BUSINESS

a) Public Safety Report

Deputy Walker noted speed radar signs on Ehlen Rd, two going out of town and one coming in. The devices worked for about three days and appear to have stopped working though input was offered to suggest they are operating in stealth mode. The signs had an impact in slowing driver speeds in Donald. Councilor Berard mentioned posting a third Welcome to Aurora sign at Bobs and Hwy 99e on the south side of that intersection. Walker will make a concerted effort to do more enforcement on Airport Road.

b) Appoint Budget Committee Members – Gary McLaren, Steve Mikulic

Motion by Councilor Berard, seconded by Councilor Veliz to appoint the above committee members, and the motion carried.

8. OLD BUSINESS

a) Council Communication w Community

Councilor Roper provided a synopsis of his report to Council in the packet including the Aurora Bucks promotion results, noting the rollout came in under budget. Discussion followed about how to increase the number of residents the city has on its email list. An incentive was mentioned generally. It was noted that the recent survey did not request emails and that opt-in, opt-out would be required for legal purposes. Residents could also change their preferences. The City Recorder will connect with Councilor Roper about setting up a solicitation for more email for a variety of possible city-initiated communications. Councilor Roper referenced the website the ACVA has as well as an email list they send to, something the city may look into to avoid reinventing the wheel. Text messaging could be explored as an alternative communication method. One idea presented was to increase the number of emails with two or three emails a month going out with city news. Councilor Roper and the City Recorder will connect to discuss platform options for an email system. Staff could call down the water bill list and ask for permission, securing email and number for text purposes. Does the city need to provide in that initial communication more than just an over-the-phone request, something that gives legal permission to add residents as a contact? Mayor Asher's newsletter message will include a request for emails and phone numbers for texts in an emergency and for other purposes. Councilor Roper to help staff draft a blurb. A calendar app was discussed for the city website to highlight city meetings and social events.

b) Economic Opportunities Analysis

Joseph Schaefer noted a challenge in securing data from the state, causing a delay, but the data has now been accessed by the consultant toward next steps in analyzing that data. A copy of the buildable lands inventory to be sent to Council.

c) Aurora Traffic and Traffic Speed

This subject already discussed and moving in a good direction.

9. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS

- a) Resolution 851, A Resolution of the City Council of the City of Aurora, Oregon, Amending Resolution No. 838 and Adopting a new Schedule of Fees for Planning and Zoning Applications

Councilor Berard moved to adopt Resolution 851, Councilor Roper seconded, and the motion passed.

10. EXECUTIVE SESSION-NA

11. REPORTS

- a) Finance Officer

Finance Officer Mary Lambert's report is in the packet. Mayor Asher noted the first budget committee meeting on Monday, May 1, 7pm.

- b) Public Works

Public Works Superintendent Mark Gunter acknowledged the time, effort, and abilities of his crew members and the other staff working out of City Hall, at times overlooked by community members because they do their job so well. Gunter noted the project

progressing next door with demolition. Work at the well site and reservoir project continues, and Gunter will send some photos out for posting about the Cole Lane project with paving a new road to that location. Berard suggested showing some of the public works equipment and crew off at Aurora Colony Days.

c) City Attorney

David James Robinson noted a lot of public contracting and procurement relative to city infrastructure projects. No word from Verizon relative to the water tower. Some interaction with the city recorder on code-related matters.

d) City Recorder

Nothing additional other than report in packet and a mention of upcoming elections this year with Mayor Asher and Councilor Rhoden-Feely and Veliz positions up for re-election. The Recorder will provide an elections calendar in the near future.

e) Traffic Safety Liaison

Councilor Berard noted one of the reasons for placement of Welcome to Aurora signage is to help slow traffic going through town.

f) Airport

Nothing beyond what was already discussed by Joseph Schaefer.

g) Planning

The Planning Commission got through its code update at last meeting, and Council will have a March hearing.

h) Community Outreach

Mayor Asher noted the monthly food bank will be held next week in town.

i) Community Preparedness

This subject already addressed above under Correspondence.

j) Parks Committee

Parks minutes were included in the packet, and upcoming springtime projects are in the works. Mayor Asher noted some three or four grants for parks-related projects.

k) Mayors Report

Mayor Asher and John Berard met with Representative Andrea Salinas toward additional funding for Aurora infrastructure projects. Also discussed was the possibility of funding solar power for the new wastewater plant. Mayor Asher has an upcoming meeting with Marion County Sheriff's Department. On March 13, there will be a meeting with Ted Millar at the Airport, coordinated by Kenji Sugahara.

The rail project based on the meeting Mayor attended in Salem was encouraging with support from the Transportation Committee. The rail community, including owners of the rail line, are supportive of this venture.

Mayor Asher noted there is money out there for emergency management, and he will talk to Veliz and AEP about this. Asher also seeks a million dollars for the line down Cole Lane.

12. ADJOURN

Mayor Asher adjourned the meeting at 8:12pm.

Brian Asher, Mayor

ATTEST:

Stuart A. Rodgers, City Recorder

DRAFT

Minutes
Aurora City Council Work Session
 Tuesday, February 13, 2024, 6pm
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Mary Lambert, Finance Officer; Mark Gunter, Public Works Superintendent; Peter Olson, Keller Associates; David James Robinson, City Attorney; Stuart Rodgers, City Recorder

STAFF ABSENT: None.

VISITORS PRESENT: None.

1. CALL TO ORDER OF THE AURORA CITY COUNCIL WORK SESSION

The Work Session was called to order by Councilor John Berard at 6:04pm.

2. ROLL CALL

City Council

Mayor Brian Asher-Absent

Councilor Mercedes Rhoden-Feely-Absent

Councilor John Berard-Present

Councilor Charles Roper-Present

Councilor Wendy Veliz-Present

3. CONSENT AGENDA-NA

4. CORRESPONDENCE-NA

5. NEW BUSINESS

- a) Aurora Wastewater Treatment Facility – Alternative Delivery (Competitive Bidding – low bid accepted vs. Construction Manager/General Contractor)

The concept of alternative delivery was discussed by City Engineer Keller Associates with the idea that the city achieves a favorable position in spending federal funds and completing infrastructure (wastewater and water) projects by 2026. Due to demands on the city and constraints on funds to pay for the wastewater project, the city seeks an alternative to competitive bidding. Currently, the City Engineer is working on the engineering pre-design, to be finished in the next few months. Then on to final design. December 2024 is the by-date for allocation of funds. The city had a meeting with the funding agency last week and learned there is a small buffer of time to extend out the allocation of funds, which leeway would have to be applied for and approved. The December 2026 timeline will not, however, change for spending the funds. Procuring

equipment will still have to happen. The contractor would be the construction manager. Once 30 percent of the design has been accomplished, the city can go out for a request for proposals (RFP) for Construction Manager/General Contractor toward securing a guaranteed maximum price agreement for the project.

Out of conversation, the conclusion was to bring an RFP to Council in March for consideration, supported by a hearing at that time along with potential findings. It was noted that this hearing requires public notice, and it was also noted there is a need for an experienced attorney to assist in developing the alternative contracting method and to make findings that can be submitted for such hearing. A question was posed as to authorization for additional billing to cover the cost of such experienced attorney services. It was noted there is no related litigation. The City Attorney will send out the citation Oregon Revised Statutes 279 c 3395 text in a word document. A finding of fact was shared from City of Estacada and an RFP from City of Salem. The City Attorney offered to set up a conference call with Estacada relative to that city's experience based on an email exchange. The City Attorney has on Estacada's reference reached out to City of Coos Bay. Based on the strict timeline, the City Attorney will be the point person to bring Council an RFP at its next meeting. Keller will take the lead on providing a finding of facts to go along with the RFP and requested the City Attorney review that finding of facts document.

6. ADJOURN

Councilor John Berard adjourned the meeting at 6:45pm.

Brian Asher, Mayor

ATTEST:

Stuart A. Rodgers
City Recorder

Minutes
Aurora Planning Commission Meeting
 Tuesday, February 6, 2024 at 7 P.M.
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Curt Fisher, City Planner; Stuart A. Rodgers, City Recorder

STAFF ABSENT: NA

VISITORS PRESENT: NA

1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING

Chair Joseph Schaefer called the meeting to order at 7pm.

2. ROLL CALL

Chairman Joseph Schaefer-Present

Vice Chair Craig McNamara-Present

Commissioner Bud Fawcett-Present

Commissioner Jim Stewart-Present

Commissioner Jonathan Gibson-Present

Commissioner Tyler Meskers-Absent

Commissioner Bill Graupp-Present

3. CONSENT AGENDA

a) Planning Commission Minutes – January 2, 2024

Commissioner Jim Stewart moved to accept the Consent Agenda, Commissioner Craig McNamara seconded, and the motion carried.

4. VISITORS-NA

5. CORRESPONDENCE-NA

6. NEW BUSINESS-NA

7. HEARING

LA 2023-01 – Legislative text amendments to Title 8, 10, and 16

Chair Schaefer noted before the commission a set of proposed code amendments and clarified the Planning Commission does not make decisions but rather provides recommendations only. Commissioner McNamara asked whether stormwater specifications were vetted or if additional discussion was needed. Chair Schaefer directed attention to page 19 of the packet on proposed stormwater code. City Planner Curt Fisher noted the primary concern regarding stormwater analysis requirements is the way these are worded in mixing public works and planning requirements in a way that is not clear or consistent with planner's experience with how development gets reviewed and eventually approved. Requirements in AMC 16.34.090 A.4. are to evaluate the capacity of public facilities to handle additional runoff that is anticipated to be generated through development proposals. Limits are

expressed in terms of an impervious area that is proposed. The plumbing permit requirements are not supposed to be a substitute for civil engineering calculations, so the two requirements are meant to work together. The Clackamas County memo references specialty codes that should already be being used in stormwater evaluations. As such, the Planner suggested deleting the plumbing code from the zoning code and including reference to specialty code sections in Title 15. Chair Schaefer noted the spirit of the changes was to limit the amount of engineering analysis (or cost) for smaller sites.

There was consensus to go with an impervious surface requirement of 10,000 square feet (Salem standard) which would affect fewer people with single family lots that fall well under the exemption. This standard would also ensure that businesses that do not meet that threshold take care of the runoff from a larger amount of impervious surface. “For sites of once acre or larger,” p.19 of the packet, will be replaced with “[For sites with 10,000 square feet or more of impervious surface (new and existing)] a stormwater analysis, calculations...” There was Planning Commission consensus that all bold print on page 20 of the packet (p.9 of staff report) be removed. There should be a reference in Title 15 that specialty codes are adopted to make it clear that the city’s building permit review team reviews those requirements.

Commissioner Bud Fawcett moved to accept the above changes and otherwise adopt the application for code amendments as presented, which motion was seconded by Commissioner Craig McNamara and carried.

The above code amendments will move on to City Council for a hearing in March.

8. OLD BUSINESS

a) Airport Land Use Update

Commissioner Gibson noted an ongoing conversation at Positive Aurora Airport Management (PAAM) about the trees issue and controller positions needing filled.

Commissioner Schaefer noted the usual airport topics. First, on the TLM church camp case, there was a hearing at the Circuit Court with motion(s) to dismiss but still no decision from the judge yet. TLM has submitted a new application to Marion County, this time all about helicopters with changes to the site plan and traffic patterns. The new plan has significantly reduced parking spaces, from between 480 and 511 down to 277 spaces. This still leaves the southwest portion of the property open to through-the-fence uses. The traffic study was mentioned but not discussed in detail. The application amounts to space for Columbia Helicopters and a designation for life flight, and the last application had a designation for Wilson Construction not mentioned in the current application.

The 2012 master plan case is still sitting at the Court of Appeals, waiting for a decision with no specific deadline. On the new master plan, there was going to be a meeting of the public advisory committee last week, but the meeting was canceled a day or two before the meeting because the FAA approval of the forecast numbers changed. Schaefer has not been tracking this closely. Commissioner Bill Graupp noted that meeting links were incorrect on the ODAV website, so staff fixed the links and delayed the meeting to give

complainants time to process the information via the updated links. That meeting has been rescheduled to Tuesday, March 12, 5-7pm.

b) Economic Opportunities Analysis

-Target Industries Approach Rulemaking – Background & Draft Charge

The document attached in the packet regards rulemaking by the state and generally speaking is the airport part of the EOA. The rule will not be in effect for a couple of years and will not apply to Aurora. A draft issues list needs to be completed as a priority. The first EOA meeting was productive, and the second EOA meeting will take place in late February or early March. Employment information requested from the state in a timely manner took longer than expected to receive and has delayed this second meeting.

9. ADJOURN

Chair Schaefer closed the public hearing at 7:40pm, adjourning the Planning Commission meeting also at the same time.



Joseph Schaefer, Chair

ATTEST:



Stuart A. Rodgers, City Recorder

Aurora Parks Committee Meeting

Thursday, February 15nd, 2024, at 7 P.M.

Video Conference Meeting

1. CALL TO ORDER OF THE AURORA PARKS COMMITTEE MEETING

Meeting convened at 7:02pm

2. ROLL CALL: Andrew, Rick, Marilee, Emma

3. VISITOR: n/a

5. AGENDA

- January Meeting Minutes: Emma moved to approve, Rick seconded
- In-person meeting venue: Andrew corresponded with Mark over email, was unable to attend the Aurora City Council meeting to ask about in person. Emma asked if any other members would be able to attend the Aurora City Council Meeting to ask about the in person venue, since Emma and Andrew are both usually unable to attend those meetings. Andrew confirmed that he will be in contact with city managers soon through working at the Aurora Mills site and should be able to broach this conversation.
- Voting in a scribe: Andrew made a motion to elect Emma the Aurora Parks Committee Scribe, Marilee seconded.
- Main Street Park
 - Sourcing trees for this year: Marshall Land Management no longer has possession of the trees, we will need to find a new source for trees this year.
 - North side of park planting plan: City of Aurora is no longer locating the well in Main Park, so this is no longer a consideration. Irrigation lines will still be a consideration for the planting plan. Rick suggested pruning and maintaining birch trees before we pursue planting new trees, he will get in contact with Mark to ask about this. We will wait to discuss a planting plan until we establish a plan to maintain the existing trees in the park. Tree species to plant should be well suited to growing in a lawn, one idea is blue spruce.
- Aurora Mill Park: Planting is not yet underway, ASh Creek is still waiting on their plants to be ready from Champoeg Nursery.
 - Union Pacific grant: Andrew is pursuing a \$2500 dollar grant (no match required) which could be used to cover the cost of herbicide and brushcutter treatment of a large blackberry bramble near the parking lot and power lines.
 - Landowner Assistant grant: Andrew is also pursuing this grant, which the Aurora Mills Park received 3 years ago which resulted in the streamside planting project.

This grant requires a 50% match, Andrew thinks this would be better suited to next year. The majority of the match could be funded through the Marion Stream Shade Program, hopefully. The grant is a maximum of \$7,500.

- Volunteer work party in spring: This project would be scheduled after Ash Creek does planting work at Aurora Mills. The volunteer work party could entail planting, mulching, blackberry management, thistle hand pull, or other herbaceous weed hand pull. Rick wondered if any City of Aurora employees are present at Aurora Mills on a regular basis, Andrew answered no. There are two public works employees that come and mow the greenspace occasionally. The City generally contracts with Living Color landscaping to maintain all City parks and greenspaces.
 - City of Canby recycled construction material: Aaron has this information, we will wait to ask him about this at the next meeting he is present at.
- Improved street tree program ideas
 - A good opportunity to partner with neighboring cities to improve how street trees are planted using the Missouri Gravel Bed System: In the midwest and the south, there are cities that have these systems set up, to allow them to order wholesale trees and grow/store them for planting projects. This would lower the cost of plant materials purchase and allows trees to become well established. Andrew believes there is grant funding opportunities to help establish this. Aurora is small and doesn't have a large quantity of trees being planted each year but teaming up with another municipality could allow us both to pursue this opportunity. A vacant lot in city limits might be a good fit for a site for the project. The only nursery Andrew could find using this system in the PNW is a bareroot nursery in NW Washington.
 - Student Committee Member
 - Interest update: Aaron has this information, we will wait to ask him about this at the next meeting he is present at.

Emma will create a flyer for the volunteer event and leave the date blank, we can determine a date for the event next meeting.

7. ADJOURN Meeting adjourned at 7:40pm.

Minutes
Aurora Historic Review Board
 Tuesday, January 23, 2024, 7 P.M.
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Stuart A. Rodgers, City Recorder

STAFF ABSENT: None

VISITORS PRESENT: None

1. CALL TO ORDER OF THE AURORA HISTORIC REVIEW BOARD MEETING

Chair Jan Peel called the meeting to order at 7pm.

2. ROLL CALL

Chair Jan Peel-Present

Member Gayle Abernathy-Absent

Vice Chair Julie Sixkiller-Present

Member Richard Goddard-Present

3. VISITORS-NA

4. CONSENT AGENDA

a) Historic Review Board Minutes – November 28, 2023

Motion by Vice Chair Julie Sixkiller to accept the HRB minutes, seconded by Member Richard Goddard and passed.

5. CORRESPONDENCE

It was noted there was no correspondence but that there is a candidate for HRB membership who will be joining a regular meeting of the HRB in the near future. Chair Peel will request that Carina Cannon submit application materials for consideration.

6. NEW BUSINESS

a) Discussion on Code Enforcement in the Historic District

Based on Aurora Municipal Code 17.24.100, “All signs in the historic commercial overlay shall require approval by the Historic Review Board.” So no matter what sign a given business or other organization has out, a sign application must be submitted and a decision be on file. AMC 17.24.060 relates to use of banners as related to community events. It was noted that a flea market is a private event, unlike the pancake breakfast in connection with a community event like Aurora Colony Days.

AMC 17.24.060 C.4. Signs erected within or on a commercial property provided the signs do not obscure more than twenty (20) percent of any individual window glazing and no more than ten (10) percent of the total primary façade area provided the signs are erected not more than fifteen (15) days prior to a sale or other special event associated with a business located on the property and removed within one (1) day of completion of the sale or special event. The sign should be made of quality

material in keeping with historic character. It was noted that a-frames can only be a certain size. The conclusion was that Lisa Hand needs to join the HRB after she submits sign applications for all signs she is currently using or anticipates using for business-hosted events at the Legion Hall location, including a photo of each sign. This is to the sign applicant's advantage because as time passes and HRB members change up, there is a decision in writing providing approval.

It was noted that the term "banner" needs to be clarified, as well as how a community event is defined.

On a fence complaint, staff will follow up with Mayor Asher and complainant relative to a fence on Airport Road that has a compliance issue. The property owner is in the historic district but the home is not historic as with nearly every other home on the east side of the creek. If there were a paint problem – HRB understands that paint will wear and eventually have to be repainted, so no enforcement would be required in the meantime. The same with a fence which will eventually have to be replaced. Member Sixkiller's fence is not compliant either, but if she changed it she would have to make it compliant. It was determined that if the City Council got involved due to appeal of an HRB decision, it would not fly given a previous discussion involving Airbnb on the same property. It gets more expensive if the city seeks to enforce something that likely will not be approved at HRB or Council. In the spirit of a previous HRB decision involving a property owner on Liberty Street, the HRB wants to be consistent in trying to work with folks and not randomly enforce the code. One idea to balance the complaint out with the need for compliance is to invite the property owner to put in some rose bushes. If the owner had put the fence back to field fencing, no one would have noticed. It was noted there are no picket fences in the whole neighborhood of Kasel Court. If there are only hard fast rules, then the HRB is stuck between a rock and a hard place. Then the HRB does not need to exist to interpret anything and the City Recorder just enforces everything. It was recognized that the HRB's reputation is on the line, something acknowledged by the same complainant and that this would not look good for the HRB if overturned by Council. It was also noted that the property owner put a fence up right away for safety – not the prettiest or natural but an economical way to get something done timely. Once the fence weathers or patinas, it will look more natural. It was determined to establish through formal written HRB action at February's regular meeting that there was a complaint at the and to note that the next fence built whether by current or future property owner needs to be replaced by code. A copy of those minutes will be placed in the property file.

b) HRB Member Recruitment-this item already discussed previously under Correspondence.

7. OLD BUSINESS

a) 2024 Certified Local Government (CLG) Grant Application – Possible Projects

Chair Jan Peel spoke with Karen Townsend about restoration work of the railing at the Museum. She also spoke with Brian Asher about a chimney needing some restoration as part of an old washhouse on his property. Jennifer Burns, Director of the Aurora Colony Museum and Historical Society, noted her organization did some work on the Giesy Store staircase earlier this year to make it more safe. The museum is not sure what the staircase should even look like. There are some other projects of greater importance to the museum, namely, 1) the entryway railings to the museum ox barn and rise and run access in the near term, making it ADA compliant later on; the current entryway configuration does not match earlier photographs of the entrance; the doors and locking mechanism need replaced; a question for Kuri Gill is whether CLG funds could be used for this kind of universal access (wheelchairs, etc) project and whether it fits with historic restoration or preservation; there are ways to design such an access project in keeping with historical façade features and meet the spirit of national code requirements; lifting the

grade to help compensate for the rise to get into the museum could create foundation issues. And 2) Giesy

Store complex and annex roof (\$70-80k cost), which raised the question of whether CLG funds could be used in conjunction with outside grant funds. An old washhouse chimney located off Liberty Street lost some bricks at the top, and the base of the chimney needs repaired. The City Recorder will confirm with Kuri Gill at SHPO what needs to be submitted on the above projects. Staff will also look into the possibility of a Design Guidelines code project relative to cost and whether the CLG is a source of funds to do this. Staff will meet with Member Sixkiller next week on rearrangement of code sections (contributing, non-contributing, commercial, residential), to bring fences, windows, etc., under one categorical umbrella and check in on the feasibility of CLG funds for this as well as any code amendment needed. Would addition of pictures (a-frame, etc) require a code amendment? The plan would be for the HRB to make this Design Guidelines review a monthly review process. Changes to the code could be updated immediately and placed online and as addition to printed copies.

8. ADJOURN

Chair Peel adjourned the meeting at 8:28pm.



Julie Sixkiller, Vice Chair

ATTEST:



Stuart A. Rodgers, City Recorder

Correspondence

Sister Cities International

recognizes the Sister City relationship between

Aurora, Oregon, USA

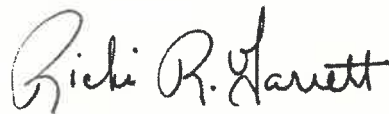
and

Bleicherode, Germany

established on

February 5, 2024

*We hereby acknowledge and commend the efforts of both communities
in the pursuit of peace, mutual respect, and understanding through citizen diplomacy.*



Ricki R. Garrett
President & CEO



Peter Svarzbein
Chair of the Board of Directors

***This is a nonprecedential memorandum opinion
pursuant to ORAP 10.30 and may not be cited
except as provided in ORAP 10.30(1).***

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

FRIENDS OF FRENCH PRAIRIE
and 1000 Friends of Oregon,
Petitioners-Appellants
Cross-Respondents,

v.

DEPARTMENT OF AVIATION
and State Aviation Board,
Respondents-Respondents,
and

AURORA AIRPORT IMPROVEMENT ASSOCIATION
and Bruce Bennett,
Proposed Intervenor-Respondents,
Cross-Appellants.

Marion County Circuit Court
19CV56274; A179634 (Control)

CITY OF AURORA,
Petitioner-Appellant,
Cross-Respondent,

v.

OREGON DEPARTMENT OF AVIATION
and Oregon State Aviation Board,
Respondents-Respondents,
and

AURORA AIRPORT IMPROVEMENT ASSOCIATION
and Bruce Bennett,
Proposed Intervenor-Respondents,
Cross-Appellants.

Marion County Circuit Court
19CV55909; A179649

Joseph SCHAEFER,
Petitioner-Appellant,
Cross-Respondent,

v.

OREGON DEPARTMENT OF AVIATION
and Oregon State Aviation Board,
Respondents-Respondents,
and

AURORA AIRPORT IMPROVEMENT ASSOCIATION
and Bruce Bennett,
Proposed Intervenor-Respondents,
Cross-Appellants.

Marion County Circuit Court
19CV54617; A179661

Daniel J. Wren, Judge.

Submitted August 4, 2023.

Andrew Mulkey filed the briefs for appellants-cross-respondents Friends of French Prairie and 1000 Friends of Oregon.

David James Robinson filed the brief for appellant-cross-respondent City of Aurora.

Joseph Schaefer filed the brief *pro se*.

Erick J. Haynie, David Watnick, and Perkins Coie LLP filed the briefs for cross-appellants Aurora Airport Improvement Association and Bruce Bennett.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jona J. Maukonen, Assistant Attorney General, filed the brief for respondents Oregon Department of Aviation and Oregon State Aviation Board.

Amanda Guile-Hinman filed the brief *amicus curiae* for City of Wilsonville.

Before Tookey, Presiding Judge, Egan, Judge, and Kamins, Judge.

TOOKEY, P. J.

Remanded with instructions to modify judgment to dismiss petitions for judicial review without prejudice; otherwise affirmed.

TOOKEY, P. J.

In this consolidated appeal from a judgment dismissing three petitions for judicial review as moot, petitioners assert a combined 12 assignments of error. The petitions for judicial review sought review of an October 31, 2019, decision (the 2019 Order)¹ of the Oregon Aviation Board (OAB) under ORS 183.484, which provides for judicial review of orders in other than contested cases. Petitioners’ cases in the trial court were stayed during the pendency of an appeal by the same parties to LUBA of the 2019 Order.

LUBA ultimately remanded the 2019 Order to OAB. In its opinion remanding the 2019 Order, LUBA, consistent with its precedent, concluded that “after remand, the challenged decision is ineffective.” No party sought judicial review of that decision by LUBA. The trial court then dismissed the petitions for judicial review of the 2019 Order as moot with prejudice.

Now, on appeal from the trial court’s judgment dismissing the petitions for judicial review as moot with prejudice, petitioners Friends of French Prairie and 1000 Friends of Oregon (Friends) assert three assignments of error; petitioner City of Aurora asserts five assignments of error; and petitioner Joseph Schaefer asserts four assignments of error.² We remand with instructions to dismiss the petitions for judicial review without prejudice and otherwise affirm.

Friends’ First Assignment of Error, Aurora’s Fourth Assignment of Error, and Schaefer’s Third Assignment of Error. In their first assignment of error, Friends, relying on *Kalmiopsis Audubon Soc’y v. Div. of State Lands*, 66 Or App 810, 812, 676 P2d 885 (1984), assert that the trial court erred because “as a matter of law, LUBA’s remand did not deprive the court of its ability to review respondents’ 2019 Order.” As Friends see it, both LUBA and the circuit court had jurisdiction to review the 2019 Order, with LUBA’s “scope of

¹ As we explained in *Schaefer v. Oregon Aviation Board*, 312 Or App 316, 318, 495 P3d 1267, *adh’d to as modified on recons*, 313 Or App 725, 492 P3d 782, *rev den*, 369 Or 69 (2021), the 2019 Order adopted findings of “land use compatibility to bring [OAB’s] adoption of [a] Master Plan [for the Aurora State Airport] into compliance with ORS 197.180 and an implementing rule, OAR 738-130-0055(6).”

² Additionally, the City of Wilsonville has filed an *amicus curiae* brief in support of petitioners.

review over state agency land use decisions *** limited to determining whether ‘the state agency made a decision that violated the goals’” (quoting ORS 197.835(9)(b)) and with the circuit court’s scope of review to include “review [of] appellant’s non-goal-related claims.” Friends acknowledge that, as a result of LUBA’s remand, OAB could “no longer rely on the 2019 order,” but contend that that “did not deprive the circuit court of its ability to complete its independent and parallel review.”

Examining “mootness is one part of the broader question of whether a justiciable controversy exists.” *Couey v. Atkins*, 357 Or 460, 470, 355 P3d 866 (2015) (internal quotation marks omitted). Generally speaking, a justiciable controversy exists under Oregon law “when the interests of the parties to the action are adverse” and “the court’s decision in the matter will have some practical effect on the rights of the parties to the controversy.” *Barcik v. Kubiaczyk*, 321 Or 174, 182, 895 P2d 765 (1995) (internal quotation marks omitted). An otherwise justiciable case “becomes moot when a court’s decision will no longer have a practical effect on the rights of the parties.” *State v. K. J. B.*, 362 Or 777, 785, 416 P3d 291 (2018). “[W]e review for legal error a trial court’s ruling on a motion to dismiss on mootness grounds.” *Birchall v. Miller*, 314 Or App 521, 522, 497 P3d 1268 (2021).

Assuming without deciding that both LUBA and the trial court had jurisdiction to review the 2019 Order, as Friends contend, we conclude that the trial court did not err in concluding that the petitions for judicial review of the 2019 Order had become moot. The 2019 Order was remanded to OAB by LUBA, and by operation of LUBA’s remand, it had become ineffective. *See Eastern Oregon Mining Association v. DEQ*, 360 Or 10, 16, 376 P3d 288 (2016) (explaining that, “[u]nder the Administrative Procedure Act, a challenge to an order in other than contested case entitles a court to ‘affirm, reverse, or remand *the order*’ that is the subject of the challenge,” and if “there is no longer any order in effect for a court to affirm, reverse, or remand” then the case has no practical effect and is moot (quoting ORS 183.484(5) (a); emphasis in *Eastern Oregon Mining Association*)). Our decision in *Kalmiopsis Audubon Soc’y*, which held that “the

legislature did not intend to divest this court of jurisdiction over appeals taken pursuant to ORS 183.480 and 183.482 claiming [Administrative Procedures Act] violations, even when the agency decision comes within the definition of a land use decision,” 66 Or App at 815, does not alter that conclusion regarding mootness. In other words, *Kalmiopsis Audubon Soc’y* did not conclude that when an administrative agency remands of an order a parallel review of that order by the circuit court is not moot.

Further, in Friends’ first assignment of error, as well as in Aurora’s fourth assignment of error, and in Schaefer’s third assignment of error,³ petitioners raise various contentions of error under ORS 183.484(4)⁴ regarding OAB “withdrawing” the 2019 Order. ORS 183.484(4) specifies circumstances under which an agency may withdraw an order for reconsideration subsequent to the filing of a petition for review.

The difficulty with petitioner’s arguments is that, although the trial court used the word “withdrawal” in its ruling, OAB did not withdraw the 2019 Order “for purposes of reconsideration” within the meaning of ORS 183.484(4), nor did the trial court find that it did. Rather, after our remand to LUBA, LUBA remanded the 2019 Order to OAB, and the trial court determined that LUBA’s remand rendered the petitions for judicial review moot. Thus, contrary to respondents’ arguments, the mandates of ORS 183.484(4) are inapplicable with regard to the agency order and the trial court’s ruling in this case.

Friends’ Second Assignment of Error and Schaefer’s Fourth Assignment of Error. These assignments of error concern the trial court’s determination that ORS 14.175⁵ did

³ Another aspect of Schaefer’s third assignment of error is discussed below.

⁴ ORS 183.484(4) provides:

“At any time subsequent to the filing of the petition for review and prior to the date set for hearing, the agency may withdraw its order for purposes of reconsideration. If an agency withdraws an order for purposes of reconsideration, it shall, within such time as the court may allow, affirm, modify or reverse its order.”

⁵ ORS 14.175 provides:

“In any action in which a party alleges that an act, policy or practice of a public body, as defined in ORS 174.109, or of any officer, employee or agent of

not apply to petitioners' claims. Specifically, Friends' second assignment of error asserts that "the circuit court erred when it declined to review the case under ORS 14.175," because, in cases like this one, where there is a challenge to an administrative agency decision that involves both "goal related and non-goal related assignments of error" and which is appealed to both LUBA and the circuit court, given "LUBA's statutory deadlines for review and expedited timelines for review at the Court of Appeals, a LUBA proceeding will likely proceed much faster than the circuit court." Thus, as Friends see it, the nongoal related claims in the circuit court will evade review.

Schaefer's fourth assignment of error asserts that "the dismissal with prejudice means the APA claims will evade future judicial review, and therefore the circuit court erred in concluding the ORS 14.175 exception to mootness does not apply." That is so, in Schaefer's view, because dismissal with prejudice prevents the trial court from considering a future challenge to "the 2012 Master Plan," and because OAB "is not obligated to act on LUBA's remand."

The trial court determined that the exception to mootness set forth at ORS 14.175 did not apply, because the "challenged policy or practice, or similar acts," were not "likely to evade judicial review in the future." ORS 14.175(3). Reviewing for legal error, *Progressive Party of Oregon v. Atkins*, 276 Or App 700, 706-07, 370 P3d 506, *rev den*, 360 Or 697 (2016), we conclude that the trial court did not err.

In this case, petitioners obtained judicial review of the challenged the 2019 Order in *Schaefer v. Oregon Aviation Board*, 312 Or App 316, 495 P3d 1267, *adh'd to as modified on recons*, 313 Or App 725, 492 P3d 782, *rev den*,

a public body, as defined in ORS 174.109, is unconstitutional or is otherwise contrary to law, the party may continue to prosecute the action and the court may issue a judgment on the validity of the challenged act, policy or practice even though the specific act, policy or practice giving rise to the action no longer has a practical effect on the party if the court determines that:

- "(1) The party had standing to commence the action;
- "(2) The act challenged by the party is capable of repetition, or the policy or practice challenged by the party continues in effect; and
- "(3) The challenged policy or practice, or similar acts, are likely to evade judicial review in the future."

369 Or 69 (2021), after an appeal from LUBA. As a result of that review, we remanded back to LUBA, and LUBA then remanded back to OAB, rendering the 2019 Order ineffective. Thus, petitioners prevailed on their challenge to the 2019 Order, after obtaining judicial review of that order.

Although Friends may be correct that LUBA proceedings generally move more quickly than judicial review under ORS 183.484, and assuming without deciding that, as Friends asserts, both LUBA and the circuit court have jurisdiction to review different aspects of certain state agency decisions, we are not persuaded that LUBA completing its review prior to the circuit court means an issue is “likely to evade judicial review.” Further, regarding Schaefer’s argument concerning dismissal with prejudice, as explained below, we conclude the trial court erred in that regard and we remand with instructions to dismiss without prejudice.

Schaefer’s and Aurora’s First Assignments of Error and Friends’ Third Assignment of Error. The trial court’s order dismissing the petitions for judicial review as moot contained the following statement: “This dismissal neither makes nor implies any findings or conclusions as to the final agency order dated October 31, 2019, or to the 2011 Aurora Airport Master Plan referenced therein.”

In his first assignment of error, Schaefer contends that the trial court “inconsistently and therefore erroneously ruled that dismissal for lack of a final agency order ‘neither makes nor implies any findings or conclusions as to the final agency order dated October 31, 2019, or to the 2011 Aurora Airport Master Plan referenced therein.’” In Aurora’s first assignment of error, it joins Schaefer’s first assignment of error. In Friends’ third assignment of error, they contend that “the circuit court’s order is internally inconsistent, and its conclusion that its dismissal for lack of a final decision does not make or imply any findings or conclusions about the 2019 order or the airport master plan referenced therein ultimately undermines its conclusion that the case is moot.”

We are not persuaded by petitioners’ arguments. We understand the trial court’s statement regarding its findings and conclusions to mean that its decision dismissing

the action as moot should not be read as making any determinations as to the merits of petitioners' claims, and merely reflecting that, in view of the 2019 Order being remanded, the cases were moot. Having determined that the cases were moot, the trial court did not err in declining to reach the merits of petitioners' claims. *City of Damascus v. State of Oregon*, 367 Or 41, 68 n 13, 472 P3d 741 (2020) (“[T]here are prudential and jurisprudential reasons to avoid unnecessarily deciding legal issues that may be presented in a case, if the case can be appropriately resolved on more limited grounds.”).

Schaefer's Second Assignment of Error and Aurora's Second and Third Assignments of Error. In Schaefer's second assignment of error, which is joined by Aurora in its second assignment of error, they contend that “[w]hether the Final Agency Order in 2019 is a separate proceeding from the 2012 Master Plan is a precluded issue that the Court of Appeals already decided.”⁶ They assert that the trial court improperly “segregate[d]” the “2012 Master Plan *** from the Final Agency Order adopted in 2019 into two separate proceedings.”

In Aurora's third assignment of error, it contends that the “circuit court erred in treating the 2012 Airport Master Plan as separate from the 2019 Final Agency Order because that plan was only a preliminary agency decision that preceded final agency action under ORS 183.310(6)(b).”⁷ Aurora contends that “the 2012 Aurora Airport Master

⁶ Petitioners' “preclusion” argument relies on our opinion in *Schaefer*, 312 Or App 316. In that case, we concluded, among other legal points, that “the version of the master plan that the [OAB] approved on October 27, 2011, along with any other materials that the board considered at that meeting, had to be part of the record before LUBA” in petitioners' appeal to LUBA of the 2019 Order. *Id.* at 326. We explained that that was so because the 2019 Order was “an effort to comply with OAR 738-130-0055(6), which provides that ‘[t]he Aviation Board shall adopt findings of [land-use] compatibility *** when it adopts the final facility plan;’” and, under that rule, “the board's adoption of a final facility plan and its land-use compatibility findings are two parts of the same proceeding.” *Id.* at 325 (brackets, omission, and emphasis in *Schaefer*).

⁷ ORS 183.310(6)(b) provides:

“‘Final order’ means final agency action expressed in writing. ‘Final order’ does not include any tentative or preliminary agency declaration or statement that:

“(A) Precedes final agency action; or

Plan was a nonfinal agency order subject to review once Respondents adopted the 2019 Final Agency Order.”

In our view, the trial court did not err in the manner described in Schaefer’s and Aurora’s second assignments of error or Aurora’s third assignment of error. Given the record, we understand the trial court’s order to have recognized that the final order that provided it with jurisdiction under ORS 183.484—the 2019 Order—was ineffective and for that reason the case was moot. Regardless of whether the 2019 Order was appropriately characterized as part of the same proceeding as an earlier proceeding, petitioners’ challenge to the 2019 Order had become moot.

Aurora’s Fifth Assignment of Error and Schaefer’s Third Assignment of Error. As noted, the trial court dismissed the petitions for judicial review with prejudice. In its fifth assignment of error, Aurora contends that that was error. Additionally, in its argument in its third assignment of error, Schaefer contends that that was error. We conclude that although the trial court did not err in dismissing the petitions as moot, they should have been dismissed without prejudice. *See, e.g., Arnold v. Kotek*, 370 Or 716, 719, 524 P3d 955 (2023) (dismissing motion for stay as moot, but doing so “without prejudice”).⁸

Consequently, we remand with instructions to modify the judgment to dismiss the petitions for judicial review without prejudice, and we otherwise affirm.⁹

“(B) Does not preclude further agency consideration of the subject matter of the statement or declaration.”

⁸ Citing ORAP 10.30(2)(b), Aurora and Schaefer request that we publish a precedential decision in resolving this appeal. Having considered the factors in ORAP 10.30(2)(b), we conclude a nonprecedential decision is appropriate.

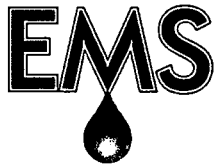
Further, to the extent petitioners have raised arguments that we have not specifically addressed in this opinion, we reject them.

⁹ We note that cross-appellants, the Aurora Airport Improvement Association and Bruce Bennett, have filed a “conditional cross appeal,” in which they ask that, if we determine that petitioners’ petitions for review are not moot, we reverse the trial court’s “apparent determination that it otherwise had subject matter jurisdiction.” We need not reach that argument, because we agree with the trial court that this case is moot.

Further, cross-appellants, whose motions to intervene in the trial court were denied as moot, request that “in the event *** this Court rules in favor of Petitioner-Appellants and orders and further proceedings in the Circuit Court,” we reverse “the Circuit Court’s denial of their intervention motions, to ensure

Remanded with instructions to modify judgment to dismiss petitions for judicial review without prejudice; otherwise affirmed.

[their] participation in any Circuit Court proceedings upon remand.” Because we agree with the trial court that this case is moot, and remand for the limited purpose of modifying the judgment to reflect that the dismissals are without prejudice, we conclude that the trial court did not err in denying the motions to intervene because they are moot.

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15 December 2023
Report # 23-0083

Aron Faegre, AIA, PE, ASLA13200 Fielding Road
Lake Oswego, OR 97034

REGARDING:

2515 Airport Rd NE, Aurora, OR 97002
T: 4S, R: 1W, Section 02D, TL: 800 & 900
Wastewater Treatment Feasibility

Dear Mr. Faegre,

The purpose of this letter is to demonstrate that the proposed site plan (Attachment A – Proposed Site Plan) can satisfy the Marion County and Oregon Department of Environmental Quality (DEQ) requirements for the proposed development. Per Marion County and DEQ requirements, the actual application for a permit for a wastewater treatment system cannot occur until after Marion County approves the conditional use permit. The following information is provided to show that in my professional opinion, based on 45 years of designing and getting permits for wastewater treatment systems, this development plan will be able to have such a system.

On October 12, 2018 our company, Environmental Management Systems, Inc. (EMS) did a site evaluation of the subject site. On July 28 and August 16, 2023 EMS again performed studies to identify the possibility of onsite wastewater treatment options for new facilities on this site. All of these studies have determined that the site does not appear to have soils appropriate for a traditional on-site septic tank and drainfield. However for cases like this where the existing soils are not usable, Marion County and DEQ has multiple options for wastewater treatment and reuse, or disposal. In the sections below we describe the wastewater treatment options that can be used for the proposed development.

All of these options are of course subject to Department of Environmental Quality (DEQ) review as a next stage of review, following the land use approval being requested. These further evaluations cannot be reviewed by DEQ until after the planning land use approvals are received. These future reviews may include new County level permits, DEQ Water Pollution Control Facility (WPCF) Permit, or a Re-Use permit.

Based on my 45 years of experience as an Oregon Registered Environmental Health Specialist with direct and ongoing experience in onsite wastewater treatment system siting, design, inspection and permitting, it is my professional opinion that several DEQ

Exhibit 41, page 2 of 7

approvable options are available for this project, including but not limited to the following:

Option A. Holding Tanks. OAR 340-071-0340. This involves collecting wastewater in holding tanks to be pumped and hauled offsite.

A1. This may be accomplished individually with permits for each building where sewage flows will not exceed 200 gallons per day, or

A2. May be accomplished by a combined system greater than 200 gallons per day with septic tanks, flowing to a common Holding Tank permitted directly through DEQ via a Water Pollution Control Facility (WPCF) permit.

Option B. New WPCF Permit.

Permitting on the subject property through a separate Water Pollution Control Facility permit. This option could have two different ways for compliance:

B1. This may be accomplished with a treatment system on the property and the effluent piped to a drainfield on a different property. This is permitted by DEQ.

B2. EMS has evaluated the site and soils for this option and believes that a permit could be issued by DEQ for a system that incorporates Highly Treated and Disinfected Effluent, pumping to a Raised Bed Treatment and dispersal area on the property. This would be raised to achieve at least 24 inches of effective soil media above the highest period of fluctuating Permanent Water Table. It is likely that DEQ Staff will require a Hydro-Geologic study to determine design criteria. The feasibility of this approach would need to be approved by DEQ and has not yet been discussed with DEQ staff.

Option C. Alternative Water Use Permit.

Treatment and reuse of the wastewater may be permitted for irrigation, toilet flushing, wash-down water, fire suppression or other beneficial purposes in accord with OAR 340-divisions 041 and 055 governing beneficial uses and recycling, or

Option D. NPDES Permit.

Permitting via a Federal National Pollutant Discharge Elimination System. This may be possible to allow discharge to subsurface constructed wetlands. No creation of surface water would be allowed that would attract birds.

Option E. Connection to an existing system.

Excess capacity exists within existing systems at HDSE and/or Columbia Helicopters that can accommodate additional treated effluent from the NCMVH facility. This option requires a single ownership entity to be the permittee as previously accomplished pursuant to combining wastewater treatment for both HD Aviation and South-End Aviation, to form the HDSE system, or a similar ownership arrangement with Columbia Helicopters, which we have been advised has excess capacity. This excess capacity

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will need to be confirmed. This option if exercised would require additional land use approvals.

Notes about Holding Tanks

An appropriate solution for this project may be to start with each of the new buildings discharging to holding tanks, which will allow actual flow volumes and sewage strength to be monitored. When onsite soils are not usable, DEQ does allow onsite holding tanks. The DEQ WPCF application form has holding tanks listed as one of the application options. In the past Marion County has approved holding tanks as the permanent solution for onsite septic for the Aurora Airpark Aviation Condominium Association multiple hangars that are located directly to the west of the subject property on approximately 5 acres of land.

To further demonstrate that DEQ does approve these facilities we can provide permit documents and letters of approval for other facilities we have been involved with that used WPCF permits for holding tanks in Clackamas, Columbia, and Tillamook Counties. Oregon Administrative Rules Section 340-071-0340 allows holding tanks to serve this purpose. Under those rules the county regulators are allowed to approve them for up to 200 gpd flows, while higher flows the application must go directly to DEQ as a WPCF permit application.

Holding Tanks are inexpensive to install, but expensive to pump so are usually considered less desirable. However, these can and should be designed to be consistent with other options that take longer to evaluate and to gain approvals.

We understand that in the past, the City of Wilsonville objected to the use of holding tanks in Marion County, asserting that holding tanks are limited to 200 gallons per day. That limitation only applies to permits issued at the local level, rather than permits issued directly by DEQ for Water Pollution Control Facilities.

Existing HDSE System.

The existing onsite wastewater treatment system serving the HDSE Sewer System consists of numerous septic tanks which receive flow from different hanger buildings. Effluent is treated by two AX100 recirculating textiles filters that have a treatment capacity of 2,500 gpd each (5,000 gpd total). At the time that the treatment units were installed in 2005, the units were approved for 5,000 gpd each (10,000 gpd total). In spite of the fact that this system has performed well, DEQ will likely want an upgrade to current standards in order to approve additional flow. The addition of two more AX100's is proposed to increase the treatment capacity to 10,000 gallons per day. Treated effluent is pumped to a 3,000 lineal foot drainfield which has a DEQ-WPCF permitted capacity of 10,000 gallons per day. That system was designed by EMS, approved by DEQ and installed in 2000 for a 5,000 gallon per day use and upgraded to 10,000 gpd capacity with DEQ approval in 2004. There have never been any issues with the ability of the drainfield to operate effectively and within permit parameters. In fact, the system has excess capacity and justification would be provided to obtain approval from DEQ to

Exhibit 41, page 4 of 7

add the flow from the proposed development to be added to the existing system. The following describes the existing capacity and projected flow.

Existing HDSE Operational Experience.

Ongoing operations, monitoring, and maintenance of the system has been performed by Septic Technologies (Septech), a certified maintenance provider. Monthly flow data for 2022 is in Table 1, (Attached). In 2022, the average daily flow for the system was 2,495 gallons per day which amounts to 25% of the system's maximum capacity (10,000 gpd).

The proposed development includes the addition of. The expected occupancy of the proposed development is tabulated in Tables 2 through 4 , Attached. The proposed increase in flow to the system is estimated using a flow factor of 15 gpd per person, as specified for day workers at offices in Table 2 of Oregon Administrative Rules for Onsite Wastewater Treatment Systems (OAR 340-071). We have also considered the flow based on parking spaces and the relationship to actual flow in HDSE.

The peak increase in flow from the proposed development is 3,526 gpd, with a new total peak flow projected at 8,516 gpd and half of that being the average expected. This average flow of 4,258 gpd is about 43% of the existing system's capacity. Currently the system is only operating at one quarter of its capacity on average and has never exhibited failures. Professional monitoring is provided via telemetry for alarms and quarterly inspections by Septic Technologies. EMS has also been involved with this system as needed throughout its existence.

EMS recommends the addition of 2 Advantex AX 100 units to come into compliance with the revised sizing criteria for those items. The addition of the new facility is not expected to exceed this capacity with an average total discharge of 43 % of the system's capacity. DEQ requires that the permit maximum not exceed 100% and the average remain approximately 50% of the system's capacity. Experience shows that in cases where flows consistently exceed 75% of maximum, problems tend to increase.

Notes About Pumps.

It is important to note that DEQ approved recirculating systems, per OAR 340-071 rules, allow the use of pumps in septic systems. These pumps are small and do not qualify as "force mains." These recirculating types of systems are not urban or municipal systems – there is no force main or pump station used with them.

Cumulative Impacts.

No significant cumulative impacts are expected because:

- a. If holding tanks are utilized then all sanitary materials are removed from the site and processed by an urban sanitary processing plant. Thus, there physically can be no impacts locally.

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- b. If a WPCF permit is applied for and received, it has to meet the high level of treatment and professional monitoring required by DEQ and State regulations which ensures there are no cumulative impacts. The effluent discharged to the drainfield is highly treated to become clear water with an average Biochemical Oxygen Demand of 10 mg/L (PPM) and Total Suspended Solids of 10.2 mg/L according to DEQ Discharge Monitoring Reports. These results are much better than the WPCF required level of 20 mg/L. Bacteria is not required to be tested, however, the effluent is also disinfected with Ultra Violet Light prior to discharge, with an expected efficacy of 99%. These systems have been in place for over 23 years without significant issues regarding treatment and final dispersal.
- c. In our professional opinion, there will not be any cumulative effects of the proposed future development that would be in violation of state or federal environmental standards. Our understanding is that Marion County and Oregon DEQ standards are in compliance with applicable state and federal standards and our sanitary infrastructure will be in compliance with those local standards.

If you have any questions, please feel free to contact this office.

Sincerely,

R. Sweeney

Robert F. Sweeney, MS, REHS
President,
ENVIRONMENTAL MANAGEMENT SYSTEMS, Inc.

Attachments:

- A. Proposed Site Plan
- B. Tables 1 through 4.

Evaluation of Proposed Combination of the Wastewater Flows from Existing HDSE and Future NMCVH Onsite Wastewater Treatment Systems. August 2023



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Table 1 - 4 Monthly Flows (gallons per day)*

Table 1 - 2019 HDSE Monthly Flows (gallons per day)*	HDSE 2019 Monthly Flows (gpd)	HDSE 2020 Monthly Flows (gpd)	HDSE 2021 Monthly Flows (gpd)	HDSE 2022 Monthly Flows (gpd)	HDSE Corrected Average Flow for 2022 (gpd)	
January	3,349	1413 Min	2977	2977	5958	
February	3,690 Max	1516	2131 Min	2131	4442	
March	3,167	1916	3615	3615	7856 max	
April	3,085	1525	3631	3631	4814	
May	2,648	1508	2436	2436	4953	
June	1,741	2130	3721 omitted *	2909	2909	
July	1,627	2741 Max	3962 omitted *	2816	2816	
August	2,328	1893	4070 omitted *	1861	1861	
September	1,300	1666	3705 omitted *	1890	1890	
October	1,595		5354 omitted *	1833	1833	
November	1,380	2358	7655 omitted *	1777 Min	1777	
December	1,275 Min	2233	3873 omitted *	2065	2065	
AVERAGE	2,265 22.7% of Max	1,900 19% of Maximum	3,928 39.3% of Max	2,958 29.58%	3598 35.6% Max	2164 21.6% Max

Corrected Average Flow

2495 gpd

Jan - May 21 + Jun 22 to Dec 22

Percent of Permit Max:

* Flow data provided by O&M Provider Septic Technologies (Septech)

* Plumbing Leakage, but still within Permit Max. Jan - May 21 + Jun to Dec 22 were used as more accurate current data.

Table 2 - Proposed Increase in Flow				
Building #	# of employees	Flow Factor* (gpd)	Expected Peak (gpd)	Expected Average (gpd)
A.	10	15	150	75
B.	10	15	150	75
C.	10	15	150	75
D.	10	15	150	75
E.	10	15	150	75
F.	10	15	150	75
G.	10	15	150	75
H.	10	15	150	75
I.	10	15	150	75
TOTAL	90		1,350	675

* OAR 340-071 Table 2 - Day workers at offices

Table 3 - Proposed System Capacity (WPCF Permit Max = 10,000 gpd & 5,000 gpd Average Flow)				
	Peak Flow	Average Flow	% Peak Capacity	% Average Capacity
Existing System Use	4,990	2,495	25%	49.9%
Proposed Flow Increase	1,350	675	7%	13.5%
TOTAL	6,340	3,170	32%	63.4%
	10000	5000		
Proposal Complies with DEQ WPCF?	YES	YES		

Table 4 - Proposed Increase in Flow Based on Parking Spaces.					Proposal Complies with DEQ WPCF?	Remaining Peak Flow Capacity
	GPD/Space		1,900 gpd Average Flow 2020 DMR		YES	6,200
	Average	Peak	Peak Flow = 2x Average Flow			
Average Flow 2020	1,900	3800	WPCF Peak Design Flow	10,000 GPD		
	GPD/Space		2265 gpd Average Flow 2019 DMR		YES	2,268
Parking Spaces	Average	Peak	Peak Flow = 2x Average Flow			
392	5.78	11.56	4530	gpd Peak Design Flow		
277	5.78	11.56	3202	Peak Design Flow NMCVH		
669	5.78	11.56	7732	Design Flow HDSE + NMCVH		
	Avg GPD	Peak GPD	Assuming Same as 2019 / space			
HDSE + NMCVH	3866	7732	w/ added 277 spaces for NMCVH		Percent of MAX WPCF Permit Remaining	23%
	GPD/Space		2495 gpd Average Flow 2021&22 DMRs		YES	1,484
Parking Spaces	Average	Peak	Peak Flow = 2x Average Flow			
392	6.37	12.73	4990 gpd Peak Design Flow			
277	6.37	12.73	3526	Peak Design Flow NMCVH		
669	6.37	12.73	8516	Design Flow HDSE + NMCVH		
	Avg GPD	Peak GPD	Assuming Same as 2022 / space			
HDSE + NMCVH	4258	8516	w/ added 277 spaces for NMCVH		Percent of MAX WPCF Permit Remaining	15%

From: [Randy Ealy](#)
To: [Recorder](#)
Cc: [Julie Hernandez](#)
Subject: About PGE's rate review filing
Date: Friday, March 1, 2024 10:06:38 AM
Attachments: [image002.png](#)

Good morning Stuart:

Long time my friend! I was looking at your photo and reading about you on your website. Congratulations a long tenure with the city. I hear nothing but great things from Councilor Veliz. I'd love to catch up over coffee or lunch sometime soon. I live in Woodburn now, so just around the corner!

I am filling in this week for Julie Hernandez, who is on PTO. I was curious if you could kindly share our outreach message (below) regarding our rate review filing with your staff and Council as appropriate?

Happy to jump on a call, but I wanted to get this proactively in your hands before the end of week. Respectfully, Randy

March 1, 2024

Dear Stuart:

I wanted to let you know that PGE filed for review of proposed 2025 rates with the Oregon Public Utilities commission yesterday.

The drivers of the rate review filing include:

- Local battery energy storage projects to provide enhanced reliability and resilience during peak demand.
- Investments in transmission and distribution to allow dependable energy flow as demand for electricity grows, and customer needs evolve.
- Upgrades to technology and generation facilities for increased resilience and long-term, dependable power.

Additional details and updates throughout the process can be found at www.portlandgeneral.com/2025-rate-case.

We continue to focus on keeping the cost of electricity as low as possible while making the investments necessary to deliver safe and reliable energy, now and into the future. **We also have a variety of tools and programs to help our customers manage their energy use and costs, including the expanded Income Qualified Bill Discount program.**

As a regulated utility, our prices, the costs of operating the business and investor returns are reviewed and determined by the Oregon Public Utilities Commission through an open, transparent public process that will occur between now and the end of 2024. If rate and pricing changes are approved, they will take place in 2025.

Please let me know if you have any questions or concerns, and we will continue to share updates.

Sincerely,



Randy Ealy

Senior Manager, Local Government Affairs | 503-849-6200 |
portlandgeneral.com | Follow us on social @PortlandGeneral

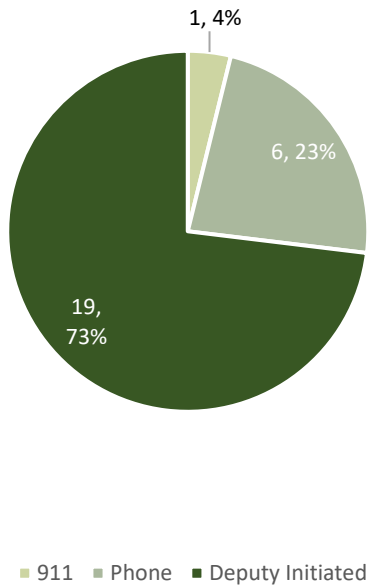
An Oregon kind of energy.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

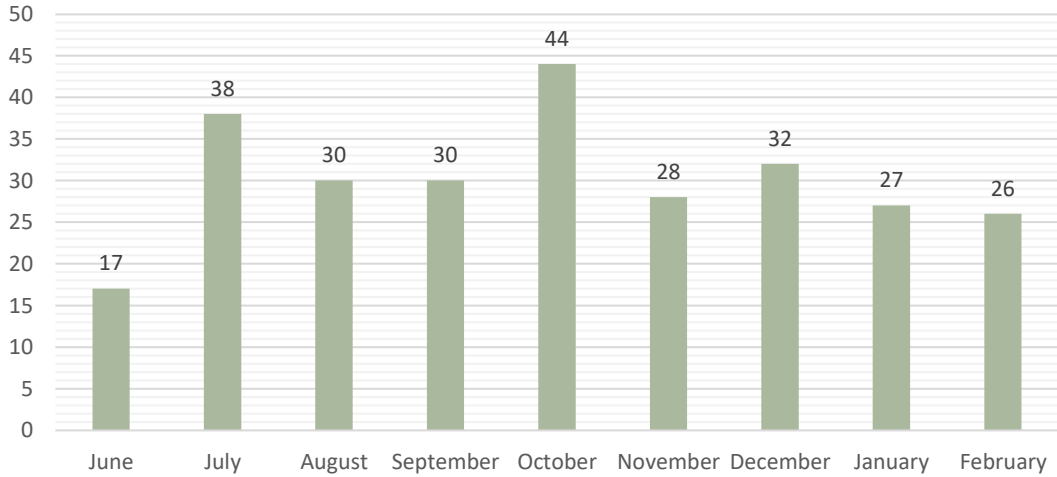
New Business

26 total calls for service

Calls for Service by Call Source - February 2024

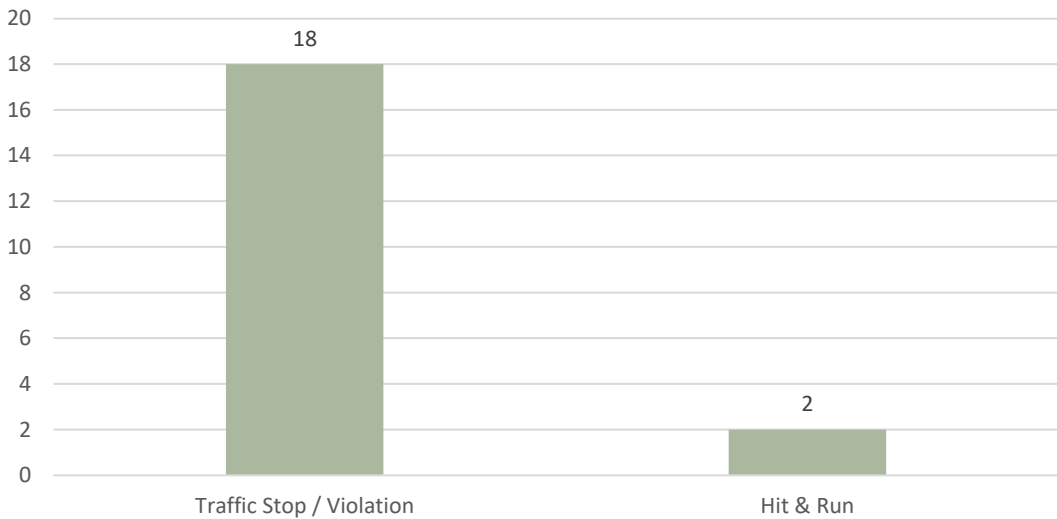


Calls for Service by Month - February 2024

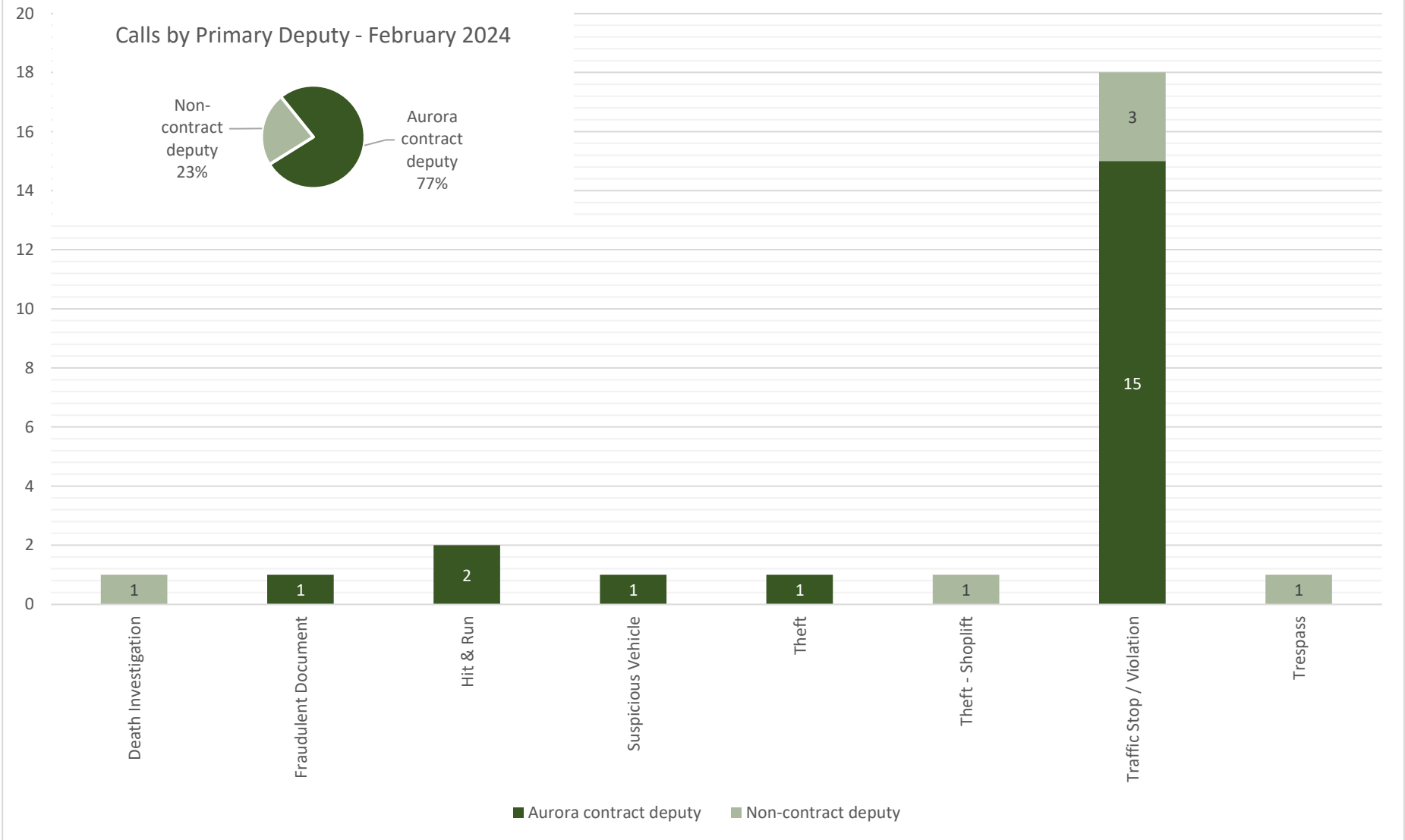


*June 2023 is the first full month for which data is available after the implementation of the new computer aided dispatch (CAD) system.

Top Calls for Service - February 2024



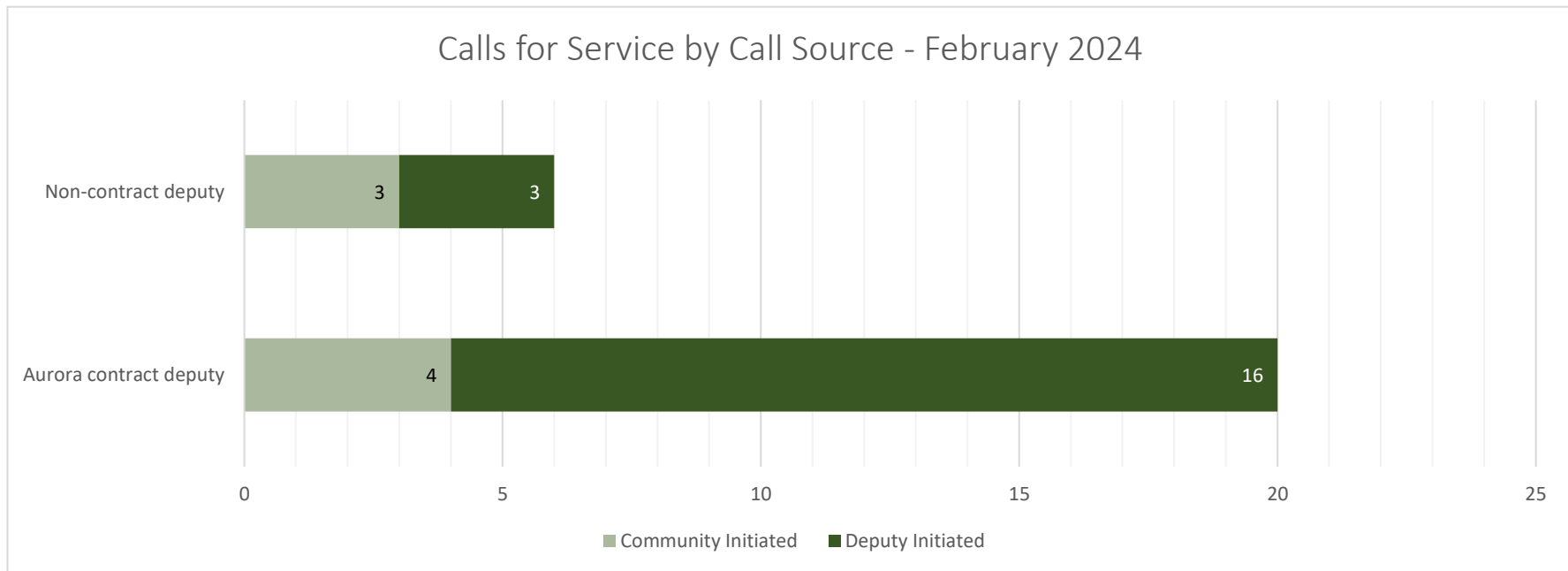
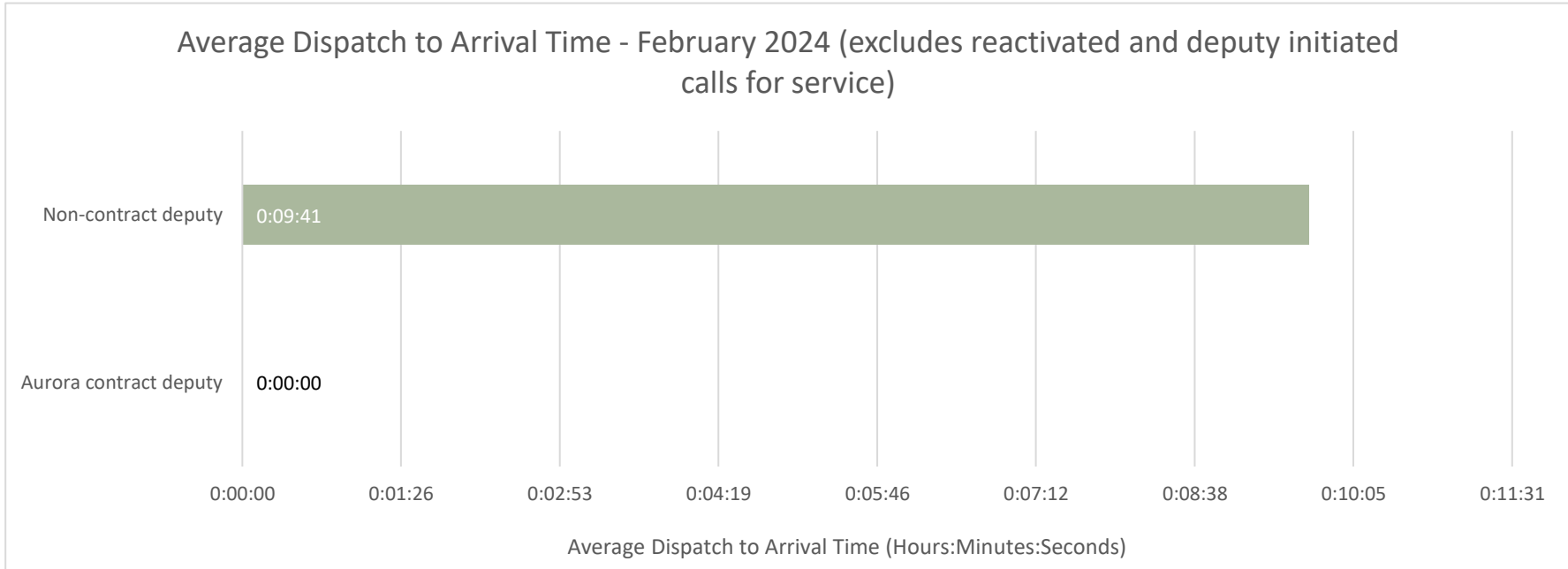
Call Type by Primary Deputy - February 2024

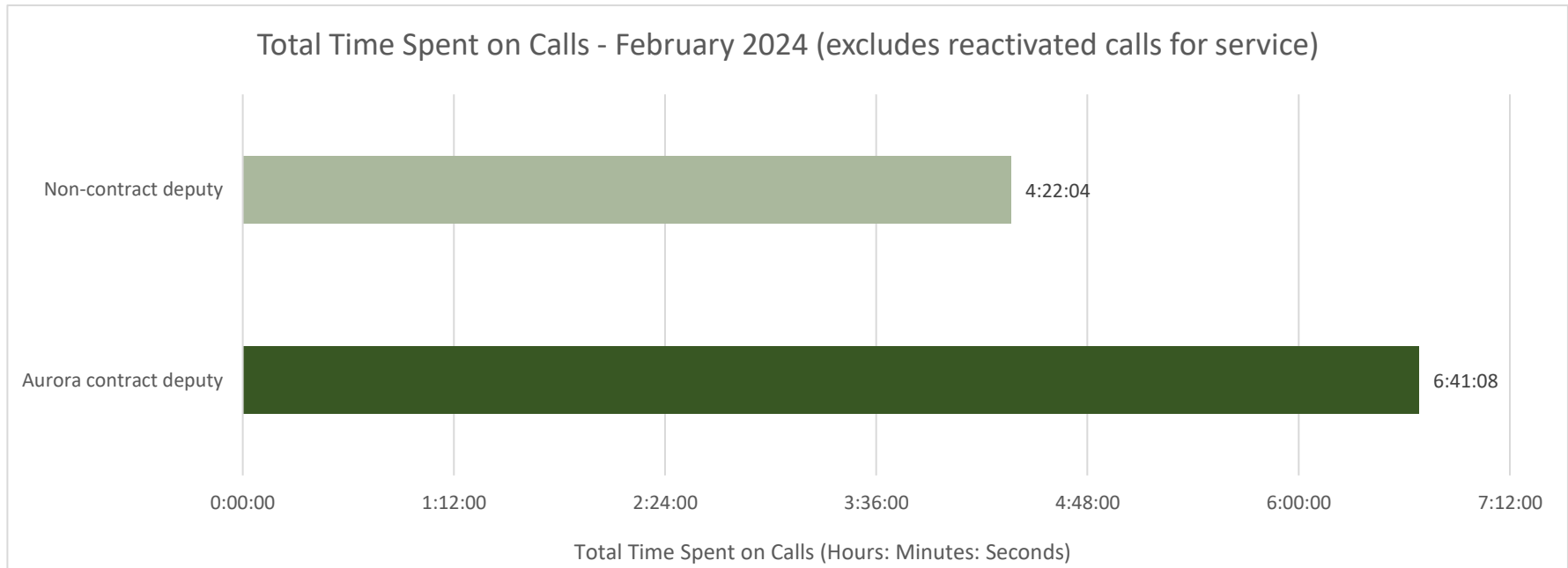
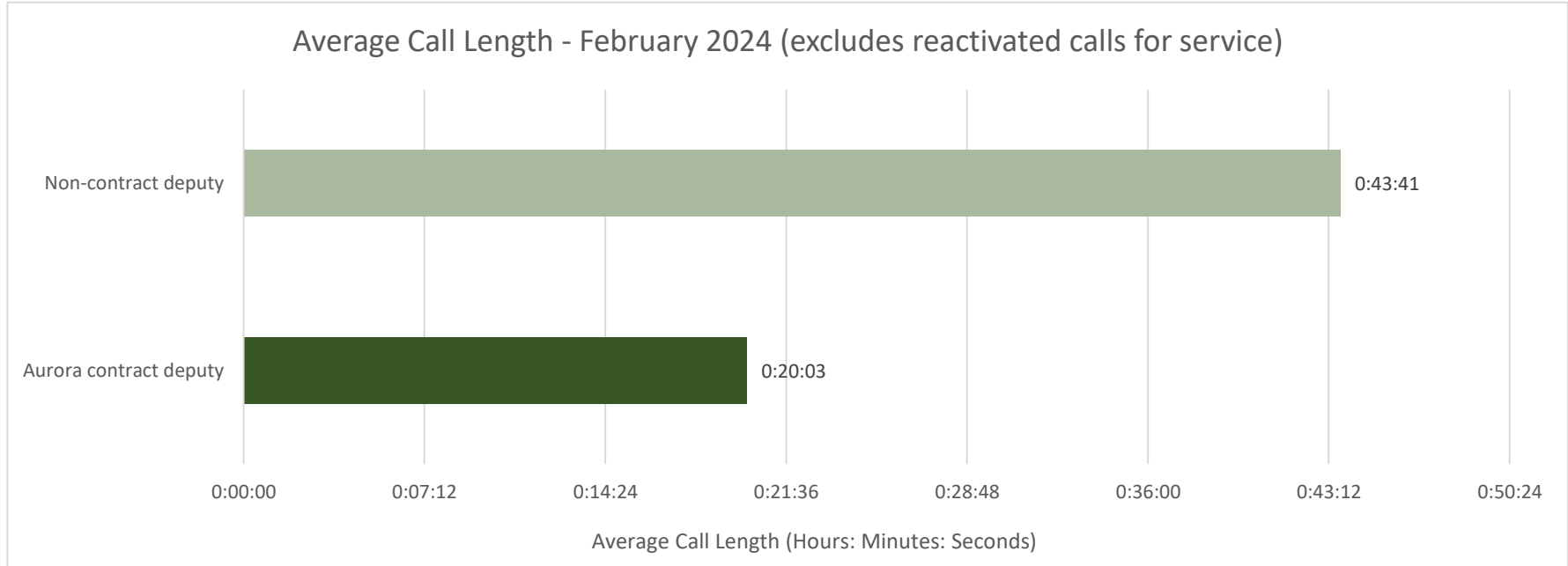


Incident Type	Sum of Feb-23	Sum of Feb-24	Raw Difference	% Change
Area Check	1	0	-1	-100%
Attempt To Locate Person/ Vehicle	1	0	-1	-100%
Check Welfare	1	0	-1	-100%
Civil Problem	2	0	-2	-100%
Death Investigation	0	1	1	-
Domestic Disturbance	2	0	-2	-100%
Follow Up	1	0	-1	-100%
Fraudulent Document	0	1	1	-
Hit & Run	2	2	0	0%
Noise Complaint	1	0	-1	-100%
Suspicious Vehicle	1	1	0	0%
Theft	1	1	0	0%
Theft - Shoplift	0	1	1	-
Traffic Stop / Violation	2	18	16	800%
Trespass	1	1	0	0%
Grand Total	16	26	10	63%

Calls for Service by Time of Day and Day of Week - February 2024

Time of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Grand Total
12:00 AM	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0
9:00 AM	0	0	0	0	0	1	0	1
10:00 AM	0	0	0	0	0	0	0	0
11:00 AM	0	1	0	0	2	0	0	3
12:00 PM	0	1	1	0	0	0	0	2
1:00 PM	0	0	0	1	0	0	0	1
2:00 PM	0	0	2	0	0	0	0	2
3:00 PM	0	0	4	1	0	0	0	5
4:00 PM	0	0	2	0	0	0	0	2
5:00 PM	0	0	5	1	0	0	0	6
6:00 PM	0	0	2	0	0	1	0	3
7:00 PM	0	0	0	0	1	0	0	1
8:00 PM	0	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0
Grand Total	0	2	16	3	3	2	0	26





Patrol Zone: SMS-AURORA
 Month: February 2024
 Total Calls for Service: 26
 Print Date/Time: 3/4/24 13:11

*Note: One call for service can generate multiple incident numbers

Incident #	Incident Date	Incident Type	Call Source	Reactivated	Dispatch to Enroute	Enroute to Arrival	Dispatch to Arrival	Start to Close	Primary Unit	Primary Unit Beat	Deputy Type
2024-00005050	2/1/24 10:17	Hit & Run	Community Initiated	No	0:00:00	0:00:00	0:00:00	0:05:54	A137	SMS-AURORA	Aurora contract deputy
2024-00005774	2/5/24 10:45	Fraudulent Document	Community Initiated	No	0:00:12	0:00:00	0:00:00	2:20:22	A137	SMS-AURORA	Aurora contract deputy
2024-00005804	2/5/24 11:37	Theft	Community Initiated	No	0:00:00	0:00:00	0:00:00	2:48:56	A137	SMS-AURORA	Aurora contract deputy
2024-00006157	2/7/24 12:08	Death Investigation	Community Initiated	No	0:00:24	0:23:18	0:23:42	1:26:22	A180	SMS02	Non-contract deputy
2024-00006185	2/7/24 14:15	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:42	A137	SMS-AURORA	Aurora contract deputy
2024-00007396	2/14/24 16:50	Hit & Run	Community Initiated	No	0:00:14	0:00:00	0:00:00	0:13:29	A137	SMS-AURORA	Aurora contract deputy
2024-00007720	2/16/24 8:05	Theft - Shoplift	Community Initiated	No	0:00:00	0:00:00	0:00:00	0:21:48	A170	SMS02	Non-contract deputy
2024-00007817	2/16/24 17:14	Trespass	Community Initiated	No	0:05:20	0:00:00	0:05:20	2:19:08	A151	SMS02	Non-contract deputy
2024-00008359	2/20/24 11:08	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:04:43	A162	SMS-SALEM	Non-contract deputy
2024-00008774	2/22/24 10:44	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:04:25	A197	SMS-SALEM	Non-contract deputy
2024-00009642	2/27/24 13:33	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:22	A137	SMS-AURORA	Aurora contract deputy
2024-00009646	2/27/24 13:49	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:08	A137	SMS-AURORA	Aurora contract deputy
2024-00009654	2/27/24 14:04	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:26	A137	SMS-AURORA	Aurora contract deputy
2024-00009666	2/27/24 14:41	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:04:16	A137	SMS-AURORA	Aurora contract deputy
2024-00009671	2/27/24 14:49	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:02:49	A137	SMS-AURORA	Aurora contract deputy
2024-00009675	2/27/24 14:59	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:13	A137	SMS-AURORA	Aurora contract deputy
2024-00009682	2/27/24 15:30	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:38	A197	SMS-SALEM	Non-contract deputy
2024-00009693	2/27/24 15:47	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:34	A137	SMS-AURORA	Aurora contract deputy
2024-00009704	2/27/24 16:04	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:41	A137	SMS-AURORA	Aurora contract deputy
2024-00009706	2/27/24 16:13	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:38	A137	SMS-AURORA	Aurora contract deputy
2024-00009708	2/27/24 16:35	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:04:04	A137	SMS-AURORA	Aurora contract deputy
2024-00009716	2/27/24 16:52	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:19	A137	SMS-AURORA	Aurora contract deputy
2024-00009719	2/27/24 16:57	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:27	A137	SMS-AURORA	Aurora contract deputy
2024-00009720	2/27/24 17:03	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:02:40	A137	SMS-AURORA	Aurora contract deputy
2024-00009721	2/27/24 17:07	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:02:45	A137	SMS-AURORA	Aurora contract deputy
2024-00010158	2/29/24 18:23	Suspicious Vehicle	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:17:23	A137	SMS-AURORA	Aurora contract deputy

DRAFT FINDINGS FOR EXEMPTION FROM COMPETITIVE BIDDING

City of Aurora, Oregon

For Proposed

Wastewater System Improvements Project

Marion County



March 2024

Oregon Revised Statute (ORS) 279C.335(1) requires competitive bidding of public works improvement contracts unless specifically excepted or exempted from competitive bidding as provided under ORS 279C.335(2). Under ORS 279C.335(2), the City of Aurora Local Contract Review Board may exempt a contract from competitive bidding based on approval of two findings:

1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City of Aurora.

In approving the finding under ORS 279C.335(2)(b), the Local Contract Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract, all items outlined in ORS 279C.335(2)(b)(A-N).

This document presents information the City of Aurora Local Contract Review Board will consider in its approval of the findings to exempt the Wastewater System Improvements Project from competitive bidding and use a CM/GC method of delivery.

BACKGROUND

The City of Aurora owns and operates the Aurora Wastewater Treatment Plant (WWTP), which is nearing capacity. To best serve our community and increase capacity at the WWTP, the City plans to improve the WWTP with a new sequencing batch reactor (SBR), effluent storage lagoon, relocation of the influent screen, update to the chlorination disinfection system, and an upgrade of the Supervisory Control and Data Acquisition (SCADA) system. All improvements will be constructed at the City's property for the existing wastewater treatment facility.. Per Mutual Agreement Order with the Business Oregon, the City is committed to completing construction and commissioning of the new WWTP before December 31, 2026.

SUMMARY OF FINDINGS

In regard to ORS 279C.335, the City of Aurora Local Contract Review Board has considered the following two findings in its decision to exempt from the Wastewater System Improvements from competitive bidding:

1. *The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.*

Analysis: The City will select the CM/GC firm through a competitive selection process. The City will issue a Request for Proposals (RFP) in a manner that will attract competition from qualified firms through advertisement in the Daily Journal of Commerce and posting on the City's web site, or QuestCDN online plan center.

The Request for Proposals will attract proposers having the specialized knowledge, capacity, and skills for the project from within the state and the Pacific Northwest. A sufficient number of CM/GC firms are available to respond to the RFP. However, current market conditions may limit the number of firms that respond.

Pre-defined scoring criteria will be included in the RFP. Scoring criteria will be based on qualifications and experience of the firm related to the project components, complexity, and size; qualifications and experience of the proposed CM/GC team related to performance on similar recent projects; project understanding and approach; ability to achieve cost-reduction through value engineering; ability to self-perform portions of the work; safety record; financial standing; and pricing of services for Phase 1 (pre-construction services and guaranteed maximum price development) and markup on the cost of work in Phase 2 (construction). Review of proposals and scoring will be performed by City staff with the assistance of the consulting city engineer. Reviewers will follow the pre-defined scoring criteria.

Additionally, the contract between the City and the CM/GC firm will require portions of the work to be contracted by the CM/GC firm through receipt of competitive proposals. The CM/GC firm will be required to comply with the provisions of ORS 279C.337 for selection of subcontractors.

Finding: The process used by the City to select the CM/GC firm and the number of firms available to propose makes the exemption unlikely to encourage favoritism in the awarding of the public improvement project or substantially diminish competition for the public improvement contract.

2. *Awarding a public improvement contract under the exemption will likely result in substantial cost and schedule savings allowing compliance with timelines in the agreement between the City and Business Oregon; and other substantial benefits to the City of Aurora.*

Analysis: The project involves construction of a new sequencing batch reactor (SBR), effluent storage lagoon, relocation of the influent screen, update to the chlorination disinfection system, and an upgrade of the Supervisory Control and Data Acquisition (SCADA) system.

Awarding a contract to a qualified CM/GC contractor provides opportunity for the City to employ a contractor-led value engineering review of the design during development. The RFP procurement approach allows the City to select a CM/GC firm most capable of achieving the scope and any cost reductions and deliver a high-quality project within an agreed upon guaranteed maximum price and schedule.

The CM/GC contractor can provide realistic determination of costs and constructability issues that will allow cost-benefit decisions to be made by the City. The contracting method will allow alternatives to be reviewed in a team environment of City staff, the design engineer, and the contractor working in a partnership. During the process, the CM/GC's construction experience and knowledge will aid in early identification of effective measures to minimize risks. This partnering approach will likely reduce the need for change orders, claims, and delays, resulting in significant cost savings and delivery of quality facilities on time. It is likely that there will be a lower chance of disruption to the schedule by using the CM/GC approach.

Finding: Awarding the project to a CM/GC contractor under the exemption provides opportunity to achieve potential cost savings and other substantial benefits to the City. The City will be able to employ a contractor led value engineering review of the 30%, 60%, 90% and final designs; take advantage of collaboration between the City, design engineer, and the contractor; and take advantage of the contractor's knowledge and experience to manage risks and possibly reduce costs.

RESPONSE TO ITEMS UNDER ORS 279C.335(2)(b)

In approving the finding under ORS 279C.335(2)(b), the Local Contracting Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract items outlined in ORS 279C.335(2)(b)(A-N). Information considered by the Local Contract Review Board related to each of these requirements follows:

(A) *How many persons are available to bid:*

Information considered by the Local Contract Review Board:

The City will select the CM/GC firm through a competitive selection process. The City will issue a Request for Proposals (RFP) in a manner that will attract competition from qualified firms through advertisement in the Daily Journal of Commerce, posting on the City's website, or QuestCDN online plan center.

The Request for Proposals will attract proposers having the specialized knowledge, capacity, and skills for the project from within the state and the Pacific Northwest. A sufficient number of CM/GC firms are available to respond to the RFP.

Some of the qualified CM/GC firms in the Pacific Northwest that may respond the City's RFP are listed below:

- Emery & Sons Construction
- J.W. Fowler Construction
- Rotschy, Inc.
- Slayden Construction Group, Inc. (now under MWH/Stantec)
- Stellar J Corporation

(B) *The construction budget and the projected operating costs for the completed public improvement:*

Information considered by the Local Contract Review Board:

The Engineer's Estimate values the cost of the project at approximately \$11,200,000. Operating costs shall be incorporated into the City's yearly budget and will be paid through sewer user fees.

(C) *Public Benefits that may result from granting the exemption:*

Information considered by the Local Contract Review Board:

The existing WWTP is undersized and unable to consistently meet permitted effluent quality standards. Construction of a new WWTP will enable the City to comply with permitted effluent quality standards and avoid penalties resulting from non-compliance.

Aurora is experiencing population growth and development within its sewer service area. Planning for major residential developments is already in progress, and nearly 1,000 new homes could be built within the next 2 to 3 years. The Aurora WWTP is nearing capacity. To

support growth, the City needs to improve the WWTP soon to avoid a moratorium on new development. An exemption would accelerate the procurement and construction process and allow the plant to be constructed within the limited time frame allowed for by the grant funding.

(D) Whether value engineering techniques may decrease the cost of the public improvement:

Information considered by the Local Contract Review Board:

Granting the exemption will allow the City to select a qualified CM/GC firm to lead a value engineering effort using real-time pricing to determine best overall product and pricing to provide information needed to determine cost of the project.

The CM/GC can provide realistic determination of costs and constructability issues that will allow cost-benefit decisions to be made by a team of City staff, design engineer, and contractor working in a partnership. Contractor-led value engineering can decrease the cost of the project.

(E) *The cost and availability of specialized expertise that is necessary for the public improvement:*

Information considered by the Local Contract Review Board:

Construction of wastewater treatment plant improvements requires a highly skilled contractor with abundant experience in large wastewater treatment plant construction. A detailed plan will need to be generated by the contracting team to deal with issues such as construction sequencing to keep the existing plant in operation, coordination with the selected SBR supplier for installation of complex equipment, de-watering, excavation techniques, and worker safety.

(F) *Any likely increases in public safety:*

Information considered by the Local Contract Review Board:

It is important to build the project with safety foremost in the contractor's approach to ensure safe working conditions for the contractor, neighbors, and public that could be affected by the project.

The CM/GC procurement method allows actual safety performance and work on similar projects to be considered as a selection criterion. It also permits the City to work closely with the contractor to ensure that the design permits appropriate safety measures, that the contractor understands the City's safety concerns, and that the contractor will take appropriate steps to address them.

(G) *Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement:*

Information considered by the Local Contract Review Board:

Construction of the wastewater treatment plant requires significant excavation/shoring, work from elevated surfaces/platforms, chemical hazards, electrical hazards, work around heavy

machinery and significant equipment lock out tag out requirements, which may be encountered during all phases of construction. CM/GC contracting will allow the construction team to work together to determine the best means and methods to construct the project, remain OSHA-compliant and mitigate risks and hazards during construction.

Strict adherence to safety measures will be needed to protect the public and workers as this project is being constructed. The partnering relationship provided through a CM/GC delivery will provide opportunity for the City to work with the Contractor to ensure safety measures are followed and revised if needed to reduce the risk to the public.

(H) Whether granting the exemption will affect the sources of funding for the public improvement:

Information considered by the Local Contract Review Board:

The CM/GC Procurement method of Contracting is allowed through Oregon Revised Statute. Funding for this project is expected to be thorough the American Rescue Plan Act, City Sanitary Sewer Rates, and City Sanitary Sewer System Development Charges. All the above-mentioned funds allow for the CM/GC Procurement method to be used. Funding must be allocated by December 31, 2024 and spent by December 31, 2026.

(I) Whether Granting the exemption will better enable the City to control the impact that market conditions may have of the cost of and the time necessary to complete the public improvements:

Information considered by the Local Contract Review Board:

CM/GC Contracting has the benefit of allowing the selected contractor to solicit competitive bids for various aspects of the work (materials, labor, etc.) early in the project and coordinate construction activities among all resources to minimize construction risks and delays. The CM/GC contracting method will also provide for the City to procure major long-lead equipment prior to commencing construction to reduce schedule. The CM/GC method also allows the City to directly procure major equipment packages with the benefit of avoiding additional markup by the Contractor to reduce cost.

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvements:

Information considered by the Local Contract Review Board:

The technical complexity, limited time frame for construction, and overall length of the project requires a contractor that can work efficiently and be able to manage all aspects of the project. The CM/GC process will allow the City to acquire a highly qualified contractor with adequate staffing for the site supervision needed. As a result, it is more likely that the CM/GC firm can address the technical complexities and size of the project more effectively, in part because of their qualifications and adequate staffing.

- (K) *Whether the public improvement involves new construction or renovates or remodels an existing structure:*

Information considered by the Local Contract Review Board:

The project involves renovations of the existing wastewater treatment plant, and decommissioning and demolition of the existing wastewater treatment plant at a nearby site. The existing treatment plant will continue to operate and the new infrastructure will add treatment capabilities.

- (L) *Whether the public improvement will be occupied or unoccupied during construction:*

Information considered by the Local Contract Review Board:

The buildings included in the new WWTP will not be occupied during construction and will not be made available for the City's use until substantial completion of the project. The City will continue to staff/operate the existing WWTP during construction.

- (M) *Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions:*

Information considered by the Local Contract Review Board:

Construction of the project is expected to be completed in one phase. It is likely, that due to the length and complexity of the project, it will take about two years to complete. While construction will be completed in one phase, there will likely be an early equipment procurement phase of the project to mitigate for some of the specialty and/or long lead time equipment to not cause delays in the construction phase.

- (N) *Whether the City has, or has retained under contract, and will use city personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the City will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.*

Information considered by the Local Contract Review Board:

To support the City in the process, the City has selected Keller Associates to be the Design Engineer for the project. Keller Associates will assist the City while navigating the American Rescue Plan Act and daily construction activities due to the limited amount of City Staff available. Keller Associates will be subcontracted with Central Geotech (Geotechnical Engineering) to provide additional design and permit support for the project.

Keller Associates has recently and is currently participating as the engineer of record for public improvements using the CM/GC delivery method for other cities in Oregon. These projects have been successfully completed within budget and on schedule. Keller Associates has been able to partner with qualified contractors to perform value engineering, address risks, and reduce change orders, all which benefited the communities in which these projects were constructed.

The City's attorney and design engineer have reasonable experience in using the CM/GC delivery method.

CONCLUSION

The City of Aurora Contract Review Board can meet the requirements for exemption to the competitive bidding process as identified in ORS 279C.335 (2) for the Wastewater System Improvements Project. Use of the CM/GC alternative delivery method for the project allows:

- Use of the contractor led value engineering of the design with real-time construction pricing for the City to make judicious decisions with a tangible benefit to the City.
- Use of a delivery method that allows decisions to be made through a partnership between the City, design engineer, and contractor.
- A guarantee of the maximum price for construction to be issued following value engineering of the design.
- Competitive selection of suppliers, equipment, materials, and subcontractors with solicitations managed by a contractor knowledgeable of the marketplace and market conditions.
- Sufficient and qualified staff to manage the work site and subcontractors.
- Coordinated responsibility for a design that reduces risk and improves worker safety.
- CM/GC contract requires the Contractor and Design Engineer to consider project risks (i.e., cost, schedule, safety, permit compliance, maintaining WWTP service, and constructability).

CITY OF AURORA, OREGON

REQUEST FOR PROPOSALS

for

Construction Manager/General Contractor

(CM/GC) Services

for the

PROJECT NAME

Closing Date: March 29, 2024

**Closing Time: 2:00 p.m. (local
time)**

PROJECT MANUAL AND CONTRACT DOCUMENTS

CITY OF AURORA
 REQUEST FOR PROPOSALS (RFP) NO. #XXX
 FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES
 FOR THE
PROJECT

The Contracts and Procurement Manager of the City of Aurora on behalf of the City of Aurora (“Owner”) will receive electronic Proposals from Proposers interested in acting as a Construction Manager/General Contractor (CM/GC) and providing services and performing Work related to the **NAME OF PROJECT (Project)**. This procurement is conducted in accordance with model rules adopted by the Attorney General under Oregon Revised Statutes (ORS) 279A.065(3).

WORK DESCRIPTION:

Construction of the **PROJECT NAME** will include:

- Xx
- Xx
- xx

Improvements will be constructed within the approved budget and according to the approved project schedule.

PRE-PROPOSAL CONFERENCE: A **Mandatory** pre-proposal conference will be held on XX xx, 2024 at 1:00 PM, that will last approximately 1 hour. Participants will assemble at the **(INSERT LOCATION)** before relocating to the job site for a presentation about the project. Statements made by City representatives at the pre-proposal conference are not binding unless confirmed by addendum.

Proposals will be received until, but **not after 2:00 p.m. (local time), August 31, 2021**. Proposals will only be accepted electronically through **Equity Hub’s Bid Locker**.

Completed proposals must arrive electronically via Equity Hub’s Bid Locker at https://bidlocker.us/a/salem_or/BidLocker. The City will **not** accept proposals submitted in any other manner.

NO LATE PROPOSALS WILL BE ACCEPTED.

Your proposal must be uploaded prior to the Closing Date and Time. The City strongly recommends that you give yourself sufficient time and at least ONE (1) day before the closing date and time to begin the uploading process and to finalize your submission. The City accepts no responsibility for non-receipt and/or delays in receipt caused by transmission and reception problems, equipment failure, or any other similar cause. Each Proposal is instantly sealed and will only be visible to the City after the closing date and time. Uploading large documents may take significant time, depending on the size of the file(s) and your internet connection speed. You will receive an email confirmation receipt once you finalize your submission.

Minimum system requirements: Internet Explorer 11, Microsoft Edge, Google Chrome, or Mozilla Firefox. Javascript must be enabled. Browser cookies must be enabled.

Need Help?

Please contact Equity Hub at help@equityhub.us or (267) 225-1407 for technical questions related to your submission.

The Vendor Guide for Bid Locker can be found at [Vendor Guide for Bid Locker](#).

Prospective Proposers may obtain these solicitation documents by registering on the OregonBuys website and downloading them. Proposers shall consult the OregonBuys system regularly until closing date and time to avoid missing any notices. To register on OregonBuys go to <https://oregonbuys.gov>. The City shall advertise all Addenda on OregonBuys. Prospective proposers are solely responsible for checking OregonBuys to determine whether or not any Addenda have been issued. RFP documents will not be mailed to prospective proposers.

As part of the contract requirements, the successful Proposer will be required to comply with applicable federal, state, and local laws.

The Work shall require a 100% Performance Bond and a 100% Payment Bond from the CM/GC.

All construction completed as a part of this Project will be subject to the Bureau of Labor and Industries (BOLI) Prevailing Wage requirements. Any change to the wage rates that is made prior to execution of the CM/GC agreement will be in effect for the duration of the Project. The CM/GC agrees to be bound by and will comply with the provisions of ORS 279C.800 through ORS 279C.870.

No Proposal for CM/GC services related to this Project shall be received or considered by the Owner unless the Proposer has a current, valid certificate of registration issued by the Construction Contractors Board.

The attention of Proposers is directed to the provisions of Chapter 97, Salem Revised Code, concerning unlawful employment practices. Violation of applicable provisions shall be grounds for immediate termination of this contract without recourse by the Contractor.

Any questions, objections to or comments about the RFP requirements and/or process must be submitted in writing to Shawna Self, Contracts and Procurement Manager, Contracts and Procurement Division, by email to sself@cityofsalem.net. Written comments or e-mails must be received no later than August 16, 2021 at 5:00 p.m. (local time).

The Owner will be the sole judge in determining award of contract and reserves the right to reject any or all Proposals including the requirement to demonstrate the proposer's responsibility under ORS 279C.375(3)(b).

Note: Commercial General Liability in an amount not less than \$10,000,000, Professional Liability in an amount not less than \$2,000,000, and Pollution Liability in an amount not less than \$10,000,000 per claim and in aggregate shall be required.

Human Rights

The Owner assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal funds on the grounds of race, color, national origin, sex, age, disability or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and 13166.

Further, the Owner assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Owner program or activity, whether those programs and activities are federally funded or not, on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the selected CM/GC for Work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential Subcontractor or Supplier shall be notified by the contractor of the contractor's obligations under this contract, Salem revised Code Chapter 97, Title VI of the Civil Rights Act of 1964, and other federal nondiscrimination laws. For a full description of the Owner's Title VI Plan, go to <http://www.cityofsalem.net>.

The Owner is an Equal Employment Opportunity employer. The Owner maintains and operates Americans with Disabilities Act compliant facilities. Reasonable accommodations and arrangements will be made upon notification to the City Contracts and Procurement Division 503-588-6136.

Shawna Self, CPPB
Contracts and Procurement Manager

RFP No.: **212084**
CLOSING DATE: **August 31, 2021**
CLOSING TIME: **2:00 p.m. (Local Time)**

REQUEST FOR PROPOSALS

RFP #XXXXX

FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES
FOR THE
PROJECT NAME

July 28, 2021

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CITY OF AURORA
Construction Manager/General Contractor (CM/GC) Services for
 PROJECT NAME

SECTION 1: INTRODUCTION AND BACKGROUND INFORMATION

The proposed wastewater system improvements included a new treatment facility for the City of Aurora.

PROVIDE DETAILED DESCRIPTION OF PROJECT

The City of Aurora (Owner) requests Proposals from qualified firms to provide Construction Manager/General Contractor (CM/GC) services for the construction of the improvements. The Owner is issuing this Request for Proposals (RFP) for the purpose of negotiating a contract for construction. The selected CM/GC will first participate in the design via a Pre-Construction Services contract. The Design Team is led by Kennedy Jenks and includes their sub-consultant team. A Consultant Project Manager will service as the Owner's Representative/Project Manager through the design and construction phase.

SECTION 2: SCOPE OF REQUIRED SERVICES

2.1 OVERVIEW OF REQUIRED SERVICES

Once the construction work is included in the contract and authorized by the Owner to be performed by the CM/GC, the CM/GC must provide a performance bond and payment bond, each in the full amount of the Guaranteed Maximum Price (GMP). In the event an amendment to the CM/GC contract is made so that the GMP must be increased, the performance bond and the payment bond must each be increased in an amount equal to the increased GMP. The Owner will not pay any amount that exceeds the GMP specified in the contract unless the amount results from material changes to the scope of work set forth in the contract and parties to the contract agree in writing to the material changes.

The construction contractor shall have a public works bond filed with the Construction Contractors Board prior to starting work on the project, in accordance with ORS 279C.836. Additionally, the construction contractor shall include in every subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work, in accordance with ORS 279C.836.

The following provides an outline of services to be provided by the CM/GC:

Pre-Construction Services: Pre-Construction services will be performed by the selected CM/GC under an AIA-based agreement to be negotiated with the Owner (see Appendix 2 – Sample AIA A133 Contract Form and Appendix 3 – AIA A201 General Conditions for Construction Contracts). The CM/GC will join the Design Team after the design process is underway. During the Pre-Construction Phase, the CM/GC will work with the Design Team to analyze the design documents for constructability, sequencing work to minimize disruptions to the operating treatment plant, bid readiness, potential time savings, and opportunities to add value and reduce costs. The CM/GC will work with their sub-contractors as required to complete the design review. The review summary will be provided in a formal list of comments that are reviewed and discussed with the Owner and the Design Team.

For the purpose of developing a pre-construction services fee proposal assume the following:

- Design Submittals Will Be Provided at 30%, 60%, 90% and 100%.
- Cost Estimates and Schedule Updates Shall be Developed for Each Design Submittal listed above. This includes the GMP and Final Schedule at 100% Submittal.
- Weekly Project Meetings Will Be Held During Pre-Construction.

Scheduling: The Design Team will provide design documents at the milestones described above (30%, 60%, 90% and 100%). The Design Team's initial project schedule will show programming and design phases, identify critical milestone dates, and note what decisions are needed to be made by the Owner. The CM/GC will work closely with the Design Team to update and finalize the schedule to show activities necessary to complete all aspects of the design and construction through final certificate of occupancy. The CM/GC will utilize their experience in combination with any subcontractors that are part of their team to identify long lead items and critical path tasks leading to project start-up and completion. The CM/GC will implement a computerized, cost-loaded, critical path scheduling system for use during the pre-construction and construction phases.

Cost Estimating: The Design Team will provide a baseline budget estimate in Unifomat system-based format. The budget estimate will establish target values for all project elements. The CM/GC will provide full Project cost estimates in parallel with the Design Team's independent cost estimator at critical points during the design phase including 30%, 60%, 90% and 100% Construction Document completion. The CM/GC will provide the estimate in identical format (Unifomat systems-based estimate) created by the Design Team to allow efficient review, translation and resolution of cost and scope assumptions. The CM/GC will provide recommendations to the Design Team for keeping costs within the established target values and Project budget. This will include value engineering recommendations, life cycle costs, and updates to the cost estimate at appropriate points during the pre-construction phase. The CM/GC will participate in reconciliation sessions with the Design Team's cost estimator after the 30%, 60%, 90% and 100% submittals to establish consensus and agreement on appropriate cost and quality assumptions for each system and target value. The CM/GC will utilize their experience and available subcontractor input to establish their estimates for all project elements. They will establish budget line items for portions of Work at 30%, 60% and 90% even though the design of some elements of the work will not yet be complete.

Bidding and Contract Negotiation: In coordination with the Owner and the Design Team the CM/GC will establish a GMP for the construction contract based on the 100% design submittal. The CM/GC will establish and implement a process to solicit competitive subcontractor bids for as much of the work as possible. The bid process will be designed to encourage maximum participation by local business enterprises, subcontractors, vendors, and labor resources. Any savings the CM/GC realizes in performing the public improvement contract will accrue to the City. The City does not plan to limit how much of the project can be self-performed by the CM/GC, but a detailed description of the self-performance and contracting plan must be included in the proposal (refer to Section 4.3.B.1.a in this RFP). The GMP must include detailed breakdowns of subcontractor/supplier quotes, self-performed estimates that include man-hours/unit costs/etc., and justification for contingencies (if applicable) to allow the City to verify that costs are competitive and fair.

All construction completed as a part of this Project will be subject to Oregon State prevailing wage requirements (BOLI) as specified in this document. The applicable OAR section 839-025-0020 for determining the BOLI wage rate is attached as Appendix 7. Any change to the wage rates that is made prior to execution of the CM/GC agreement will be in effect for the duration of the Project.

Construction Period: Refer to the Master Schedule (Appendix 6) for schedule details. The CM/GC will complete the Work according to the construction documents. The project's "critical path" schedule developed by the CM/GC will be guaranteed by the contract between the Owner and the CM/GC. The subcontracts will be between the CM/GC and the subcontractors. The contract and/or subcontracts will contain liquidated damages provisions, in the event of late completion.

The CM/GC shall hold construction meetings and prepare monthly progress reports, including but not limited to photos, construction schedule, and financial summaries that are to be distributed to all recipients agreed upon by the Owner, and the Design Team.

The CM/GC shall prepare a comprehensive permit management schedule to support the administration of the project's "critical path" schedule. The CM/GC shall also be responsible for obtaining and administering necessary permits plus testing and inspections for project Work outlined in the Scope of Work that will be developed in detail with the selected CM/GC.

Project Close-Out: Before final inspections, the Owner and the Design Team will create a punch list that will be provided to the CM/GC. The CM/GC will maintain all relevant Project archive records on behalf of the Owner including but not limited to, as-built drawings, specifications, submittals, inspection reports, and related information. Upon completion of construction, the CM/GC will provide Project record drawings, field order and change order records, technical submittals, testing and inspection reports and operating manual supporting documents to the Owner. The CM/GC's submittals will be assembled in an organized fashion and turned over to the appropriate Owner representative. Where commissioning requires operating performance of the completed facility to specified levels, these shall be measured and documented with the Owner, and other appropriate Design Team members present.

The Design Team will develop the Operations and Maintenance Manual but the CM/GC will provide documentation to the Design Team that supports development of the manual. This includes all warranty information. The Operations and Maintenance Manual is an invaluable asset to the property's maintenance personnel and will assist in development of a preventive maintenance program. It is also an opportunity to clarify manufacturer and vendor warranty provisions as well as the CM/GC's responsibilities.

SECTION 3: INFORMATION AND INSTRUCTIONS TO PROPOSERS

This section contains administrative and procedural information and instructions for preparation and submittal of the Proposal.

Note: This RFP process offers several opportunities for prospective Proposers to submit formal protests in accordance with Section 3, subsection 3.3 – Protest of Solicitation Document and the Procurement Process. Filing a protest with Salem requires submitting \$500.00 with the formal written protest. Proposers wishing to submit objections to or comments on RFP specifications of a non-protest nature, must submit them in writing to the office of the Contracts & Procurement Division, by email to sself@cityofsalem.net They must be received no later than August 16, 2021 at 5:00 p.m. (local time). There is no fee for filing objections to or comments on RFP specifications of a non-protest nature.

3.1 QUALIFICATIONS REQUIREMENTS

Each Proposer shall respond to the Proposal requirements as presented in Section 4, Proposal Submittal Requirements, of this RFP. Proposals received without the required information may be rejected as being non-responsive.

The Owner shall have the right to disqualify any Proposal as a result of the information gathered in its research.

3.2 PRE-PROPOSAL INTERPRETATION OF CONTRACT DOCUMENTS AND REQUESTED CHANGES

Technical questions relating to the RFP process should be directed in writing to Shawna Self, Contracts and Procurement Manager, Contracts and Procurement Division, by email to sself@cityofsalem.net.

Any person who contemplates submitting a Proposal in response to this RFP and who finds discrepancies in, or omissions from, or is in doubt as to the true meaning of any part of the RFP document must submit to the Contracts and Procurement Manager of the Owner a written request for a clarification or interpretation thereof by 5:00 p.m. (local time), August 16, 2021. Any clarification or interpretation of the Proposal documents will be made only by written notification. The Owner is not responsible for any explanation, clarification, or interpretation given in any manner except by written notification.

Any person who contemplates submitting a Proposal in response to this RFP and who wishes to have the Owner consider a change in any part of the RFP document must submit to the Contracts and Procurement Manager of the Owner a written request for a change or substitution by 5:00 p.m. (local time), August 16, 2021. The request must include the proposed change and the reason for the change. Protest against award based on the specifications or other content of the RFP will not be considered after this time. Changes to this RFP document shall only be by written addenda.

3.3 PROTEST OF SOLICITATION DOCUMENT AND THE PROCUREMENT PROCESS

A prospective Proposer may protest the procurement process or the solicitation document for a contract. A prospective Proposer must deliver a written protest to the Contracts and Procurement Manager (email: sself@cityofsalem.net) no later than 5:00 p.m. (local time), August 16, 2021. The prospective Proposers shall indicate the reasons for the disagreement through a written protest and shall include a statement of the desired changes to the procurement process or the solicitation document that the prospective Proposer believes will remedy the conditions upon which the prospective Proposer based its protest.

The written protest must be submitted with a certified check or cashier's check in the amount of \$500.00 to cover the costs of processing the protest.

3.4 EXECUTION OF THE PROPOSAL

The Proposal shall be executed in the name of the Proposer(s) followed by the signature of the officer authorized to sign for the printed or typewritten designation of the office held.

If the Proposal is made by a partnership, it shall be executed in the name of the partnership followed by the signature of an authorized partner.

If the Proposal is made by a Limited Liability Company (LLC), it shall be executed in the name of the LLC followed

by the signature of the authorized member(s) or manager(s) authorized to sign for the LLC and the printed or typewritten designation of the office held in the LLC.

If the Proposal is made by a corporation, it shall be executed in the name of the corporation followed by the signature of the officer authorized to sign for the corporation and the printed or typewritten designation of the office they hold in the corporation.

If the Proposal is made by a joint venture, it shall be executed by each participant of the joint venture.

3.5 SUBMISSION OF PROPOSAL

Proposals will be received until, but **not after 2:00 p.m. (local time), August 31, 2021**. Proposals will only be accepted electronically through Equity Hub's Bid Locker.

Completed proposals must arrive electronically via Equity Hub's Bid Locker at https://bidlocker.us/a/salem_or/BidLocker. The City will **not** accept proposals submitted in any other manner.

NO LATE PROPOSALS WILL BE ACCEPTED.

Your proposal must be uploaded prior to the Closing Date and Time. The City strongly recommends that you give yourself sufficient time and at least ONE (1) day before the closing date and time to begin the uploading process and to finalize your submission. The City accepts no responsibility for non-receipt and/or delays in receipt caused by transmission and reception problems, equipment failure, or any other similar cause. Each Proposal is instantly sealed and will only be visible to the City after the closing date and time. Uploading large documents may take significant time, depending on the size of the file(s) and your internet connection speed. You will receive an email confirmation receipt once you finalize your submission.

Minimum system requirements: Internet Explorer 11, Microsoft Edge, Google Chrome, or Mozilla Firefox. Javascript must be enabled. Browser cookies must be enabled.

Need Help?

Please contact Equity Hub at help@equityhub.us or (267) 225-1407 for technical questions related to your submission.

The Vendor Guide for Bid Locker can be found at [Vendor Guide for Bid Locker](#).

3.6 RESPONSE DATE

In order to be considered for selection, Proposals must arrive at the Contracts and Procurement Division Office in the manner and on or before the date and time specified in the RFP advertisement. Delivery in the manner stated herein and completeness of submittals as required by this RFP shall be solely the responsibility of the Proposer(s). Submission of Proposals or additional information offered after the closing date and time shall not be accepted or considered.

3.7 WITHDRAWAL OF PROPOSAL

Proposer(s) may withdraw their Proposal, by written notice submitted on the Proposer's letterhead, signed by the Proposer's authorized representative, delivered to the Contracts and Procurement Office. To be effective, the withdrawal must be received prior to closing. The Proposer or Proposer's authorized representative may withdraw their Proposal by appearing in person before the Contracts and Procurement Manager prior to closing, with presentation of appropriate identification and evidence of authority to make the withdrawal satisfactory to the Contracts and Procurement Manager. The Proposer(s) shall mark a written request to withdraw its Proposal as follows: "Proposal Withdrawal - RFP #212084.

3.8 NOTICE TO PROCEED

The successful Proposer shall be given ten (10) calendar days to execute the contract and return it to the Owner. Contractual Work may not begin until the Notice to Proceed has been issued. The Notice to Proceed will be issued after execution of the contracts by the Owner. The Notice to Proceed will authorize commencement of the Work based on the contract.

3.9 RIGHTS OF CITY OF AURORA TO AWARD OR REJECT PROPOSALS

The RFP does not commit the Owner to award or enter into a contract or service agreement. Under no circumstances will the Owner pay the costs incurred in the preparation of a response to this request. The Owner reserves the right to:

- Accept or reject any or all Proposals or any portion thereof received as a result of this RFP.
- Negotiate with any Proposer(s).
- Accept a Proposal and subsequent offers for contract from other than the lowest cost proposed.
- Waive any immaterial defects and irregularities in Proposals and to waive or modify any irregularities in Proposals received, after prior notification to the Proposer(s).
- In determining the most responsive Proposer(s), take into consideration any or all information supplied by the Proposer(s) in the Proposal and the Owner's investigation into the experience of the Proposer(s). In addition, the Owner may accept or reject Proposals based on minor variations from the stated specifications and when such action is deemed to be in the Owner's best interest.
- Negotiate a final scope and price with the selected Proposer(s) that may differ in some respects from this RFP.
- To seek clarifications of each Proposal. Clarifications shall be submitted in writing and signed by the Proposer. Any such clarifications shall become part of the Proposer's Proposal.
- If Proposer(s) chooses to participate in negotiations, they may be asked to submit additional information, or other revisions to their Proposal as may be required.
- Consider Proposal modifications received at any time before the award is made, if such action is in the best interest of the Owner.
- To negotiate a final contract that is in the best interest of the Owner. The successful Proposer(s) shall commence services only after a contract or agreement with the Owner is fully executed and the Owner has issued a "Notice to Proceed."

3.10 ANTICIPATED SCHEDULE: The Owner will conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065. (The Owner reserves the right to change the below schedule):

July 28, 2021.....	Begin RFP Solicitation
August 10, 2021.....	Voluntary Pre-Proposal Conference at 1:00 p.m. (local time)
August 16, 2021.....	Questions/Change Requests to the Owner at 5:00 PM (local time)
August 23, 2021.....	Owner Issues Responses
August 31, 2021.....	RFP Closing Date at 2:00 p.m. (local time)
September 2021.....	Finalists Selected
September 2021.....	Interviews (if held)
October 2021.....	Notice of Intent to Award Contract
October 2021.....	Pre-Construction Services Agreement

Note: 30 days after the pre-construction services agreement the City will meet with proposers that the City did not select for the public improvement contract, if a proposer requests a meeting to discuss the procurement with the project manager.

3.11 PROJECT MANAGER

The Owner's Designated Representative / Project Manager for the services required within this RFP will be John D. Kennedy, PE. Note that all communication with the City prior to August 16, 2021 will be directed to Shawna Self, Contracts and Procurement Manager, Contracts and Procurement Division, by email: sself@cityofsalem.net.

3.12 ECONOMY OF PROPOSAL PREPARATION

Proposals should be prepared simply and economically, by providing a straightforward, concise description of the Proposer's capabilities related to specified elements units or services. Proposals should not include any information not specifically identified or specified as a required response.

3.13 ADDENDA

A copy of any written clarification or interpretation and of each addendum will be posted on OregonBuys. Any addendum so issued is to be considered a part of the RFP document. The Owner is not responsible for any change or approval made or given in any manner except by addenda. Addenda, if necessary, will be issued not later than five (5) business days prior to the RFP closing date. Addenda shall be signed by the same individual that signs the Proposal and SHALL BE SUBMITTED with the Proposal or as otherwise directed by instructions printed on the addenda. Proposals received without properly signed addenda may be considered non-responsive. Acknowledgement of receipt of all issued addenda on Proposal Form (required) also satisfies this requirement.

3.14 PROTESTS OF ADDENDA

A prospective Proposer may submit a written protest to an addendum within 48 hours of the close of the City's next business day after issuance of the addendum. The written protest shall (1) Sufficiently identify the addendum being protested; (2) Identify the specific grounds that demonstrate how the addenda is contrary to law, unnecessarily restrictive, legally flawed or improperly specifies a brand name; (3) Include evidence or supporting documentation that supports the grounds on which the protest is based; (4) Identify the relief sought; and (5) Include a statement of the desired changes to the addendum that the prospective Proposer believes will remedy the conditions upon which the bidder based its protest. The Owner will not consider a protest to matters not added or modified by the protested addendum. Protests shall be delivered to the **Contracts and Procurement Division, ADDRESS**.

3.15 ACCEPTANCE OF PROPOSAL CONTENT

The contents of the Proposal of the successful Proposer(s) will become contractual obligations if acceptance action ensues. Failure of the successful Proposer(s) to accept these obligations in a contract may result in cancellation of the award.

3.16 PUBLIC RECORDS AND CONFIDENTIALITY OF PROPOSAL

This Request for Proposal and one copy of each original response received, together with copies of all documents pertaining to the selection of the successful Proposer(s) and execution of a copy of the executed agreement, shall be kept for the Owner by the Contracts and Procurement Division for a period of five years and made a part of a file or record which shall be open to public inspection.

A. *Public Records*. By submitting a Proposal, the Proposer(s) acknowledges that information submitted in response to this RFP is open to public inspection under the Oregon Public Records Law, ORS 192.410 through 192.505. The Proposer(s) are responsible for becoming familiar with and understanding the provisions of the Public Records Law.

Note: Under no circumstances will any Proposal information be disclosed by the Contracts and Procurement Division prior to receiving a written recommendation to award from the City Manager.

3.17 HUMAN RIGHTS

The Owner assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal funds on the grounds of race, color, national origin, sex, age, disability or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and 13166.

Further, the Owner assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Owner program or activity, whether those programs and activities are federally funded or not, on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for Work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Salem Revised Code Chapter 97, Title VI of the Civil Rights Act of 1964 and other federal non-discrimination laws.

As required by ORS 279C.520, successful Proposer shall comply with ORS 652.220 and shall not discriminate against any of successful Proposer's employees in the payment of wages or other compensation for work of comparable character, the performance of which requires comparable skills, or pay any employee at a rate less than another for comparable work, based on an employee's membership in a protected class. Commencing on January 1, 2019, successful Proposer must comply with ORS 652.220 as amended and shall not unlawfully discriminate against any of successful Proposer's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Successful Proposer's compliance with this section constitutes a material element of the Agreement and a failure to comply constitutes a breach that entitles the City to terminate the Agreement for cause. Successful Proposer may not prohibit any of successful Proposer's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Successful Proposer may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

3.18 DISCRIMINATION IN SUBCONTRACTING PROHIBITED

Further, Proposer agrees not to discriminate against disadvantaged business enterprises, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns, or an emerging small business certified under ORS 200.055 in awarding subcontracts as required by ORS 279A.110.

3.19 NOTICE OF INTENT TO AWARD

All responsive and evaluated Proposers to the formal RFP will be notified of Owner's intent to award contracts not less than seven days prior to award. The Owner will issue a Notice of Intent to Award based on the results of its evaluation process. The Notice of Intent to Award contracts will be directed to the person who has signed the Proposal on behalf of the Proposer(s).

3.20 PROTEST OF INTENT TO AWARD

A Proposer may protest the award of contracts or the intent to award such contracts, whichever occurs first, if the Proposer claims to have been adversely affected or aggrieved by the selection of a Proposer. A Proposer submitting a protest must claim that the protesting Proposer is the highest ranked Proposer because the Proposals of all higher ranked Proposers failed to meet the requirements of the RFP or because the highest ranked Proposers otherwise are not qualified to perform the services described in the RFP. The Proposer must deliver the written protest to the Contracts and Procurement Division within seven (7) days after issuance of the Notice of Intent to Award the contract or if no Notice of Intent to Award is issued, within forty-eight hours after award. A Proposer's written protest shall specify the grounds for protest to be considered by the Owner pursuant to ORS 279B.410 (2). The Contracts and Procurement Manager shall not consider a Proposer's contract award protest submitted after the above timeline.

The written protest must be submitted with a certified check or cashier's check in the amount of \$500.00 to cover the costs of processing the protest.

3.21 INCURRED COSTS

The Owner, nor its officers, agents, or employees are liable for any cost incurred by Proposer(s) prior to issuance of an agreement, contract, or purchase order. All prospective Proposer(s) who respond to this RFP do so solely at the Proposer's cost and expense.

3.22 NO WARRANTY

All facts and opinion stated within this RFP and all supporting documents and data are based upon information available from a variety of sources. No representation or warranty is made with respect thereto.

3.23 RIGHT TO AUDIT

The successful Proposer(s) shall maintain financial records and other records as may be prescribed by the Owner or by applicable federal and state laws, rules, and regulations. The successful Proposer(s) shall retain these records for a period of five years after final payment, or until they are audited by the Owner, whichever event occurs first. These

records shall be made available during the term of the contract and the subsequent five-year period for examination, transcription, and audit by the Owner, its designees, or other authorized bodies.

3.24 ACCEPT OR REJECT PROPOSALS

The Owner reserve the right to accept or reject any or all Proposals in response to this RFP without cause or to delay or cancel this RFP process without liability to the Owner if they determine it is in the public interest to do so.

3.25 ADDITIONAL INFORMATION

The Owner reserves the right to request additional information following their initial review of the Proposal documents that they deem reasonably necessary to evaluate, rank, and select the most qualified Proposer(s). The Owner staff may conduct a review and verification of confidential information with staff and consultants.

3.26 RIGHT TO MODIFY PROCESS

The Owner reserve the right to modify the selection process or other aspects of this RFP process at its sole discretion. The Contracts and Procurement Division will take reasonable steps to ensure that any modification or clarification to the RFP shall be posted on OregonBuys.

3.27 DEBARMENT OF PROPOSER

The Contracts and Procurement Manager may debar prospective Proposers from consideration for contracts for a period of not more than three years if:

- A. The prospective Proposer has been convicted of a criminal offense as an incident in obtaining or attempting to obtain a public or private contractor subcontract or in the performance of such contract or subcontract;
- B. The prospective Proposer has been convicted under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty that currently, seriously and directly affects the prospective Proposer's responsibility as a contractor;
- C. The prospective Proposer has been convicted under state or federal antitrust statutes;
- D. The prospective Proposer has committed a violation of a contract provision and debarment for such a violation was listed in the contract terms and conditions as a potential penalty. A violation may include, but is not limited to, a failure to perform the terms of a contract or an unsatisfactory performance of the terms of the contract. A failure to perform or an unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment; or
- E. The prospective Proposer does not carry workers' compensation or unemployment insurance as required by applicable law.

The Contracts and Procurement Manager shall give written notice of the reasons for the debarment and the proposed length of debarment to the person for whom debarment is being considered. The Proposer shall be given not less than fourteen (14) days to respond to the Contracts and Procurement Manager in writing. The Contracts and Procurement Manager shall issue a written decision that states the reason for the action taken and that informs the Proposer of the Proposer's appeal rights.

3.28 PROPOSALS SUBMITTED BY CITY OF AURORA EMPLOYEES PROHIBITED

The Owner will not purchase any goods or services from City of Aurora employees unless City Council expressly authorizes the purchase or the purchase is necessary during a state of emergency and the City Manager approves the purchase.

3.29 COLLUSION

By submitting a Proposal, the Proposer thereby certifies that no officer, agent, or employee of the Owner has a pecuniary interest in the Proposal; that the Proposal is made in good faith without fraud, collusion, or connection of

any kind with any other Proposer; that the Proposer is competing solely on its own behalf without connection with, or obligation to, any undisclosed person or firm.

3.30 PUBLICITY

Any publicity giving reference to this Project, whether in the form of press releases, brochures, photographic coverage, or verbal announcement, shall be only with the general or specific approval of the Owner.

3.31 DISPUTES

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of the Owner shall be final and binding upon all parties.

3.32 CONTRACT CONDITIONS

A. **Non-Discrimination in Employment:** The successful Proposer's attention is directed to the provisions of ORS Chapter 659, prohibiting discrimination in employment.

B. **Civil Rights Laws and Anti-Discrimination:** The successful Proposer must comply with all applicable requirements of federal, state, and local civil rights laws and statutes, including, but not limited to, the Age Discrimination Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973.

C. **Insurance Requirements:** Failure of the Owner to demand insurance certificates as specified in the attached sample contract or other evidence of full compliance with the insurance requirements or failure of the Owner to identify a deficiency from evidence that is provided shall not be construed as a waiver of the Contractor's obligation to maintain such insurance.

D. **Laws of the State of Oregon:** The resulting contract will be entered into within the State of Oregon and the law of said state, whether substantive or procedural, shall apply to the contract. All statutory, charter, and ordinance provisions that are applicable to public contracts in the City of Aurora and the State of Oregon shall be followed with respect to the contract.

E. The following contract provisions shall be included in the AIA sample contract prior to execution by the successful CM/GC:

- Prompt payment to all Persons supplying labor or material; contributions to Industrial Accident Fund; liens and withholdings taxes (ORS 279C.505(1));
- Demonstrates that an employee drug testing program is in place (ORS 279C.505(2));
- If the contract calls for lawn or landscape maintenance, a condition requiring the contractor to compost or mulch yard waste material at an approved site, if feasible and cost effective (ORS 279C.510(2));
- Payment of claims by public officers (ORS 279C.515(1));
- Contractor and first-tier subcontractor liability for late payment on Public Improvement Contracts pursuant to ORS 279C.515(2), including the rate of interest;
- Person's right to file a complaint with the Construction Contractors Board for all contracts related to a Public Improvement Contract (ORS 279C.515(3));
- Hours of labor in compliance with ORS 279C.520;
- Environmental and natural resources regulations (ORS 279C.525);
- Payment for medical care and attention to employees (ORS 279C.530(1));
- All employers, including Contractor, that employ subject workers who work under this contract in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Contractor shall ensure that each of its subcontractors complies with these requirements (ORS 279C.530(2));
- Maximum hours, holidays and overtime (ORS 279C.540);
- Time limitation on claims for overtime (ORS 279C.545);

- Oregon State prevailing wage requirements (BOLI) ORS 279C.800 to 279C.870 as specified in this RFP;
- BOLI Public Works Bond (ORS 279C.830(2))
- Retainage (ORS 279C.550 to ORS 279C.570);
- Prompt payment policy, progress payments, rate of interest (ORS 279C.570);
- Contractor's relations with subcontractors (ORS 279C.580);
- Notice of claim (ORS 279C.605);
- Contractor's certification that all subcontractors performing work described in ORS 701.005(2) (i.e. Construction Work) will be registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board in accordance with ORS 701.026 before the subcontractors commence work under the contract;
- Unless otherwise provided in the contract, the contractor shall not assign, sell, dispose of, or transfer rights, or delegate duties under the contract, either in whole or in part, with the Owner's prior written consent. Unless otherwise agreed by the Owner in writing, such consent shall not relieve the contractor of any obligations under the contract. Any assignee or transferee shall be considered the agent of the contractor and be bound to abide by all provisions of the contract. If the Owner consents in writing to an assignment, sale, disposal or transfer of the contractor's rights or delegation of contractor's duties, the contractor and its surety, if any, shall remain liable to the Owner for complete performance of the contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the Owner otherwise agrees in writing;
- Contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385; and
- All references to "Architect" in the AIA contract will be changed to "Engineer".

3.33 FORFEITURE OF THE CONTRACT

This contract may be canceled at the election of the Owner at any time for any willful failure or refusal by the Proposer(s) to perform according to the terms of a contract or agreement as herein provided.

3.34 PROPOSER'S FORMS

Any additional forms that the Proposer expects to submit to the Owner at a later date for signature may not conflict with the intent or specifics of this RFP and, although they will not be evaluated, they must be submitted with the Proposal. Any such form must include the contract terms identified in the RFP.

Examples of these forms include, but are not limited to, the following:

- Agreement form(s).
- Supplemental agreement forms.
- Ordering forms.
- Work order forms.
- Software licensing agreements, if applicable.

Submission of any such forms shall not be considered a waiver or amendment to any RFP requirement and any Proposal conditioned upon acceptance of any such forms shall be considered non-responsive. The Owner in their sole discretion may approve the forms, require modifications, or reject the forms.

3.35 FORM OF PROCUREMENT CONTRACT

Any procurement contract that is awarded as a result of this RFP will incorporate the RFP document, the successful Proposer's written Proposal, any required certificates, and all other documents incorporated by reference therein.

It is the Owner's intent to award contracts in substantially the form of the Agreement attached as Appendix 2 (Sample AIA A133 Contract Form). Proposer may submit an alternative Agreement for the Owner's review. The Owner, at their sole determination, may approve the Proposer's offered Agreement as is, require modifications, or reject the Proposer's Agreement and require that the Owner contracts be executed for the purpose of this procurement.

A Proposer may not condition its Proposal on execution of any Agreement it submits. Any such condition shall result in rejection of the Proposal.

3.36 RESIDENT PROPOSER

The Owner shall, pursuant to ORS 279A.120, for the purposes of awarding the contract, add a percent increase on the proposal of a nonresident proposer equal to the percent, if any, of the preference given to that proposer in the state in which the proposer resides.

“Resident proposer” means a proposer that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the proposal, has a business address in this state and has stated in the proposal whether the proposer is a “resident proposer”.

SECTION 4: PROPOSAL SUBMITTAL REQUIREMENTS

4.1 PREPARATION OF PROPOSAL FORM (required)

- A. The Proposal Form (Appendix 1) shall indicate the type of entity submitting the Proposal and shall include the name of an individual authorized to obligate the entity in this contractual matter. The Proposal shall be executed by an individual with the authority to legally obligate the Proposer in contractual matters.
- B. The business name, address and telephone number shall be shown on the Proposal Form.
- C. In compliance with ORS 671.530, no bid for a construction contract shall be received or considered by the public contracting agency unless the Bidder is registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board. That requirement extends to the Contractor on this Project. Proposers must enter their contractor license number on the Proposal Form.
- D. All names shall be typed or printed in ink below the signatures.
- E. Upon request of the Owner, Proposer shall submit proof of signature authority.

4.2 CONTENT AND FORMAT OF PROPOSALS

Content and Format of Proposals

Proposals should be prepared simply and economically and should provide a straight-forward, concise description of the Proposer's ability to satisfy the requirements of this RFP. The Owner shall not be liable for any expense incurred in the preparation of Proposals.

Proposals MUST conform to the following format:

- A. **Page Size:** Submit on 8.5x11-inch paper with basic text and graphic information. Proposers may include a maximum of three (3) 11x17-inch pages for the proposed Project schedule and/or organization chart. Single-sided 11x17 inch pages are considered one page for the purposes of determining total page count. Double-sided 11x17 inch pages are considered two pages.
- B. **Page Limitation:** Pages, including appendices, in excess of 30 single-sided will not be reviewed.
- C. **Number of Copies:** Electronic submittal through Bid Locker.
- D. **Recyclable Materials:** Electronic submittal through Bid Locker.
- E. **Cover Information:** Provide a front cover with the text "Proposal for CM/GC Services – Aurora PROJECT NAME" and the Proposer's contact information (name, address, telephone number, website address, email address). Cover does not count toward total page count.
- F. **Letter of Transmittal and Proposal Form:** Provide a one-page letter of transmittal immediately following the front cover. The letter should be addressed to the RFP contact and signed by an officer of the company. Additionally, Proposer must appropriately fill-out and ATTACH the Owner provided Proposal Form to the Letter of Transmittal. The Proposal Form is attached as Appendix 1. Letter of Transmittal and Proposal Form do not count toward total page count.
- G. **Table of Contents:** Provide a Table of Contents immediately following the Letter of Transmittal.
- H. **Supplemental Materials:** Technical literature, display charts, or other supplemental materials are the responsibility of and within the discretion of the Proposers. Include supplemental materials in an appendix at the back of the submittal.

4.3 ALL PROPOSALS SHALL INCLUDE THE FOLLOWING INFORMATION:**A. Project Firm/Team Experience and Qualifications**

1. **Capacity and Performance:** For each firm participating in the Proposal, provide:
 - a. Narrative description of the firm's history and capabilities, including:
 - annual volume figures for the last five years;
 - current bonding capacity (aggregate and individual job limits); number of years in continuous operation;
 - names of all persons with ownership interest in the company and their titles, roles as offices or other involvement; and
 - current company construction capabilities (types of work in which the company specializes, preferred range of job size, unique areas of construction expertise, etc.).
 - b. List of past collaborations if more than one firm is participating in the Proposal;
 - c. Copy of contractor's license; and
 - d. Number and dollar amount of each claim greater than \$10,000 in the last ten years that required arbitration, or litigation to settle, and current disposition.
2. **Similar Project Experience:** Describe your firm's experience with five (5) projects of comparative size and complexity within the last ten (10) years. Provide a brief description and location of the project, completion date, name of Owner's contact and current phone number, amount of initial contract award and final contract close-out or projected price. Types of similar project experience include:
 - a. Experience working in working around operating critical public works facilities especially experience installing water and wastewater treatment systems, membrane systems, and other components associated with this project.
 - b. Experience with Oregon CM/GC contracts including construction management and pre-construction services experience and capabilities;
 - c. Experience with Oregon State prevailing wage requirements (BOLI), including prevailing wage reporting and compliance; and
 - d. Experience with multiple bid packages.
 - e. Identify work your firm self-performed on each of the reference projects.
 - f. At least 3 reference projects must be CM/GC.
 - g. At least 3 reference projects must have a construction value greater than \$20 million.
3. **CM/GC Project Team:**
 - a. **Proposed Team:** For this Project, provide an organization chart showing your proposed key staff. If a joint venture is proposed, identify the responsibilities of key members of the joint venture.
 - b. **Specific Roles of Key Staff:** Identify key staff for this Project and include resumes in the appendix. Clearly identify their proposed roles for this Project, and relevant experience with similar projects. This should include potential joint venture firms that are part of the CM/GC team.

B. Project Approach and Management of the Work

1. Describe your firm's approach to completing the Work under the proposed contract. Include the management strategies and value that your firm brings to the Project. Describe the major challenges to successful completion and how the Proposer's team will approach them. At a minimum, include the following elements of your management plan:
 - a. **Self-Performance and Contracting Plan:** Submit your proposed contracting plan covering the Work. Recommend division of the Work to facilitate bidding and award of sub-contracts. Recommend which Work, if any, should be procured through value-based competitive selection in lieu of low bid. Identify which Work your firm has interest in self-performing.
 - b. **Quality Control:** Provide a detailed description of your company's quality control program and describe how it will be implemented in this Project.
 - c. **On-Time Completion:** Provide a preliminary baseline schedule showing how you will meet the schedule objectives outlined in subsection 2.1 of this RFP, "Overview of Required Services" including proposed phasing and strategy.
 - d. **Safety:** Provide a description of your firm's safety program that would be implemented for this Project. Include your most recent Workers Compensation experience modifier.
 - e. **Commissioning and Start-up:** Provide a description of your firm's commissioning and start-up plan that would be implemented for this Project.

C. Cost Estimating, Value Analysis, and Cost Tracking

1. Briefly describe your approach to cost estimating.
2. Provide your approach to integrating CM/GC estimates with the established target value estimating approach initiated by the Design Team. Describe how you will advise and manage scope and budget recommendations during design.
3. Provide a list of your three (3) most recent comparable estimates and the difference between preliminary cost estimate (developed during Design Development phase) and final Bid (GMP) amount. Explain any significant variations.
4. Briefly describe your strategies to provide constructability and value analysis suggestions to the Design Team.
5. **Budget Control:** Explain how you will approach cost estimating, value engineering, and construction to complete the Project within the established budget. Describe your approach to determining whether Project changes are inside or outside the scope of the GMP.

D. Fee Proposal

1. Using Appendix 5 (Fee Proposal Instructions, Fee Proposal Form and Fee Proposal) for reference, the proposer must provide a proposed fee, in a separate sealed envelope from the main RFP submission, for providing the CM/GC services in three parts:
 - a. **Preconstruction Fee:** A reimbursable maximum, not-to-exceed Preconstruction Fee for the Project, reflecting the activities required in subsection 2.1 and in Appendix 5 of this RFP. This fee will be paid on a cost reimbursement basis and must be submitted as a maximum, not-to-exceed number.
 - b. **CM/GC Fee:** Expressed as a percentage of the Estimated Cost of the Work for this Project. The CM/GC Fee must include, at a minimum, the Construction Management elements and Costs Excluded from Cost of the Work, as specified in the CM/GC Contract; the CM/GC Fee excludes the Preconstruction Fee.
 - c. **Self-Performed Work Markup:** Expressed as a percentage of an assumed value of self-performed work eligible for markup. The markup percentage shall not exceed 8%.

E. References

1. The Owner will conduct extensive reference checking of all responding firms. Emphasis will not only be placed on specific reference material contained in responding firm's proposal but additional extended reference checks and interviews of owners, architects and subcontractors will also be conducted.

SECTION 5: EVALUATION CRITERIA AND PROCESS

5.1 EVALUATION PROCESS

Proposals are to be submitted to the place and in the manner established in Section 3, subsection 3.5 “Submission of Proposal” and will be reviewed by a Selection Committee established by the Owner. Qualified proposers will be those able to demonstrate, through their submittal, that they have the experience and capability to construct the Project in accordance with the evaluation criteria contained in this RFP established in Section 5, subsection 5.2 “Evaluation Criteria”. The Selection Committee will meet to evaluate and score the submitted proposals, and produce the final scores and ranking of all proposals received. Based on its evaluation of the submitted proposals, the Selection Committee may, at its option invite the highest-ranking proposers to an in-person interview to further discuss their proposals and qualifications. The City reserves the right to award contracts based on initial proposal submittals or, at the sole discretion of the City, to conduct interviews with any or all of the Proposers. The Owner reserves the right to make its final selection without conducting an in-person interview. The proposer demonstrating the best combination of experience, capability and economical fee structure for a complete scope of Work will be the CM/GC selected to enter into negotiations with the Owner.

The Owner reserves the right to investigate the qualifications of all Proposers under consideration and to confirm any part of the information furnished by a Proposer, or to require additional evidence of managerial, financial, technical, or other capabilities which are considered necessary for the successful performance of the Work.

Clarifications to Proposals

The Owner reserves the right to obtain clarification of any point in a Proposal or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Proposer to respond to such a request for additional information or clarification could result in rejection of that firm's proposal.

5.2 EVALUATION CRITERIA

A. General. Proposers will be evaluated and rated based on their written proposal and interviews. Submittal requirements for the proposal are described in Section 4 – Proposal Submittal Requirements.

B. Competitive Range. A selection committee will evaluate the proposals in accordance with the evaluation criteria set forth below, and will determine which proposals, if any, are within a competitive range determined by the Owner in its sole discretion. Only those proposals determined to be within the competitive range will be considered for interviews and award. Selection of proposers to be interviewed will be based on the evaluation criteria and scoring of subsection 4.3 of this RFP.

C. Evaluation Criteria. The Owner’s selection committee will consider information provided in the written proposal and interviews (if held), and will rank the proposers according to the following criteria. Written proposals will receive a maximum of 200 points and interviews (if held) will receive a maximum of 100 points, for a total maximum score of 300 points. The maximum points available for each evaluation criterion are:

Note: Proposals must comply with the Format Requirements of Section 4, subsection 4.2 “Content and Format of Proposals”. Compliance to this requirement will be evaluated on a “Pass” or “Fail” basis.

- A. Project Firm/Team Experience and Qualifications.
 - 1. Capacity and Performance (maximum 10 points).
 - 2. Similar Project Experience (maximum 50 points).
 - 3. CM/GC Project Team (maximum 25 points).
- B. Project Approach and Management of the Work (maximum 30 points).
- C. Cost Estimating, Value Analysis, and Cost Tracking (maximum 30 points).
- D. Fee Proposal (maximum 30 points).
- E. References (maximum 25 points).

Written Proposal (Sum of A-F).....	<u>200 points maximum</u>
Interview (if held)	<u>100 points maximum</u>
Total Points	<u>300 points maximum</u>

If the Owner elects not to hold interviews the selection shall be made on the basis of 200 points maximum.

5.3 INTERVIEWS

A. The selection committee will identify a short list of finalists to be interviewed before final selection of a CM/GC, based on the results of the evaluation. Interviews will be held for selected firms in September, 2021. Interviews will be up to 90 minutes. Selected firms will be notified with the exact time and location.

B. Interviewed proposers should be prepared to respond to questions related specifically to their proposals and other pertinent matters regarding the RFP. The interview format will not require or allow any presentations. No PowerPoint or other presentation materials, however firms may bring up to two graphics for reference during the discussion. Questions will not be provided in advance. Topics will pertain to:

- i. Project Management and Communication
- ii. Experience with CM/GC and alternate delivery methods
- iii. Safety
- iv. Project approach
- v. Questions pertaining to firm's proposal.
- vi. Other questions that may arise during the proposal review process.

C. If you're invited to interview, the corporate executive dedicated to the Project, the project manager, the project superintendent, project field engineer, project estimator, and the key individuals responsible for preconstruction services must attend in person.

D. More specific questions may be posed in correspondence directed to the most qualified proposers after this solicitation is closed.

E. The Owner reserves the right to not hold interviews.

5.4 CONTRACT AWARD

After evaluation and ranking of all proposals by the Selection Committee, the Selection Committee may recommend to the City of Aurora's City Manager that the top-ranked proposer be invited to work with the Owner and that the City Manager authorize negotiations to finalize the contract. If the Owner is unable to successfully negotiate with the top-ranked proposer, the Owner reserves the right, at its sole discretion, to terminate negotiations and begin new negotiations with the next highest-ranked proposer. The Owner intends to select and award a contract to a single contractor to serve as the CM/GC for the Project, but the Owner is not required to do so, and may decline to award any contract as a result of this RFP.

5.5 FEE PROPOSAL SCORING

The Owner will award a maximum of 30 points to each fee proposal as follows:

Preconstruction Fee **Maximum of 10 points**: The Pre-Construction fee will be scored based upon its deviation from the median cost proposed by the field of proposers.

Philosophy: The Project requires you to perform a given required amount of work as described in the sample contract, for the duration of time described in this RFP. The Pre-Construction fee should be an accurate reflection of the effort required to perform those services. This scoring methodology will reward the firm that hits the "sweet spot" in the middle of the group of responsive proposers.

Example Outcome with 5 Proposers:

Proposed Costs for Pre-Construction Services: \$45,000; \$50,000; \$60,000; \$62,000; \$77,000.

Median Cost: \$60,000

Point Distribution: 10 points total available

\$45,000	7.5 points
\$50,000	8.3 points
\$60,000	10.0 points
\$62,000	9.7 points
\$77,000	7.8 points

CM/GC Fee Maximum 20 points: The lowest CM/GC Fee percentage proposed will receive the maximum number of points. Other proposers will receive a score that is calculated by dividing the most competitive fee by their fee and multiplying the result by the total score available.

Scoring Example:

Most Competitive Fee (6% for example) will score 20 points. Other

fees proposed and resulting scores:

6.5%	18.46 points $((6.0/6.5)*20)$
7%	17.14 points $((7.0/6.5)*20)$
8%	15.00 points $((8/6.5)*20)$
9.00%	13.33 points $((9.0/6.5)*20)$

— End of RFP —

APPENDIX 5 – Fee Proposal Instructions & Form (Required)

CITY OF AURORA

CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR PROJECT NAME

GENERAL INSTRUCTIONS. This Appendix 5 is provided as a supplement to the Owner’s Request for Proposal (RFP) for CM/GC Services. Fee proposal information is sealed separately and not available to the Selection Committee during the evaluation of technical proposals. Fees will be evaluated separately.

PREPARATION OF FEE PROPOSALS

1. Each Proposer must submit the proposal amounts on the Fee Proposal Form included in this Appendix 5. The first amount must be for the “CM/GC Fee,” the second amount must be for the “Bonds and Insurance”, the third amount must be for the “Pre-construction Services”, and the fourth amount for self-performed work markup. Pre-construction Services include services described in the RFP and supporting documents and include:
 - a) a minimum of three formal construction cost estimates;
 - b) constructability reviews and Value Engineering, using best practices in Target Value Design;
 - c) meeting attendance and co-location with the Project Team;
 - d) scheduling;
 - e) general correspondence and consultations;
 - f) site logistics and procurement planning; and
 - g) other requirements as specified in this RFP & supporting Appendices.

2. Proposer shall comply with the following instructions in preparing its Fee Proposal:
 - a) state a proposed CM/GC Fee as a percentage, and multiply it by the Total Estimated Cost of Work (ECOW) to determine a single dollar amount for the CM/GC Fee;
 - b) propose an amount for insurance, stated as a percentage of the ECOW;
 - c) calculate a total, not-to-exceed amount as fees payable for Pre-Construction Services, based on time expected to be spent by CM/GC staff performing these Services multiplied by their hourly rates; and
 - d) Calculate an estimated total cost for self-performed work markup based on a proposed Self-Performed Markup as a percentage multiplied by the specified assumed self-performed work amount listed. The markup percentage shall not exceed 5%. Markup shall apply to Contractor’s labor, equipment, and materials costs for self-performed work unless not allowed in the Form of Agreement, General Conditions, or by mutual agreement between the Contractor and Owner.
 - e) provide a total fee, as the sum of a through e.

3. The proposer must list its business name, address, other contact information, Contractor’s Registration Number, and federal EIN on the Fee Proposal Form in the space provided.

4. Fee Proposals must be (1) submitted using the Fee Proposal Form provided in Appendix 5, and (2) manually signed in ink by an authorized representative of the Proposer. Only the amounts and information required on the Fee Proposal Form will be considered as the Fee Proposal. All blank spaces must be filled in.

5. The Fee Proposal must include all taxes imposed by law in the State of Oregon. The Owner reserves the right to reject any or all Fee Proposals and to waive as an informality any non-material irregularities in the Fee Proposal Forms received.

SUBMISSION AND WITHDRAWAL OF BIDS

1. Fee Proposals must be submitted in a separate file and must arrive electronically via Equity Hub's Bid Locker at https://bidlocker.us/a/salem_or/BidLocker. The City will **not** accept proposals submitted in any other manner.
2. The Owner will not accept Fee Proposals or proposal modifications by email, facsimile, telephone, or orally. A proposer may withdraw its Fee Proposal by submitting a written request to Shawna Self at sself@cityofsalem.net before the proposal submittal deadline.
3. Any Fee Proposal or request to withdraw a Fee Proposal that is received after the deadline set forth above will not be considered.

NOTE: It is the proposer's responsibility to ensure its materials are delivered to the Owner by the closing day and time. The Owner assumes no responsibility for late deliveries, for whatever reason.

APPENDIX 5 – FEE PROPOSAL FORM (Required)
CITY OF AURORA
 CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR
PROJECT NAME

In compliance with the **Fee Proposal Instructions** and **Fee Proposal**, and pursuant to **Appendix 2** (Sample AIA A133 Contract Form) and **Appendix 3** (Sample AIA A201 General Conditions of the Contract for Construction), the undersigned proposes to furnish all labor, materials, equipment and services necessary to complete the Work for the following costs:

CM/GC Fee	Percentage	Total Estimated Cost of Work "ECOW"	Proposal Amount
Insert proposed percentage fee and multiply by the Total Estimated Cost of Work (ECOW) to determine the proposed CM/GC Fee	_____ %	\$50,000,000	\$ _____

Insurance	Percentage	Target GMP per RFP	Proposal Amount
Insert Percent Fee and multiply by the Guaranteed Maximum Price (GMP) to determine CM/GC Insurance Amounts		\$50,000,000	
GL Liability Insurance	_____ %	\$50,000,000	\$ _____
Pollution Liability Insurance	_____ %	\$50,000,000	\$ _____
Performance and Payment Bond	_____ %	\$50,000,000	\$ _____
			(enter the sum of the amounts in the boxes directly above in the box immediately below)
TOTAL Bonds and Insurance			\$ _____

APPENDIX 5 - FEE PROPOSAL FORM (page 2)

**CITY OF AURORA
CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR
PROJECT NAME**

Pre-Construction Services			Proposal Amount
Staff Member <u>Classification</u>	<u>Hourly Rate</u> x	Total per Estimated Staff Member <u>Hours</u> = <u>Classification</u>	
_____	\$ _____ x	_____ = \$ _____	
_____	\$ _____ x	_____ = \$ _____	
_____	\$ _____ x	_____ = \$ _____	
_____	\$ _____ x	_____ = \$ _____	
_____	\$ _____ x	_____ = \$ _____	
_____	\$ _____ x	_____ = \$ _____	
TOTAL Pre-Construction Services Proposal (Not To Exceed)			Proposal Amount \$ _____
Self-Performed Work Markup Not to Exceed 5%		Assumed Value of Self-Performed Work	
Percentage _____ %		\$25,000,000	\$ _____

Summary of all Bid Proposal Items	Proposal Amount TOTALS:
CM/GC Fee	\$ _____
Bonds and Insurance	\$ _____
Pre-Construction Services (NTE)	\$ _____
Self-Performed Work Markup	\$ _____
<u>TOTAL PROPOSAL, ALL PARTS</u>	\$ <input type="text"/>

For the purposes of calculating the costs of bonds and insurance, the proposer shall assume a target GMP as referenced in the Request for Proposal, and related RFP documents.

If the Owner and the CM/GC agree upon a GMP, the Owner and the CM/GC will execute an amendment establishing this GMP, as described in Appendix 2, Sample AIA A133 Contract Form.

By signing this Fee Proposal Form, the undersigned agrees to execute a contract using the form of contract provided as Appendix 2, and to furnish bonds and evidence of insurance as required by the Contract Documents.

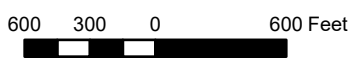
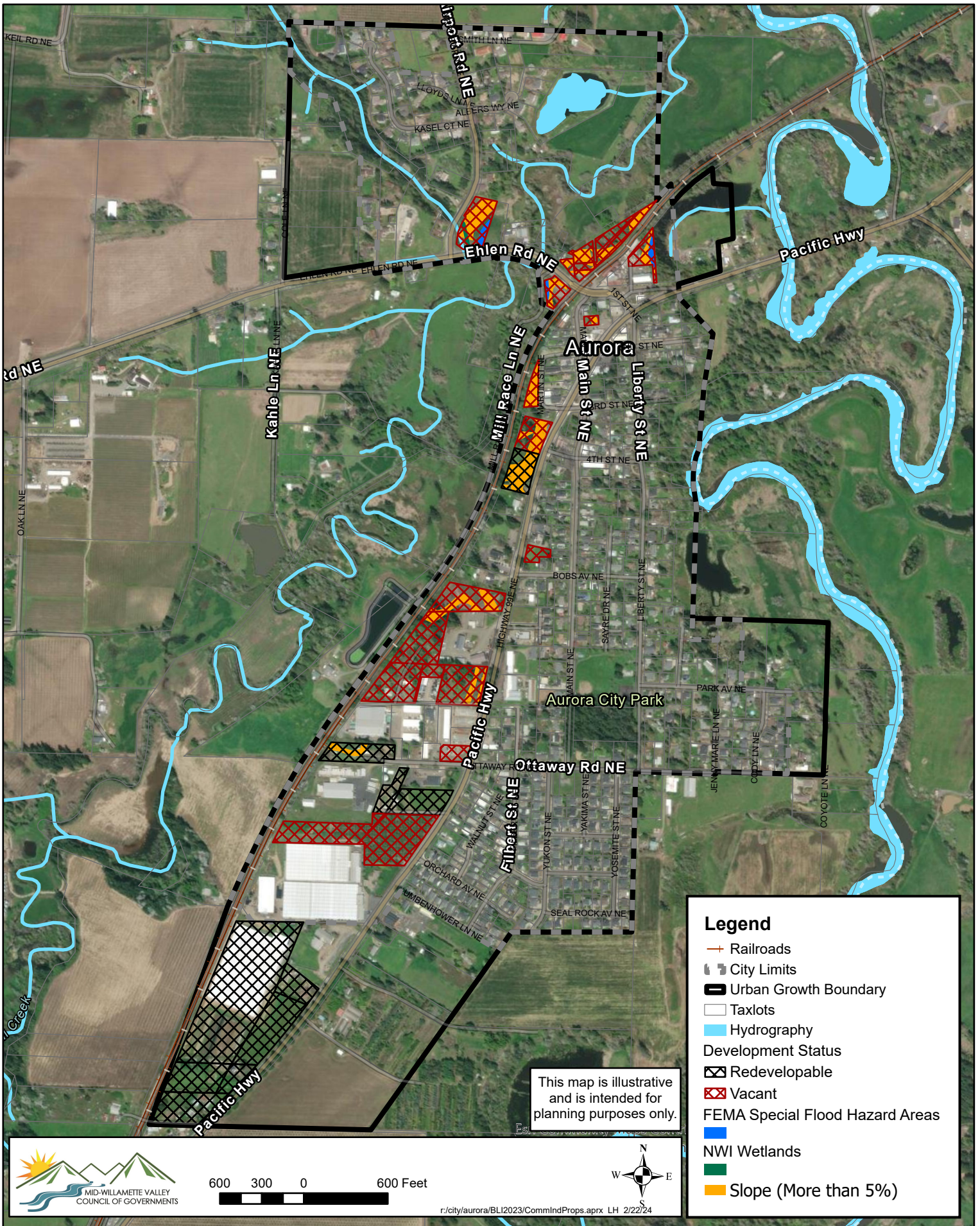
Proposer's Business Name:			
Type of Business: _____ (e.g., sole proprietorship, general or limited partnership, limited liability company, corporation, or other – if other describe the entity)			
State of incorporation or of other business entity formation: _____			
Business Address:	City:	State:	Zip Code:
Business Telephone Number:	Business Fax Number:	Business E-mail Address:	
State of Oregon numbers for the following:			
Contractor Registration No.:	Oregon Registry Number:	EIN No.:	
Receipt is hereby acknowledged of Addenda No(s): _____ (initials)			

REPRESENTATIVE AUTHORIZED TO SIGN FOR PROPOSER:

I certify (or declare) under penalty of perjury under the laws of the State of Oregon that the foregoing Fee Proposal is true and correct.	
Signature:	Date:
Print Name and Title	Location or Place Executed: (City, State)

Old Business

City of Aurora Vacant/Redevelopable Properties & Constraints



TAXLOT	COMP	DEV	In city limits?	ACRES	EXISTING DEVELOPMENT	BUILDABLE ACRES	How buildable area was determined.	STREET	OWNERNAME	Slope
041W14D000800	I	R	N	2.41	Nonconforming residential and farm	2.41	The existing residence and accessory uses are not likely to conform with future industrial zoning but could be converted to a permitted use.	20517 HIGHWAY 99E NE	ZIMMERLEE TERESA F	
041W14D000900	I/C	R	N	2.85	Potentially nonconforming residential values at \$489,930. 1.85 acres disqualified from farm use per assessor	1.85	The existing residence is not likely to conform with future industrial or commercial zoning and the undeveloped portion has been disqualified from farm use.	20567 HIGHWAY 99E NE	CARILLO-GARCIA ERASMO	
041W13B001800	I	R	Y	1.45	Nonconforming SFR and accessory buildings	1.45	The current use of the property is nonconforming in the I district.	14603 OTTAWAY RD NE	WEIK, ROBERT A & WEIK, MARILYN E	0.3
041W14D001000	I/C	R	N	13.52	Ag Building. ± 6 acres for growing	6.00	The property is outside of city limits and appears to be in farm use. 6 acres used for growing.			2.01
					Subtotal	11.71				

TAXLOT	COMP	DEV	In city limits?	TOTAL ACRES	BUILDABLE ACRES	STREET	OWNERNAME
Commercial Redevelopable							
041W13C000104	C/I	R	N	2.34	2.34	20837 HIGHWAY 99E NE	ENSIGN INVESTMENTS LLC
041W13C000600	C/I	R	N	1.05	1.05	20627 HIGHWAY 99E NE	M & H FARMS LLC
041W13B001400	C	R	Y	2.36	1.50	21111 HIGHWAY 99E NE	HELLHAKE MARY ALICE
041W13BA02100	C	R		1.25		21377 HIGHWAY 99E NE	MCDONALD TODD M
					4.89		
Commercial Vacant							
041W12C001900	C	V		1.55		14723 EHLEN RD NE	H2O INVESTMENTS LLC
041W12CD00100	C	V		0.67			UNION PACIFIC RAILROAD CO PROPERTY TAX
041W12CD00200	C	V		0.54			CITY OF AURORA
041W12CD01200	C	V		0.58		21711 MAIN ST NE	ARCHAEOLOGICAL CONSERVANCY
041W12CD01500	C	V		0.17			CITY OF AURORA
041W12CD01600	C	V		0.40		21790 MAIN ST NE	CITY OF AURORA
041W12CD01700	C	V		0.17		0 MAIN ST NE	CITY OF AURORA
041W12CD01800	C	V		0.14		0 MAIN ST NE	UNION PACIFIC RAILROAD CO PROPERTY TAX
041W12CD02200	C	V		0.77		14971 1ST ST NE	BYRNES MICHAEL G & BYRNES KATE A
041W12CD04000	C	V		0.15			SCHULTZ DICKIE LEE
041W12CD05400	C	V		0.45			UNION PACIFIC RAILROAD CO PROPERTY TAX
041W13B000900	C	V		1.85		21267 HIGHWAY 99E NE	DHW PROPERTIES LLC
041W13B002600	C	V	Y	0.52	0.52	14713 OTTAWAY RD NE	PNR LLC
041W13BA02000	C	V		1.04		21477 HIGHWAY 99E NE	COLVER JASON
041W13BA02700	C	V		0.36	0.36		STEKLO PROPERTIES
041W13C000200	C	V	Y	5.59	5.59		M & H FARMS LLC
					6.47		
Industrial Redevelopable							
041W14D000800	I	R	N	2.41	2.41	20517 HIGHWAY 99E NE	ZIMMERLEE TERESA F
041W14D000900	I/C	R	N	2.85	1.85	20567 HIGHWAY 99E NE	CARILLO-GARCIA ERASMO
041W13B001800	I	R	Y	1.45	1.45	14603 OTTAWAY RD NE	WEIK, ROBERT A & WEIK, MARILYN
041W14D001000	I/C	R	N	13.52	6.00		M & H FARMS LLC
					11.71		
Industrial Vacant							
041W13C000200	I	V	Y	2.25	2.25		M & H FARMS LLC
041W13B001100	I	V	Y	2.10	2.10		MADDIE'S PLACE LLC MARY A HELLHAKE, MGR
041W13B001200	I	R	Y	1.99	1.99	21111 HIGHWAY 99E NE	HELLHAKE MARY ALICE
					6.34		
				Total	34.43		

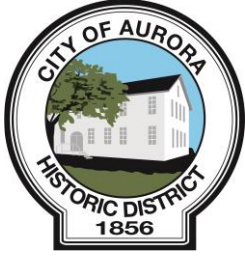
TAXLOT	COMP	DEV	IN CITY LIMITS?	ACRES	BUILDABLE ACRES	HOW BUILDABLE AREA WAS DETERMINED	STREET	OWNERNAME	Slope
041W12C001900	C	V	Y	1.55	0.00	Slopes exceed 5%	14723 EHLEN RD NE	H2O INVESTMENTS LLC	0.81
041W12CD001100	C	V	Y	0.67	0.00	Slopes exceed 5%		UNION PACIFIC RAILROAD CO PROPERTY TAX	0.44
041W12CD00200	C	V	Y	0.54	0.00	Slopes exceed 5%		CITY OF AURORA	0.07
041W12CD01200	C	V	Y	0.58	0.00	Slopes exceed 5%	21711 MAIN ST NE	ARCHAEOLOGICAL CONSERVANCY	0.31
041W12CD01500	C	V	Y	0.17	0.00	Slopes exceed 5%		CITY OF AURORA	0.11
041W12CD01600	C	V	Y	0.40	0.00	Slopes exceed 5%	21790 MAIN ST NE	CITY OF AURORA	0.28
041W12CD01700	C	V	Y	0.17	0.00	Slopes exceed 5%	0 MAIN ST NE	CITY OF AURORA	0.05
041W12CD01800	C	V	Y	0.14	0.00	Slopes exceed 5%	0 MAIN ST NE	UNION PACIFIC RAILROAD CO PROPERTY TAX	0.07
041W12CD02200	C	V	Y	0.77	0.00	Slopes exceed 5%	14971 1ST ST NE	BYRNES MICHAEL G & BYRNES KATE A	0.40
041W12CD04000	C	V	Y	0.15	0.00	Slopes exceed 5%		SCHULTZ DICKIE LEE	0.06
041W12CD05400	C	V	Y	0.45	0.00	Slopes exceed 5%		UNION PACIFIC RAILROAD CO PROPERTY TAX	0.45
041W13B000900	C	V	Y	1.85	0.00	Slopes exceed 5%	21267 HIGHWAY 99E NE	DHW PROPERTIES LLC	0.69
041W13B002600	C	V	Y	0.52	0.52	Vacant no constraints	14713 OTTAWAY RD NE	PNR LLC	
041W13BA02000	C	V	Y	1.04	0.00	Slopes exceed 5%	21477 HIGHWAY 99E NE	COLVER JASON	0.57
041W13BA02700	C	V	Y	0.36	0.36	Vacant no constraints		STEKLO PROPERTIES	
041W13C000200	C/I	V	Y	5.59	5.59	Vacant no constraints		M & H FARMS LLC	0.0027
						Debris pile shows as a slope over 5% but will require removal to meet DEQ remediation requirements			
041W13B001400	C	V	Y	2.36	2.36		21111 HIGHWAY 99E NE	HELLHAKE MARY ALICE	
Subtotal				14.93	6.47				4.32

TAXLOT	COMP	DEV	In city limits?	ACRES	EXISTING DEVELOPMENT	BUILDABLE AREA	How buildable area was determined.	ADDRESS	OWNERNAME	Slope
041W13C000104	C/I	R	Y	2.34	Split zoned. No RMV for existing structures. Commercial portion unimproved.	2.34	The existing structures have no assigned market value and the majority of the commercially zoned portion of the property is unimproved.	20837 HIGHWAY 99E NE	ENSIGN INVESTMENTS LLC	
041W13C000600	C	R	N	1.05	Nonconforming residence valued at \$1,160	1.05	The existing residences have very low value and are unlikely to conform with future commercial zoning when annexed.	20627 HIGHWAY 99E NE	M & H FARMS LLC	
041W13B001400	C/I	R	Y	2.36	Application submitted for boat storage. 1.5 acres available for Com.	1.5	The buildable portion in the C district is not planned to be developed under the current proposal.	21111 HIGHWAY 99E NE	HELLHAKE MARY ALICE	0.38
041W13BA02100	C	R		1.25				21377 HIGHWAY 99E NE	MCDONALD TODD M	0.90
Subtotal						4.89				

TAXLOT	ACRES	STREET	OWNERNAME	COMP	DEV	Slope
041W13C000200	2.25		M & H FARMS LLC	I	V	0.00268589692
041W13B001100	2.10		MADDIE'S PLACE LLC MARY A HELLHAKE MGR	I	V	0.199153
041W13B001200	1.99	21111 HIGHWAY 99E NE	HELLHAKE MARY ALICE	I	R	0.0002

6.33

Public Hearing



City of Aurora

"National Historic Site"

STAFF REPORT

LA 2023-01 PUBLIC HEARING BEFORE CITY COUNCIL

HEARING DATE:	March 12, 2024
SUBJECT:	Legislative text amendments to Title 8, 10, and 16.
APPROVAL CRITERIA:	Aurora Municipal Code (AMC), Section 16.74.060
EXHIBITS:	A. Proposed Code Amendments B. Public Notice C. Draft Ordinance

REQUESTED ACTION

Conduct a public hearing in response to proposed legislative amendments to Titles 8, 10, and 16 of the Aurora Municipal Code (AMC), case file LA 2023-01. Options for action on LA 2023-01 include the following:

- A. Adopt the findings in the staff report and advance the amendments in LA 2023-01 to first reading of the adopting ordinance:
 1. As presented / recommended by Planning Commission; or
 2. As amended by City Council (indicating desired revisions).
- B. Take no action on LA 2023-01.
- C. Continue the public hearing, preferably to a date/time certain.

BACKGROUND AND PROCESS

The Aurora Planning Commission recognized the need for various housekeeping amendments clarifying language in Titles 8, 10, and 16 of the AMC and proceeded to craft the desired language during regular meetings over the course of the year 2023. The Planning Commission then provided the desired text amendments in Exhibit A to planning staff for consideration at the first of two required public hearings.

At least two public hearings are required for LA 2023-01. On December 22, 2023, staff issued the required 35-day notice to the Department of Land Conservation and Development. Public notice identifies the first hearing to be held before the Planning Commission on February 6, 2024, and the second hearing held before the City Council on March 12, 2024.

No public comment was received at the first public hearing conducted before Planning Commission. However, Planning Commission reconsidered proposed amendments to AMC 16.34.090.A.4 in favor of the language included in Exhibit A to require stormwater analysis for projects creating more than 10,000

square feet of impervious surface area. After deliberation, Planning Commission voted unanimously to adopt the revised staff report and recommend City Council pass the amendments as revised.

The proposed code revisions in Exhibit A are shown in *italic bold* and ~~strikethrough~~ format for review purposes. The proposed revisions are summarized as follows:

- Adds clarifying language to City noise control regulations in Title 8.
- Inserts language in Title 8 excepting industrial properties from restrictions on the use of barbed wire fencing to be consistent with the existing fencing requirements in Title 16.
- Adds clarifying language to the parking provisions in Title 10.
- Adds additional language augmenting and clarifying the existing definition of a recreational vehicle in Title 16.
- Amends the standard limitation on the hours of operation for Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores to 9 am to 10 pm when approved as a conditional use.
- Clarifies the definition of an adjacent sidewalk in AMC 16.34.060.D.
- Amends 16.34.090.A.4 to require stormwater analysis for projects creating more than 10,000 square feet of impervious surface.
- Rewords the provisions for occupying recreational vehicles on private property in AMC 16.36.050.
- Adds language to AMC 8.08.080 to allow barbed wire fencing in the Industrial Zone and modifies AMC 16.38.060 to prohibit barbed wire fencing on top of allowed fencing materials as allowed for in the Industrial Zone in Title 8 – Health and Safety.
- Adds residential care homes to the list of uses exempt from Site Development Review consistent with ORS 197.670(2).
- Incorporates existing rules under which City Council can withdraw decisions under review by the Land Use Board Of Appeals (LUBA) into applicable procedures for local decision in the AMC.

APPLICABLE APPROVAL CRITERIA

Approval criteria for legislative changes to the provisions of the comprehensive plan, implementing ordinances and maps are found in AMC 16.74.060. Amendments to Title 8 – Health And Safety, and Title 10 – Vehicles and Traffic are being processed concurrently. These criteria are cited below. The nature and scope of the amendments are to clarify existing policy and ensure consistency between interrelated provisions of the AMC. The policy implications of the amendments are negligible.

16.74.060 - Standards for the decision

A. The recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*

Findings: The proposed amendments are generally limited to policy neutral housekeeping amendments that do not have implications for the statewide planning goals. The amendment to AMC 16.58.020 implements ORS 197.670 by exempting residential homes from Site Development Review. Amendments to AMC 16.74.070, 16.76.220, and 16.78.100 incorporate references to state rules under which City Council can withdraw decisions that are appealed to the Land Use Board of Appeals (LUBA).

Nonetheless, findings in the interest of completeness to all 19 statewide planning goals are provided as follows.

Goal 1, Citizen Involvement: A public hearing on the proposed amendments is scheduled before the Planning Commission on February 6, 2024, and a second hearing is scheduled before the City Council on March 12, 2024. Public notice of these hearings was published in the online edition of the Canby Herald at least 7 days prior to the first scheduled hearing before the Planning Commission. Further, the Planning Commission agreed to the proposed text changes at their regularly scheduled public meetings throughout 2023, which were all open to the public. Staff finds Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. Staff observe the scope of this legislative proposal is limited to policy neutral text amendment of existing regulations. Existing Comprehensive Plan land use map designations and zoning designations remain unchanged. The proposal does not involve exceptions to the Statewide Goals. Staff therefore finds Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands. Goal 3 and 4 primarily pertain to rural areas, typically outside urban areas. Staff observe the limited scope of this legislative proposal and finds Goals 3 and 4 to be not applicable.

Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces. In part, Goal 5 states “*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. ...*” Staff observe how the proposed amendments do not impact natural resources or open spaces. Staff incorporate the scope of work description above in response to Goal 2 and in response to criterion 16.74.060.A.1.

Goal 6, Air, Water and Land Resource Quality. The proposal does not address Goal 6 resources. Based on the scope of work description (identified above) staff finds Goal 6 to be not applicable.

Goal 7, Natural Hazards. The proposal does not address Goal 7 resources. Based on the scope of work description (identified above) staff finds Goal 7 to be not applicable.

Goal 8, Recreational Needs. The proposal does not address Goal 8 resources. Based on the scope of work description (identified above) staff finds Goal 6 to be not applicable.

Goal 9, Economic Development. Proposed amendments do not change the permissive uses in the commercial and industrial zones. Proposed changes to the AMC do not impact identified future employment areas identified through past Economic Opportunities Analysis. Accordingly, Goal 9 does not apply.

Goal 10, Housing. Staff refer to the scope of work identified for this amendment. Proposed changes to the AMC will not impact identified needed housing as identified through Housing Needs Analysis. Accordingly, Goal 10 does not apply.

Goal 11, Public Facilities and Services. Public facilities under Goal 11 include water, sanitary sewer, police and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. Staff refer to the scope of work identified for this amendment to find that Goal 11 does not apply.

Goal 12, Transportation. The proposed amendments to the AMC are found to comply with Oregon Administrative Rule (OAR) 660-012, commonly referred to as the Transportation Planning Rule, as there are no proposed changes or amendments to local transportation requirements or road classifications. This proposal involves a minor adjustment to conditional use approval criteria regulating the operating hours of Medical Marijuana Dispensaries and commercial marijuana retail stores. Otherwise, the proposal does not add, subtract, or modify existing development standards that would result in changes to the intensity of development that would create additional impacts to the transportation network.

Goal 13, Energy Conservation. Based on the scope of work description (identified above) staff finds Goal 13 to be not applicable.

Goal 14, Urbanization. Based on the scope of work description (identified above) staff finds Goal 14 to be not applicable. No change to the existing Urban Growth Boundary (UGB) is proposed.

Staff observe Goals 15 through 19 to apply only to specific regions of the state (*Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources*). These regions / resources are not found within the Historic District and are not the subject of this amendment.

In summary to the above, staff has listed all 19 statewide planning goals above and identified the limited scope of the amendment proposal.

2. *Any federal or state statutes or rules found applicable;*

Findings: The proposed amendments generally involve policy neutral housekeeping amendments. The amendment to AMC 16.58.020 implements ORS 197.670 by exempting residential homes from Site Development Review. Amendments to AMC 16.74.070, 16.76.220, 16.78.100 incorporate references to state rules under which the City Council can withdraw decisions that are appealed to the Land Use Board of Appeals (LUBA). This criterion is met.

3. *The applicable comprehensive plan policies and map; and*

Findings: Applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals. As discussed throughout this staff report, the proposed amendments provide additional clarification to existing provisions of the AMC and ensure consistency between interrelated code provisions so that the portions of LA 2023-01 in Title 16 that implement the Aurora Comprehensive Plan are clearer and existing policy can be implemented by City staff. Staff finds this criterion is met.

4. *The applicable provisions of the implementing ordinances.*

Findings: Staff finds the proposed amendments to the AMC can be adopted in compliance with the implementing ordinances, where applicable. These legislative text amendments are following the procedures identified under AMC 16.74 and 16.80. Amendments to other sections of the AMC that do not amend Title 16 are being processed concurrently. Staff find the implementation procedure under AMC 16.74 and 16.80 is satisfied.

B. *Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.*

Findings: Staff is not aware of any change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance but recognize that the Planning Commission may consider this criterion in their recommendation to the City Council and City Council may consider this criterion in their decision to adopt the amendments. This criterion can be met.

CONCLUSION

Based on the findings in the staff report, staff concludes that LA 2023-01 meets the applicable approval criteria for a legislative text amendment.

CITY COUNCIL ACTION

City Council may act on the findings in this report as described below. Staff further recommends this item return to Council for reading of a draft Ordinance as described in sample Motion 1.

A City Council member may make a motion to either:

1. Adopt the findings in the staff report and recommend this item return to Council for reading of a draft Ordinance, reflecting the action taken. A sample motion is:

I move that City Council adopt the staff report approving the amendments and advance the item to first reading of the implementing Ordinance.
2. Adopt a revised staff report with changes by the City Council and recommend the City Council approve the revised amendments. A sample motion is:

I move the City Council adopt a revised staff report with the following revisions...*[state the revisions]*...recommend the City Council approve the revised amendments and advance the item return to first reading of the implementing Ordinance as amended.
3. Recommend the City Council take no action on the proposed amendments. A sample motion is:

I move the City Council take no action on the proposed amendments for the following reasons...and state the reasons for the denial.
4. Continue the hearing to a date/time certain. A sample motion is:

I move the City Council to continue the hearing to a date (state the date) and time (state the time) to obtain additional information and state the information to be obtained.

Chapter 8.04 NOISE CONTROL

8.04.040 Prohibited acts.

- A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds which are listed in this section or Section 8.04.050.
- B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:
 1. Radios, Stereos, Boomboxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day, local time:
 - a. Within a noise sensitive area of noise sensitive use which is not the source of the sound; or
 - b. At a distance of one hundred (100) feet or more from the source of the sound.
 2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.
 3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.
 4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.
 5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater which exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.
 6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.
 7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.
 8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) DBA at a distance of fifty (50) feet or more.
 9. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles, with the exception of gliders and aircraft propelled by electric motors in areas not designated by the city council for such use.
 10. Explosives. The discharge of fireworks and other explosive devices.
 11. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.
 12. Animals. Owning, possessing or harboring any bird or other animal which barks, bays, cries, howls, or makes any other noise ~~continuously~~ for a period of ten (10) minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.
 13. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.
 14. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

-
15. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.
- C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35, which are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder.

(Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

8.04.020 Standards and definitions.

- A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.
- B. Measurement of Sound Level.
 - 1. Measurements shall be made with a calibrated sound level meter in good operating condition.
 - 2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from ~~the Department of Environmental Quality or other~~ a competent **public body or private enterprise** prior to engaging in any enforcement activity.
 - 3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

Chapter 8.08 NUISANCES

8.08.080 Fences.

- A. No owner or person in charge of property shall construct or maintain a barbed-wire or razor wire fence ***except in the industrial zone.***
- B. Notwithstanding subsection A of this section, a fence constructed of other materials may be capped by barbed-wire that shall be placed no less than six feet, six inches from the ground, provided that the fence is no closer than three feet from a sidewalk, public way, or adjoining residential property lines.
- C. No owner or person in charge of property shall construct, maintain or operate an electric fence.
- D. No person shall erect, maintain or locate, or permit the erection, maintenance or location of, a fence or barrier within that portion of the public right-of-way abutting property owned by or under the control or possession of any such person. Any fence or barrier located within the public right-of-way in violation of this section is declared to be a nuisance subject to abatement under the provisions of this chapter. The terms "fence" or "barrier" shall not include structures used to establish vines, bushes or other landscaping materials; provided, however, no such structure shall be located or maintained within the public right-of-way for more than twelve (12) calendar months.

(Ord. 396 § 8, 1999)

Chapter 10.08 TRUCK TRAFFIC AND PARKING

10.08.090 Parking for certain purposes prohibited.

No person shall park a vehicle and no owner of a vehicle shall allow a vehicle to be parked on the right-of-way of any highway, or upon any public street or public way within the City limits for any of the following purposes:

- A. Selling or offering to merchandise of any kind without a City permit and City business license. The City permit is obtained at the City Police Department.
- B. Repairing or servicing the vehicle except while making repairs necessitated by an emergency.
- C. Displaying temporary advertising from the vehicle, subject to the applicable regulations of Titles 16 and 17 herein.
- D. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle on any public highway, public street or other public way:
 1. Within fifty (50) feet of any intersection (measured from the point of intersection of the centerlines of two public ways) if:
 - a. Any part of the vehicle is over seven (7) feet in height; or
 - b. The vehicle, by manufacture or modification, obscures the vision of:
 - i. Any official traffic control sign or signal.
 - ii. Intersection traffic.
 - iii. Any pedestrian in a crosswalk.
 - c. This prohibition is subject to individual street prohibitions contained for those designated truck routes contained in Section 10.08.130.
 2. ***In front of any United States Postal Service owned mailbox or receptacle.***

(Ord. 431, 2004; repealing Ord. 352)

10.08.040 Bus, camper, motor home recreational vehicle and boat restrictions.

- A. No person shall at any time park or leave standing a camper, house trailer, motor bus, motor truck, motor home, boat trailer, vehicle with camper, or recreational vehicle, whether attended or unattended, on any public highway, public street or other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m.
- B. A recreational vehicle, ~~house trailer, or motor home~~ may be parked on a public street longer than the period allowed in Section 10.08.040 (A) if;
 1. It is owned by the resident or guest of the resident of the property in front of which it is parked, and
 2. ~~It is parked on the public street no longer than ten (10) days in any calendar year~~ ***No more than one Recreational Vehicle is parked at a time, and***
 3. ***It is parked on the public street no longer than 3 days in a in a 7 day period, and***
 4. Such vehicle is parked in a manner, which does not interfere with traffic or create a hazard by obstructing the view of drivers, and

5. No part of the RV extends such that it obstructs the sidewalk or the street, and

6. Any extension cord, hose or cable that crosses the sidewalk must be covered.

Failure to meet these criteria could result in a parking violation as per Section 10.08.160.

Chapter 16.04 DEFINITIONS

16.04.030 Meaning of specific words and terms.

As used in this title:

...

Recreational vehicle means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

A recreational vehicle is:

- 1. Built on a single chassis;***
- 2. 400 square feet or less when measured at the largest horizontal projection;***
- 3. Designed to be self-propelled or permanently towable by a vehicle; and***
- 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.***

Chapter 16.14 C COMMERCIAL ZONE

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:
 1. Residential district,
 2. Public or private nursery, preschool, elementary, junior, middle or high school,
 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
 4. Public library,
 5. Community recreation,
 6. Place of worship,
 7. Historic district or historic structure;
- B. Home occupations (Type II) subject to Chapter 16.46;
- C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;
- D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.050, 2002)
- G. Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:
 1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:
 - a. Elementary, middle or high school, public or private: one thousand (1,000) feet.
 - b. Day care: one thousand (1,000) feet.
 - c. Other marijuana businesses: one thousand (1,000) feet.
 - d. May not be adjacent to a residential zone, a public park, or a place of worship.
 2. The use must be located within a permanent, enclosed structure.

3. The use may not be allowed as a home occupation.
4. Applicant and all employees must pass a criminal background check.
5. The term of a conditional use approval shall not exceed one year - upon which time an annual review under AMC 16.60.060 shall be required.
6. Waste materials containing any amount of marijuana bio-mass or marijuana by products of any kind must be locked in a secure container on-site.
7. Hours of operation are limited to ~~10:00~~ **9:00** a.m. to ~~5:00~~ **10:00** p.m.
8. Drive through windows are prohibited.

(Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 478 § 1, 2015)

Chapter 16.34 PUBLIC IMPROVEMENT AND UTILITY STANDARDS

16.34.060 Sidewalks.

- A. On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards, Appendix A Illustrations 10, 11 and 12 set out at the end of this title. If properties are located in the historic commercial or historic residential overlay, sidewalks shall be constructed in accordance with the Aurora downtown improvement plan and the City of Aurora Design Review Guidelines for Historic District Properties, set out in the Appendix to this code.
- B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.
- C. The City may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the Public Works Director determines the construction of the sidewalk is impractical for one or more of the following reasons:
1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;
 2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.
- D. Sidewalk Seating and Displays.
1. Definitions.

Accessible route means a sidewalk at least four feet in width which has seven feet of vertical clearance.

Adjacent sidewalk means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side ~~building~~ **property** lines of the premises until they intersect the curb.

(Ord. 488, § 2(Exh. A), 2019; Ord. 415 § 7.92.060, 2002; Ord. 464, 2011)

16.34.090 Storm drainage.

- A. Storm drainage shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director, City Engineer and Public Works Director shall recommend issuance of City permits only where adequate provisions for stormwater and floodwater runoff have been made, and:
1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system;
 2. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street;
 3. Surface water drainage patterns shall be shown on every development proposal plan;
 4. **For sites with 10,000 square feet or more of impervious surface area, a** stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards, unless otherwise approved by the City Engineer. When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the downstream deficiency is evident. Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub-basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

5. All stormwater construction materials shall be subject to approval of the City Engineer.
6. For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities.

Chapter 16.36 MANUFACTURED HOME REGULATIONS

16.36.050 Occupying recreational vehicles.

It is unlawful for any recreational vehicle, to be occupied, lived in or otherwise used as a residence within the city, , ***except in cases of a declared state of emergency***, unless such use is specifically approved by the city under Chapter 16.52. ~~except a private~~, **A** residentially zoned property is permitted to use ~~one~~ recreational vehicle ***at a time*** to house guests no more than a total of ten (10) days in a calendar year ***per property***. ***Recreational vehicles cannot be occupied while parked on the street, a public park or any city property.***

- ~~A. Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.~~
- ~~B. No more than one recreational vehicle per lot shall be permitted to be stored outdoors, except for recreational vehicles brought to a lot by guests and for no more than a total of ten (10) days in a calendar year.~~
- ~~C. Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle.~~

(Ord 483, 2016; Ord. 415 § 7.94.050, 2002)

Chapter 16.38 LANDSCAPING, SCREENING AND FENCING

16.38.060 Fences or walls.

- A. Fences or walls up to forty-two (42) inches in height may be constructed in required front yards. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height without any additional permits. Any fence or fence/berm combination greater than six feet in height shall require variance approval by the Planning Commission and may require a building permit. The prescribed heights of required fences, walls or landscaping shall be measured from the lowest of the adjoining levels of finished grade, except as permitted under 16.38.060.B below. Posts, trellis, lattice and any other material placed on top of the fence are considered to be a part of the fence when measuring overall height.
- B. Where grading or slope between property lines can be shown, rear and side yard fences up to seven (7) feet may be allowed if the applicant can show the fence shall be a maximum of six (6) feet from the higher grade where the fence is installed.
- C. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Planning Director. Except in industrially zoned property, chain link fencing is not permitted in the area from the front building line to the front of the property line. PVC coated chain link fencing may be used only behind the required front yard setback or in rear yards. Corrugated metal is not considered to be acceptable fencing material. **Barbed wire fencing, whether on top of a fence or wall or other use, is prohibited.**

(Ord. 496, § 2(Exh. A), 2022; Ord. 455 § 2, 2010; Ord. 415 § 7.96.060, 2002)

Chapter 16.58 SITE DEVELOPMENT REVIEW

16.58.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 16.58.060 except it shall not apply to:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings;
- C. Manufactured homes on individual lots;
- D. A duplex, which is not part of any other development;
- E. A triplex, which is not part of any other development;
- F. Minor modifications as provided in Section 16.58.070;
- G. Family day care;
- H. Home occupation (Type I and Type II);
- I. Accessory dwelling unit or accessory structures;
- J. Temporary uses;
- K. Temporary structures;
- L. Telecommunications facilities approved under Section 16.50.060.
- M. Residential care home as defined in ORS 197.660(2).**

Chapter 16.74 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

16.74.070 Approval process and authority.

- A. Following the public hearing, the Planning Commission shall formulate a recommendation to the Council to approve, to approve with modifications or to deny the proposed change, or to adopt an alternative.
- B. Within ten (10) days of the Planning Commission's recommendation, the Planning Director shall provide written notification to the Council and to all persons who provided testimony.
- C. Any member of the Commission who voted in opposition to the recommendation by the commission on a proposed change may file a written statement of opposition with the Planning Director prior to any council public hearing on the proposed change. The Planning Director shall transmit a copy to each member of the Council and place a copy in the record.
- D. If the Planning Commission fails to recommend approval, approval with modification, or denial of the proposed legislative change within sixty (60) days of its first public hearing on the proposed change, the Planning Director shall:
 - 1. Report the failure to approve a recommendation on the proposed change to the Council; and
 - 2. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held and a decision to be made by the Council. No further action shall be taken by the Planning Commission.
- E. The Council shall:
 - 1. Have the responsibility to approve, approve with modifications or deny an application for the legislative change or to remand to the Planning Commission for rehearing and reconsideration on all or part of an application transmitted to it under this title. The Council may set conditions of approval that require conveyances and dedications of property needed for public use as a result of the development, code, plan or map amendment;
 - 2. Consider the recommendation of the Planning Commission, however, it is not bound by the Planning Commission's recommendation; and
 - 3. Act by ordinance on applications which are approved and shall be signed by the Mayor after the Council's adoption of the ordinance.
- EF. The approved legislative change shall take effect after adoption as specified in the enacting ordinance.
- G. ***If the Council's decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

Chapter 16.76 PROCEDURES FOR DECISION MAKING—QUASI-JUDICIAL

16.76.220 Notice of final decision by the Planning Commission or Council.

- A. Notice of a final decision shall briefly summarize the decision and contain:
 - 1. A statement that all required notices under Section 16.76.040;
 - 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
 - 3. The date the final decision was filed; and
 - 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate:
 - a. In the case of a final decision by the Council, the statement shall explain that this decision is final and how appeal may be heard by a higher authority, or
 - b. In the case of a final decision by the Planning Commission, the statement shall explain briefly how an appeal can be taken to the Council pursuant to Section 16.76.260, the deadlines, and where information can be obtained.
- B. Notice of the final decision by the Planning Commission or Council shall be mailed to the applicant and to all the parties to the decision, and shall be made available to the members of the Council.
- C. ***If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

(Ord. 415 § 7.162.220, 2002)

Chapter 16.78 PROCEDURES FOR DECISION MAKING—LIMITED LAND USE DECISIONS

16.78.100 Notice of decision.

- A. All limited land use decisions require a notice of decision.
- B. The applicant and any person who submits written comments during the fourteen-day period shall be entitled to receive the notice of decision.
- C. The notice of decision shall include:
 - 1. A brief summary of the decision;
 - 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
 - 3. The date the final decision was made; and
 - 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate.
- D. Within ten (10) calendar days after the decision is made by the approval authority, the final decision shall be filed in the records of the Planning Director and notice thereof shall be mailed to the applicant and all parties in the action and shall be available to the approval authority.
- E. ***If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

(Ord. 419 § 18C, 2002; Ord. 415 § 7.164.100, 200)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Tuesday, February 6, 2024 at 7:00 p.m. at Aurora City Hall, 21420 Main Street NE**, the Aurora Planning Commission will conduct a public hearing regarding Legislative Amendment 2023-01 (File #LA 2023-01) which proposes various housekeeping amendments to Titles 8, 10 and 16 of the Aurora Municipal Code.

At the conclusion of the public hearing, the Planning Commission will make a recommendation to the Aurora City Council regarding the proposed amendments. The City Council will conduct a public hearing to consider adoption of the proposed amendments. The City Council hearing is scheduled for **Tuesday, March 12, 2024 at 7:00 p.m., Aurora City Hall, 21420 Main Street NE**.

AMC 16.74.060 requires the recommendation by the Planning Commission and decision by the City Council shall be based on consideration of the following approval criteria:

- 1) Any applicable statewide planning goals and guidelines adopted under ORS Chapter 197;
- 2) Any federal or state statutes or rules found applicable;
- 3) The applicable comprehensive plan policies and map; and
- 4) The applicable provisions of the implementing ordinances.

Persons wishing to participate in the public hearing may appear in person or by representative at the date and time listed above. Written comments may also be submitted in person or mailing information to 21420 Main Street NE, Aurora, OR 97002.

One week prior to the meeting, a copy of the proposed amendments and a staff report will be available for inspection at no cost or copies may be purchased at a reasonable cost.

For further information, please contact the City of Aurora at (503) 678-1283.

PamplinMediaGroup

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This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or khumphries@pamplinmedia.com.

<p>Date: 01/24/24 Account #: 101500 File #: LA 23-01 Company Name: AURORA, CITY OF Contact: STUART A. RODGERS Address: 21420 MAIN ST NE AURORA Telephone: (503) 678-1283 Fax:</p>	<p>Ad ID: 314612 Start: 01/30/24 Stop: 01/30/24 Total Cost: \$60.00 Columns Wide: 1 Ad Class: 1268 Phone # (971) 204-7785 Email: khumphries@pamplinmedia.com Amount Due: \$60.00</p>
<p>Run Dates Business Tribune01/30/24</p>	

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For further information, please contact the City of Aurora at (503) 678-1283.

Published January 30, 2024.

BT314612

EXHIBIT C

ORDINANCE ____

AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) AND TITLE 10 (VEHICLES AND TRAFFIC) AND TITLE 16 (LAND DEVELOPMENT) OF THE AURORA MUNICIPAL CODE

WHEREAS, the Aurora Municipal Code (AMC) is a codification of the general ordinances of Aurora, Oregon, organized by subject matter under Title, three of which include Titles 8, 10 and 16; and

WHEREAS, in 2023, the Aurora Planning Commission recognized the need to draft changes to Title 8, *Health And Safety*; Title 10, *Vehicles and Traffic*, and to Title 16, *Land Development* contained in Legislative Amendment 2023-01 (LA 23-01)

WHEREAS, throughout 2023, at their regularly scheduled meetings, the Planning Commission conducted work on LA 23-01 to discuss and clarify desired changes to AMC Titles 8, 10 and 16, prior to scheduling a public hearing and, after completion of this work, instructed city staff to issue public notice; and

WHEREAS, on December 22, 2023, notice was provided to the Department of Land Conservation and Development for LA 23-01 and notice of the two public hearings before Planning Commission and City Council were published on January 30, 2024 with a description of all proposed changes to AMC Titles 8, 10 and 16; and

WHEREAS, on February 6, 2024, the Aurora Planning Commission conducted the first of two required public hearings for LA 23-01 at which time interested parties were provided full opportunity to be present and heard; and passed a motion recommending that the City Council adopt proposed changes identified to Titles 8, 10, and 16 as further amended by Planning Commission; and

WHEREAS, on March 12, 2024, the Aurora City Council conducted the second required public hearing for LA 23-01 at which time interested parties were provided full opportunity to be present and heard on the proposed amendments to AMC Titles 8, 10 and 16 as amended.

NOW, THEREFORE, THE CITY OF AURORA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Aurora does hereby adopt the staff report dated March 12, 2024, including the findings of fact and conclusionary findings and supporting documentation contained in the staff report.

Section 2. The City Council of the City of Aurora does hereby amend AMC Titles 8, 10, and 17 as included under "Exhibit A" of this Ordinance.

Ordinances, Resolutions and Proclamations

ORDINANCE 502**AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) AND TITLE 10 (VEHICLES AND TRAFFIC) AND TITLE 16 (LAND DEVELOPMENT) OF THE AURORA MUNICIPAL CODE**

WHEREAS, the Aurora Municipal Code (AMC) is a codification of the general ordinances of Aurora, Oregon, organized by subject matter under Title, three of which include Titles 8, 10 and 16; and

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NOW, THEREFORE, THE CITY OF AURORA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Aurora does hereby adopt the staff report dated March 12, 2024, including the findings of fact and conclusionary findings and supporting documentation contained in the staff report.

Section 2. The City Council of the City of Aurora does hereby amend AMC Titles 8, 10, and 17 as included under "Exhibit A" of this Ordinance.

PASSED and adopted by the City Council of the City of Aurora on this 9th day of April 2024, by the following votes:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Approved by the Mayor on this 9th day of April, 2024.

SIGNED: _____
Brian Asher, Mayor Date

ATTEST: _____
Stuart A. Rodgers, City Recorder Date

CITY OF AURORA
RESOLUTION NUMBER 853

RESOLUTION FOR AWARDING AND DESIGNATION OF
PROPOSER AS CONSULTANT OR CONTRACTOR FOR
CITY OF AURORA WATER PROJECTS

WHEREAS, on February 5, 2024, notice of RFQ solicitation was posted in the Daily Journal of Commerce with the full RFQ contained on the City of Aurora website and interested parties had through February 27, 2024 to respond; and

WHEREAS, Keller Associates, Inc., was the only respondent to the above-referenced solicitation for Request for Qualifications (RFQ) to complete the water projects outlined as follows:

- Final design and construction administration services for the new well number 6 well house;
- Final design and construction administration services for a 1.2MG prestressed concrete water tank;
- Final design and construction administration services of a booster pump station;
- Final design and construction administration services of a new waterline connecting the facility to the existing system;
- Final design, Engineering, and Bidding to meet ARPA funding requirements.

NOW THEREFORE, THE AURORA CITY COUNCIL RESOLVES, that Keller Associates, Inc. as sole qualified proposer be designated and awarded Consultant or Contractor for the above-itemized water projects. This award shall be contingent upon no protests being submitted prior to March 15th.

INTRODUCED AND ADOPTED this 12th day of March, 2024.

Brian Asher, Mayor

ATTEST:

Stuart A. Rodgers City Recorder

February 27, 2024

Mark Gunter
Public Works Supervisor
21420 Main Street
Aurora, OR 97002

**Re: Request for Qualifications – C2023-01 Cole Lane Reservoir,
Booster Station, and Well No. 6**

POINT OF CONTACT

Peter Olsen, PE
Project Manager
245 Commercial Street SE
Suite 210
Salem, OR 97301
Office: (503) 364-2002
Cell: (503) 910-2421

Dear Selection Committee,

The City of Aurora (City) is seeking an engineering firm to provide final design and construction administration for the Reservoir, Booster Station, and Well Project. Having completed the planning and preliminary design for this project, Keller Associates (Keller) has an in-depth understanding of the City's infrastructure and long-term goals. Keller thrives on finding simple and cost-effective solutions to community infrastructure challenges and enhancing the lives of individuals and families in our communities. With that purpose at the heart of everything we do, our firm is excited about the opportunity to partner with the City on your municipal water system project. Unique advantages that the Keller team brings to the City include:

- **Full-Service Civil Engineering Firm.** Keller is a one-stop engineering firm that is staffed with in-house structural, electrical and SCADA/controls/integration engineers. We offer our clients the expertise of a large firm with the personalized services of a small firm. We also have a history of completing work in Oregon and have provided water system engineering services in the state since 2006.
- **City Experience with a Fresh Look.** Since 2015, our staff has worked side-by-side with you on an assortment of projects through the former city engineer prior to being selected as the city engineer of record ourselves. We understand the City and staff, your residents, other local agencies (Marion County), and the challenges you face. Keller offers an experienced look at your water system while striving to always bring new ideas and cost saving options to the table.
- **Creative Solutions and Regional Experts.** Our company culture is built to meet your needs. We understand the cost to develop and maintain sustainable infrastructure often exceeds the ability of a city to secure the funding necessary to meet those costs. The City received ARPA funding for this project, and our team understands and has experience with the associated funding requirements. Our experts provide regional perspectives and innovative ideas that improves the City's resources.

Based on our history working with the City, we have assembled a project team that will work closely with you to deliver a successful project. We are committed to working with the City to successfully complete this project. Thank you for your consideration, and we look forward to working with you to achieve your goals.

Sincerely,

KELLER ASSOCIATES, INC.



Peter Olsen, PE
Project Manager (Signatory)

APPROACH AND MANAGEMENT PLAN

MANAGEMENT PLAN



Project Management

Effective project management begins with selecting appropriate tasks to accomplish the project’s objectives. Once this is complete, adhering to the approved budget and producing a high-quality, on-time final product is our goal. Our project management approach involves team members and disciplines at appropriate levels of project completion so that tasks are completed efficiently.

Scope and Fee Negotiation

The first step for any project is to define the project scope, goals, and schedule. Your Project Manager, Peter Olsen, will assemble the project team, assign resources, and prepare a scope of work, budget, and agreement for the City’s review and comment. Peter will review the scope of work, associated fees, and project schedule with the City, then lead out on making requested adjustments so that the project can be ready to proceed as soon as possible.

Day-to-Day Coordination

Regular communication is key to a successful project. To facilitate the management of your projects and ensure the availability of personnel, Peter will be responsible for establishing contractual relationships with the City, maintaining effective communication, directing and overseeing the efforts of all team members and agencies, coordinating public participation, and overseeing the timely performance of all participants. Emails, phone calls, and in-person and online meetings will be used to facilitate project communication. When questions or comments are introduced by City staff Peter is committed to a timely response. Our approach is to maintain communication through regularly scheduled meetings and written memos (email) on each critical aspect of the project.

Conducting Meetings: Client Input

We obtain input from our clients to ensure that decisions capture the understanding of key stakeholders. For scoping and project meetings, the Project Manager will take the lead. An agenda will be provided ahead of the meeting so that participants can prepare for the discussion. Peter will move through the agenda, ensuring that each item is given proper attention without spending excess time. We will solicit input from the City’s administrative and operations staff to reach a consensus on key decisions. Our team will provide pertinent information, drawing from our knowledge, to guide the decision-making process and facilitate educated City decisions. After each meeting, we will document key decisions and action items.

Team Coordination

Keller team members' experience is summarized in the Qualifications and Experience section. As the Project Manager, Peter will take the lead and will be the point of contact for the City. The remaining team members in the organizational chart below will support the project in their respective roles.

Peter will serve as the primary point of contact with the City; he is responsible for proper communication, guidance, and coordination of our team. Open, frequent, and consistent communication and reporting are essential for overall project success. Communication will be accomplished through regular email, progress reports, meetings, telephone calls, reviews, and schedule updates. Regular meetings will be held, both internally and with the City, the frequency of which will depend on project schedules and progress.

CITY OF AURORA



PETER OLSEN, PE
PROJECT MANAGER



LUKE TABOR, PE
PROJECT ENGINEER



JASON KING, PE
LEAD WATER ENGINEER



BRANDON KELLER, PE, SE
STRUCTURAL ENGINEER



TJ CENTANNI, PE
SITE CIVIL ENGINEER



BRADLEY CULVER, PE
ELECTRICAL AND CONTROLS



JULIO VELA, PHD, PE, GE
GEOTECHNICAL
Central Geotechnical Services

OUR PRIMARY GOALS IN COMMUNICATION AND COORDINATION ARE:

01

Our team members know exactly what they are doing and how it fits into the overall project and schedule.

02

Our clients never have to ask, "What's going on with the project?"

03

No surprises!





APPROACH

PLANNING AND DESIGN

Due to our history working with the City, we are familiar with your system, and the need for new water infrastructure on the northern side of the City. Throughout design (typically with 60% and 90% deliverables), our team engages with City staff to incorporate City preferences and track the project budget. Our team will hit the ground running. We have already created a design project schedule as we have supported the City through the funding process. We will create a scope that will be a seamless continuation of the 30% design that we have already delivered.

We will develop construction documents during the design phase, refine costs, and seek agency approvals. Peter will oversee these efforts and help resolve design concerns raised by team members, City staff, or other stakeholders. This includes meeting the professional standard of care while achieving your project goals and objectives. Our hands-on, collaborative approach to design produces well-coordinated projects.

BIDDING AND CONSTRUCTION ADMINISTRATION

Depending on the project, we can also assist the City in bid-phase services, public outreach efforts, agency permitting, funding support, and a variety of construction-phase support services, including on-site construction observation and serving as your resident project representative. We are committed to timely reviews of submittals and contractor’s requests for information. Responsiveness will continue to characterize our service to the City. Finally, we will see things through to the end, finishing strong with final inspections, startup commissioning, and prompt project closeout services.

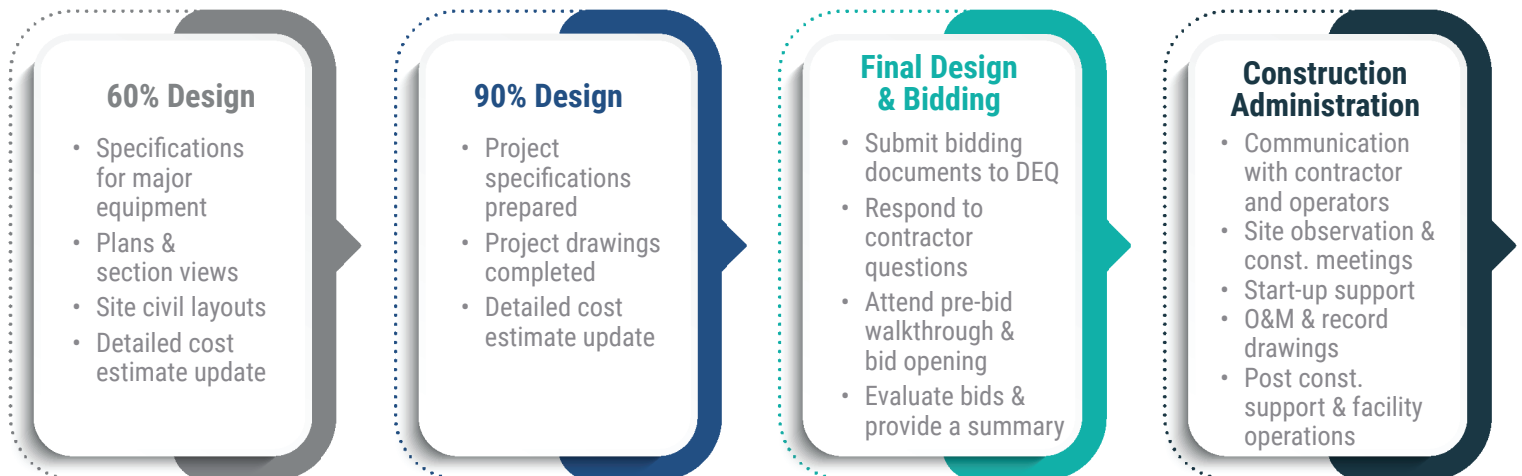
ON SCHEDULE AND WITHIN BUDGET

Keller has a successful record of completing complex projects within tight timeframes. Our project management team will develop a critical path schedule. Periodic reviews will allow for schedule updates, procedural changes, staff adjustments, and quality control (QC) reviews. This will ensure the integrity of the product and on-time delivery—leading to success.

Once a project budget has been established, we take great care in tracking expenses and keeping the City informed of potential cost impacts. As Project Manager, Peter will receive regular accounting reports detailing labor and cost for project tasks. Peter will monitor the project’s progress and allocate resources to facilitate timely and cost-effective completion. For substantive changes in scope requested by the City, we will share the cost and schedule implications with the City before proceeding.

DESIGN REPORT/FINAL DESIGN AND CONSTRUCTION

The design process will typically proceed as follows:



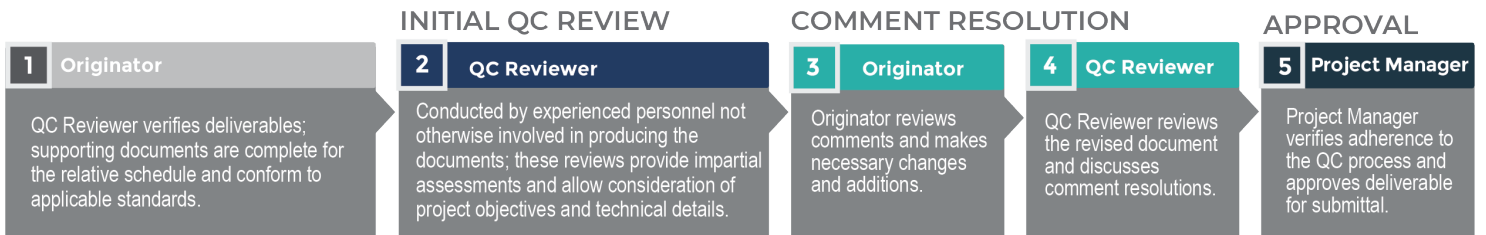
COMPLETING INTERNAL QUALITY ASSURANCE (QA)/PEER REVIEW

For every project, internal QC reviews are employed. This has led to an impressive track record of minimal (if any) change orders during construction. We have an established Total Quality Management approach that includes QC in our project activities and products. QC activities include overall project coordination, project status monitoring, scheduling, cost estimating, and change control. Peter will assign review sections and other deliverables to specific team members for QC reviews before each milestone submittal. In addition, he will verify that each deliverable has been independently reviewed and that both the individual who completed the task and the individual responsible for the review have certified the QC Checklist.

Delivering a quality product requires embedding QC measures in the process, not just providing vital reviews at key milestones.

Delivering a quality product requires embedding QC measures in the process, not just providing vital reviews at key milestones. Our in-house designs are thoroughly reviewed by qualified senior Keller staff to ensure accuracy and uniformity.

Our practice involves intermediate checkpoints during interdisciplinary work, with “cold-eye” reviews and task leader sign-off on specific tasks and work products. The review process also includes value-engineering concepts, constructability evaluation by our senior professionals, and input from our experienced construction engineering and inspection personnel.



Each of our clients is unique and brings their own specific preferences. There is no “one size fits all” approach. A consultant that indicates otherwise is unfamiliar—or unsuccessful—with the nuances of public works engineering. **Our objective is to implement your vision and goals so that you will work with us in the future.**

QUALIFICATIONS AND EXPERIENCE



With over 190 team members located in ten offices in Oregon, Idaho, Washington, Nevada, and Utah, Keller brings a large firm's deep bench of technical experts with the nimble approach and low overhead of a smaller firm. We have been licensed to do business in Oregon since 2007. The proposed Keller team for this project has a record of delivering projects according to schedule.



Peter Olsen, PE | Project Manager | 83510PE

Education: MS, Civil Engineering, Brigham Young University

Experience: 19 years

Peter will be directly responsible for delivering your project on time and within budget. He brings a balance of management and technical experience with an excellent understanding of capital improvement projects and processes for municipal clients as well as experience in pipeline design, including hydraulics and computer modeling software. In recent years, Peter has managed and acted as a Project Engineer for a wide array of projects. His experience will provide the City with a well-informed partner and manager who is able to navigate regulatory and permitting obstacles efficiently.

Peter's design experience includes water system upgrades, water storage reservoir, and pipeline improvements in Beaverton (Tualatin Valley Water District (TVWD)), Amity, Gates, Silverton, Newberg, Wilsonville, Wood Village, Ashland, Willamina, and Silverton, Oregon. Peter has also provided design, environmental document preparation, public meeting support, construction management, and inspection on water system improvement projects and complex treatment facilities. His experience includes all aspects of water utility design, including water crossings, hydraulic analysis, easement acquisition, pump stations, tanks, treatment, public outreach, and coordination with Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality (ODEQ), Oregon Water Resources Department, and Oregon Health Authority (OHA). His attention to detail and experience with complex construction projects result in quality plans with minimal change orders. Peter has a hands-on approach from project conception to completion, ensuring your values and goals are reflected in your projects. Relevant experience includes:

- **Grabhorn Reservoir, Valve House, and Pipelines and Farmington Fluoridation and Booster Pump Facility – Beaverton, OR:** Grabhorn Reservoir Construction Phase Project Manager, civil/storm design, and permitting support during design. Farmington Booster Pump Station Project Manager for 7 MGD pump station, 17 MGD fluoridation facility, and 10,000 feet of 18-inch discharge main.
- **Pump Stations and Pipelines – Ashland, OR:** Coordinated design and construction phase service activities for two major water pumping facilities and associated pipelines.
- **Water System Improvements – Gates, OR:** Managed and completed the master planning, storage tank, booster station improvements, water lines, intake wet well modifications, and water treatment plant upgrades.
- **Water System Improvements – Silverton, OR:** Managed design and construction phase services for multiple pipeline rehabilitation projects, new PRV station, Lincoln Street roadway improvements, and pump station upgrades.
- **Water System Improvements – Wilsonville, OR:** Assisted with water master plan and water management and conservation plans, Gesellschaft Well support upgrades, and Elligsen Well discharge evaluation; managed water system improvement modeling and planning support along with pumping facility, control valve, and associated pipeline evaluations, design, and construction phase services; and Charbonneau Tank seismic evaluation.



Luke Tabor, PE | Project Engineer | 100223PE

Education: BS, Environmental Engineering, San Diego State University

Experience: 5 years

Luke's experience as a Project Engineer includes various municipal projects in stormwater, wastewater, and water utilities. He has completed facility evaluations and assisted with master planning, hydraulic modeling, and pipeline design projects. Luke has worked in both the private and public sectors, giving him a broad range of perspectives on different types of projects. During his time interning with the City of San Diego Stormwater Department, he assisted with research and modeling support to the asset management team and supported operational efforts by conducting field investigations and operational inspections. This work involved evaluation and interpretation of parcel maps and as-built drawings, delineation of watersheds, storm drain sizing evaluations, analyzing survey data, and identifying access areas for channel maintenance.

Luke is currently wrapping up a raw water line installation project for the City of Silverton, OR, which includes a complicated fish screen mechanical design and approximately 1,500 feet of pipeline replacement. He recently completed a water management and conservation plan for the City of Willamina, OR, and is working on a raw water transmission line and mainline water improvement for the City. Relevant experience includes:

- **Willamina Water System Improvements – Willamina, OR:** Project Engineer for the Willamina Water System Improvements Project which consisted of moving and replacing the intake structure in the Willamina Creek, replacing and improving the sediment removal system, replacing the raw water pipeline, replacing the stormwater outfall, improving the 6th Street booster pump station, and replacing the distribution main line.
- **Silver Creek Water Intake – Silverton, OR:** Project Engineer for the Silver Creek Water Intake Project, a new 3.84 MGD raw water pump station and 1,800 feet of replacement pipeline.
- **Aurora Reservoir Siting Study – Aurora, OR:** Project Engineer for the Aurora Reservoir Siting Study. Performed life-cycle analysis on mixing, material, and roof alternatives. Developed 10% concept design showing site civil layout and tank orientation.



Jason King, PE | Lead Water Engineer | 92481PE

Education: BS, Civil Engineering, University of Idaho

Experience: 14 years

Jason has led the development of plans, specifications, and bidding documents for new and existing water storage reservoirs, booster stations, well houses, water treatment facilities, and water distribution and control systems. He carefully evaluates existing project constraints to meet the client's goals and priorities. Jason's water booster stations and well facilities experience includes leading the design and construction of over 10 booster and well facilities with a wide range of flow and pressure conditions. Jason has developed an excellent understanding of pump selection based on the project owner's goals. He has used this knowledge to provide energy-efficient water booster systems. His experience includes pump station retrofits, including a three-pump, 3,500 gpm booster facility constructed over a 16-foot square wet well in Ashland, Oregon. Relevant experience includes:

- **Farmington Booster Pump Station – Beaverton, OR:** Provided pump selection support and evaluation for the 7.5 MGD booster pump station. Developed graphs to optimize pump performance and system efficiency.
- **Truckee Meadows Water Authority 7th Street Booster Pump Station – Reno, NV:** Design Manager of a new 6,000 gpm booster pump station intended to replace two existing booster pump stations. This project included three pressure regulating stations and approximately 2,000 feet of 16-inch and 12-inch pipelines.
- **Water System Improvements – Meridian, ID:** Design Manager for major upgrades at Well 16B, 16C, 17, and 32. Project Manager for water treatment upgrades and concept design support for Well 10B, 18, and 27. Projects included pressure filtration to remove iron/manganese from well water.



Brandon Keller, PE, SE | Structural Engineer | 79041PE, SE

Education: MS, Civil Engineering, Brigham Young University

Experience: 24 years

Brandon has collaborated on structural projects with communities throughout the Pacific Northwest for many years. He serves as Keller's Structural Team Leader and excels at designing efficient, detailed, and coordinated projects that meet clients' expectations. Over the past 10 years, Brandon has designed or managed over 50 water storage reservoirs and water retaining structures throughout the Northwest and has been involved with almost every well facility Keller has designed over the past 15 years. His experience in water storage evaluation and water facilities design has led to award-winning projects, including the ACEC Engineering Excellence Award for the Ammon Water System Improvements project (multiple prestressed concrete tanks and booster facilities). Brandon recently designed tanks for TVWD (Oregon), Star Sewer and Water District, SUEZ Idaho and the Cities of Nampa and Mountain Home, among others. Relevant experience includes:

- **Grabhorn Reservoir, Valve House, and Pipelines – Beaverton, OR:** Seismic, structural design and construction support of a new 5 MG prestressed concrete tank with mixing system and new booster building.
- **Terrace Street and Park Estates Booster Stations – Ashland, OR:** Provided structural design and construction support, including rehabilitation and expansion. Structural upgrades included the conversion of dry pit to wet well with a separate settling chamber.
- **Well 6, Booster Station, and Tank – Chubbuck, ID:** Design Manager for a new raw water booster station. Developed the mechanical layout for the 3.5 MGD booster station that allowed sufficient access for operation and maintenance in a 16-foot square building footprint.



TJ Centanni, PE | Site Civil Engineer | 102930PE

Education: BS, Civil Engineering, Boise State University

Experience: 9 years

TJ is a Project Engineer with a passion for site design. TJ started his career with ACHD where he learned to scope, design, bid, and inspect small transportation and stormwater projects for the District, with a focus on Americans with Disabilities Act (ADA) compliance. Since joining the Keller team, TJ has been involved in planning, designing, and constructing various site civil projects. Projects include site civil and yard piping design for a storage tank and booster station in Emmett, Idaho and water master planning and design for Camp Rainbow Gold in Fairfield, Idaho. His experience includes safety and feasibility studies, design drawings and specifications, ADA compliance, 404 permits, construction contracts, estimating, and construction engineering and inspection. His knowledge of construction practices makes him valuable throughout all project phases. Relevant experience includes:

- **Storage Tank and Future Booster Station – Emmett, ID:** Provided site civil and yard piping design for the Upper Pressure Zone 1 storage tank and future booster station.
- **Camp Rainbow Gold Water System Evaluation – Fairfield, ID:** As Project Engineer TJ, provided system documentation, evaluation, and master planning and designed water system master plan upgrades throughout this large, rural site.
- **MKA Office Building – Meridian, ID:** Completed site design on the MKA Office building, a new, ground-up, three-story, 19,000-square-foot office and mixed-use building located in historic downtown Meridian.

As a local firm, with staff you know, we are ready to deliver a successful project to the City.





Bradley Culver, PE | Electrical and Controls | 97265PE

Education: MS, Electrical Engineering, Kansas State University

Experience: 14 years

Bradley brings varied industry experience in electrical and controls to the team, from conceptual design and detailed engineering to construction, commissioning, start-up, and on-site troubleshooting. His experience has included power system distribution, medium and low voltage equipment specifications and configuration, overcurrent protective device coordination, arc-flash calculations, control system design, instrument specifications, and process control programmable logic controller programming.

Bradley is responsible for the execution of work and the quality of deliverables from the electrical and controls team. He has extensive knowledge of industry best practices and various electrical design code requirements, including the National Fire Protection Association, UL Standards, Institute of Electrical and Electronics Engineers standards, and the International Energy Conservation Code. Relevant experience includes:

- **Badger Mountain Booster Pump Station – Richland, WA:** New booster pump station and transmission line design. Controls and electrical design for replacement booster station with added pumping capacity.
- **Blackwell Booster Station – Coeur d’Alene, ID:** New facility design for a booster station to meet forecasted community needs for added water capacity. Electrical power and controls design, including specification of a backup generator, utility coordination for extending medium voltage distribution and service entrance, and power distribution within a new building.
- **Cabinet Mountains Water District System Improvements – Bonners Ferry, ID:** Electrical and controls design includes two retrofits, one selective demolition, and four new facilities. Utility coordination and power system design for each facility. Controls specification and network interconnection for communication to new district SCADA



Julio Vela, PhD, PE, GE | Geotechnical | 60333PE | Central Geotechnical Services

Education: MS, Civil Engineering, Washington State University

Experience: 28 years

Julio Vela is a Principal Geotechnical Engineer with 28 years of experience providing design recommendations, earthworks specifications, and geotechnical construction observation services for waterline and sewer line projects, pump stations, and water reclamation facilities for public agencies across the Pacific Northwest. Julio has significant experience managing projects that require site-specific seismic hazard evaluations and conducting open dialogue with current facility users and public interest clients. He also has extensive experience developing solutions for infrastructure construction challenges that require multiple installation methods, including shored excavations, cut and cover utility alignments, auger bore installations beneath rail lines, and pipe bursting installations. Relevant experience includes:

- **Aurora Reservoir Tank – Aurora, OR:** Provided geotechnical design and construction recommendations for a new water tank reservoir and completed geotechnical explorations at two alternate sites.
- **Hayesville Pump Station and Force Main Improvements – Salem, OR:** Provided geotechnical design and construction recommendations for development of the pump station wet well structure and associated grade outbuildings and force main alignment. Included relocation of proposed pump station and alignment of force main consisting of 12-inch-diameter ductile iron pipe.
- **Forest Hills Waterline – Salem, OR:** Conducted drilled subsurface explorations, including soil sampling, groundwater level evaluation, and laboratory testing. Coordinated with the City to obtain work permits for right-of-way (ROW) for drilling.

WORK PLAN AND SCHEDULE

BACKGROUND



The City's Reservoir, Booster Station and Well project is one of the most important projects that Aurora will complete.

We understand that there are certain expectations attached to the project that are critical to its successful completion. Our team will build upon work completed during the planning and pre-design.

Our project approach follows the outline presented in the Request for Qualifications (RFQ) and includes a project startup meeting, final design, bidding, and construction services. This section focuses on unique issues and expands on the scope of work outlined in the RFQ.

PROJECT DESIGN STARTUP MEETING

We know that the project startup can be one of the most important events for any project. During the startup meeting, the design criteria and approach for each project component, project budgets, and schedules will be discussed with the City. Changes in the project from the original Pre-Design Report will be reviewed and may include additional optional items to be included in the scope of work. The meeting will result in a clear direction on deliverables and responsibilities.

FINAL DESIGN

Keller is ready to begin final design services immediately. We are familiar with the project components and have contacted numerous equipment suppliers, obtaining proposals and computer aided drafting (CAD) drawings for the major equipment systems. The Pre-Design Report is being completed with the final design in mind with spreadsheets for hydraulic calculations and cost estimating, and CAD files drawn to scale. This will not only save valuable design time but will result in cost savings for the City.

PRESTRESSED TANK SERVICES

We understand the level of detail needed to complete the prestressed tank design. Keller has led the design of 20 prestressed tanks in Idaho in the last 15 years—more than any other consultant—and continues to expand its tank design in Oregon with multiple tanks in the last few years. We continue to improve our tank design through lessons learned, coordination with general contractors, and our relationships with prestressing contractors.

Brandon Keller, who will be the Structural Engineer on this project, has extensive structural design experience and brings added schedule certainty and overall project efficiencies to make your project a success. The schedule for this project is critical for both design and construction. To meet the compressed timeline, having a team who has been through the process and understands the level of detail needed for each type of prestressed tank will be vital. **Our tank design approach will benefit Aurora in the following ways:**

- Having an in-house structural team has allowed us to work through items in design, while limiting conflicts during construction. Aurora will have more control of the final design product while limiting changes and coordination in construction.



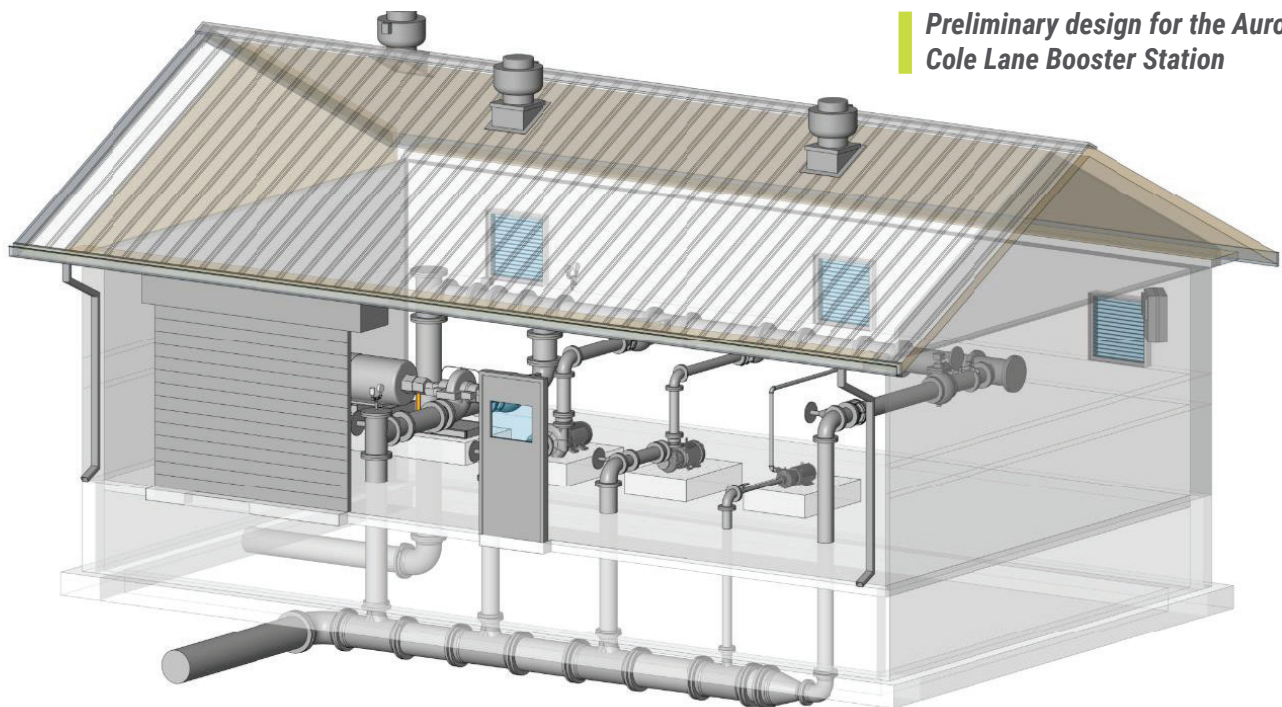
IN-HOUSE PRESTRESSING DESIGN.

Brandon Keller's extensive structural design experience with prestressed tanks sets us apart from our competition and provides Aurora with added schedule certainty and overall project efficiencies to make your project a success.

- Completing design prior to construction allows Aurora to submit and acquire building permits ahead of selecting a contractor. No deferred submittal required.
- A completed design saves on repeat design and submittal reviews/coordination during construction with the prestressed tank designer. This can ultimately reduce construction costs.
- We understand the market. Our team has worked with multiple local contractors, helping them develop the experience necessary to compete against national prestressed tank contractors.
- Type I and III tanks are specialty tanks; we have developed construction QC procedures and experience requirements to protect Aurora's interest while soliciting competitive bids.
- One of the benefits of prestressing is that it puts the tank in compression and limits the amount and width of cracks. However, leaks still can occur, with most leaks occurring near vertical and/or base joints. Although there are waterstops at these locations, poor consolidation around these creates pathways for leaking. Our solution to this problem includes incorporating injectable waterstop ports at all vertical and base joints to fill in the voids around the joint. This can save the contractor a substantial amount of time, limiting the time to leak test and empty/refill the tank.
- As an in-house structural team, we also have construction inspection experience, allowing us to get ahead of concerns, and contractor unfamiliarity with specialized tanks. This includes the use of seismic cables, spacing, and placement; shotcrete consistency and placement during acceptable weather is important as it will affect the aesthetics of an exposed tank.

COLE LANE BOOSTER STATION AND OFFSITE PIPING

We have already begun to dig into your project; during the preliminary engineering phase Keller evaluated the site to ensure it met hydraulic requirements and provided various pump alternatives and preliminary booster pump station and water main layouts. The figure below is a depiction of the Cole Lane Booster Station created during the preliminary design process. During the next phase of this project, our team will progress the preliminary design to final design. Final design includes producing review documents of the booster pump station and water main improvements at the 60% and 90% phases of the project as well as stamped bid documents, including the plans, opinion of cost, specifications, and contract documents. Formal design review meetings with the City are anticipated to occur at these key milestones; however, we will meet with you weekly to coordinate work being completed by the City. QC is built into the overall project schedule and is executed by senior level engineers.



Preliminary design for the Aurora Cole Lane Booster Station

WELL NO. 6

Our team understands the importance of balancing cost, schedule, and quality when it comes to a new well. We are familiar with other City projects and the need to drill the new well immediately. As such, we will work diligently and be flexible through the design of the new Well No. 6. Our team will identify critical pump system components and materials to provide a cost-effective, robust, pumping system that will exceed the City’s goals. **Based on our experience with similar wells, we have identified a few critical components that will be important design considerations, especially if VFD’s are selected.**

PUMP SYSTEM COMPONENTS

Insulated Bearing: Insulates the motor shaft from the grounded frame so shaft currents cannot flow through the bearing.

Motor Shaft Ground Ring: Gives the shaft currents a low resistance path to ground that is not through the bearing. Currents traveling through the bearings can cause pitting and reduced motor life.

Head and Pump Shaft: 17-4 PH stainless steel will provide increased longevity with abrasives.

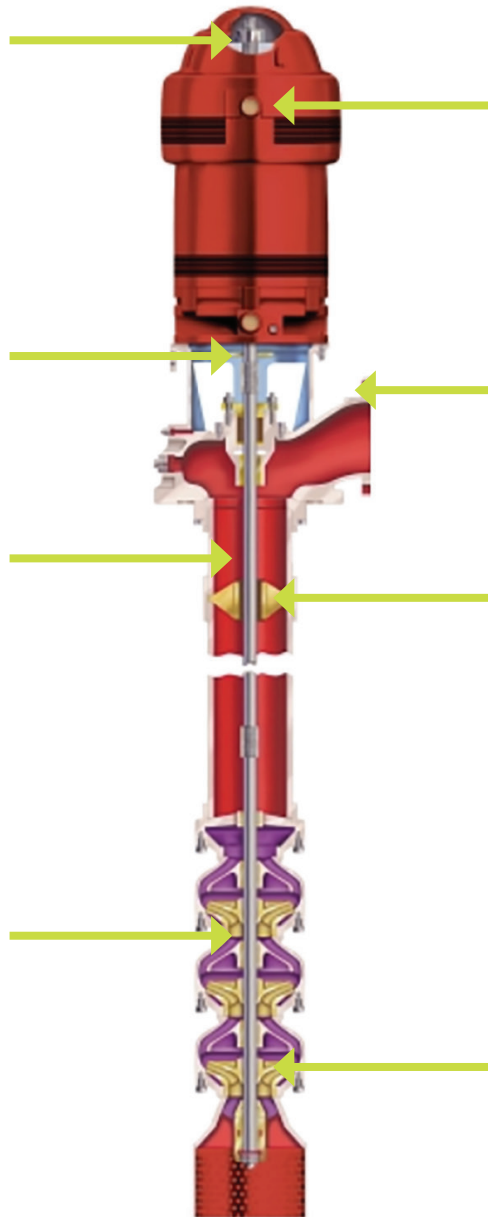
Wear Rings: Utilizing 316 stainless steel wear rings reduce the wear and tear on the pump. Replacing a wear ring is cost effective as the same the existing bowls and impellers can be used.

VFD Cable: A cable that is designed to reduce the effects of the electromagnetic field that is produced by the high frequency switching of the VFD.

Pump Head: Fabricated discharge heads reduce harmonics, are easier to maintain, handle higher pressures, and can be modified to include sounder tubing, pressure gauges, or other instrumentation.

Lineshaft and Suction Bearings: Steel-backed rubber bearings provide increased protection to pump from abrasives like sand.

Impeller: Stainless steel impellers provide much greater abrasion resistance over standard bronze impellers. This allows the pump to maintain its efficiency throughout its useful life.



BID PHASE SERVICES

The bid documents will comply with the City and funding agency bidding requirements. Keller will conduct a pre-bid conference, respond to any questions from bidders, prepare addenda, review the bids, and prepare a recommendation of which bid to accept.

CONSTRUCTION PHASE SERVICES



We are capable and ready to provide a resident inspector on-site. We will work closely with the City during the construction phase of the project, as we have with owner's inspectors on numerous other projects around the Northwest, including project with cities such as of Amity, Ashland, Wood Village, Silverton, Willamina, and Ontario as well as Tualatin Valley Water District.

During the construction phase Keller will:

- Provide supplemental inspections at critical phases of the project.
- Attend a preconstruction conference and discuss insurance requirements, site conditions, construction schedule, shop drawing submittals, pay estimates, and change order procedures.
- Review shop drawings, diagrams, illustrations, catalog data, schedules and samples, and other data.
- Interpret plans and specifications and evaluate requests to deviate from designs or specifications.
- Review the results of testing laboratories.
- Review the contractor's construction schedule.
- Prepare and/or review change orders initiated by the engineer, the City, or the contractor.
- Determine the completeness of the facilities and establish warranty dates.
- Coordinate with the contractor for a set of "markups" for record drawings.

FUNDING SUPPORT

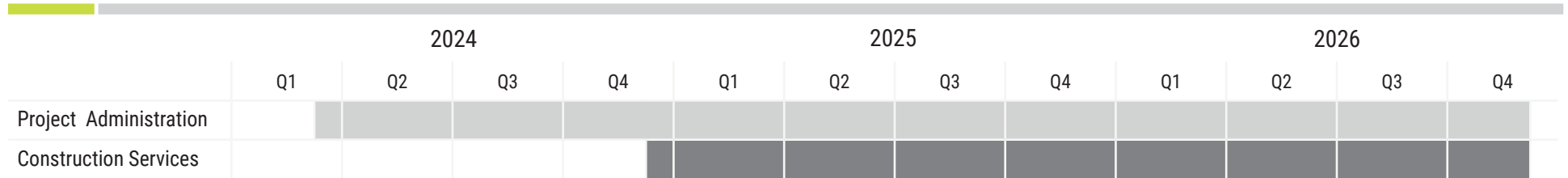
From working with financial models and subconsultants, to helping clients identify, apply for, and manage grants, the Keller team frequently provides funding assistance to clients. We regularly work with Business Oregon, OHA, ODEQ, and USDA. We understand the ins and outs of the different funding pots, from local requirements to federal dollars, and can guide the City successfully through the grant administration process. For example, Shannon and Peter provided grant application and funding support for Sheridan, Aurora, Amity, Marion County, Mill City, Willamina, and the North Santiam Sewer Authority. Occasionally, our clients request support to provide wage rate certification services.



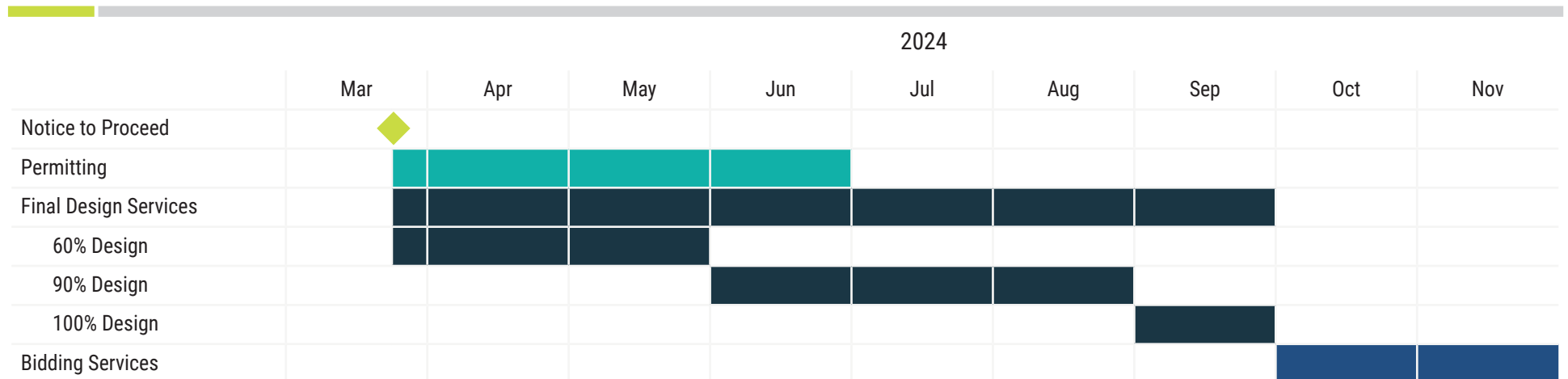
SCHEDULE

We know that when we effectively plan and execute that plan, projects are a success. We have reviewed the time frame outlined in the RFP, reviewed Ada County Planning and Zoning requirements, and compared this timeline with our experience on similar projects. We believe the project can be completed as outlined below. The schedule below shows major task time frames to complete the project. This schedule works well with our current workload. We are ready to begin immediately!

PROJECT ADMINISTRATION AND CONSTRUCTION SERVICES SCHEDULE



DESIGN SCHEDULE



COST CONTROL

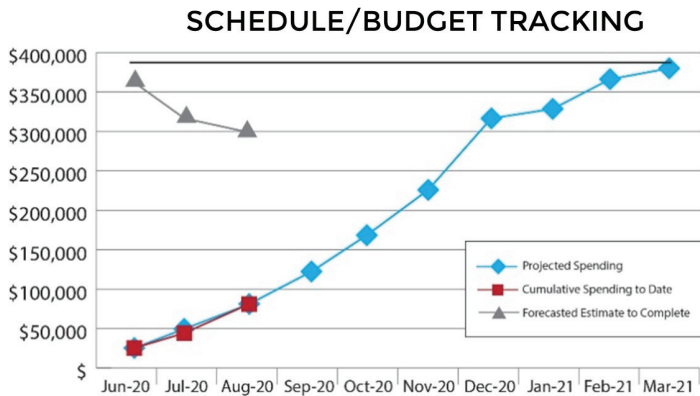
Regular communication and a commitment to your budgets and schedules create the framework necessary for a great project. You will be well-informed of project status with regular progress reports and satisfied with tasks completed on or ahead of schedule.

As the **Project Manager, Peter Olsen is responsible for cost control.**

Our Project Manager and technical support leads are actively involved in reviewing work completed by other team members, ensuring that quality is embedded into every deliverable. They will also work efficiently and effectively with team members, working with technicians and junior engineering staff to reduce costs where practical.

Our team uses Deltek financial software to track all project costs. Our Project Manager can determine the percentage of budget expended versus the percentage of completion for any task (earned value method). Our system provides real-time data and reports that provide control of scope, schedule, and assignment of needed resources and allows us to forecast when additional effort is needed to deliver on time.

Cost control is an important component of any project. In addition to supporting your overall implementation, we will keep close tabs on engineering and construction budgets. Using tools like the graph on this page, we track earned value, planned, and actual cost. This tells us immediately if the project is on, over, or under budget, late, or ahead of schedule. If corrections are needed, we establish a plan to address the issue before it becomes overwhelming.



Keller keeps an extensive list of bid tabulations for local projects and uses this information, along with quotes from suppliers, ODOT tools, and RS Means cost data, to develop accurate cost estimates. Developing cost estimates early is important in evaluating alternatives and developing the best life cycle cost. For complex projects with highly sensitive budgets or in shifting market conditions like those in the COVID-19 pandemic, Keller may also seek input from contractors in reviewing budget estimates.



COST CONTROL TOOLBOX

- Well defined and mutually agreed upon scope of work
- Critical path method design schedule that includes City and stakeholder reviews and permitting timelines
- Earned Value Reporting to anticipate workload needs
- Planning for and budgeting QA/QC
- Risk registers to manage critical items

PROJECT EXPERIENCE AND REFERENCES

This section highlights projects similar in nature and complexity to the City's anticipated water project needs. Our water facility project experience includes a variety of structures, complex pumping scenarios, advanced controls and computer modeling, water source development, energy efficient designs, and regulatory approvals. Our water storage experience includes concrete and steel tanks, special coating and rehab projects, elevated, ground level, and buried structures. We encourage you to contact our references, who will attest to the quality of work and our ability to meet project schedules and deadlines.



GRABHORN RESERVOIR, VALVE HOUSE, AND PIPELINES | TVWD

Reference: Nicholas Augustus, PE, Engineering Manager
 nick.augustus@tvwd.org | (971) 327-6292
 1850 SW 170th Avenue | Beaverton, OR 97003

Project Team: James Bledsoe (Principal), Peter Olsen (Project Manager), Nathan Cleaver (Site Civil), David Kinzer (QA/QC), Brandon Keller (Structural/Tank), Jason King (Mechanical), Adam Neiwert (Electrical)

The Emery/Keller team partnered to complete the \$12.122M Grabhorn Reservoir, Valve House, and Pipelines Project and saved the District over \$1M! The project included several thousand feet of pressure and gravity pipeline, a valve house, and a five million-gallon (MG) concrete reservoir.

The scope of work also included preliminary site investigation, geotechnical exploration, and demolition of hazardous material. Project challenges included extensive permitting and stormwater requirements, rock removal, 40+ foot excavation depths, schedule constraints, construction adjacent to existing residences, and a sensitive stream/vegetative corridor. Pipelines included 8- to 24-inch DIP, HDPE pipe, seismic resiliency provisions, air release and surge relief provisions, and steep slope installations. Even with significant District-requested project additions, it finished on schedule. The Emery/Keller team explored numerous shoring, grading, backfill, and layout alternatives to realize more than \$1M in construction savings. This project received an American Council of Engineering Companies (ACEC) Oregon Honor Award.

WILLAMINA BOOSTER STATION | City of Willamina, OR

Reference: Bridget Meneley, City Manager | meneleyb@ci.willamina.or.us | (503) 876-2242
 411 NE C Street, Willamina, OR 97396

Project Team: James Bledsoe (Principal), Shannon Williams (Project Manager), Bryan Phinney (Mechanical), Brandon Keller (Structural), Luke Tabor (Project Engineer), Adam Neiwert (Electrical)

Keller provided design, permitting, and grant application support for this critical infrastructure project for the City. The project included a new raw water intake, a CMU booster pump station structure with VFDs, stormwater facility, SCADA and controls upgrades, and nearly two miles of water distribution pipe. The design expanded the City of Willamina's existing 6th Street pressure zone and increased pressure and fire flows to the high school located at the higher elevation in the City for the main pressure zone. The new pump station included a new fire pump and the addition of VFD's for the existing pumps located at the site. Seven fundings partners came together to fund this project. Bids were opened in early February 2023 and are less than 1% greater than the Engineer's estimate, significantly below the programmed budget.



WATER PROJECTS | Veolia Water Idaho

Reference: Roger Greaves, Director of Engineering
 roger.greaves@veolia.com | (208) 362-7330
 8248 West Victory Road, Boise, ID 83707

Project Team: Brandon Keller (Project Manager), James Bledsoe (Principal), David Kinzer (Quality Control), Jason King (Hydraulics/Pipeline), Nathan Cleaver (Site Civil Design), Adam Neiwert (Electrical/Controls)

Whistle Pig Tank: Keller provided the preliminary engineering report, permitting (hillside application permit and a conditional use permit), design for current and future needs, PRVs, high- and low-pressure ranges and connectivity to existing transmission line, pumpless mechanical mixing, a valve vault, a control structure built on top of the fully buried tank within a steep hillside, a new access road, and site improvements for the new prestressed concrete 2.65 MG Whistle Pig Reservoir.

Boulder Reservoir: Keller teamed with McAlvain Construction to provide a design-build approach that would meet an aggressive schedule established by the client. A 0.6 MG gallon, partially buried concrete tank was designed to replace an aging, leaking, concrete reservoir. Keller completed the preliminary engineering report, Boise City permitting, design, and construction engineering while McAlvain performed the demolition and construction of the tank and site improvements. From project kickoff to the tank being placed online took less than nine months.



Bel Mar Booster Station: The Bel Mar Booster Station Project replaced an existing station, which could not meet fire suppression requirements or accommodate future growth. The existing booster station was converted to a pressure reducing station, with two PRVs for each of the two pressure zones served by the new station. The new Bel Mar Booster Station design

includes multiple phases to meet future needs and will include five variable speed pumps with an initial total capacity of 3,000+ gpm and future capacity of 6,500+ gpm. The design also outlined a construction sequencing plan to maintain operation and reduce risks to public health.

“ The new Whistle Pig Tank fills a critical need in our system. The area that the tank is located in did not have storage and is targeted for tremendous growth over the next decade. The tank provides fire flow reserves, as well as key operational storage for both anticipated future needs and existing portions of our system, helping to alleviate our dependence on aging wells in this area.

Keller Associates provided exemplary service as our engineering consultant. They worked diligently to ensure that the needs of our system were met and that the project was a success. The tank was placed into service in the fall of 2022 and has functioned flawlessly since that time.

Roger Greaves, PE, Senior Project Engineer
 Veolia North America



WELL DESIGN PROJECTS | City of Meridian, ID

Reference: Kyle Radek, Assistant City Engineer
 kradek@meridiandesign.com | (208) 898-5500
 33 East Broadway Avenue, Suite 200, Meridian, Idaho 83642

Project Team: Jason King (Project Manager), Michael Schulz (Project Engineer), Brandon Keller (Structural), David Kinzer (Quality Control), Randy Brixey (Site Observation)

Well 32: Keller provided pre-design, design, and construction administration services to the City for their new municipal water well, Well No. 32. This project was designed in an area with limited sewer capacity and required all flushing water to be retained on-site. Additionally, the City wanted a concept layout for future treatment via a pressure filter or blending with a secondary well. Both future alternatives were considered during the pre-design along with on-site storage and setback requirements. This project included a new vertical turbine deep well pump with a variable frequency drive, standby power generator, chlorine injection, pressure relief, and flushing water storage. The site layout included space for future facilities along with removable fencing that could be easily modified for future facility expansion.

Wells 27, 18, and 10B: To address aesthetic water quality concerns at Well 27, the City commissioned Keller to oversee a pilot study of various treatment options and complete the predesign of the selected option. Testing indicated that water quality concerns originated from elevated levels of manganese, ammonia, and hydrogen sulfide. After conducting a pilot study using four types of filter media, Keller recommended, and the City chose, oxidation and pressure filtration with pyrolusite (greensand). Sodium hypochlorite at 12.5% concentration was used to oxidize manganese and other undesirable compounds. In addition to the water treatment process, we designed a new concrete masonry unit (CMU) well house and treatment building.

Keller also designed a new treatment facility at the City's existing Well 18 and Well 10B sites to address high concentrations of iron, manganese, and ammonia. The projects included demolishing the existing well building and construction of new buildings to house the well and new pressure treatment vessels. Our team provided pilot testing and taste testing support for Well 18, after which the City elected to pursue treatment with greensand. Keller's team also assisted the City in designing a blended well system to improve overall water quality and reduce chlorine demands.



Attachment 1 - Proposal Form

OFFEROR NAME: Keller Associates, Inc.

ADDRESS: 245 Commercial Street SE, Suite 210, Salem, OR 97301

TELEPHONE NUMBER: (503) 364-2002 EMAIL: polsen@kellerassociates.com WEB SITE: kellerassociates.com

TAXPAYER ID NUMBER: 45-0574227 DATE/STATE OF INCORPORATION: 1993/Idaho

BUSINESS DESIGNATION: Corporation Sole Proprietor Partnership
 S Corporation Non-Profit Government
 Other: _____

CERTIFICATION/LICENSE NUMBER: Oregon Business ID #1419194-7 / Oregon Engineering #481941-95

The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the City; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Proposer acknowledges receipt of all Addenda issued under the RFQ.
4. The Proposer certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Proposer, acting through its authorized representative, has read and understands all RFQ instructions, specifications, and terms and conditions contained within the RFQ and all Addenda, if any;
6. The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFQ, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the RFQ, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFQ, or (b) any previously-issued RFQ, if any.
8. The Proposer agrees that if awarded the Contract, Proposer shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Proposal Form is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Proposer.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the RFQ may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - The Offeror certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;

2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Offeror is unable to certify to any of the statements in this certification, Offeror shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Offeror from award of a contract under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS OFFER SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature:  _____

Print Name: Peter Olsen, PE

Title: Project Manager/Signatory

Contact Person (Type or Print): Peter Olsen, PE

Telephone Number: (503) 910-2421 – cell / (503) 364-2002 – office

Email: polsen@kellerassociates.com

The Offeror will notify the City representative on the cover page of this RFQ within 30 days of any change in the information provided on this form.

Attachment 3 - Reference Form

Proposer must provide references that can be contacted regarding the quality of workmanship and service provided to current and past customers.

Project Reference #1

Name of Project: Grabhorn Reservoir, Valve House, and Pipelines
 Project Location: Beaverton, OR
 Project Date: 05/17 - 04/19
 Firm Name for Contact Person #1: Tualatin Valley Water District
 Name of Contact Person #1: Nicholas Augustus, PE
 Telephone Number for Contact Person #1: (971) 327-6292
 Email Address for Contact Person #1: nick.augustus@tvwd.org

Project Reference #2

Name of Project: Willamina Booster Station
 Project Location: Willamina, OR
 Project Date: 02/20 - 07/25
 Firm Name for Contact Person #1: City of Willamina
 Name of Contact Person #1: Bridget Meneley, City Manager
 Telephone Number for Contact Person #1: (503) 876-2242
 Email Address for Contact Person #1: meneleyb@ci.willamina.or.us

Project Reference #3

Name of Project: Whistle Pig Tank
 Project Location: Boise, ID
 Project Date: 10/19 - 12/22
 Firm Name for Contact Person #1: Veolia Water Idaho
 Name of Contact Person #1: Roger Greaves, Director of Engineering
 Telephone Number for Contact Person #1: (208) 362-7330
 Email Address for Contact Person #1: roger.greaves@veolia.com

The references will be used to confirm the selection rather than as an evaluation criterion. However, if several proposers are close in the final evaluation, references may be used to select the best evaluated proposal.

CITY OF AURORA - WATER RFQ

Release Date: 2/05/2024

RFQ Due Date 2/27/2024 3:00 PM PST

Refer Questions to:

Mark Gunter, City of Aurora Public Works Supervisor

PWS@ci.aurora.or.us and Recorder@ci.aurora.or.us

971-930-3597

Submit Proposals to:

PWS@ci.aurora.or.us and Recorder@ci.aurora.or.us

Electronic copies of this RFQ and attachments, if any, can be obtained via email from the emails listed above within Bid Solicitations.

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Attachment 1 - Proposal Form

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1. **INTRODUCTION**

The City of Aurora is soliciting qualifications for the final design and construction administration support services for a well, water storage tank, and booster pump station to be located at the end of Cole Ln NE. The proposed well (well number 6) will be replacing well number 3, and after purification, water will be stored in a 1.2MG prestressed concrete storage tank and pumped into the distribution system. A new water line will be installed which will extend south from the facility the length of Cole Ln. to Ehlen Rd. NE, Turning east and connecting to the existing distribution system at Donnelly Rd. This request for qualifications is intended to provide interested persons with sufficient information to prepare and submit statements of interest and qualifications for consideration by the City.

All firms submitting proposals are referred to as Proposers in this document; after negotiations, the awarded Proposer will be designated as Consultant or Contractor.

The awarded bidder(s) will be required to meet the federal provisions as stated within Appendix II to part 200 – Contract Provision for Non-Federal Entity Contracts under Federal Awards.

2. **BACKGROUND**

The City of Aurora is located in north Marion County, approximately 25 miles south of Portland and 5 miles east of Interstate 5 south, and west of the Pudding River. The City is located along and bisected by State Highway 99E and is located between the cities of Canby and Hubbard along that corridor.

This project is funded by the American Rescue Plan Act (ARPA), which was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program with the assistance Listing Number (ALN) 21.027.

The draft preliminary engineering report (PER) for the overall project is currently being worked on with an anticipated completion date near the proposal submittal deadline. The draft PER is not currently available, but will be made available to the selected consultant for advancing the final design of the project.

3. **CONTRACT TERM**

The Contract is anticipated to start in March 2023 and end in November 2026. The parties may extend the term of this Contract provided that the total Contract Term does not extend beyond a total of three additional years.

4. SCHEDULE OF EVENTS

Event	Date
RFQ issue date	February 5, 2024
Proposal submittal deadline	February 27, 2024
Questions and Clarifications due to the contact on the cover page of the RFQ no later than 2:00 p.m.	10 calendar days prior to proposal due date
Answers to questions posted on City's website	5 calendar days prior to proposal due date
RFQ Protests Period Ends	7 calendar days prior to RFQ Closing
Posting of Proposers Received	3 calendar days after RFQ Closing
Proposal evaluation (and interviews if conducted)	5 calendar days after RFQ closing
Notice of Intent to Award (approximate)	7 calendar days after RFQ closing
Notice of Intent to Award Protest Ends	7 calendar days after Notice of Intent to Award
*Anticipated Contract start Date	March 19, 2024

*Proposer, by submitting a Proposal, commits to and will be expected to make best efforts to accommodate the negotiation schedule above if selected for intent to award. The City reserves the right, at its sole discretion, to adjust this schedule as it deems necessary.

- a. Questions and Clarifications due to the contact on the cover page of the RFQ no later than **2:00pm 10 days prior to proposal due date.**

- b. Answers to questions posted on City’s website **5 calendar days prior to proposal due date.**
- c. RFQ Protest Period Ends **7 calendar days prior to RFQ Closing.**
- d. Proposals are due no later than **February 27, 2024** at the email address listed on the cover page of the RFQ. Late submittals will not be accepted.
- e. Notice of Intent to Award (approximate): **March 8, 2024.**
- f. Notice of Intent to Award Protest Ends **7 days from Notice of Intent to Award.**

The City reserves the right, at its sole discretion, to adjust this schedule as it deems necessary.

5. SCOPE OF WORK

The City of Aurora has been awarded ARPA funding to update their water system as recommended in the 2009 Water System Master Plan (WSMP). City of Aurora intends to make the following improvements:

- Final design and construction administration services for the new well number 6 well house;
- Final design and construction administration services for a 1.2MG prestressed concrete water tank;
- Final design and construction administration services of a booster pump station;
- Final design and construction administration services of a new waterline connecting the facility to the existing system;
- Final design, Engineering, and Bidding to meet ARPA funding requirements.

6. PRE-PROPOSAL CONFERENCE

There will be no pre-proposal conference for this RFQ.

7. INSTRUCTIONS TO PROPOSERS

Proposals are due at the email above no later than the time and date set forth in the Section 4: Schedule of Events. Proposals will be considered time-stamped and received by the City when they are received in the email inbox listed on the cover page. Email subject line shall be clearly marked with the RFQ number:

C2023-01 Cole Lane Reservoir, Booster Station, and Well No. 6

Proposers must include their name and address and contact information in the body of the email. It is the Proposer’s responsibility to ensure that proposals are received prior to the stated submission deadline and email address.

The proposal must include information responsive to items (a) through (f) set forth below. The proposal may not exceed a total of 25, 8.5” x 11” pages. Proposals shall be Microsoft 2003 compatible or searchable Adobe format and shall not be more than 10MB. Proposals exceeding 25 pages will be truncated and only the first 25 pages will be evaluated.

Proposers must include the following as part of their proposal:

a. Cover Letter.

The proposal must be submitted with a cover letter describing the proposer's interest and commitment to the proposed project. The letter must include the name, title, address, and telephone number of the individual to whom correspondence and other contacts should be directed during the selection process. The person authorized by the proposer to negotiate a contract with the City must sign the cover letter.

b. Approach and Management Plan.

Describe the approach and management plan for providing the services. Include an organizational chart showing the proposed relationships among proposer staff, City staff and any other parties that may have a significant role in the delivery of this program.

c. Qualifications and Experience.

Provide the qualifications and experience of the key team member(s) who will work on the projects. Emphasize the specific qualifications and experience from projects similar to this project for the key team members. Key team members are expected to be committed for the duration of the project. Replacement of key team members will not be permitted without prior consultation with and approval of the City.

d. Work Plan and Schedule.

Describe how you will perform each task of the project, identify deliverables for each task and provide a schedule. The work plan should be in sufficient detail to demonstrate a clear understanding of the project. Discuss the approach for completing the requested services for the project deadlines. The schedule should show the expected sequence of tasks and include durations for the performance of each task, milestones, submittal dates and review periods for each submittal. The project is expected to commence no later than March 30th, 2024 and fully completed by November 2026.

e. Cost Control.

Provide information on how you will control project costs to ensure all work is completed within the negotiated budget for the project. Include the name and title of the individual responsible for cost control.

f. References.

Provide at least three (3) references (names, email addresses and current phone numbers) from recent projects similar in scope and size. Include a brief description of each project associated with the reference, and the role of the respective team member(s) who would be assigned to the project. Proposer must submit references using Attachment 3: Reference Form.

8. EVALUATION

a. Minimum Responsiveness.

In order to be responsive, each proposal will be reviewed for minimum responsiveness. Failure to meet minimum responsiveness may result in rejection of the proposal. Each proposal must comply with Section 7: Instructions to Proposers and include the following to be considered minimally responsive:

- Cover Letter
- Approach and Management Plan
- Qualifications and Experience
- Work Plan and Schedule
- Cost Control
- Attachment 1: Proposal Form
- Attachment 3: Reference Form

b. Evaluation Committee.

An evaluation team will evaluate all responsive proposals. The team will consist of City staff and other parties that may have relevant expertise or experience. The team will score and recommend proposals in accordance with the evaluation criteria set forth in this RFQ. Evaluation of the proposals shall be within the sole judgment and discretion of the team.

c. Categories.

The evaluation criteria and their respective weights are as follows:

- | | |
|--|------------|
| • Approach and Management Plan | 20 |
| • Qualifications and Experience: | 30 |
| • Work Plan and Schedule | 25 |
| • Cost Control | 15 |
| • References | 10 |
| • <u>Total Points Possible:</u> | 100 |
| • Interview/Presentation/Demonstration (optional): | 10 |
| • <u>Grand Total:</u> | 110 |

d. Interviews. (Prequalification Meeting)

Proposers may need to attend an interview. The project manager and any key team members should attend the interview. The determination as to the need for interviews, evaluation criteria, the location, order, and schedule of the interviews is at the sole discretion of the City. The interview panel may include representatives from the City and other agencies, but the specific composition of the panel will not be revealed prior to the interviews. The proposer must bear all presentation costs incurred to attend.

e. Best Value.

The City will select the proposal that presents the best value and is most advantageous to the City and the public. The City reserves the right to expand or reduce the proposed scope of work during the contract negotiations based on budget constraints and to award to a single or multiple proposers.

9. **AWARD NOTICE AND ACCEPTANCE PERIOD**

- a. After the evaluation of proposals and final consideration of all available pertinent information, the City will either reject all proposals or issue a written notice of intent to award the contract. The notice shall identify the apparent best evaluated proposal and the notice shall be provided to all proposers submitting a timely proposal. The notice shall not create any rights, interests, or claims of entitlement in the apparent best evaluated proposer.
- b. The apparent best evaluated proposer should be prepared to enter into a contract with the City. Notwithstanding, the City reserves the right to add terms and conditions, deemed to be in the best interest of the City, during final contract negotiations.
- c. If a proposer fails to promptly sign and return the contract drawn pursuant to this RFQ and final contract negotiations, the City may cancel the award and award the contract to the next best evaluated proposer.

10. **PROTEST AND APPEALS**

A proposer may protest the award of a contract or the intent to award a contract, whichever comes first, if the conditions set forth in ORS 279B.410(1) are satisfied. The protest must be submitted via email to PWS@ci.aurora.or.us within seven (7) days after issuance of the notice of intent to award the contract.

All letters of protest shall clearly identify the reasons and basis for the protest. The City issue a written disposition in a timely manner as set forth in ORS 279B.410(4), which shall include the reason for the action taken and the process for appealing the decision. A proposer must file a written protest with the City and exhaust all administrative remedies before seeking judicial review of the City's contract award decision.

11. **TERMS AND CONDITIONS**

a. **RFQ Amendment, Cancellation and Right of Rejection.**

- i. The City reserves the unilateral right to amend this RFQ in writing at any time by posting the addendum on the city's website. The City may extend the deadline for submission of proposals by written addendum. Proposers are responsible to view the website periodically for any addendum to the RFQ. Proposers shall respond to the final written RFQ, its exhibits and attachments, and all addenda. The City also reserves the right, in its sole discretion, to reject any and all proposals or to cancel or reissue the RFQ.
- ii. The City reserves the right, in its sole discretion, to waive minor informalities in proposals provided such action is in the best interest of the City. Where the City waives minor informalities in proposals, such waiver does not modify the RFQ requirements or excuse the applicant from full compliance with the RFQ. Notwithstanding any minor variance, the City may hold any proposal to strict compliance with the RFQ.

b. **Confidentiality.**

The City will retain a master copy of each proposal to this RFQ, which becomes public record after the notice of intent to award unless the proposal or specific parts of the proposal

can be shown to be exempt by law under ORS Chapter 192. If a proposer believes that any portion of its proposal contains any information that is a trade secret under ORS 192.311-431 or otherwise is exempt from disclosure under the Oregon Public Records Law, that proposer shall complete and submit the Attachment 2: Trade Secret Form and a fully redacted version of its proposal.

Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law and identifying the proposal as confidential, in whole or in part, as exempt from disclosure is not acceptable. City advises each proposer to consult with its own legal counsel regarding disclosure issues. If proposer fails to identify the portions of the proposal that proposer claims are exempt from disclosure, proposer has waived any future claim of non-disclosure of that information.

c. Proposer Responsible for Incurred Costs.

The City shall not be liable for any expenses incurred by proposer in both preparing and submitting its proposal or contract negotiation process, if any.

d. Cooperative Purchasing.

Pursuant to ORS 279A.205 thru 279A.215, other public agencies within the State of Oregon may use the purchase agreement resulting from this Request for Proposals unless the Proposer expressly notes in their proposal that the prices quoted are available to the City only. The condition of such use by other agencies is that any such agency must make and pursue contact, purchase order, delivery arrangements, and all contractual remedies directly with the successful Proposer; the City accepts no responsibility for performance by either the successful Proposer or such other agency using this agreement. With such condition, the City consents to such use by any other public agency within the State of Oregon.

12. ATTACHMENTS AND EXHIBITS

- Attachment 1: Proposal Form
- Attachment 2: Trade Secret Form
- Attachment 3: Reference Form

13. PROPOSAL SUBMISSION CHECKLIST FOR PROPOSERS

- Cover Letter
- Approach and Management Plan
- Qualifications and Experience
- Work Plan and Schedule
- Cost Control
- Attachment 1: Proposal Form
- Attachment 2: Trade Secret Form (optional)
- Attachment 3: Reference Form

Attachment 1 - Proposal Form

OFFEROR NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____ EMAIL: _____ WEB SITE: _____

TAXPAYER ID NUMBER: _____ DATE/STATE OF INCORPORATION: _____

BUSINESS DESIGNATION: Corporation Sole Proprietor Partnership
 S Corporation Non-Profit Government
 Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the City; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Proposer acknowledges receipt of all Addenda issued under the RFQ.
4. The Proposer certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Proposer, acting through its authorized representative, has read and understands all RFQ instructions, specifications, and terms and conditions contained within the RFQ and all Addenda, if any;
6. The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFQ, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the RFQ, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFQ, or (b) any previously-issued RFQ, if any.
8. The Proposer agrees that if awarded the Contract, Proposer shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Proposal Form is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Proposer.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the RFQ may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - The Offeror certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;

2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Offeror is unable to certify to any of the statements in this certification, Offeror shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Offeror from award of a contract under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS OFFER SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: _____

Print Name: _____

Title: _____

Contact Person (Type or Print): _____

Telephone Number: () _____

Email: _____

The Offeror will notify the City representative on the cover page of this RFQ within 30 days of any change in the information provided on this form.

Attachment 2 - Trade Secret Form

1. I am an authorized representative of the Proposer, I have knowledge of the Request for Proposals referenced herein, and I have full authority from the Proposer to submit this Trade Secret Form and accept the responsibilities stated herein.
2. I am aware that the Proposer has submitted a Proposal, in response to Request for Proposals C2024-01 Engineering, Design and Construction Management Services for City of Aurora ARPA funds for public infrastructure projects, and I am familiar with the contents of the RFQ and Proposal.
3. I have read and am familiar with the provisions of Oregon's Public Records Law, Oregon Revised Statutes ("ORS") 192.311 through 192.431, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
4. I have reviewed the information contained in the Proposal. The Proposer believes the information listed in Exhibit A is exempt from public disclosure (collectively, the "Exempt Information"), which is incorporated herein by this reference. It is my opinion that the Exempt Information constitutes "Trade Secrets" under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
 - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
 - i. is not patented,
 - ii. is known only to certain individuals within the Proposer's organization and that is used in a business the Proposer conducts,
 - iii. has actual or potential commercial value, and
 - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

or

 - B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:
 - i. Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
 - ii. Is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.
5. I understand that disclosure of the information referenced in Exhibit A may depend on official or judicial determinations made in accordance with the Public Records Law.

Authorized Representative Signature

Proposer identifies the following information as exempt from public disclosure:

Attachment 3 - Reference Form

Proposer must provide references that can be contacted regarding the quality of workmanship and service provided to current and past customers.

Project Reference #1

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

Project Reference #2

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

Project Reference #3

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

The references will be used to confirm the selection rather than as an evaluation criterion. However, if several proposers are close in the final evaluation, references may be used to select the best evaluated proposal.

CITY OF AURORA
RESOLUTION NUMBER 854

RESOLUTION FOR AWARDING AND DESIGNATION OF
PROPOSER AS CONSULTANT OR CONTRACTOR FOR
CITY OF AURORA WASTEWATER PROJECTS

WHEREAS, on February 5, 2024, notice of RFQ solicitation was posted in the Daily Journal of Commerce with the full RFQ contained on the City of Aurora website and interested parties had through February 27, 2024 to respond; and

WHEREAS, Keller Associates, Inc., was the only respondent to the above-referenced solicitation for Request for Qualifications (RFQ) to complete the wastewater projects outlined as follows:

A new sequencing batch reactor (SBR), effluent storage lagoon, relocation of the influent screen, update to the chlorination system, and an upgrade of the Supervisory Control and Data Acquisition (SCADA) system. All improvements will be constructed at the City's existing wastewater treatment facility.

NOW THEREFORE, THE AURORA CITY COUNCIL RESOLVES, that Keller Associates, Inc. as sole qualified proposer be designated and awarded Consultant or Contractor for the above-itemized wastewater projects. This award shall be contingent upon no protests being submitted prior to March 15th.

INTRODUCED AND ADOPTED this 12th day of March, 2024.

Brian Asher, Mayor

ATTEST:

Stuart A. Rodgers City Recorder

February 27, 2024

Mark Gunter, Public Works Supervisor
City of Aurora
21420 Main Street
Aurora, OR 97002

POINT OF CONTACT

Peter Olsen, PE
Project Manager
245 Commercial Street SE
Suite 210
Salem, OR 97301
Office: (503) 364-2002
Cell: (503) 910-2421

Re: C2023-02 Wastewater Treatment Plant (WWTP) Improvements

Dear Mr. Gunter and Selection Committee:

The City of Aurora (City) has acquired \$10 million in funding to address deficiencies in its wastewater system infrastructure. Keller Associates (Keller) has consulted with the City and the funding agencies to create the project objectives and cost estimates for this WWTP Improvements project. Keller was contracted by the City to produce the Preliminary Engineering Report (PER) and 30% design. Keller also completed the 2023 Wastewater Facilities Planning Study.

Having previously put our heart and efforts into these endeavors, we are committed and excited to work on the City's WWTP Improvements project. Keller brings the familiarity and experience to provide practical solutions that can be implemented within the budget and schedule constraints. Due to our previous project experience with the Wastewater Facilities Planning Study, PER, and 30% design, we will ensure that the current project advances within the funding timeframes. In our role as City Engineer, we are also supporting City staff and City Council to investigate and gain approval for an alternative delivery method for this project.

One of our Core Values is *Nimble*; we pride ourselves on being flexible and adaptable, anticipating changes as the project progresses. We have assembled a team with the expertise to tackle each portion of the project, including in-house regional experts for wastewater process, pipeline, controls, electrical, and structural design. Keller's key team members will be committed for the duration of the project. Complementing our team is Central Geotechnical Services (Central Geotech), a long-time teaming partner with the familiarity and technical insight needed to implement your project. Central Geotech completed the site visit and initial assessment to develop alternatives that resulted in the PER recommendations. They will continue to support the final design and construction administration process. Our team also brings established relationships with key agencies and stakeholders such as the Oregon Department of Environmental Quality (ODEQ), Business Oregon, and Marion County. These relationships, our proven record, and our commitment to your project provide assurance for timely, creative solutions.

We appreciate the opportunity to work with the City and are confident in our team's ability to see this project through to successful completion.

Sincerely,

KELLER ASSOCIATES, INC.



Peter Olsen, PE
Project Manager



Larry Rupp, PE
Principal-in-Charge/Authorized Agent

APPROACH AND MANAGEMENT PLAN

MANAGEMENT PLAN



PROJECT MANAGEMENT

Effective project management begins with selecting appropriate tasks to accomplish the project’s objectives. Once this is complete, adhering to the approved budget and producing a quality product on time is our goal. Our project management approach involves team members and disciplines at appropriate levels of project completion so that tasks are completed efficiently.

SCOPE AND FEE NEGOTIATION

The first step for any project is to define the project scope, goals, and schedule. Your Project Manager, Peter Olsen, will assemble the project team, assign resources, and prepare a scope of work, budget, and agreement for the City’s review and comment. Peter will review the scope of work, associated fees, and project schedule with the City, then make the requested adjustments so that the project can proceed quickly.

DAY-TO-DAY COORDINATION

Regular communication is key to a successful project. To manage the project and ensure the availability of personnel, Peter will be responsible for establishing contractual relationships with the City, maintaining effective communication, directing and overseeing the efforts of all team members and agencies, coordinating public participation, and overseeing the timely performance of all participants. Emails, phone calls, and in-person and online meetings will be used to facilitate project communication. When questions or comments are introduced by City staff, Peter is committed to a timely response. Our approach is to maintain communication through regularly scheduled meetings and written memos (email) on each critical aspect of the project.

CONDUCTING MEETINGS AND CLIENT INPUT

We obtain input from our clients to ensure that decisions capture the understanding of key stakeholders. Peter will lead scoping and project meetings. An agenda will be provided ahead of the meeting so that participants can prepare for the discussion. We will solicit input from the City’s administrative and operations staff to reach a consensus on key decisions. Our team will provide pertinent information, drawing from our knowledge, to guide the decision-making process and facilitate educated City decisions. After each meeting, we will document key decisions and action items.

TEAM COORDINATION

Keller team members’ experience is summarized in the Qualifications and Experience section. As the Project Manager, Peter will take the lead and will be the point of contact for the City. The remaining team members in the organizational chart on the following page will support the project in their respective roles.

As the primary point of contact with the City, Peter is responsible for proper communication, guidance, and coordination of our team. Open, frequent, and consistent communication and reporting are essential for overall project success. Communication will be accomplished through regular emails, progress reports, meetings, telephone calls, reviews, and schedule updates. Regular meetings will be held, both internally and with the City, the frequency of which will depend on project schedules and progress.

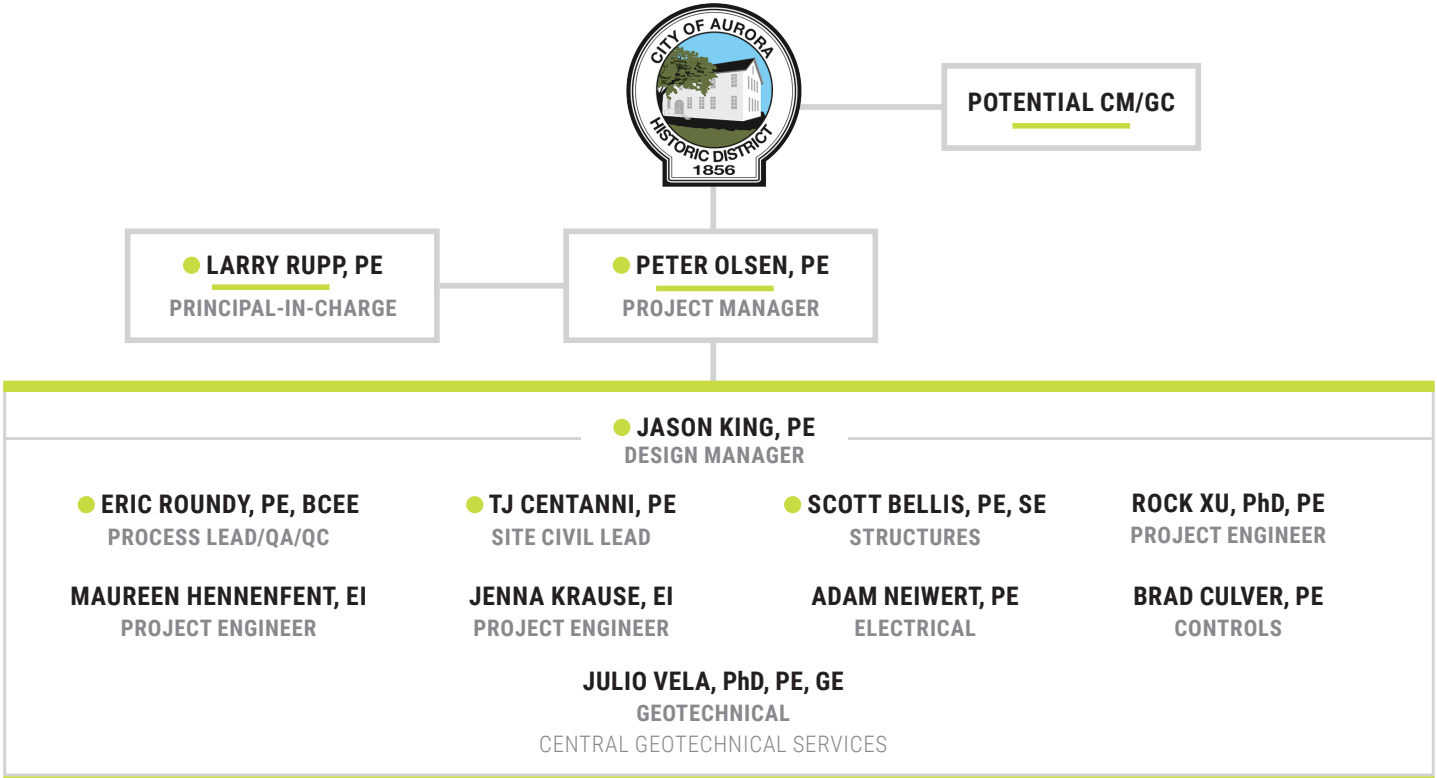
OUR PRIMARY GOALS IN COMMUNICATION AND COORDINATION

01 Our team members know exactly what they are doing and how it fits into the overall project and schedule.

02 Our clients never have to ask, “What’s going on with the project?”

03 No surprises!





● Key Personnel

APPROACH



PLANNING AND DESIGN

Due to our history working with the City, we are familiar with your system and the need for new wastewater infrastructure. Throughout design (typically with 60% and 90% deliverables), our team engages with City staff to incorporate City preferences and track the project budget. We have already created a project schedule to support the City Council in evaluating a Construction Manager/General Contractor (CM/GC) selection process that will allow our team to hit the ground running. Additionally, immediately after the selection process, we will create a scope that will be a seamless continuation of the 30% design to allow the City to meet the critical funding deadlines.

We will develop construction documents during the design phase, refine costs, and seek agency approvals. Peter will oversee these efforts and resolve design concerns raised by team members, City staff, or other stakeholders. This includes meeting the professional standard of care while achieving your project goals and objectives. Our hands-on, collaborative approach to design produces well-coordinated projects.

DESIGN REPORT/FINAL DESIGN AND CONSTRUCTION

The design process will typically proceed as follows:

DESIGN AND BIDDING	60% Design	90% Design	Final Design and Bidding
	<ul style="list-style-type: none"> Specifications for major equipment Plans and section views Site civil layouts Detailed cost estimate update 	<ul style="list-style-type: none"> Project specifications prepared Project drawings completed Detailed cost estimate update 	<ul style="list-style-type: none"> Submit bidding documents to DEQ Respond to contractor questions Attend pre-bid walkthrough and bid opening Evaluate bids and provide a summary

BIDDING AND CONSTRUCTION ADMINISTRATION

We can assist the City in bid-phase services, public outreach efforts, agency permitting, funding support, and a variety of construction-phase support services, including on-site construction observation and serving as your resident project representative. We are committed to timely reviews of submittals and contractor’s requests for information. Responsiveness will continue to characterize our service to the City. Finally, we will see the project through to the end, finishing strong with final inspections, startup commissioning, and prompt project closeout services.

CONSTRUCTION

Construction Administration

- Communication with contractor and operators
- Site observation and construction meetings
- Start-up support
- O&M and record drawings
- Post construction support and facility operations

ON SCHEDULE AND WITHIN BUDGET

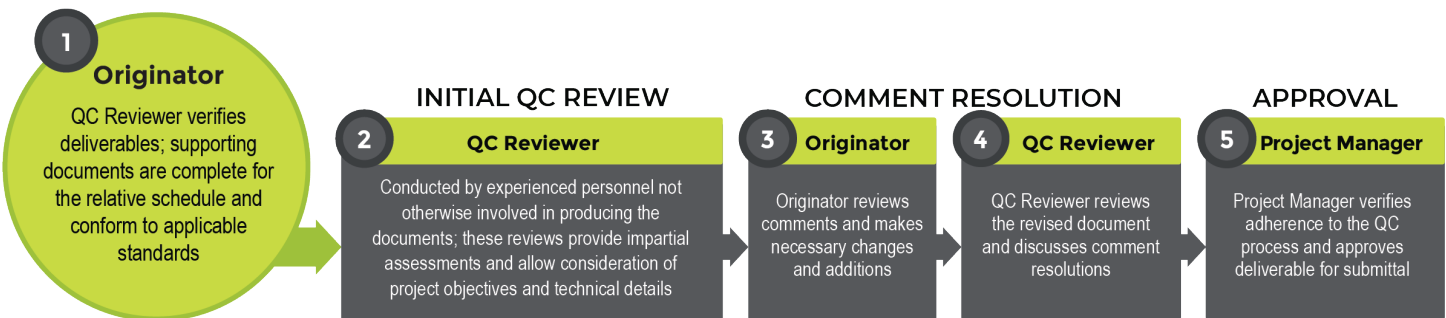
Keller has a successful record of completing complex projects within tight timeframes. Our project management team will develop a Critical Path Method schedule. Periodic reviews will allow for schedule updates, procedural changes, staff adjustments, and quality control (QC) reviews. This will ensure the integrity of the product and on-time delivery—leading to success.

Once a project budget has been established, we track all expenses and keep the City informed of potential cost impacts. As Project Manager, Peter will receive regular accounting reports detailing labor and cost for project tasks. Peter will monitor the project’s progress and allocate resources to facilitate timely and cost-effective completion. For substantive changes in scope requested by the City, we will share the cost and schedule implications with the City before proceeding.

COMPLETING INTERNAL QUALITY ASSURANCE/PEER REVIEW

Internal QC reviews are employed for every project. This has led to an impressive track record of minimal (if any) change orders during construction. We have an established Total Quality Management approach that includes QC in our project activities and products. QC activities include overall project coordination, project status monitoring, scheduling, cost estimating, and change control. Peter will assign review sections and other deliverables to specific team members for QC reviews before each milestone submittal. In addition, he will verify that each deliverable has been independently reviewed and that both the individual who completed the task and the individual responsible for the review have certified the QC Checklist.

Delivering a quality product requires embedding QC measures in the process, not just providing vital reviews at key milestones. Our in-house designs are thoroughly reviewed by qualified senior Keller staff to ensure accuracy and uniformity. Our practice involves intermediate checkpoints during interdisciplinary work, with “cold-eye” reviews and task leader sign-off on specific tasks and work products. The review process also includes value-engineering concepts, constructability evaluation by our senior professionals, and input from our experienced construction engineering and inspection (CE&I) personnel.



QUALIFICATIONS AND EXPERIENCE



With over 190 team members located in 10 offices in Oregon, Idaho, Washington, Nevada, and Utah, Keller combines a deep bench of technical experts with the nimble approach and low overhead of a small firm. We have been licensed to do business in Oregon since 2007. The proposed Keller team for this project has a record of delivering projects on schedule and under budget.



Peter Olsen, PE | Project Manager | 83510PE

Education: MS, Civil Engineering, Brigham Young University

Experience: 19 years

Peter has worked with the City since 2015 on various projects, including the wastewater facility planning studies. He is the Project Manager for the PER and has extensive planning and wastewater system design experience. Peter has a master's degree and 19 years of experience in water resources engineering. He manages our Salem office and is actively involved in all of Keller's wastewater-related work completed in Oregon. Peter is supported by a trusted team with experience working on large and small projects. The stakeholders in this project know and can trust that Peter and the Keller team will deliver.

Peter's wastewater design and facility planning experience is complemented by his practical field experience, overseeing the construction of sequencing batch reactors (SBR) and filter improvements in Stayton, OR and a state-of-the-art membrane bioreactor plant in Bellevue, ID. In addition to managing the construction phase services of Stayton's plant, Peter oversaw value engineering activities between the contractor, the City of Stayton, and the design team to best use the mix of grant, loan, and City funds. Value engineering allowed the City to convert a drum thickener building into a new treatment facility maintenance shop. This was achieved by changing the dewatering method, resulting in a more compact layout, and eliminating the need for an additional building.

Other recent wastewater project management experience includes projects for Amity, Sheridan, Silverton, Mill City, Dallas, Willamina, Newberg, Scappoose, St. Helens, Wood Village, Lincoln City, Vancouver, Ashland, and Lane Community College. Peter's experience includes all aspects of wastewater utility design, including creek/river crossings, coordination with the Oregon Department of Transportation (ODOT) and ODEQ, hydraulic analysis, easement acquisition, lift stations, Septic Tank Effluent Pump systems, treatment, and public outreach. His attention to detail and experience with complex construction projects result in quality plans with minimal change orders. Peter has a hands-on approach from project conception to completion, ensuring your values and goals are reflected in your projects.

- **Stayton, OR:** Managed the construction and day-to-day inspection for \$9 million in wastewater treatment upgrades. Managed the Mill Creek force main extension including 2,750 feet of 24-inch HDPE pipe.
- **North Santiam Canyon, OR:** Managing the planning stages for the American Rescue Plan Act-funded North Santiam Canyon Regional Sewer Project that is currently transitioning to pre-design of a new SBR treatment facility, Rapid Infiltration basin disposal system, and an entirely new gravity collection system for the City of Gates. This project uses a CM/GC delivery method.

- **Amity, OR:** Project Manager for 1.8 million gallons per day (MGD) influent capacity improvements at the headworks and 250 gallons per minute new headworks lift station. Addressed new National Pollutant Discharge Elimination System (NPDES) permit compliance regulations. Included relocation of two other influent force mains to discharge to the new headworks and bypass line relocation.
- **Newberg, OR:** Project Manager and Engineer of Record for Chehalem Drive sewer pipeline extension, including 3,450 feet of 18-inch gravity pipeline suspended under a curved ODOT bridge.
- **Sheridan, OR:** Project Manager for 18-inch force main and pump station replacement project and gravity sewer rehabilitation projects using cured-in-place pipe.
- **Silverton, OR:** Project Manager for WWTP pump station, solids handling improvement evaluation, and pre-design; screw press concept and final design.



Larry Rupp, PE | Principal-in-Charge | 79040PE

Education: MS, Civil/Environmental Engineering, Brigham Young University

Experience: 25 years

As Principal, Larry will provide project oversight and allocate company resources to ensure the City's project is completed on time and with a high standard of quality. Larry is a Professional Engineer with 25 years of experience designing and constructing municipal infrastructure. His background includes design and construction administration of water treatment plants and WWTPs throughout the Northwest. Larry's depth of municipal engineering experience, particularly on utility infrastructure projects, makes him a top-level Principal and technical advisor. In his former role as Keller's water/wastewater process discipline leader, Larry took an active role in the planning, design, construction, and maintenance of municipal infrastructure systems. Larry has a record of delivering projects on time, under budget, and with minimal change orders. He has recently worked on WWTP upgrade projects for Nampa, Lewiston, Jerome, and Caldwell, ID. Additional relevant projects include:

- **Middleton, ID:** Managed improvements project for the \$6.6 million upgrade to a 1.5 MGD SBR facility. The project involved close coordination with the contractor and owner using a CM/GC delivery method. In addition to the SBR basins, the upgrade included a new headworks, blower building, equalization basin, and lab and operations building.
- **Douglas County, NV:** Principal for construction of a new SBR plant at the North Valley WWTP.
- **Lewiston, ID:** Managed the wastewater system master plan and assisted with NPDES permit update and future regulations. Managed \$34 million in improvements, including a headworks upgrade, automation, fine bubble diffusers, and biological nutrient removal upgrade to aeration basins.



Jason King, PE | Design Manager | 92481PE

Education: BS, Civil Engineering, University of Idaho

Experience: 14 years

Jason has served as the lead engineer on numerous wastewater design and construction projects. He contributes to developing plans, specifications, and bidding documents for new and existing wastewater treatment facilities and offers detailed evaluations on existing infrastructure optimization and condition assessments. These projects involved numerous pumps, hydraulic structures, gravity and pressure pipelines, treatment, and reuse system designs. Jason also provided construction administration on these projects, developing an ability to appropriately examine field conditions and incorporate those elements into the design. Jason's wide variety of experience allows him to efficiently analyze existing conditions, develop detailed recommendations, and communicate results with clients. He has recently supported pre-design efforts for new SBR WWTPs in Aurora and the North Santiam Canyon. Additional relevant projects include:

- **Middleton, ID:** Construction of a new \$6.6 million SBR WWTP. Improvements included the design of the headworks pump system and vertical screens and implementation of a grit removal system.
- **Moyie Springs, ID:** \$4 million in WWTP upgrades including the headworks, lift station, SBR, blower improvements, equalization basin, and UV disinfection.

- **Lewiston, ID:** Project and Construction Manager for the \$34 million WWTP Improvements project. Led the evaluation, design, and implementation of the 17.3 MGD influent pump station which eliminated the ragging issues and significantly reduced odors in the existing wet well.



Eric Roundy, PE, BCEE | Process Lead/Quality Assurance/Quality Control | 90089PE

Education: MS, Environmental Engineering, University of Illinois Urbana-Champaign

Experience: 20 years

Eric will provide quality assurance/quality control (QA/QC) as the project progresses into final design. He served as the Process Lead during the conceptual and preliminary design, allowing for a seamless continuation of this project. Eric has 20 years of experience evaluating, designing, and troubleshooting wastewater treatment systems. He offers expertise in a wide variety of treatment processes. Eric's professional experience includes wastewater projects for municipal and industrial clients from feasibility through construction and operation. He has been responsible for the treatment process and equipment selection for hundreds of WWTPs. He offers value engineering expertise and is a certified Value Methodology Associate. Eric has also served as the Pacific Northwest Clean Water Association's Emerging Technologies Committee Chair. Relevant projects include:

- **Gooding, ID:** Replaced existing system with a new screen and grit removal, new SBR, equalization, chemical addition, tertiary filtration, and UV disinfection. Solids are dewatered in a volute press and sludge drying beds. Eric provided technical assistance with planning, pre-design, and design. The project also included value engineering, and Eric led the team's value engineering efforts, which helped the City move forward with the required funding support.
- **Minden, NV:** Eric provided value engineering and QA/QC for an expansion project that included a new headworks, SBR, solids dewatering, pump station, and chlorine disinfection. Deciding whether to place the headworks screens before or after the influent pumps was a key part of the project.
- **Moyie Springs, ID:** Eric provided technical assistance with the planning, pre-design, and QA/QC to design the WWTP improvements. The project included a new screening facility, plant lift station, SBR, equalization tank improvements, utility water system, and UV disinfection system. Eric worked with the Idaho Department of Environmental Quality to obtain a new discharge permit.



TJ Centanni, PE | Site Civil Lead | 102930PE

Education: BS, Civil Engineering, Boise State University

Experience: 9 years

TJ is a civil Project Manager and Lead Design Engineer with a passion for developing practical, constructible, cost-effective site designs. He started his career at the Ada County Highway District, where he learned to scope, design, bid, and inspect small transportation projects, emphasizing Americans with Disabilities Act (ADA) compliance. Since joining Keller, TJ has planned, designed, and constructed various municipal site civil projects and has experience with safety and feasibility studies, design drawings and specifications, ADA compliance, 404 permits, construction contracts, estimating, and CE&I. His knowledge of construction practices makes him valuable throughout planning, design, bidding, and construction. Relevant projects include:

- **Star Sewer & Water District, Star, ID:** Provided site civil and transportation design for new yard piping and a plant access road into an existing wastewater treatment facility.
- **Emmett, ID:** Provided site civil and yard piping design for the Upper Pressure Zone 1 storage tank and future booster station.
- **Boise, ID:** Provided site civil design for construction of additional site storage at the existing Lander Street Water Reclamation Facility.
- **Mountain Home, ID:** Provided site civil design for the new Well 17 site.



Scott Bellis, PE, SE | Structures | 93333PE/SE

Education: MS, Structural Engineering, Northwestern University

Experience: 11 years

Scott is a licensed Professional Engineer and Structural Engineer with 11 years of structural engineering experience, including more than four years in the water treatment, wastewater treatment, and drinking water infrastructure sector. His previous project experience includes the design of numerous hydraulic reinforced concrete basins per ACI 350 and concrete, masonry, aluminum, and steel design for supporting process, pump house, and well buildings and other miscellaneous structures. Relevant projects include:

- **Tigard, OR:** Project Manager and Structural Lead for grit system rehabilitation project at the headworks facility at the Durham WWTP. The project included replacing blowers and diffusers and rehabilitation work on grit piping and pipe supports and concrete elements.
- **Salem, OR:** Structural Lead for condition assessment of the North Secondary Clarifier at the Willow Lake WWTP as part of the replacement of the central rotating mechanism. The project also included a condition assessment of the existing walkways at several other primary clarifiers on site. Structural Lead for an expansion of the existing biosolids storage facility at the Willow Lake WWTP. Structural Lead for new access stairs and platforms at four trickling filters at Willow Lake WWTP.
- **Salt Lake City, UT:** Designed several hydraulic structures at the Central Valley WWTP, including several connector boxes and channels, large diameter aeration pipe supports, mixer access walkways at aeration basins, and concrete infill of an existing aeration basin as part of the tertiary treatment/nutrient removal plantwide upgrade project. Structural Lead for floating digester cover replacement project, which included assessment of the existing digester structure and new access stairs, platforms, and pipe supports.

WORK PLAN AND SCHEDULE

BACKGROUND



The WWTP Improvements project will provide vital solutions to address deficiencies in the City's wastewater system infrastructure, building resiliency into your community for years to come. Our team will build upon work completed during the planning and pre-design phases to successfully achieve the project objectives. The work plan follows the outline presented in the Request for Qualifications (RFQ) and includes a project startup meeting, final design, bidding, and construction services. This section focuses on unique issues and expands on the scope of work outlined in the RFQ.

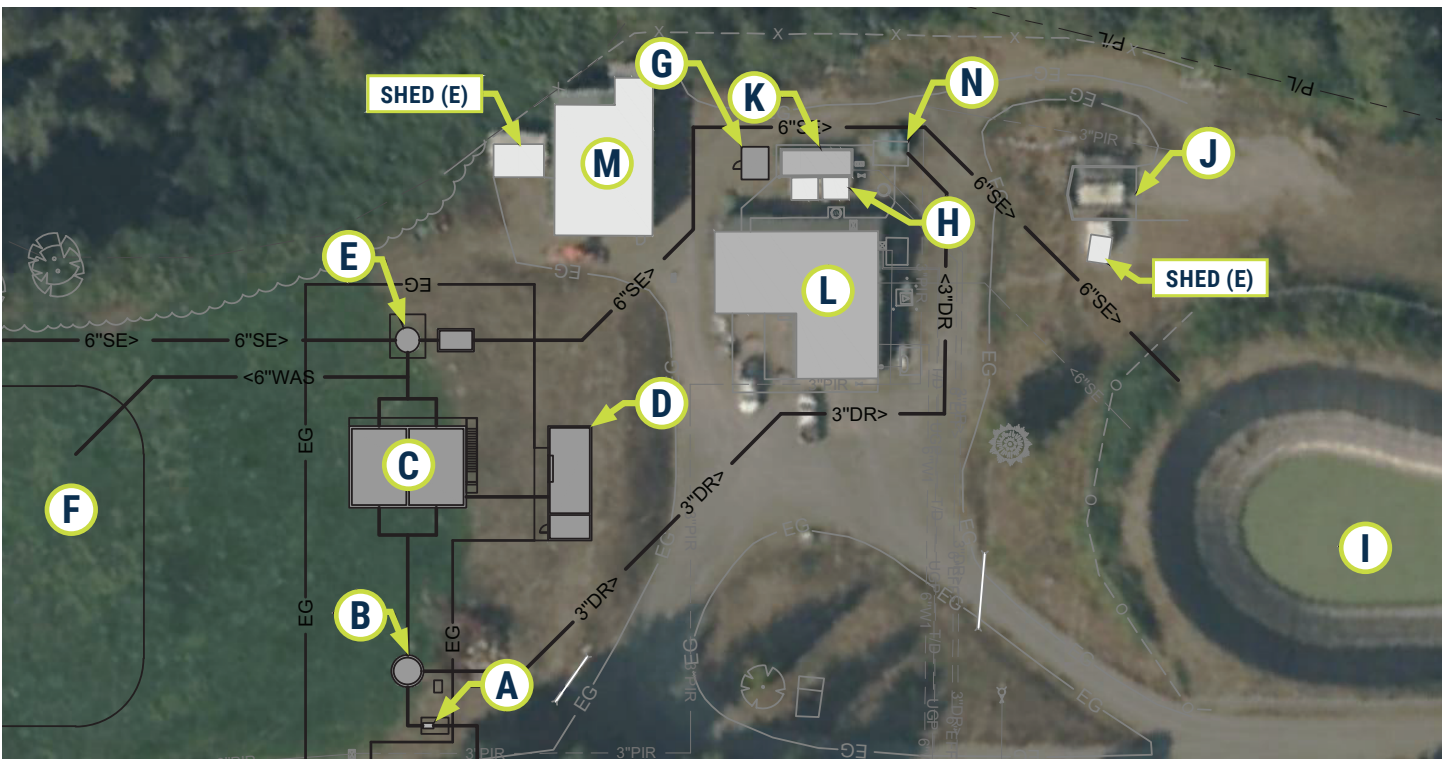
PROJECT DESIGN STARTUP MEETING

During the startup meeting, we will discuss the design criteria and approach for each project component, budget, and schedule with the City. Changes in the project from the original Pre-Design Report will be reviewed and may include additional optional items to be included in the scope of work. The outcome of the meeting will be a clear direction on deliverables and responsibilities.

Following the startup meeting, we will schedule the additional geotechnical work that will be required to complete the design. Geotechnical investigations will be required for the effluent storage lagoon and maintenance building (and the selector cell, if included in the project).



SITE LAYOUT



- | | | |
|----------------------------|-----------------------------------|------------------------------------|
| A. Screen (E) Located | F. Storage Lagoon 2 (N) | K. Chlorine Contact Chamber (E) |
| B. Grit Removal (N) | G. Disinfection Building (N) | L. Control/Electrical Building (E) |
| C. SBR (N) | H. Chemical/Utility Buildings (E) | M. Storage Building (E) |
| D. SBR Blower Building (N) | I. Storage Lagoon 1 (E) | N. Effluent Lift Station (E) |
| E. Lagoon Pump Station (N) | J. Sewage Bag Station (E) | (N): New (E): Existing |

FINAL DESIGN

Keller is ready to begin final design services immediately. We are intimately familiar with the project components and have contacted numerous equipment suppliers, obtaining proposals and computer aided drafting (CAD) drawings for the major equipment systems. The Pre-Design Report is being completed with the final design in mind, with spreadsheets for hydraulic calculations and cost estimating, and CAD files drawn to scale. This will not only save valuable design time but will result in cost savings for the City.

SBR AND BLOWER BUILDING

Jason King will lead the design and coordinate with the SBR manufacturer’s engineering team to accommodate the increased influent loading. We will obtain updated proposals from the SBR manufacturers. Keller will also work with Central Geotech for structural design and ground civilization. At the project design startup meeting, our team will work with the City to determine which manufacturer they prefer for both the SBR and the waste activated sludge pumps. Keller will design and facilitate the site layout and construction of the SBR basins. Two SBR basins will be used in parallel, and a blower building will be added to protect the blowers from cold weather. An SBR control panel will be included with an uninterruptible power supply to retain program memory. The SBR system will be constructed offline and then connected to the system.

LAGOON PUMP STATION

A new Lagoon Pump Station will be constructed in the field next to the SBR basins to accept secondary effluent from the SBR basins by gravity. Keller will continue to work with Central Geotech for structural design and ground civilization. This pump station, equipped with two non-clog centrifugal pumps situated in a wet well, will transfer secondary effluent to either the Existing Storage Lagoon or the new Additional Storage Lagoon according to the permit.

ADDITIONAL STORAGE LAGOON

An additional 12-million-gallon effluent storage lagoon will be constructed in the field southwest of the operations building. Keller will work with Central Geotech for the structural design of the lagoon embankments. Water from the Additional Storage Lagoon will flow into the Lagoon Pump Station by gravity. The construction will occur with minimal disruption. Initial startup will include coordination of new equipment, along with evaluation of the equipment's performance. Startup will require the combined effort of the equipment vendors, installation contractors, subcontractors (if applicable), Keller, and the City.

RELOCATION OF HEADWORKS SCREEN

The screen that is currently located next to the Aeration Lagoon will be moved closer to the SBR to reduce pumping costs. Keller will build upon the previously evaluated influent screen location to determine the most efficient location and complete the site layout, piping configuration, and integration into the new system.

HEADWORKS GRIT REMOVAL SYSTEM (ALTERNATIVE)

To provide additional solids removal and decrease the solids cleaning workload for SBR basins, we recommend considering the installation of a mechanical vortex grit removal system due to its smaller footprint, high grit capture rate, ease of operation, and reduced odor generation. The Grit Removal System will be constructed offline and then connected to the system. Initial startup will include coordination of new equipment, along with evaluation of the equipment's performance. Startup will require the combined effort of the equipment vendors, installation contractors, subcontractors (if applicable), Keller, and the City.

UPDATE TO THE CHLORINATION SYSTEM

Keller's in-house structural, mechanical, and HVAC teams will design a well-ventilated building with heating to prevent freezing and complications with the chlorination system. The new building will include an HVAC system that will provide functionality and optimize aesthetics. Increased safety measures will be added, such as constructing contamination trenches around the chemical tanks and installing fiberglass reinforced plastic gratings on the chlorine contact basin. The integration team will add alarms to the updated supervisory control and data acquisition (SCADA) system to aid the operators in the event of a pump failure or chemical residual violation. Keller's water treatment specialists will evaluate the disinfection capacity of the chlorine contact basin. If additional modifications such as baffles or mixers are needed, an analysis will be conducted, and manufacturer proposals will be obtained and discussed with the City.

ADDITIONAL IMPROVEMENTS

An air gap system will be installed in the new SBR Blower Building to provide utility water for the Headworks Screen and Grit Removal System. Keller will evaluate the treatment capacity of existing sludge holding tanks and upgrade if needed. Additionally, the return pumps in the existing Return Pump Station will be upgraded to transfer sludge drain back to the Headworks Screen.

SCADA SYSTEM UPGRADE

Keller's integration professionals will update the existing SCADA system to include the SBR and other plant improvements. A user-friendly system will be developed that is tailored to the City's preferences. We will obtain the City's feedback to ensure all interfaces reflect day-to-day plant operations.

BID PHASE SERVICES

The bid documents will comply with City and funding agency bidding requirements. Keller will conduct a pre-bid conference, respond to questions from bidders, prepare addenda, review the bids, and prepare a recommendation of which bid to accept.

CONSTRUCTION PHASE SERVICES

We are capable and ready to provide a resident inspector on site. Keller will work closely with the City during construction, as we have on numerous projects for the Cities of Amity, Stayton, Willamina, Silverton, and Ontario, Oregon, and WWTP projects in Bellevue, North Lake, Star, Kuna, and Rigby, Idaho.

During the construction phase, Keller will:

- Provide supplemental inspections at critical phases of the project.
- Attend a pre-construction conference and discuss insurance requirements, site conditions, construction schedule, shop drawing submittals, pay estimates, and change order procedures.
- Review shop drawings, diagrams, illustrations, catalog data, schedules and samples, and other data.
- Interpret plans and specifications and evaluate requests to deviate from designs or specifications.
- Review the results of testing laboratories.
- Review the contractors' construction schedule.
- Prepare and/or review change orders initiated by the engineer, the City, or the contractor.
- Determine the completeness of the facilities and establish warranty dates.
- Coordinate with the contractor for a set of "markups" for record drawings.

FUNDING SUPPORT

From working with subconsultants and financial models to helping clients identify, apply for, and manage grants, the Keller team frequently provides funding assistance to clients. We regularly work with Business Oregon, Oregon Health Authority, ODEQ, and the U.S. Department of Agriculture. We understand the ins and outs of different funding pots, from local requirements to federal dollars, and can successfully guide the City through the grant administration process. Occasionally, our clients request support to provide wage rate certification services.

THERE WHEN OUR CLIENTS NEED US

Peter provided grant application and funding support for Sheridan, Aurora, Amity, Marion County, Mill City, Willamina, and the North Santiam Sewer Authority.

SCHEDULE

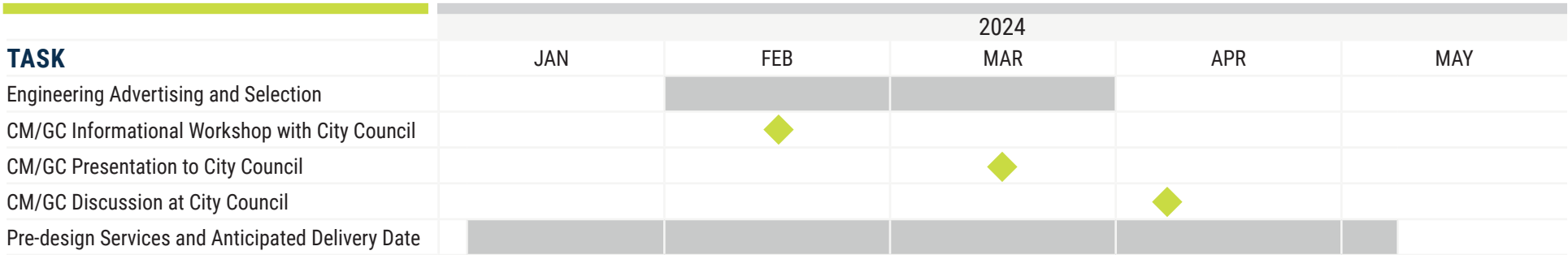
Schedules are important to Keller because they are our commitment to our clients. We know that projects are a success when we effectively plan and execute. The Project Manager regularly includes relevant team members, subconsultants, CAD staff, project engineers, administrative support, and QA/QC reviewers in schedule development so that everyone is aware of the goal: on-time and on-budget delivery of your project.

We use Critical Path Method schedules to establish preliminary schedules, track design progress, and forecast issues before they happen. Our project management team will review progress and develop a critical path schedule. Periodic reviews will allow for schedule updates, procedural changes, staff adjustments, and QC reviews. This will ensure the integrity of the product and continued on-time delivery, leading to more successful projects.

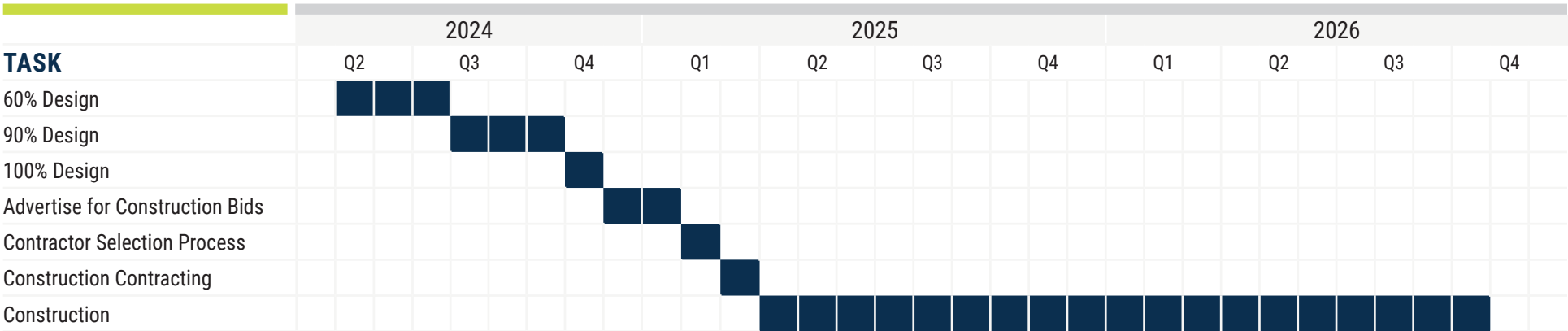
We include appropriate timelines for external review and approvals, so schedules are reasonable and reflect real-world timelines. Schedules will be proactively communicated to the City through monthly progress reports as well as project meetings. This approach ensures that the City is aware of scope or schedule creep, and, collectively, we can develop mitigation strategies before it happens.

The schedule on the following page reflects a potential extension from Business Oregon and assumes a design-bid-build or a CM/GC timeline.

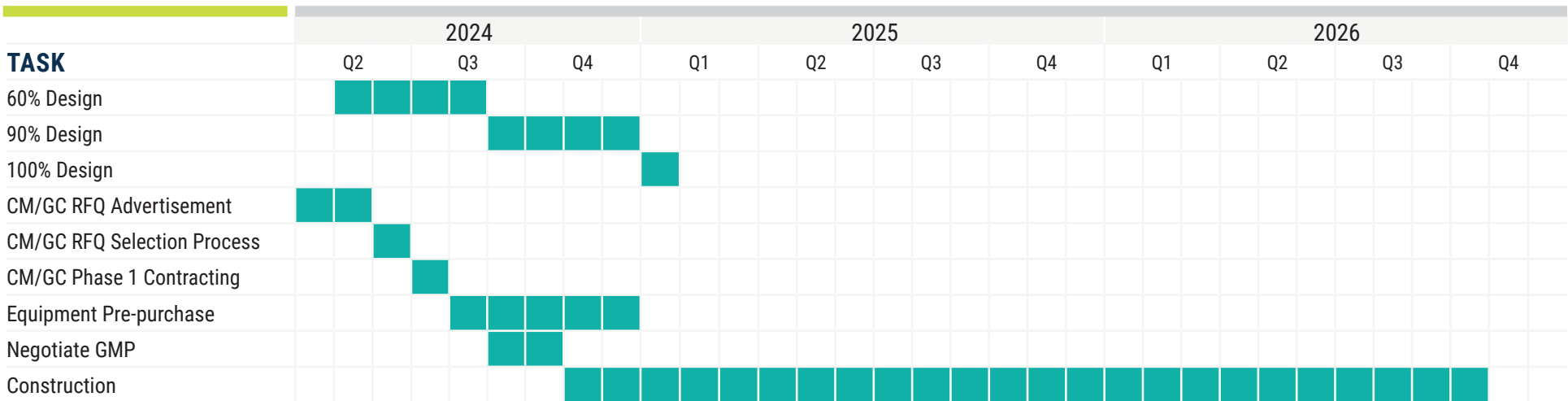
PROJECT ADMINISTRATION AND PRE-DESIGN SCHEDULE



DESIGN-BID-BUILD SCHEDULE



CM/GC SCHEDULE



COST CONTROL

Regular communication and a commitment to your budgets and schedules create the framework necessary for a great project. You will be well-informed of project status with regular progress reports and satisfied with tasks completed on or ahead of schedule.

As the **Project Manager, Peter Olsen is responsible for cost control.** The Project Manager and technical support leads are actively involved in reviewing work completed by team members, ensuring that quality is embedded into every deliverable. They will also work efficiently and effectively with team members, involving technicians and junior engineering staff to reduce costs where practical.

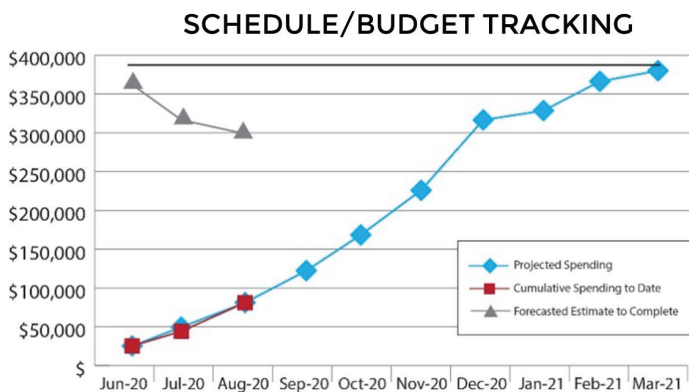
Our team uses Deltek financial software to track all project costs. The Project Manager can determine the percentage of budget expended versus the percentage of completion for any task (earned value method). Our system provides real-time data and reports that provide scope and schedule control and allow us to assign resources and forecast when additional effort is needed to deliver on time.

Cost control is an important component of any project. In addition to supporting your overall implementation, we will monitor engineering and construction budgets. Using tools like the graph on this page, we track earned value, planned, and actual cost. This tells us immediately if the project is on, over, or under budget and late or ahead of schedule. If corrections are needed, we establish a plan to address the issue before it becomes overwhelming.



COST CONTROL TOOLBOX

- Well defined and mutually agreed upon scope of work
- Critical Path Method design schedule that includes City and stakeholder reviews and permitting timelines
- Earned Value Reporting to anticipate workload needs
- Planning for and budgeting QA/QC
- Risk registers to manage critical items

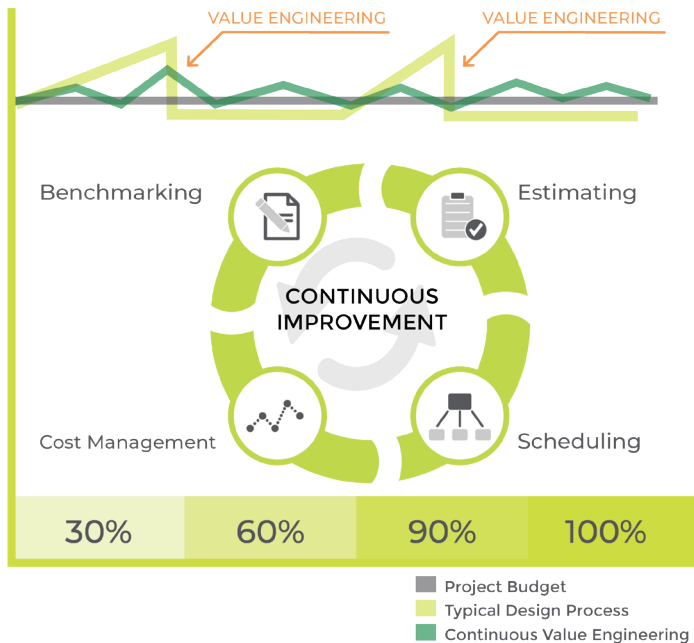


Keller keeps an extensive list of bid tabulations for local projects and uses this information, along with quotes from suppliers, ODOT tools, and RS Means cost data, to create accurate cost estimates. Developing cost estimates early helps evaluate alternatives and identify the best life-cycle cost. For complex projects with highly sensitive budgets or in shifting market conditions, Keller may also seek input from contractors in reviewing budget estimates.



DESIGNING TO BUDGET

As an alternative to traditional design-bid-build, the City could consider an alternative delivery approach such as CM/GC. The CM/GC project delivery method adds value and cost certainty to the project. If this project delivery method is chosen, our team will coordinate with the CM/GC as decisions are made to understand the cost impacts in real time. We use a decision tracking system that monitors anticipated cost impacts of design changes. This keeps the City informed of opportunities for cost savings as well as cost increases.



Keller’s team will provide continuous value engineering and coordinate with the CM/GC to provide real-time cost estimating. This process, shown with a dark green line above, reduces surprises at key milestones and helps keep the project within budget.

DESIGN STRATEGY

Some of the greatest cost savings are realized during the concept design phase. Our commitment to innovate and explore cost savings includes life-cycle cost evaluations between various alternatives.

Once equipment selections are made, developing procurement documents—beginning with specifications for major equipment—helps establish the overall project cost. Keller has successfully used this approach on many recent projects, including an upgrade to the City of Gooding’s WWTP. In this project, budget was a large concern as the City had limited funding. Our team expedited the procurement documents and was able to procure most of the major equipment for the project early. This cost certainty of major items helped the overall project come in on budget in a difficult bidding environment. We see pre-purchase as a great option for the pumps, electrical gear, and other equipment on this project.

At each deliverable, we will work with the CM/GC to develop cost estimates. Our team has extensive experience in the local construction market and consistently works with clients and contractors throughout the design process to provide estimates of probable cost. We will tap into our network to support the CM/GC’s cost estimating process. As the estimates are developed, we will hold value engineering sessions with the City and CM/GC to identify cost savings, without reducing functionality, and document changes in our decision tracking system.



COST-SAVING SOLUTIONS

Our design team has a successful record of designing to budgets and working with clients to help them save money. Both the Lewiston and Jerome WWTP improvement projects utilized existing infrastructure to meet the project budget. **Left:** A new splitter box was added as part of the Jerome WWTP Improvements project. The design allowed the box to feed into a new aeration basin while keeping the existing aeration basins operational.

REFERENCES



Keller has a 30-year history of delivering trustworthy and quality engineering solutions to our clients throughout the Pacific Northwest. We encourage you to contact our references and see why 90% of our work comes from repeat clients.

GOODING, ID Wastewater System Improvements

With aging infrastructure and new discharge permit limits, the City of Gooding turned to Keller for assistance with their wastewater collection and treatment system. Keller provided planning, preliminary design, design, and construction phase services for improvements to the collection system, lift stations, and major wastewater treatment plant upgrades. The collection system improvements included nine wastewater lift stations, approximately five miles (26,400 feet) of wastewater gravity and force main piping, and approximately 90 manhole replacements or rehabilitations. Improvements at the treatment plant included new headworks, two SBRs, sand filtration, UV disinfection, a volute press for solids dewatering, and integration of an emergency overflow lagoon. The new treatment plant, currently under construction, will meet stringent effluent limits of 0.5 mg/L ammonia and less than 0.3 mg/L of phosphorus. With construction contracts of \$13 million and \$19 million for the collection system and treatment system projects, respectively, Keller helped the City fully fund these projects with a loan forgiveness amount of close to \$17 million.



Reference: Larry Bybee, Public Works Director | (208) 934-5669 | lbybee@goodingidaho.org

Key Staff: Larry Rupp (Principal-in-Charge), Jason King (Design Manager), Eric Roundy (QA/QC), Adam Neiwert (Electrical Design), Brad Culver (Electrical and SCADA QA/QC)

STAYTON, OR Wastewater Facility Planning and Treatment Plant Upgrades

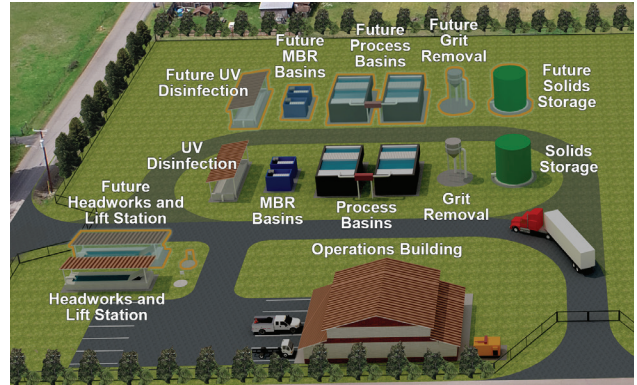
Members of Keller's team have been providing wastewater solutions to the City of Stayton for over two decades. The City operates a 7 MGD SBR system that discharges to the North Santiam River. Keller completed collection and treatment system facility planning and design of major sewer pipelines, pump stations, and treatment plant upgrades. To address the tight mass load limits, tertiary filtration was added to the City's SBR process. Other improvements included aeration system upgrades; upgraded SBR programming; new headworks screens; equalization basin improvements; a new high-intensity, low-pressure UV disinfection system; a new maintenance building; and sludge storage, thickening, and thermal drying. Keller served as the Owner's Representative for more than \$18 million in wastewater improvements.

Reference: Lance Ludwick, PE, Public Works Director | (503) 769-2919 | lludwick@staytonoregon.gov

Key Staff: Peter Olsen (Project Manager and Construction Manager), Larry Rupp (Principal-in-Charge), Brandon Keller (Structural)

NORTH SANTIAM CANYON, OR Regional Sewer Project

The Oregon communities of Idanha, Detroit, Gates, Mehama, and Lyons are on individual septic systems. Combined with essential upgrades to Mill City's wastewater infrastructure, the region is limited in potential economic and community development. Keller provided a conceptual planning document for regionalization and evaluated alternatives for providing wastewater services. We considered separating and/or combining individual communities into multiple sewer districts and gave preliminary layout designs for collection system options. The study recommended a packaged SBR system and included evaluations of pipeline corridors and potential lift station sites for constructability and practicality, as well as recommendations for grouping systems and minimizing the number of WWTPs.



Keller then completed the North Santiam Sewer Authority Master Plan. Tasks included data collection, sewer system evaluations, setting planning criteria, permitting analysis, collection system layouts/alternatives, and alternatives for wastewater treatment and disposal.

Since the master plan was completed in September 2021, Keller has provided wastewater support services to Mill City to address their short-term improvements outlined in the master plan. We helped the City evaluate and develop alternatives to address the capacity limitations of the existing Mill City treatment facility until the long-term project can be implemented. This allows projects such as Marion County's housing development to move forward prior to the construction of the long-term plan. Keller recently submitted the Wastewater Facilities Planning Study to ODEQ for review and is currently working on the preliminary engineering report and 30% design documents. This accelerated project will incorporate an SBR treatment system after headworks and grit separation. The project may include tertiary treatment with a denitrification sand filter followed by UV disinfection.

Reference: Brian Nicholas, Marion County Public Works Director | (503) 930-8502 | pwdirector@co.marion.or.us

Key Staff: Peter Olsen (Project Manager), Jason King (Senior Engineer/Cost Control), Eric Roundy (Process QA/QC), TJ Centanni (Site), Scott Bellis (Structural), Rock Xu (Senior Process Engineer), Adam Neiwert (Electrical), Brad Culver (Instrumentation and Controls), Jenna Krause (Project Engineer), Julio Vela (Geotechnical)

INDEPENDENCE, OR WWTP Upgrades

Keller is working with the City of Independence to provide grant/loan application/administration, preliminary and final design, bidding, and construction administration support services for the WWTP Upgrades project. The project includes three major planned projects from the Facility Plan. The City has expressed an interest in moving away from chlorine gas disinfection to liquid chlorine disinfection. This project will evaluate a gas to liquid modification with associated telemetry-controlled dosing for meeting the new permit requirements. The project is currently in design.

Reference: Gerald Fisher, PE, Public Works Director | (503) 837-1190 | gfisher@ci.independence.or.us

Key Staff: Peter Olsen (Project Manager and Principal-in-Charge), Larry Rupp (Principal-in-Charge), Brandon Keller (Structural), Jason King (Lead Design), Jenna Krause (Project Engineer), TJ Centanni (Site), Eric Roundy (QA/QC), Rock Xu (Senior Process Engineer), Adam Neiwert (Electrical), Brad Culver (Instrumentation and Controls)

Attachment 1 - Proposal Form

OFFEROR NAME: Keller Associates, Inc.

ADDRESS: 245 Commercial Street SE, Suite 210, Salem, OR 97301

TELEPHONE NUMBER: (503) 364-2002 EMAIL: polsen@kellerassociates.com WEB SITE: kellerassociates.com

TAXPAYER ID NUMBER: 45-0574227 DATE/STATE OF INCORPORATION: 1993/Idaho

BUSINESS DESIGNATION: Corporation Sole Proprietor Partnership
 S Corporation Non-Profit Government
 Other: _____

CERTIFICATION/LICENSE NUMBER: Oregon Business ID #1419194-7 / Oregon Engineering #481941-95

The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the City; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Proposer acknowledges receipt of all Addenda issued under the RFQ.
4. The Proposer certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Proposer, acting through its authorized representative, has read and understands all RFQ instructions, specifications, and terms and conditions contained within the RFQ and all Addenda, if any;
6. The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFQ, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the RFQ, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFQ, or (b) any previously-issued RFQ, if any.
8. The Proposer agrees that if awarded the Contract, Proposer shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Proposal Form is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Proposer.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the RFQ may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - The Offeror certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;

2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Offeror is unable to certify to any of the statements in this certification, Offeror shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Offeror from award of a contract under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS OFFER SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature:  _____

Print Name: Larry Rupp, PE

Title: Principal-in-Charge

Contact Person (Type or Print): Peter Olsen, PE

Telephone Number: (503) 910-2421 – cell / (503) 364-2002 – office

Email: polsen@kellerassociates.com

The Offeror will notify the City representative on the cover page of this RFQ within 30 days of any change in the information provided on this form.

Attachment 3 - Reference Form

Proposer must provide references that can be contacted regarding the quality of workmanship and service provided to current and past customers.

Project Reference #1

Name of Project: Wastewater System Improvements

Project Location: Gooding, ID

Project Date: 2017–ongoing

Firm Name for Contact Person #1: City of Gooding

Name of Contact Person #1: Larry Bybee, Public Works Director

Telephone Number for Contact Person #1: (208) 934-5669

Email Address for Contact Person #1: lbybee@goodingidaho.org

Project Reference #2

Name of Project: Regional Sewer Project

Project Location: North Santiam Canyon, OR

Project Date: 2015–ongoing

Firm Name for Contact Person #1: Marion County

Name of Contact Person #1: Brian Nicholas, Public Works Director

Telephone Number for Contact Person #1: (503) 930-8502

Email Address for Contact Person #1: pwdirector@co.marion.or.us

Project Reference #3

Name of Project: Wastewater Facility Planning and Treatment Plant Upgrades

Project Location: Stayton, OR

Project Date: 2008–2013 (upgrades) and 2019–2021 (most recent planning study)

Firm Name for Contact Person #1: City of Stayton

Name of Contact Person #1: Lance Ludwick, PE, Public Works Director

Telephone Number for Contact Person #1: (503) 769-2919

Email Address for Contact Person #1: lludwick@staytonoregon.gov

The references will be used to confirm the selection rather than as an evaluation criterion. However, if several proposers are close in the final evaluation, references may be used to select the best evaluated proposer.

CITY OF AURORA - WASTEWATER RFQ

Release Date: 2/05/2024

RFQ Due Date :2/27/2024 3:00 PM PST

Refer Questions to:

Mark Gunter, City of Aurora Public Works Supervisor

PWS@ci.aurora.or.us and Recorder@ci.aurora.or.us

971-930-3597

Submit Proposals to:

PWS@ci.aurora.or.us and Recorder@ci.aurora.or.us

Electronic copies of this RFQ and attachments, if any, can be obtained via email from the emails listed above within Bid Solicitations.

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Attachment 1 - Proposal Form

Attachment 2 - Trade Secret Form

Attachment 3 - Reference Form

1. **INTRODUCTION**

The City of Aurora is soliciting Qualifications for the final design and construction administration support services for wastewater treatment plant (WWTP) improvements. The WWTP Improvements Project will be funded using ARPA funds. The project is anticipated to include a new sequencing batch reactor (SBR), effluent storage lagoon, relocation of the influent screen, update to the chlorination system, and an upgrade of the Supervisory Control and Data Acquisition (SCADA) system. All improvements will be constructed at the City's existing wastewater treatment facility. Based on estimates from the 2023 facility planning study completed by Keller Associates, the anticipated project cost is approximately \$11.2 million. The project includes engineering services for final design, bidding, and construction administration services. This request for qualifications is intended to provide interested persons with sufficient information to prepare and submit statements of interest and qualifications for the consideration by the City.

All firms submitting proposals are referred to as Proposers in this document; after negotiations, the awarded Proposer will be designated as Consultant or Contractor.

The awarded Proposer(s) may be required to meet the federal provisions as stated within Appendix II to part 200 – Contract Provision for Non-Federal Entity Contracts under Federal Awards.

2. **BACKGROUND**

The City of Aurora is located in north Marion County, approximately 25 miles south of Portland and 5 miles east of Interstate 5 south, and west of the Pudding River. The City is located along and bisected by State Highway 99E and is located between the cities of Canby and Hubbard along that corridor.

This project is funded by the American Rescue Plan Act (ARPA), which was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program with the assistance Listing Number (ALN) 21.027.

Keller Associates is currently working on the preliminary engineering report (PER) and 30% drawing set for the overall project with an anticipated completion date in May 2024. The PER will be made available to the selected consultant for advancing the final design of the project.

This project is anticipated to be delivered through the Construction Manager, General Contractor alternative delivery method. The selected consultant will be expected to negotiate a scope and fee that is consistent with the delivery method the City selects.

3. **CONTRACT TERM**

The Contract is anticipated to start in March 2023 and end in November 2026. The parties may extend the term of this Contract provided that the total Contract Term does not extend beyond a total of three additional years.

4. SCHEDULE OF EVENTS

Event	Date
RFQ issue date	February 5, 2024
Proposal submittal deadline	February 27, 2024
Questions and Clarifications due to the contact on the cover page of the RFQ no later than 2:00 p.m.	10 calendar days prior to proposal due date
Answers to questions posted on City's website	5 calendar days prior to proposal due date
RFQ Protests Period Ends	7 calendar days prior to RFQ Closing
Posting of Proposers Received	3 calendar days after RFQ Closing
Proposal evaluation (and interviews if conducted)	5 calendar days after RFQ closing
Notice of Intent to Award (approximate)	7 calendar days after RFQ closing
Notice of Intent to Award Protest Ends	7 calendar days after Notice of Intent to Award
*Anticipated Contract Start Date	March 19, 2024

*Proposer, by submitting a Proposal, commits to and will be expected to make best efforts to accommodate the negotiation schedule above if selected for intent to award. The County reserves the right, at its sole discretion, to adjust this schedule as it deems necessary.

- a. Questions and Clarifications due to the contact on the cover page of the RFQ no later than **2:00pm 10 days prior to proposal due date.**

- b. Answers to questions posted on Cities website on **5 calendar days prior to proposal due date.**
- c. RFQ Protest Period Ends **7 calendar days prior to RFQ Closing.**
- d. Proposals are due no later than **February 27, 2024** at the email address listed on the cover page of the RFQ. Late submittals will not be accepted.
- e. Notice of Intent to Award (approximate): **March 8, 2024.**
- f. Notice of Intent to Award Protest Ends **7 days from Notice of Intent to Award.**

Contract Execution (approximately): **March 19, 2024**The City reserves the right, at its sole discretion, to adjust this schedule as it deems necessary.

5. SCOPE OF WORK

The City of Aurora has received ARPA funding to assist the City with their wastewater treatment plant improvements as outlined in the 2023 WWFPS. The City of Aurora intends to make the following improvements.

- New sequencing batch reactor (SBR).
- Effluent storage lagoon.
- Relocation of the influent screen.
- Update to the chlorination system.
- Upgrade of the Supervisory Control and Data Acquisition (SCADA) system.

6. PRE-PROPOSAL CONFERENCE

There will be no pre-proposal conference for this RFQ.

7. INSTRUCTIONS TO PROPOSERS

Proposals are due via email no later than the time and date set forth in the Section 4: Schedule of Events. Proposals will be considered time-stamped and received by the City when they are received in the email inbox listed on the cover page. Email subject line shall be clearly marked with the RFQ number:

C2023-02 Wastewater Treatment Plant Improvements

Proposers must include their name and address and contact information in the body of the email. It is the Proposer's responsibility to ensure that proposals are received prior to the stated submission deadline and email address.

The proposal must include information responsive to items (a) through (h) set forth below. The proposal may not exceed a total of 25, 8.5" x 11" pages. Proposals shall be Microsoft 2003 compatible or searchable Adobe format and shall not be more than 10MB. Proposals exceeding 25 pages will be truncated and only the first 25 pages will be evaluated.

Proposers must include the following as part of their proposal:

a. Cover Letter.

The proposal must be submitted with a cover letter describing the proposer's interest and commitment to the proposed project. The letter must include the name, title, address, and telephone number of the individual to whom correspondence and other contacts should be directed during the selection process. The person authorized by the proposer to negotiate a contract with the City must sign the cover letter.

b. Approach and Management Plan.

Describe the approach and management plan for providing the services. Include an organizational chart showing the proposed relationships among proposer staff, City staff and any other parties that may have a significant role in the delivery of this program.

c. Qualifications and Experience.

Provide the qualifications and experience of the key team member(s) who will work on the projects. Emphasize the specific qualifications and experience from projects similar to this project for the key team members. Key team members are expected to be committed for the duration of the project. Replacement of key team members will not be permitted without prior consultation with and approval of the City.

d. Work Plan and Schedule.

Describe how you will perform each task of the project, identify deliverables for each task and provide a schedule. The work plan should be in sufficient detail to demonstrate a clear understanding of the project. Discuss the approach for completing the requested services for the project deadlines. The schedule should show the expected sequence of tasks and include durations for the performance of each task, milestones, submittal dates and review periods for each submittal. The project is expected to commence no later than March 30th, 2024 and fully completed by November 2026.

e. Cost Control.

Provide information on how you will control project costs to ensure all work is completed within the negotiated budget for the project. Include the name and title of the individual responsible for cost control.

f. References.

Provide at least three (3) references (names, email addresses and current phone numbers) from recent projects similar in scope and size. Include a brief description of each project associated with the reference, and the role of the respective team member(s) who would be assigned to the project. Proposer must submit references using Attachment 3: Reference Form.

8. EVALUATION

a. Minimum Responsiveness.

In order to be responsive, each proposal will be reviewed for minimum responsiveness. Failure to meet minimum responsiveness may result in rejection of the proposal. Each proposal must comply with Section 5: Instructions to Proposers and include the following to be considered minimally responsive:

- Cover Letter
- Approach and Management Plan
- Qualifications and Experience
- Work Plan and Schedule
- Cost Control
- Attachment 1: Proposal Form
- Attachment 2: Trade Secrets Form
- Attachment 3: Reference Form

b. Evaluation Committee.

An evaluation team will evaluate all responsive proposals. The team will consist of City staff and other parties that may have relevant expertise or experience. The team will score and recommend proposals in accordance with the evaluation criteria set forth in this RFQ. Evaluation of the proposals shall be within the sole judgment and discretion of the team.

c. Categories.

The evaluation criteria and their respective weights are as follows:

- | | |
|--|------------|
| • Cover Letter | (unscored) |
| • Approach and Management Plan | 20 |
| • Qualifications and Experience: | 30 |
| • Work Plan and Schedule | 25 |
| • Cost Control | 15 |
| • References | 10 |
| • <u>Total Points Possible:</u> | 100 |
| • Interview/Presentation/Demonstration (optional): | 10 |
| • <u>Grand Total:</u> | 110 |

d. Interviews. (Prequalification Meeting)

Proposers may need to attend an interview. The project manager and any key team members should attend the interview. The determination as to the need for interviews, evaluation criteria, the location, order, and schedule of the interviews is at the sole discretion of the City. The interview panel may include representatives from the City and other agencies, but the specific composition of the panel will not be revealed prior to the interviews. The proposer must bear all presentation costs incurred to attend.

e. Best Value.

The City will select the proposal that presents the best value and is most advantageous to the City and the public. The City reserves the right to expand or reduce the proposed scope of

work during the contract negotiations based on budget constraints and to award to a single or multiple proposers.

9. AWARD NOTICE AND ACCEPTANCE PERIOD

- a. After the evaluation of proposals and final consideration of all available pertinent information, the City will either reject all proposals or issue a written notice of intent to award the contract. The notice shall identify the apparent best evaluated proposal and the notice shall be provided to all proposers submitting a timely proposal. The notice shall not create any rights, interests, or claims of entitlement in the apparent best evaluated proposer.
- b. The apparent best evaluated proposer should be prepared to enter into a contract with the City. Notwithstanding, the City reserves the right to add terms and conditions, deemed to be in the best interest of the City, during final contract negotiations.
- c. If a proposer fails to promptly sign and return the contract drawn pursuant to this RFQ and final contract negotiations, the City may cancel the award and award the contract to the next best evaluated proposer.

10. PROTEST AND APPEALS

A proposer may protest the award of a contract or the intent to award a contract, whichever comes first, if the conditions set forth in ORS 279B.410(1) are satisfied. The protest must be submitted via email to PWS@ci.aurora.or.us within seven (7) days after issuance of the notice of intent to award the contract.

All letters of protest shall clearly identify the reasons and basis for the protest. The City issue a written disposition in a timely manner as set forth in ORS 279B.410(4), which shall include the reason for the action taken and the process for appealing the decision. A proposer must file a written protest with the City and exhaust all administrative remedies before seeking judicial review of the City's contract award decision.

11. TERMS AND CONDITIONS

- a. **RFQ Amendment, Cancellation and Right of Rejection.**
 - i. The City reserves the unilateral right to amend this RFQ in writing at any time by posting the addendum on the City's website. The City may extend the deadline for submission of proposals by written addendum. Proposers are responsible to view the website periodically for any addendum to the RFQ. Proposers shall respond to the final written RFQ, its exhibits and attachments, and all addenda. The City also reserves the right, in its sole discretion, to reject any and all proposals or to cancel or reissue the RFQ.
 - ii. The City reserves the right, in its sole discretion, to waive minor informalities in proposals provided such action is in the best interest of the City. Where the City waives minor informalities in proposals, such waiver does not modify the RFQ requirements or excuse the applicant from full compliance with the RFQ. Notwithstanding any minor variance, the City may hold any proposal to strict compliance with the RFQ.

b. Confidentiality.

The City will retain a master copy of each proposal to this RFQ, which becomes public record after the notice of intent to award unless the proposal or specific parts of the proposal can be shown to be exempt by law under ORS Chapter 192. If a proposer believes that any portion of its proposal contains any information that is a trade secret under ORS 192.311-431 or otherwise is exempt from disclosure under the Oregon Public Records Law, that proposer shall complete and submit the Attachment 2: Trade Secret Form and a fully redacted version of its proposal.

Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law and identifying the proposal as confidential, in whole or in part, as exempt from disclosure is not acceptable. City advises each proposer to consult with its own legal counsel regarding disclosure issues. If proposer fails to identify the portions of the proposal that proposer claims are exempt from disclosure, proposer has waived any future claim of non-disclosure of that information.

c. Proposer Responsible for Incurred Costs.

The City shall not be liable for any expenses incurred by proposer in both preparing and submitting its proposal or contract negotiation process, if any.

d. Cooperative Purchasing.

Pursuant to ORS 279A.205 thru 279A.215, other public agencies within the State of Oregon may use the purchase agreement resulting from this Request for Proposals unless the Proposer expressly notes in their proposal that the prices quoted are available to the City only. The condition of such use by other agencies is that any such agency must make and pursue contact, purchase order, delivery arrangements, and all contractual remedies directly with the successful Proposer; the City accepts no responsibility for performance by either the successful Proposer or such other agency using this agreement. With such condition, the City consents to such use by any other public agency within the State of Oregon.

12. ATTACHMENTS AND EXHIBITS

- Attachment 1: Proposal Form
- Attachment 2: Trade Secret Form (optional)
- Attachment 3: Reference Form

13. PROPOSAL SUBMISSION CHECKLIST FOR PROPOSERS

- Cover Letter
- Approach and Management Plan
- Qualifications and Experience
- Work Plan and Schedule
- Cost Control
- Attachment 1: Proposal Form
- Attachment 2: Trade Secret Form (optional)
- Attachment 3: Reference Form

Attachment 1 - Proposal Form

OFFEROR NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____ EMAIL: _____ WEB SITE: _____

TAXPAYER ID NUMBER: _____ DATE/STATE OF INCORPORATION: _____

BUSINESS DESIGNATION: Corporation Sole Proprietor Partnership
 S Corporation Non-Profit Government
 Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the City; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Proposer acknowledges receipt of all Addenda issued under the RFQ.
4. The Proposer certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Proposer, acting through its authorized representative, has read and understands all RFQ instructions, specifications, and terms and conditions contained within the RFQ and all Addenda, if any;
6. The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFQ, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the RFQ, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFQ, or (b) any previously-issued RFQ, if any.
8. The Proposer agrees that if awarded the Contract, Proposer shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Proposal Form is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Proposer.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the RFQ may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - The Offeror certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;

2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Offeror is unable to certify to any of the statements in this certification, Offeror shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Offeror from award of a contract under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS OFFER SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: _____

Print Name: _____

Title: _____

Contact Person (Type or Print): _____

Telephone Number: () _____

Email: _____

The Offeror will notify the City representative on the cover page of this RFQ within 30 days of any change in the information provided on this form.

Attachment 2 - Trade Secret Form

1. I am an authorized representative of the Proposer, I have knowledge of the Request for Proposals referenced herein, and I have full authority from the Proposer to submit this Trade Secret Form and accept the responsibilities stated herein.
2. I am aware that the Proposer has submitted a Proposal, in response to Request for Proposals C2023-02 Engineering, Design and Construction Management Services for City of Aurora ARPA funds for public infrastructure projects and I am familiar with the contents of the RFQ and Proposal.
3. I have read and am familiar with the provisions of Oregon’s Public Records Law, Oregon Revised Statutes (“ORS”) 192.311 through 192.431, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
4. I have reviewed the information contained in the Proposal. The Proposer believes the information listed in Exhibit A is exempt from public disclosure (collectively, the “Exempt Information”), which is incorporated herein by this reference. It is my opinion that the Exempt Information constitutes “Trade Secrets” under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
 - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
 - i. is not patented,
 - ii. is known only to certain individuals within the Proposer’s organization and that is used in a business the Proposer conducts,
 - iii. has actual or potential commercial value, and
 - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

or

 - B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:
 - i. Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
 - ii. Is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.
5. I understand that disclosure of the information referenced in Exhibit A may depend on official or judicial determinations made in accordance with the Public Records Law.

Authorized Representative Signature

Proposer identifies the following information as exempt from public disclosure:

Attachment 3 - Reference Form

Proposer must provide references that can be contacted regarding the quality of workmanship and service provided to current and past customers.

Project Reference #1

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

Project Reference #2

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

Project Reference #3

Name of Project: _____

Project Location: _____

Project Date: _____

Firm Name for Contact Person #1: _____

Name of Contact Person #1: _____

Telephone Number for Contact Person #1: _____

Email Address for Contact Person #1: _____

The references will be used to confirm the selection rather than as an evaluation criterion. However, if several proposers are close in the final evaluation, references may be used to select the best evaluated proposer.

Reports

Report from the Finance Officer for March 12, 2024

- The Finance report as of February 2024, the eighth month of fiscal year 2023-2024 is included. I have also included the Revenue vs Expenses Summary for February 2024. This report shows amounts received and spent in each fund during the month.
- The ending bank balances on February 29, 2024 are:
 - Checking - \$ 221,255.66
 - LGIP - \$ 4,594,820.19
- I continue to monitor and report as required on the following grant projects –
 - ❖ Well #3 Replacement – CSFRF Grant Agreement # 8009
 - ❖ Water Storage Tank / Pump Station – Contract # SR2227
 - ❖ ODOT Pedestrian Crossings – Contract # 7300000004941
 - ❖ Wastewater Treatment Facility – Contract # SR2301
 - ❖ Water Lines – Grant Agreement # BO-4566-22 with Marion County
 - ❖ House Bill 5202 (2022 Regular Session) General Fund Grant Agreement Number 107-2022-5202-65, Subrecipient Agreement with the Aurora Rural Fire Protection District No. 63
- Working on the Fiscal Year 2024-2025 budget.
- Keeping current with payables and receivables.

Respectfully,



Mary C. Lambert

CITY OF AURORA -FINANCE REPORT Ending February 29, 2024

	CITY OF AURORA -FINANCE REPORT Ending February 29, 2024									Year to Date
	FUND	BUDGET	*BALANCE @ June 30, 2023	TOTAL REVENUES	% TO DATE	BUDGET less contingency	TOTAL EXPENSES	% TO DATE	END BALANCE February 29, 2024	Gains / (Losses)
10	GENERAL	1,230,586.00	601,600.80	553,782.19	88.04%	933,395.00	436,272.34	46.74%	719,110.65	\$ 117,509.85
15	CITY HALL BUILDING	162,900.00	153,948.00	7,542.64	84.26%	162,900.00	4,658.15	2.86%	156,832.49	\$ 2,884.49
20	AURORA COLONY DAYS	35,070.00	24,591.08	13,065.12	124.68%	28,467.00	20,635.03	72.49%	17,021.17	\$ (7,569.91)
29	PARK SDCs	91,705.00	80,720.59	2,592.78	23.60%	91,705.00	0.00	0.00%	83,313.37	\$ 2,592.78
30	STREET/STORM	1,401,146.00	732,789.29	137,113.67	20.52%	1,234,320.00	143,925.71	11.66%	725,977.25	\$ (6,812.04)
35	ST/STORM RESERVE	187,060.00	169,784.10	15,269.88	88.39%	187,060.00	0.00	0.00%	185,053.98	\$ 15,269.88
39	ST/STORM SDCs	121,111.00	107,558.42	3,454.78	25.49%	121,111.00	0.00	0.00%	111,013.20	\$ 3,454.78
40	WATER OPERATING	1,042,100.00	658,843.77	317,572.08	82.86%	915,830.00	205,893.88	22.48%	770,521.97	\$ 111,678.20
45	WATER RESERVE	1,725,000.00	700,890.42	22,074.21	2.16%	1,725,000.00	38,165.23	2.21%	684,799.40	\$ (16,091.02)
46	WATER GRANT SR2227	2,863,431.00	7,752.50	36,113.00	1.26%	2,863,431.00	90,334.09	3.15%	-46,468.59	\$ (54,221.09)
49	WATER SDCs	94,210.00	70,811.14	2,274.48	9.72%	94,210.00	0.00	0.00%	73,085.62	\$ 2,274.48
50	SEWER OPERATING	1,097,200.00	664,697.66	355,692.27	82.24%	822,091.00	366,906.46	44.63%	653,483.47	\$ (11,214.19)
55	SEWER RESERVE	3,187,400.00	85,879.96	105,970.52	3.42%	3,187,400.00	0.00	0.00%	191,850.48	\$ 105,970.52
56	WWTF GRANT SR2301	3,662,000.00	10,560.00	27,870.00	0.76%	3,662,000.00	97,861.25	2.67%	-59,431.25	\$ (69,991.25)
57	G. O. DEBT SERVICE	287,375.00	27,921.03	254,995.15	98.28%	287,375.00	6,187.50	2.15%	276,728.68	\$ 248,807.65
59	SEWER SDCs	95,335.00	85,532.33	2,747.31	28.03%	95,335.00	0.00	0.00%	88,279.64	\$ 2,747.31
60	SPECIAL PROJECTS BOND	7,151,000.00	0.00	0.00	0.00%	2,000,000.00	0.00	0.00%	0.00	\$ -
	TOTALS	24,434,629.00	4,183,881.09	1,858,130.08	9.18%	18,411,630.00	1,410,839.64	7.66%	4,631,171.53	
	* Balance per 2023 audit					Contingencies = 6,022,999			4,631,171.53	\$ 447,290.44

General Ledger

Revenue vs Expenses Summary



User: MaryL
 Printed: 3/5/2024 - 11:04 AM
 Fiscal Year: 2024
 Fiscal Period: 8

Fund	Description	YTD Balance Before Period	Revenues for Period	Expenses for Period	Year to Date Amount
10	GENERAL FUND	142,726.55	58,825.60	84,042.30	117,509.85
15	CITY HALL BUILDING FUND	1,767.81	1,116.68	0.00	2,884.49
20	Aurora Colony Days Fund	-7,316.62	69.11	322.40	-7,569.91
29	Park SDCs	2,254.56	338.22	0.00	2,592.78
30	STREETS/STORM FUND	-13,611.41	14,143.93	7,344.56	-6,812.04
35	Streets/Storm Reserves	12,126.17	3,143.71	0.00	15,269.88
39	Streets/Storm SDCs	3,004.11	450.67	0.00	3,454.78
40	Water	82,637.76	54,330.32	25,289.88	111,678.20
45	WATER RESERVE FUND	1,209.43	2,780.03	20,080.48	-16,091.02
46	Water Storage Grant Project	-15,496.60	0.00	38,724.49	-54,221.09
49	Water SDCs	1,977.78	296.70	0.00	2,274.48
50	Sewer	-65,615.56	77,937.47	23,536.10	-11,214.19
55	SEWER RESERVE FUND	105,191.68	778.84	0.00	105,970.52
56	WWTF Grant Project	-3,078.75	0.00	66,912.50	-69,991.25
57	SEWER DEBT SERVICE	246,457.65	2,350.00	0.00	248,807.65
59	SEWER SDC FUND	2,388.93	358.38	0.00	2,747.31
60	Special Projects - Bond	0.00	0.00	0.00	0.00
	Report Totals:	496,623.49	216,919.66	266,252.71	447,290.44

City Council

Public Works Activity Report

Feb 2024

Wastewater:

- Routine operation and maintenance 24/7 365.
- Wastewater Treated 1.8 MG
- Review plans for development
- Completed DMR form to report DEQ, EPA
- Wastewater RFQ

Water:

- Routine operation and maintenance 24/7 365.
- Wells are running 8.0 hours daily producing an average of 76,000 gal per day.
- Total water production 2,200,000 Gal.
- Wells 4 in production
- Construction of the road at well #6 location
- Water RFQ

Streets:

- Routine operation and maintenance.
- Monitoring streetlights
- Catch basins cleaning
- Street sweeping
- Pothole remediation.
- Working with ODOT Hwy 99 Crossings

Park:

- Monitor trees for safety issues
- Pressure wash hard surfaces
- Rodent removal
- Tree planting in park

Meetings and/or Training Attended

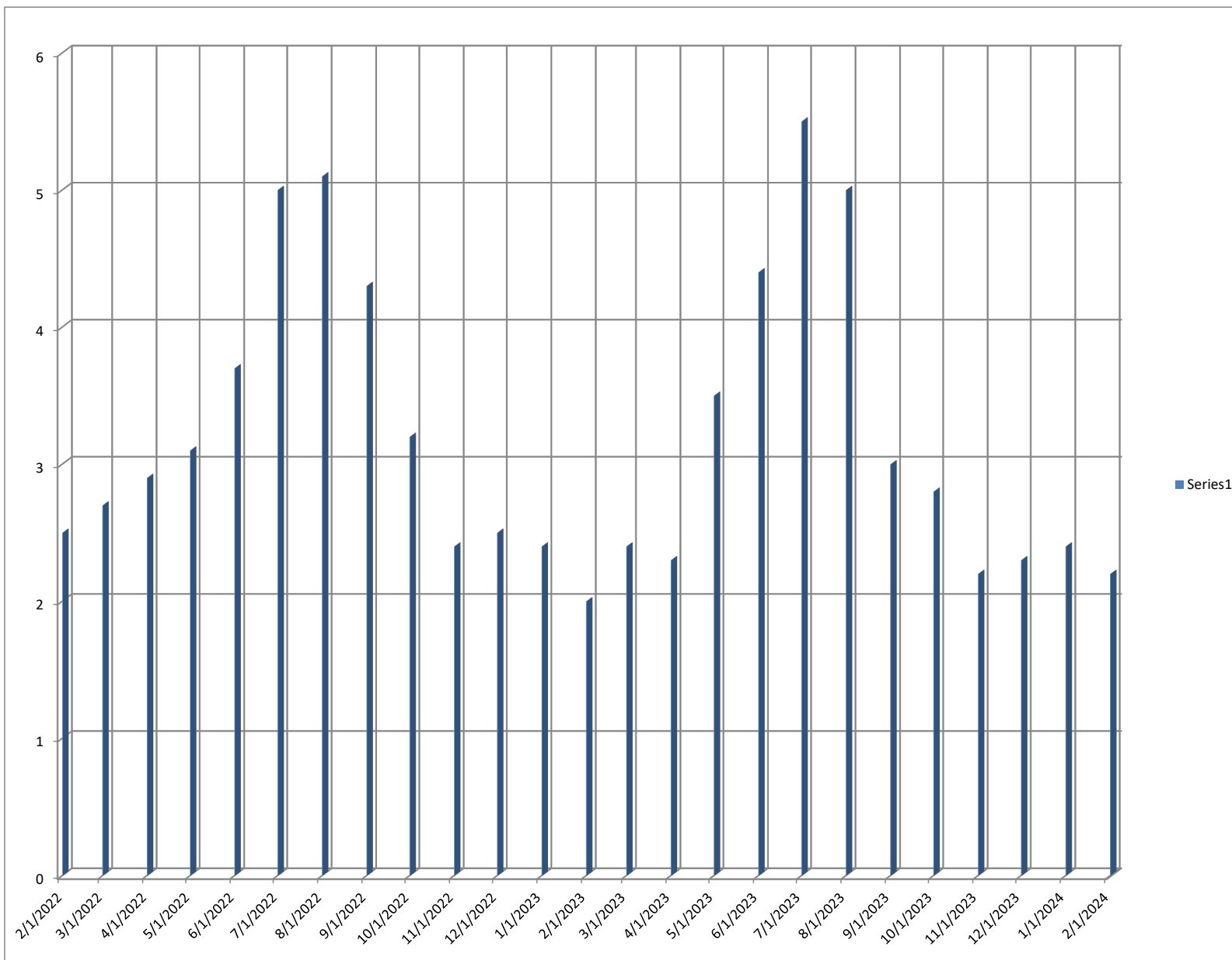
- NW Section of American Water Works Association
- Meeting to discuss Well 3 replacement options
- Respectfully: Mark Gunter PWS

Public works project list

- New Water storage tank
- Replace well #3
- Wastewater treatment Plant

Feb-22	2.5
Mar-22	2.7
Apr-22	2.9
May-22	3.1
Jun-22	3.7
Jul-22	5
Aug-22	5.1
Sep-22	4.3
Oct-22	3.2
Nov-22	2.4
Dec-22	2.5
Jan-23	2.4
Feb-23	2
Mar-23	2.4
Apr-23	2.3
May-23	3.5
Jun-23	4.4
Jul-23	5.5
Aug-23	5
Sep-23	3
Oct-23	2.8
Nov-23	2.2
Dec-23	2.3
Jan-24	2.4
Feb-24	2.2

Monthly Water use In Million Gallons



City of Aurora – City Attorney’s Report to City Council for March 12, 2024

1. Work with city staff and contractor on alternative to bidding public contracting process and documents.

March 2024 City Recorder Report

See below for follow-up from last Council meeting (first item below) and highlights from this past month:

-Open City of Aurora Positions for General Election, November 5, 2024: Mayor and Council positions 3 and 4. Candidates may pick up an election packet at City Hall starting Wednesday, June 5, 2024 – first day to file. The last day to file is Tuesday, August 27, 2024. All terms will begin January 14, 2025, the first City Council meeting of the new year.

-Submitted a 2024 Certified Local Government grant application for local restoration projects and awaiting award notice.

-Submitted a Safety Corridor letter of Support to Marion County, which correspondence was drafted by Councilor Roper.

-Submitted Welcome to Aurora sign application to ODOT for review.

-Retooled and submitted a letter signed by Mayor Asher for Measure 110 reforms (i.e., substance treatment and recovery support services).

-Posted online about Cole Lane project and progress on the trees in the lot next to City Hall.

-Attended an Oregon Latinos in Local Government Conference in Lake Oswego with interest in the association and to identify ways to further use my Spanish language skill to serve in the profession.

-Attended my first City/County Insurance Services (CIS) annual conference in Salem.

-Met with Councilor Charles Roper to discuss Council Community with the Aurora Community next steps (see calendar item).

-Met with City Attorney and City Engineer in preparation for March Council meeting on a theme of RFQs and the RFP on the agenda.

-Plans to attend a March regional administrator meeting in Salem at the Mid-Willamette Valley Council of Governments this Friday as well as an Oregon City/County Management Association (OCCMA) conference in Seaside later this month.

Respectfully submitted,

Stuart A. Rodgers

4:54 PM

03/04/24

**Aurora Business License
Deposit Detail
February 2024**

Type	Num	Date	Name	Account	Amount
Deposit		02/07/2024		Business License ...	50.00
Payment	5480	02/05/2024	SYNERGY CONTR...	Undeposited Funds	-50.00
TOTAL					-50.00
Deposit		02/08/2024		Business License ...	990.00
Payment	80569	02/06/2024	CINDY GAIL	Undeposited Funds	-50.00
Payment	80572	02/08/2024	UNITED LANDSCA...	Undeposited Funds	-50.00
Payment	80570	02/08/2024	DLR. DETAILS	Undeposited Funds	-50.00
Payment	1590	02/05/2024	AURORA DEPOT A...	Undeposited Funds	-50.00
Payment	3226	02/05/2024	CARTELLO CONST...	Undeposited Funds	-50.00
Payment	23835	02/05/2024	JET INDUSTRIES, I...	Undeposited Funds	-40.00
Payment	2741	02/05/2024	TND ENTERPRISE...	Undeposited Funds	-50.00
Payment	2920	02/05/2024	CARRIA INC dba N...	Undeposited Funds	-50.00
Payment	31220	02/05/2024	PORTLAND CONST...	Undeposited Funds	-50.00
Payment	29201...	02/05/2024	SAMANIEGA LAND...	Undeposited Funds	-50.00
Payment	1564	02/05/2024	BEE SIMPLE, LLC	Undeposited Funds	-50.00
Payment	2089	02/05/2024	DWELL HOUSE VI...	Undeposited Funds	-50.00
Payment	3161	02/05/2024	JOANN GREGG	Undeposited Funds	-50.00
Payment	72872	02/06/2024	ENGINEERED PRO...	Undeposited Funds	-50.00
Payment	4372	02/06/2024	TIME AFTER TIME	Undeposited Funds	-50.00
Payment	152	02/06/2024	LITTLE BLACK DO...	Undeposited Funds	-50.00
Payment	2006	02/07/2024	TREASURED FINDS	Undeposited Funds	-50.00
Payment	1538	02/08/2024	DIANE ANDERSON	Undeposited Funds	-50.00
Payment	1254	02/08/2024	HISTORIC ART & S...	Undeposited Funds	-50.00
Payment	1485	02/08/2024	LAVENDER HILL C...	Undeposited Funds	-50.00
TOTAL					-990.00
Deposit		02/15/2024		Business License ...	450.00
Payment	1169	02/12/2024	SMALL TOWN STO...	Undeposited Funds	-50.00
Payment	843	02/12/2024	FREEDOM SCREE...	Undeposited Funds	-50.00
Payment	11018	02/12/2024	DAVID GARBER C...	Undeposited Funds	-50.00
Payment	1441	02/12/2024	CAMP & COTTAGE	Undeposited Funds	-50.00
Payment	15026	02/12/2024	L & J HEATING & C...	Undeposited Funds	-50.00
Payment	54788	02/12/2024	GAGLE HEATING A...	Undeposited Funds	-50.00
Payment	4324	02/15/2024	BE ANTIQUES	Undeposited Funds	-50.00
Payment	4782	02/15/2024	BELLA	Undeposited Funds	-50.00
Payment	220	02/15/2024	FARM FRENCH	Undeposited Funds	-50.00
TOTAL					-450.00

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03/04/24

Aurora Business License
Deposit Detail
February 2024

Type	Num	Date	Name	Account	Amount
Deposit		02/28/2024		Business License ...	50.00
Payment	5770G	02/26/2024	LUCAS CONTRACT...	Undeposited Funds	-50.00
TOTAL					-50.00
Deposit		02/29/2024		Business License ...	850.00
Payment	80574	02/21/2024	DISCOVERED TRE...	Undeposited Funds	-50.00
Payment	80575	02/22/2024	#42	Undeposited Funds	-50.00
Payment	80576	02/29/2024	HWY 99E ANTIQUE...	Undeposited Funds	-50.00
Payment	80577	02/29/2024	AMY'S PET GROO...	Undeposited Funds	-50.00
Payment	5828	02/21/2024	ALL FUEL INSTALL...	Undeposited Funds	-50.00
Payment	3152	02/21/2024	G CAM LTD	Undeposited Funds	-50.00
Payment	858	02/21/2024	SUE'S ANTIQUES ...	Undeposited Funds	-50.00
Payment	3109	02/22/2024	GROVER'S LANDS...	Undeposited Funds	-50.00
Payment	2519	02/22/2024	MAIN STREET MER...	Undeposited Funds	-50.00
Payment	20550	02/27/2024	CENTRAL AIR PDX	Undeposited Funds	-50.00
Payment	15764	02/27/2024	THE AURORA COL...	Undeposited Funds	-50.00
Payment	3521	02/27/2024	FRONTA FENCING ...	Undeposited Funds	-50.00
Payment	9551	02/27/2024	NOBLE VINTAGE	Undeposited Funds	-50.00
Payment	177	02/27/2024	FORGET ME NOT F...	Undeposited Funds	-50.00
Payment	1331	02/29/2024	LORINDA'S STAIN...	Undeposited Funds	-50.00
Payment	6129	02/29/2024	DIAMONDS-N-RUST	Undeposited Funds	-50.00
Payment	563	02/29/2024	VICKY RICE	Undeposited Funds	-50.00
TOTAL					-850.00

ADDITIONAL DOCUMENTS



City of Aurora Construction Projects



WELL NO. 6 DRILLING, CONSTRUCTION, AND TESTING PROJECT	WATER RESERVOIR, BOOSTER STATION, AND WELL FACILITY PROJECT	WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT
<p>PROJECT DESCRIPTION:</p> <p>Drilling, Construction, development, testing, and disinfection of one municipal water supply well (Well No. 6). The water well is anticipated to pump 200 to 300 gallons per minute.</p>	<p>PROJECT DESCRIPTION:</p> <p>New 1.2 MG pre-stressed concrete reservoir, 2,000 feet of offsite piping, four (4) pump booster station, above ground well facility,</p>	<p>PROJECT DESCRIPTION:</p> <p>New sequencing batch reactor (SBR), effluent storage lagoon, relocation of the influent screen, update to the chlorination system, and an upgrade of the Supervisory Control and Data Acquisition (SCADA) System.</p>
<p>SCHEDULE:</p> <p><i>Design-Bid-Build</i></p> <p>Bidding Services: Feb 24 - Mar 24 Contracting: Apr 24 - May 24 Construction: June 24 - Dec 24</p>	<p>SCHEDULE:</p> <p><i>Design-Bid-Build</i></p> <p>60% Design: Apr 24 - May 24 90% Design: Jun 24 - Aug 24 100% Design: Sep 24 Bidding Services: Oct 24 - Nov 24 Contracting: Dec 24 - Jan 25 Construction: Feb 25 - Dec 26</p>	<p>SCHEDULE:</p> <p><i>If Design-Bid-Build</i></p> <p>60% Design: Apr 24 - Jun 24 90% Design: Jul 24 - Oct 24 100% Design: Nov 24 Bidding Services: Dec 24 - Jan 25 Contracting: Feb 25 - Mar 25 Construction: Apr 25 - Dec 26</p> <p><i>If CM/GC</i></p> <p>60% Design: May 24 - Aug 24 90% Design: Sep 24 - Dec 24 100% Design: Jan 24 CM/GC RFQ Advertisement: Mar 24 - Apr 24 CM/GC RFQ Selection Process: May 24 CM/GC Phase 1 Contracting: Apr 24 Equipment Pre-Purchase: Aug 24 - Dec 24 Negotiate GMP: Sep 24 - Oct 24 Construction: Nov 24 - Dec 26</p>
<p>FUNDING:</p> <p>Department of Administrative Services. All funds spent by Dec 2024.</p>	<p>FUNDING:</p> <p>Business Oregon. The state requirement is that all funding must be committed by Dec 2024. The federal requirement is that all funding must be spent and reported by Dec 2026.</p>	<p>FUNDING:</p> <p>Business Oregon. The state requirement is that all funding must be committed by Dec 2024. The federal requirement is that all funding must be spent and reported by Dec 2026.</p>



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