

## Council meeting agenda

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**Thursday, September 18, 2025**      **10:30 AM**      **Metro Regional Center, Council chamber,**  
**<https://zoom.us/j/615079992> (Webinar ID:**  
**615079992) or 253-205-0468 (toll free),**  
**[www.youtube.com/live/\\_Fos3L0cS7c](http://www.youtube.com/live/_Fos3L0cS7c)**

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This meeting will be held electronically and in person at the Metro Regional Center Council Chamber.

You can join the meeting on your computer or other device by using this link:

<https://zoom.us/j/615079992> (Webinar ID: 615 079 992). Stream on YouTube:

[www.youtube.com/live/\\_Fos3L0cS7c](http://www.youtube.com/live/_Fos3L0cS7c)

**1. Call to Order and Roll Call**

**2. Public Communication**

**3. Consent Agenda**

- 3.1 Resolution No. 25-5512, For the Purpose of Title VI Report Adoption **RES 25-5512**

*Materials are expected by Monday, September 15.*

- 3.2 Consideration of the July 31, 2025 Council Meeting Minutes [25-6325](#)

Attachments: [July 31, 2025 Council Meeting Minutes](#)

- 3.3 Consideration of the August 12, 2025 Council Meeting Minutes [25-6326](#)

Attachments: [August 12, 2025 Council Meeting Minutes](#)

**4. Presentations**

- 4.1 Presentation of Results of Transparent Governance Audit [25-6314](#)

Presenter(s): Brian Evans, Metro Auditor

Attachments: [Transparent Governance Audit](#)

**5. Resolutions**

- 5.1 Resolution No. 25-5514 For The Purpose Of Authorizing  
An Exemption From Competitive Bidding And Procurement  
Of Construction Manager/General Contractor Services By  
Competitive Request For Proposals For Installation Of A  
Permanent Stormwater Treatment System At The Metro  
Central Transfer Station

[RES 25-5514](#)

Presenter(s): Gabriele Schuster, Procurement Manager  
Sebrina Nelson, Construction Project Manager  
Jason O' Donnell, Compliance Manager

Attachments: [Resolution No. 25-5514](#)  
[Exhibit A](#)  
[Staff Report](#)

6. **Chief Operating Officer Communication**
7. **Councilor Communication**
8. **Adjourn**

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### Metro 的不歧视公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

### Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullaan dadweyne, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

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### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ១ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការបង្កើនសេចក្តីស្មោះត្រង់សម្រាប់ការស្រាវជ្រាវរបស់ Metro។ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។  
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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### Notificación de no discriminación de Metro

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### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tais koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwv ua ntej ntawm lub rooj sib tham.



Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

Agenda #: 3.2

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**File #:** 25-6325

**Agenda Date:** 7/31/2025

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**Consideration of the July 31, 2025 Council Meeting Minutes**

# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov*



**Metro**

## **Minutes**

**Thursday, July 31, 2025**

**10:30 AM**

**Metro Regional Center, Council chamber,  
<https://zoom.us/j/615079992> (Webinar ID: 615079992) or  
253-205-0468 (toll free), [www.youtube.com/live/hvD3iqeuxqM](http://www.youtube.com/live/hvD3iqeuxqM)**

## **Council meeting**

**1. Call to Order and Roll Call**

Deputy Council President Simpson called the meeting to order at 10:31 a.m.

**Present:** 5 - Councilor Mary Nolan, Councilor Gerritt Rosenthal, Councilor Christine Lewis, Councilor Ashton Simpson, and Councilor Duncan Hwang

**Excused:** 2 - Council President Lynn Peterson, and Councilor Juan Carlos Gonzalez

**2. Public Communication**

None.

**3. Consent Agenda**

- 3.1 **Resolution No. 25-5516** For the Purpose of Authorizing a Rooftop Community Solar Lease Agreement at the Metro Portland Expo Center

Attachments: [Resolution No. 25-5516](#)  
[Exhibit A to Resolution No. 25-5516](#)  
[Staff Report](#)

3.2

Attachments: [July 24, 2025 Council Meeting Minutes](#)

No discussion.

**A motion was made by Councilor Lewis, seconded by Councilor Rosenthal, to adopt items on the consent agenda. The motion carried unanimously.**

**4. Resolutions**

- 4.1 **Resolution No. 25-5505 For the Purpose of Endorsing the Montgomery Park Streetcar Locally Preferred Alternative**

Presenter(s): Alex Oreschak (he/him), Senior Planner

Attachments: [Resolution No. 25-5505](#)  
[Exhibit A to Resolution No. 25-5505](#)  
[Staff Report](#)  
[Attachment 1 - City of Portland LPA Adoption](#)

Staff briefly reviewed the locally preferred alternative, its key

elements and the endorsement process.

Shawn Canny, Portland Bureau of Transportation, clarified for Councilor Rosenthal that the increased distance between stations in the extension facilitates both streetcar operations and traffic. He noted that future changes not included in the locally preferred alternative could be proposed and adopted in a later process.

Councilor Nolan thanked staff and community working on the project, highlighting the positive impacts in Northwest Portland.

Councilor Rosenthal appreciated the spread of allocations to projects across the region and that community input was a significant component of allocation.

Councilor Hwang asked about lessons learned, given the new project bond step. Staff pointed out application assistance made available to local jurisdictions and a new fund to help improve project delivery.

**A motion was made by Councilor Nolan, seconded by Councilor Lewis, that this item be approved. The motion passed by the following vote:**

**Aye:** 5 - Councilor Nolan, Councilor Rosenthal, Councilor Lewis, Councilor Simpson, and Councilor Hwang

**Excused:** 2 - Council President Peterson, and Councilor Gonzalez

**4.2 Resolution No. 25-5511 For The Purpose Of Allocating \$141.6 Million Of Regional Flexible Funding For The Years 2028-2030, Pending Adoption Of The 2027-2030 MTIP**

Presenter(s): Ted Leybold, Transportation Policy Director  
Grace Cho, Principal Transportation Planner

Attachments: [Resolution No. 25-5511](#)  
[Exhibit A to Resolution No. 25-5511](#)  
[Exhibit B to Resolution No. 25-5511](#)  
[Exhibit C to Resolution No. 25-5511](#)  
[Exhibit D to Resolution No. 25-5511](#)  
[Staff Report](#)

Staff described the process by which Regional Flexible Funds are allocated to the metropolitan planning organization (MPO) and then allocated to projects in the region. They explained that the proposal for the upcoming funding cycle includes a new project bond category, to be described in further detail in the presentation for Resolution No. 25-5510.

Staff then described the allocation package proposed in the resolution, as recommended by the Joint Policy Advisory Committee on Transportation (JPACT). They also reviewed the engagement process, which included Metro Council, regional transportation committees, and the public.

Councilor Rosenthal appreciated the spread of allocations to projects across the region and that community input was a significant component of allocation.

Councilor Hwang asked about lessons learned, given the new project bond step. Staff pointed out application assistance made available to local jurisdictions and a new fund to help improve project delivery.

**A motion was made by Councilor Rosenthal, seconded by Councilor Lewis, that this item be approved. The motion passed by the following vote:**

**Aye:** 5 - Councilor Nolan, Councilor Rosenthal, Councilor Lewis, Councilor Simpson, and Councilor Hwang

**Excused:** 2 - Council President Peterson, and Councilor Gonzalez

- 4.3 **Resolution No. 25-5510 For the Purpose of Approving an Increased Multi-Year Commitment of Regional Flexible Funds For the years 2028 Through 2039, Funding TriMet 82nd Avenue Transit Project, Tualatin Valley Highway Transit Project, Portland Streetcar Montgomery Park Extension, Sunrise Gateway Corridor Project, and Earthquake Ready Burnside Bridge Project, and Authorizing Execution Of Intergovernmental Agreements**

Presenter(s): Ted Leybold, Transportation Policy Director  
Grace Cho, Principal Transportation Planner



Attachments:     [Resolution No. 25-5510](#)  
                         [Exhibit A to Resolution No. 25-5510](#)  
                         [Exhibit B to Resolution No. 25-5510](#)  
                         [Exhibit C to Resolution No. 25-5510](#)  
                         [Exhibit D to Resolution No. 25-5510](#)  
                         [Staff Report](#)

Staff described the new project bond's purpose, goals and opportunities. Staff emphasized that the bond proposal is a package, and that changes to one project would result in re-evaluation of the entire package by JPACT and Metro Council. Staff further explained the respective roles of the MPO and Metro and reviewed the actions taken by other committees. Staff closed by thanking the staff and regional partners who contributed to the development of the proposal.

Connor Roberts, Cascade Policy Institute, opposed the resolution, citing the costs of debt service. He also highlighted reduced travel lanes in proposed road projects.

Councilor Nolan asked how staff evaluated potential borrowers, if not Metro. Staff shared that TriMet has served as the bond agent in the past and confirmed that the resolution does not require Metro or another agency to issue bonds but allows them to do so.

Councilor Rosenthal asked whether TriMet had changed its support or ability to develop the Tualatin Valley Highway Transit Project, based on recent cuts to service levels. Staff confirmed that TriMet is still committed to proceeding with the two transit projects in the proposed package.

Councilor Hwang highlighted differences of opinion in the community about project designs and asked how community should engage in the project development. Staff reiterated that the resolution creates the option of issuing bonds, but it is not a mandate to do so, and that each project is at a different stage of the design process.

**A motion was made by Councilor Lewis, seconded by**

**Councilor Hwang, that this item be approved. The motion passed by the following vote:**

**Aye:** 5 - Councilor Nolan, Councilor Rosenthal, Councilor Lewis, Councilor Simpson, and Councilor Hwang

**Excused:** 2 - Council President Peterson, and Councilor Gonzalez

**5. Ordinances (Second Reading and Vote)**

- 5.1 **Ordinance No. 25-1532** For the Purpose of Annexing to the Metro District Approximately 10.1 acres North of SE 59th Avenue and West of SW 234th Avenue in Hillsboro

Presenter(s): Glen Hamburg (he/him), Senior Regional Planner

Attachments: [Ordinance No. 25-1532](#)  
[Exhibit A to Ordinance No 25-1532](#)  
[Staff Report to Ordinance No. 25-1532](#)  
[Attachment 1 - Subject Property](#)

No discussion.

**A motion was made by Councilor Rosenthal, seconded by Councilor Lewis, that this item be approved. The motion passed by the following vote:**

**Aye:** 5 - Councilor Nolan, Councilor Rosenthal, Councilor Lewis, Councilor Simpson, and Councilor Hwang

**Excused:** 2 - Council President Peterson, and Councilor Gonzalez

- 5.2 **Ordinance No. 25-1534**, For the Purpose of Repealing Metro Code Section 2.19.240 (Oregon Zoo Bond Citizens' Oversight Committee) and Replacing it with a New, Updated Metro Code Section 2.19.240 (Oregon Zoo Bond Oversight Committee)

Presenter(s): Heidi Rahn (she/her), Oregon Zoo Director  
Beth Redmond-Jones (she/her), Oregon Zoo Program Director

Attachments: [Ordinance No. 25-1534](#)  
[Exhibit A](#)  
[Staff Report](#)

No discussion.

**A motion was made by Councilor Hwang, seconded by Councilor Lewis, that this item be approved. The motion passed by the following vote:**

**Aye:** 5 - Councilor Nolan, Councilor Rosenthal, Councilor Lewis, Councilor Simpson, and Councilor Hwang

**Excused:** 2 - Council President Peterson, and Councilor Gonzalez

**6. Chief Operating Officer Communication**

COO Madrigal reminded staff to participate in the employee survey and thanked Council for their work in advance of the summer recess.

**7. Councilor Communication**

Deputy Council President Simpson shared that he attended an event to kick off the mattress recycling program.

Councilor Lewis reported the decisions made at the Supportive Housing Services Oversight Committee supporting technical assistance and training, policies written and approved by Tri-County Planning Body. She also thanked Marielle Bossio for her service to the region. Deputy Council President Simpson and Councilor Hwang also thanked Marielle.

Councilor Rosenthal shared that he attended an event hosted by Family Promise, and that Pride Disposal and Recycling is accepting mattresses under the new mattress recycling program.

Councilor Hwang shared that he attended a groundbreaking for 73Foster, an affordable housing development.

**8. Adjourn**

There being no further business, Deputy Council President Simpson adjourned the meeting at 11:36 a.m.

Respectfully submitted,



Anne Buzzini, Council Legislative Advisor



Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

Agenda #: 3.3

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**File #:** 25-6326

**Agenda Date:**

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**Consideration of the August 12, 2025 Council Meeting Minutes**

# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov*



**Metro**

## **Minutes**

**Tuesday, August 12, 2025**

**10:30 AM**

**<https://zoom.us/j/615079992> (Webinar ID: 615079992) or  
253-205-0468 (toll free), [www.youtube.com/live/hvD3iqueuxqM](http://www.youtube.com/live/hvD3iqueuxqM)**

## **Council meeting**

**1. Call to Order and Roll Call**

**Present:** 4 - Council President Lynn Peterson, Councilor Gerritt Rosenthal, Councilor Juan Carlos Gonzalez, and Councilor Christine Lewis

**Excused:** 3 - Councilor Duncan Hwang, Councilor Mary Nolan, and Councilor Ashton Simpson

**2. Resolutions**

**2.1 Resolution No. 25-5517** For the Purpose of Ratifying the 2025-2029 Collective Bargaining Agreement Between AFSCME 3580 and Metro

Presenter(s): Julio Garcia, Human Resources Director

Attachments: [Resolution no. 25-5517](#)  
[Exhibit A to Resolution no. 25-5517](#)  
[Staff Report](#)

Council President Peterson introduced HR Director Julio Garcia and Director of Labor Relations Christina Longo to present to Council. Staff discussed and shared the economic elements of the AFSCME July 2025-June 2029 four-year agreement.

Councilor Rosenthal asked what “continuously worked” hours meant when pertaining to part-time employees. Staff clarified that this term refers to employees that have worked for Metro without leaving Metro employment and returning at a later date.

**A motion was made by Councilor Gonzalez, seconded by Councilor Rosenthal, that this item be approved. The motion passed by the following vote:**

**Aye:** 4 - Council President Peterson, Councilor Rosenthal, Councilor Gonzalez, and Councilor Lewis

**Excused:** 3 - Councilor Hwang, Councilor Nolan, and Councilor Simpson

**3. Adjourn**

There being no further business, Council President Peterson adjourned the meeting at 10:39am.

Respectfully submitted,

*Georgia Langer*

Georgia Langer, Legislative Coordinator



Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

Agenda #: 4.1

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**File #:** 25-6314

**Agenda Date:** 9/18/2025

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**Presentation of Results of Transparent Governance Audit**

Brian Evans, Metro Auditor





# Transparent Governance: **FY 2014-15 to FY 2023-24**

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August 2025  
A Report by the Office of the Auditor

**Brian Evans**  
*Metro Auditor*

### **Metro Accountability Hotline**

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The Hotline is administered by the Metro Auditor's Office. All reports are taken seriously and responded to in a timely manner. The auditor contracts with a hotline vendor, EthicsPoint, to provide and maintain the reporting system. Your report will serve the public interest and assist Metro in meeting high standards of public accountability.

*To make a report, choose either of the following methods:*

**Dial 888-299-5460 (toll free in the U.S. and Canada)**

**File an online report at [www.metroaccountability.org](http://www.metroaccountability.org)**



**Brian Evans**  
**Metro Auditor**  
600 NE Grand Ave  
Portland, OR 97232-2736  
TEL 503 797 1892

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## MEMORANDUM

August 13, 2025

To: Lynn Peterson, Council President  
Ashton Simpson, Councilor, District 1  
Christine Lewis, Councilor, District 2  
Gerritt Rosenthal, Councilor, District 3  
Juan Carlos Gonzalez, Councilor, District 4  
Mary Nolan, Councilor, District 5  
Duncan Hwang, Councilor, District 6

From: Brian Evans, Metro Auditor *BE*

**Re: Audit of Transparent Governance**

The following report is a review of trends related to government transparency over the last ten years. This is the first in what I expect to be a regular governance audit completed every two years. The indicators are based on the State of Oregon's transparency website and other government transparency reports.

The report shows data is available to monitor trends for public meetings, public records requests, lobbyists, and contractors. Unfortunately, data for ten years was not available for each of these data points. By the time the next report is completed in 2027, it should be possible to include longer time periods. The data related to procurement is less reliable, which makes it more difficult to know if rules to ensure fair and open competition for contracts are effective.

I have discussed the report with the Chief Operating Officer, Deputy Chief Operating Officers, Chief Financial Officer, and COO Office Director. I would like to thank them and all the other employees for their assistance and cooperation during the audit.

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## Summary

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This audit includes data to evaluate long-term trends in measures of government transparency. The four areas analyzed are aligned with the State of Oregon's Transparency website and other government transparency reports. Each area can help the public understand how Metro works.

- **Public meetings** allow the public to observe policy deliberations and provide comments in some cases.
- **Public records** provide information about how programs and services are administered.
- **Lobbyist registrations** show who is seeking to influence policy and administrative decisions.
- **Contract and procurement data** show who does business with Metro and how contracts were awarded.

This report is the first in what is expected to be a regular transparency audit completed by the Metro Auditor's Office every other year. Monitoring long-term trends for each area is one way to increase transparency about how well these functions work and identify opportunities for improvement.

The audit concluded that Metro's policies related to public records, lobbyist registrations, and contracting appear well designed to ensure legal compliance. Policies related to public meetings were less formal which could increase legal risks.

The audit recommended improvements in the following areas:

- Consistency of public meeting notices for Metro's advisory committees.
- Proactive communication with lobbyists about the need to file annual financial statements.
- Improved quality control processes to ensure the reliability of contract and procurement data.

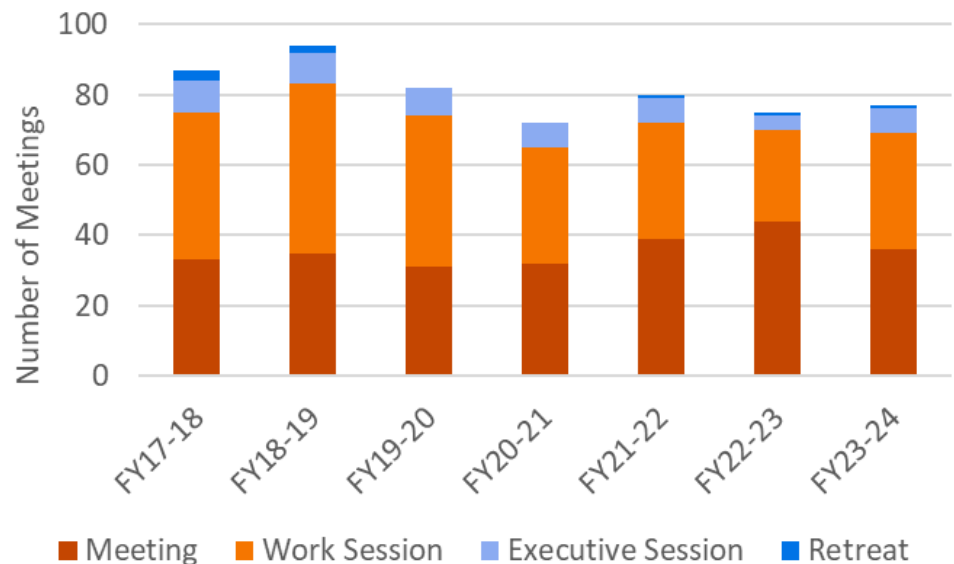
Public meetings provide opportunities to observe policy deliberations and comment in some cases

Public meetings help inform the public about policy deliberations and provide an opportunity to give input. State law requires that governing body meetings and deliberations are accessible, and that reasonable notice of the time, place, and subjects of these meetings is given.

Metro Council is the primary governing body, but there are other advisory groups that may be subject to Oregon Public Meetings law. This includes the Metropolitan Exposition and Recreation Commission (MERC), as well as other permanent or ad hoc groups. Although not all advisory groups are required to follow public meetings law, Metro typically posts meeting information online for the public.

The number of Council public meetings declined by 6% from FY 2017-18 to FY 2023-24. The decline was driven by nine fewer work sessions. Regular meetings and special meetings increased by four during that time. Metro has data on Council meetings going back over ten years, but the current software has been in use since September 2016, so the analysis was done for the last seven fiscal years.

**Exhibit 1 Metro Council meetings decreased by 6% over the last seven years.**



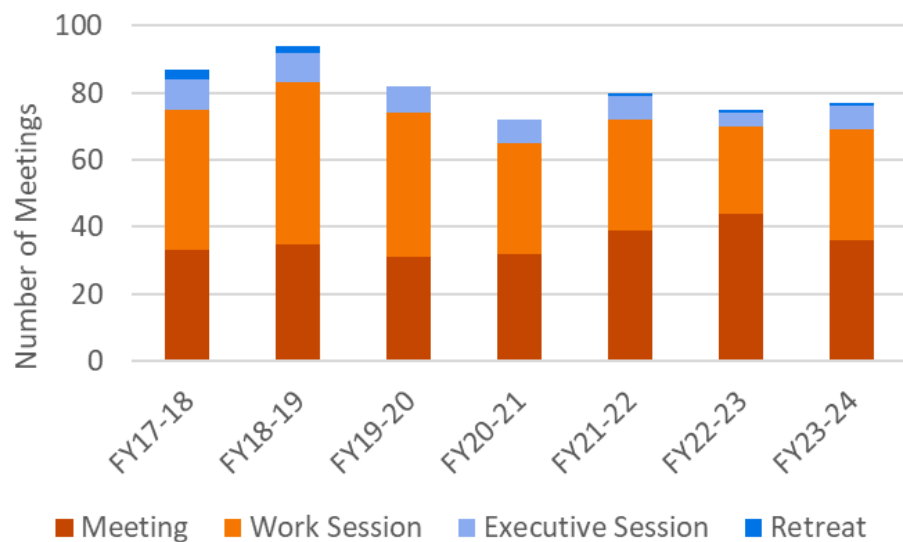
Source: Auditor's Office analysis of meetings posted online in Granicus and document management system (Content Manager).

Over the last seven fiscal years, there was an average of 76 Council meetings per year. On average, there were about the same number of regular and work sessions per year. Special meetings like executive sessions and retreats averaged three per year during that time. Council holds meetings on Tuesdays and Thursdays and has historically been in recess in August. As such, about 96 meetings are initially expected each year, but some get canceled.

In general, fewer public meetings reduce the public’s opportunities to observe and engage in Council deliberations. The decline in public meetings beginning in FY 2019-20 was likely due to COVID related restrictions that began in March 2020. Cancelled meetings increased that fiscal year as Metro adjusted to remote work and set up the process for holding virtual meetings.

MERC, along with Council, are the governing bodies for the Oregon Convention Center, Exposition Center, and Portland’s Centers for the Arts. The number of MERC public meetings declined by 50% in the last ten fiscal years. The decline was the results of fewer meetings of all types during that time. Some of the decrease was caused by fewer budget related meetings beginning in 2019. Another potential cause was more meetings than usual in FY 2014-15 to update the First Opportunity Target Area program.

**Exhibit 2 Metropolitan Exposition and Recreation Commission (MERC) meetings decreased by 50% in the last ten years.**



*Source: Auditor’s Office analysis of documents downloaded from Metro’s website or provided by the MERC meeting coordinator.*

**Centralizing meeting information about advisory groups could improve access for the public**

The public meetings of many of Metro’s other advisory groups are managed by several parts of the organization using different systems. This structure made it more difficult for the public to find meetings. It could also increase the risk of noncompliance with public meetings law and records retention requirements.

Metro Code lists 17 advisory groups to Council. Some of these groups were inactive during the audit. Metro’s 2024 Public Engagement Guide listed eight other groups that were not included in Code. In addition, ad hoc advisory groups were sometimes created for a limited duration. For example, the Council President convened a Supportive Housing Services program workgroup that met from February through June 2025.

Since September 2016, Granicus has been the software used to provide public notices, meeting materials, and audio or video records of Council meetings and two other advisory groups. MERC began using the system for their meetings in January 2025. The other advisory groups use separate systems and processes to manage their meetings.

During the audit, we learned that there would be no additional cost to use Granicus for other advisory groups. While some employees we spoke with felt the system might be too complicated for some groups, it has the benefit of creating consistent processes to manage public meeting requirements and providing a one-stop location for the public to find all meetings in one location.

In addition to facilitating compliance with public meetings law, using Granicus could increase the efficiency and effectiveness of records retention requirements. Oregon law requires governments to maintain records for specific time periods. Our review indicated variation in where and how meeting materials were stored. Some were posted online, and some were only available by making a request.

Using the same system to manage all public meetings could help prepare Metro to defend itself from claims of noncompliance with public meetings law. As part of new requirements passed by the Oregon Legislature in 2023, governments are now required to follow a process to address grievances related to public meetings. If the grievance cannot be resolved, the Oregon Government Ethics Commission is authorized to address the claim. Using Granicus to manage all public meetings could increase consistency in how notice is provided and make all meeting materials available in one location online. These improvements would likely decrease the chances of disputes with the public or ethics commission.

We also found inconsistent use of Metro's document management system for storing meeting materials. Some was stored in the system and some was not. The document management system is the primary tool Metro uses to ensure records retention requirements are met. We did not evaluate whether records were retained as required, but inconsistent documentation in the system could indicate records may not be retained as required.

**Access to records  
helps the public  
learn how  
programs and  
services are  
administered**

Public records include any writing that contains information relating to the conduct of the public's business. State law requires governments to provide a copy of a requested record and an opportunity to review or make copies of it. Metro has five business days to acknowledge a request. It has ten days to complete the response after the acknowledgement or must provide a written statement that the request is still being processed with an estimated timeline.

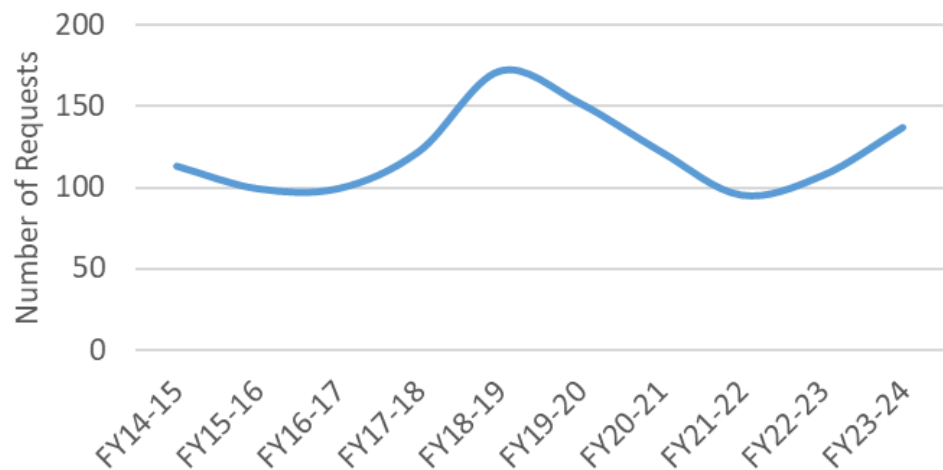
Governments can charge a fee for providing the requested information. Unless otherwise agreed-upon, the fee is not supposed to exceed \$25. If a fee has been established, Metro has the right to suspend its response until paid or waived within 60 days.

At Metro, the Information Technology and Records Management department manages the policy, process, and software for public records requests. Employees coordinate with other departments and venues to identify responsive records and provide them to the requester.

GovQA is the software used to manage public requests. It provides an online portal for the public to make requests and manages internal and external communications for fulfilling them. It also had reporting functionality that can be used to summarize trends.

The number of public records requests made to Metro increased by 21% over the last ten fiscal years. After several years of declines, the number of requests increased in the most recent two fiscal years.

### Exhibit 3 Public records requests increased by 21% in the last ten years.

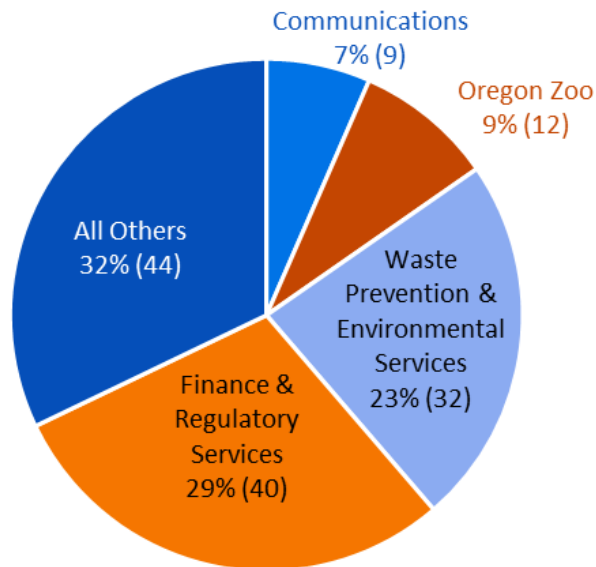


Source: Auditor's Office analysis of data in Metro's public request database (GovQA).

Requests increased each of the last two years due to an increase in requests related to solid waste and visitor venues. It was not possible to determine the specific causes of variation in the number of requests per year prior to FY 2020-21 without reviewing each request individually.



**Exhibit 4    More than half the public records requests in FY 2023-24 were for records in two departments**



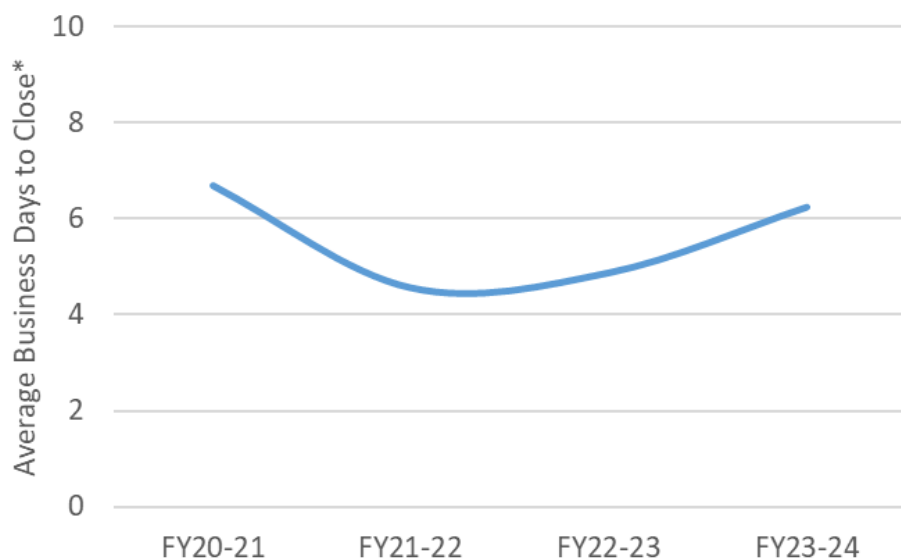
*Source: Auditor's Office analysis of data in Metro's public request database (GovQA).*

Of the 137 public records requests received in FY 2023-24, Finance and Regulatory Services (FRS) and Waste Prevention and Environmental Services (WPES) accounted for more than 50% of the total. FRS manages the procurement function which has been the single biggest category of records requested in recent years. WPES manages garbage and recycling operations, which has been consistently the second largest category of records requested during the same period.

Variation in the number of requests can impact employee work loads and associated costs. Making more records available through Metro's online records search tool could reduce costs. However not all records may be appropriate for automatic disclosure, so additional analysis and criteria may be needed achieve more efficiency.

It took an average of 5.7 business days to close requests from FY 2020-21 through FY 2023-24. This excludes time spent waiting on a response from the requester or appeals to the district attorney. It took an average of 4.6 business days on the low side to 6.7 business days on the high side. Metro has public records data going back 10-years, but the data for response times are not comparable. As such, response time analysis could only be done for the last four fiscal years.

**Exhibit 5 From FY 2020-21 to FY 2023-24 it took an average of 5.7 business days to complete public records requests.**



\*Excludes time waiting for clarification or payment from the requester, and time waiting for an appeal to the district attorney.

Source: Auditor's Office analysis of data in Metro's public request database (GovQA).

Metro's average response times indicated general compliance with state law, but there was considerable variation among requests. Many took less than a day, while some took more than six weeks. During the last four fiscal years, excluding time waiting for the requester to respond or provide payment, or appeals to the district attorney:

- About 15% of requests took 10 business days or more to close.
- About 7% of requests took 15 business days or more to close.
- About 2% of requests took 30 business days or more to close.

**Lobbyist  
registrations show  
who seeks to  
influence policy  
and administrative  
decisions**

Metro Code requires lobbyists to register and file a financial report with Council annually if they spend more than five hours per calendar quarter lobbying. Lobbying is defined as:

*"...influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors."*

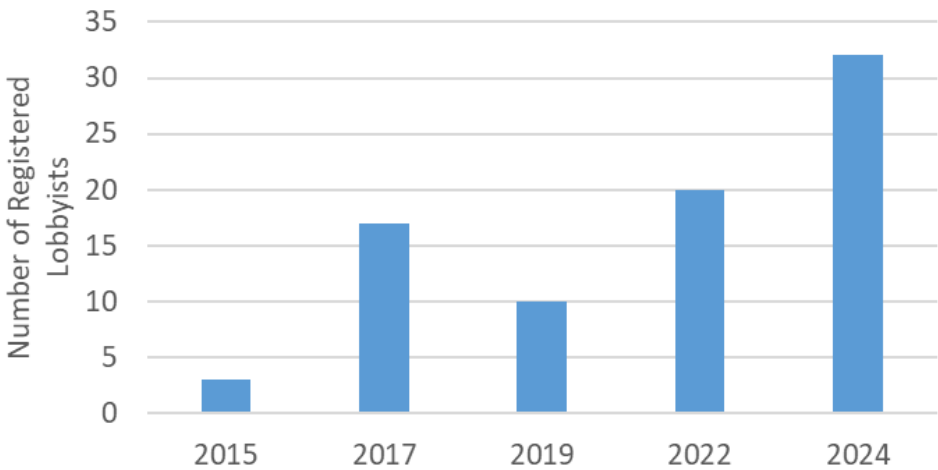
It is important to note that Metro officials are included. Metro officials are department directors and managers not just elected officials. All lobbyists are required to file a financial statement by April 15th each year. The statement must have:

- The total dollar amount for food, refreshments, and entertainment for lobbying purpose.
- The name of the Metro official who benefitted from the expenditures over \$50, date of expenditure, name of payee, purpose, and amount.

The Government Affairs and Policy division in the Chief Operating Officer’s Office administers lobbyist registrations. An employee in that division uses a process to update the lobbyist registration list online and communicates with potential lobbyists to make sure they are aware of the requirements. The registration list is published on Metro’s website along with information about some of the lobbyist requirements in Code.

From calendar year 2015 to 2024 the number of registered lobbyists at Metro grew from 3 to 32 (967%). The increase may be the result of greater awareness of registration requirements, greater interest in the topics being addressed by Metro, or both. Nearly all registered lobbyist in 2024 were for land use, transportation, housing, and solid waste (27). The rest (5) focused on economic development or parks and natural areas.

**Exhibit 6    The number of registered lobbyists increased significantly in the last ten years**



Source: Auditor’s Office analysis of lobbyist registrations posted on Metro’s website in calendar years 2015, 2017, 2019, 2022 and 2024. Data was not collected in 2016, 2018, 2020, 2021, or 2023.

**Most registered lobbyists in 2024 did not provide annual financial reports as required**

Over the last 8-years, the Auditor’s Office notified management and Council about weaknesses with lobbyist registrations including a letter to management and a follow-up audit. They identified lack of clear roles and responsibilities among employees, and inconsistent guidance about requirements as two root causes. Since then, GAPD and the COO’s Office created procedures to manage the registration process.

Despite these efforts, communication about financial reporting requirements appeared to be a weakness. Metro received two financial disclosure reports from lobbyists in 2024 (for lobbying activity done in 2023). This means 30 of the 32 (90%) registered lobbyists did not provide a financial report by the deadline.

Metro’s communications with lobbyists did not include information about financial reporting requirements. Although compliance is the responsibility

of individual lobbyists, governments sometimes proactively set up processes to facilitate compliance. For example, public officials who are required to submit statements of economic interest annually with the State of Oregon are notified by email prior to the deadline. A website is available to facilitate the filings and make the records available to the public by default without having to submit a public records request. Implementing a similar system at Metro or, at a minimum, including financial reporting requirements as part of the registration process could improve compliance.

## Contract spending shows who does business with Metro

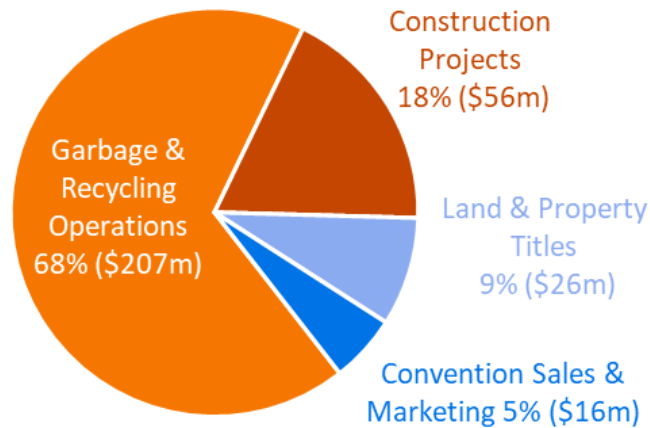
Contracting with external entities is one way Metro provides public programs and services. Procurement is the process governments use to award contracts. To meet legal requirements, Council adopted Local Contract Review Board Administrative Rules for procurement. In addition to meeting legal requirements, the administrative rules seek to:

- Instill public confidence through ethical and fair dealing, honesty and good faith on the part of government officials and those who do business with the government.
- Promote efficient use of federal, state and local government resources, maximizing the economic investment in public contracting within this state.
- Allow impartial and open competition, protecting both the integrity of the public contracting process and the competitive nature of public procurement.

Procurement processes are managed by Procurement Services in FRS. They work with the departments and venues to manage contract solicitation and award processes. The Chief Financial Officer is Metro's Procurement Officer. Council delegated most of their authority for contracts to the Chief Operating Officer or Procurement Officer to administer and interpret administrative rules. The Procurement Officer has delegated some-authority to the Procurement Services Manager.

Metro's top ten contractors received a total of about \$300 million from FY 2019-20 through FY 2023-24. Contractors related to garbage and recycling operations accounted for about 68% (\$207 million) of the total. Contractors for construction projects were the second highest (\$55 million). The third highest (\$26 million) was for work related to land and property purchases. Convention sales and marketing services were the fourth highest (\$16 million).

**Exhibit 7 Garbage and recycling service received the largest share of contract spending from FY 2019-20 through FY 2023-24.**



*Source: Auditor's Office analysis of PeopleSoft Finance Materials and Services data FY 2019-20 through FY 2023-24 and contract documents stored in Content Manager.*

Among garbage and recycling contractors, transportation to the landfill had the largest spending at about \$59 million. The landfill contractor was second at about \$48 million. Payments to the operators of Metro's two solid waste transfer stations (Central and South) were the next two highest.

**Exhibit 8 There was wide variation in the amounts received by Metro's top ten contractors from FY 2019-20 through FY 2023-24.**

Vendor	Work includes	Five-year Total
Walsh Trucking Co Ltd.	Transportation to the landfill	\$58.8m
Waste Management of Oregon Inc.	Landfill	\$47.6m
Recology Oregon Recovery - South Inc.	Transfer station operations	\$47m
Recology Oregon Recovery - Central Inc.	Transfer station operations	\$45.7m
Lease Crutcher Lewis LLC	Construction projects at Oregon Zoo	\$36.7m
Chicago Title Company of Oregon	Property transaction services	\$26.3m
Travel Portland	Convention sales and marketing	\$16.4m
M.A. Mortenson Company	Construction projects at Portland's Centers for the Arts	\$10.9m
Swinerton Builders	Construction projects at Blue Lake Park and Metro Regional Center	\$8.3m
Devin Oil Company, Inc	Diesel fuel for solid waste transportation	\$7.9m

*Source: Auditor's Office analysis of PeopleSoft Finance Materials and Services data FY 2019-20 through FY 2023-24, and contract documents stored in Content Manager. Amounts were not adjusted for inflation.*

## Data to evaluate the effectiveness of procurement rules is available, but it has limitations

Spending provides transparency about Metro's largest contractors. However, it does not provide information about how well administrative rules are working to ensure competition, fairness, and good value for money. Administrative Rules include processes to get approval from the appropriate authority if the normal process cannot, or was not, followed for various reasons. We found data was available to monitor these data points, but there were weaknesses.

In the past, Metro's practice was to document exceptions to administrative rules in memos. As such, the number of memos could be used as a tool to monitor performance of the rules and evaluate trends among the exception types. Recently, some exceptions were documented in contract intake forms rather than memos, so the number of memos likely undercounts the total number of exceptions. The existence of a memo does not mean something went wrong, but they could help management know if more attention is needed to ensure procurement processes are meeting the intent of procurement rules.

There were generally three types of memos used in Metro's procurement processes.

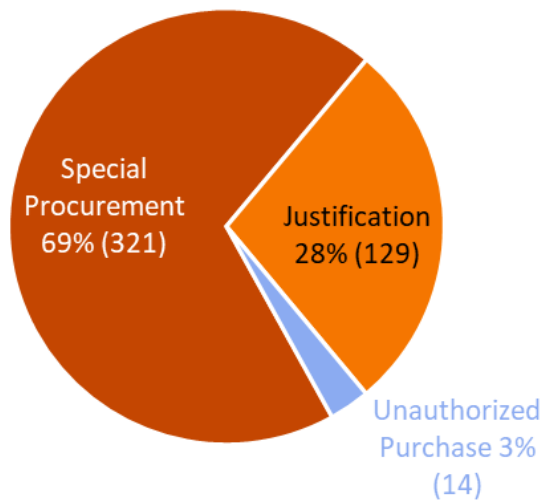
- Special procurement memos documented approval to use a different process to award a contract than what is specified in the administrative rules.
- Justification memos documented approval to exceed the original value or end date of existing contracts within certain thresholds.
- Unauthorized purchase memos were used to acknowledge non-compliance with administrative rules and create an action plan to reduce the chance of it happening again.

There were two potential data sources for memos. Memos stored in the document management system was one source. The other was procurement data in the accounting system. We concluded that the document management system had more reliable data. More information about our conclusions related to data in the accounting system are summarized in the last section of this report.

Based on Metro's document management system, we estimated the follow totals for the period FY 2017-18 through FY 2023-24. The totals likely undercount the number of exceptions but provide an estimate of the potential volume:

- 321 special procurement memos.
- 129 justification memos.
- 14 unauthorized purchase memos.

**Exhibit 9 Special procurement memos were the most common exception type from FY 2017-18 through FY 2023-24.**



*Source: Auditor's Office analysis of documents stored in Metro document management system (Content Manager) for FY 2017-18 through FY 2023-24.*

Most of the 321 special procurement memos in the documentation management system were in three categories. About 26% were for partnerships with nonprofits. Software and information technology hardware accounted for about 24%. Contracts related to perishables like medication, laboratory materials, and food made up 13% of the total. All other categories combined accounted for the remaining 37%.

The administrative rules limit the dollar amount of amendments to existing contracts. Justification memos are used to document approval to exceed the thresholds. When contracts are signed without following procurement rules, or when existing contracts exceed certain thresholds without approval by the appropriate authority, they are defined as unauthorized purchases. Most of the unauthorized purchase memos in document management system occurred in FY 2018-19 (10 of 14). Many of these were for small contracts (\$5,000 or less) where work began before the contract was signed.

We did not find any unauthorized purchase memos in the document management system for FY 2023-24, but we identified two examples that appeared to meet the criteria for unauthorized purchases. Other memo types were used as substitutes. In one example, an existing contract's scope of work was significantly changed, and additional funding was awarded. A justification memo was used to document the changes after the contract amendments were signed. In another example, a contract for software was awarded without following the administrative rules. A special procurement memo was created after the contract was signed to document that purchase.

These examples indicate potential inconsistencies in how administrative rules are enforced. One of the benefits of using unauthorized purchase memos is that they require acknowledgement of noncompliance and an action plan to

Inconsistent  
procurement data is  
a barrier to  
evaluating long-term  
trends

prevent it from happening again. Documenting the lessons learned from these situations can improve understanding of procurement processes among employees. It can also help management identify places in the process where the rules and associated procedures could be improved to set employees up for success.

We attempted to use data in Metro's accounting system to verify the accuracy of the data in the document management system. We found the procurement data in the accounting system was unreliable for evaluating long-term trends. There were three primary causes.

One of the causes was inconsistent use of coding. The procurement data in the accounting system was used to track a wide variety of agreement types including contracts, grants, and intergovernmental agreements. As such the *type* field was critical to be able to differentiate between agreements that are subject to procurement administrative rules and those that were not.

We identified 24 *type* codes. Some were very specific, like contracts for land purchases, art, or specific types of construction. While others were very general such as *agreement*, *other*, and *non-standard*. These codes had been created or discontinued over time so it was difficult to determine which types should be included in totals from year to year.

The second cause was inaccurate queries and reports. The query and associated annual report of contracts awarded did not include all contracts awarded that year. Procurement Services reviewed the inconsistencies we discovered and determined that report was filtering out contracts that should have been included. This made it difficult to have assurance that annual totals were accurate.

The third cause was small discrepancies in contract start dates. For example, sometimes the start date listed in the accounting system was a few days different from the start date in the contract itself. This made it difficult to have assurance that annual totals were accurate for each fiscal year even if the queries included all relevant contract types.

There were at least two annual reports where these data reliability issues could have an effect. We were told the only public report related to contracting was the *Equity in Contract Report*. That report was used to track progress on contracting with minority-owned, women-owned, veteran-owned, and emerging small businesses. We were told it took significant time to ensure the data in those reports was as accurate as possible.

Metro's financial auditors also relied on annual reports about the number of contracts awarded and contract amendments to complete their work. We found errors in the FY 2022-23 and FY 2023-24 reports that prevented the financial auditors from seeing a complete list of contracts awarded.

Procurement Services acknowledged weakness in procurement data and made efforts to improve queries when we shared our concerns about



reliability. Metro began a process to select a new accounting system in April 2025. Incorporating lessons learned from the current weakness will be important to ensure the new system can provide reliable procurement data efficiently in the future.

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## Recommendations

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1. Metro should post notices of all public meetings in the same location online to ensure alignment with legal requirements and improve access for the public.
2. The Government Affairs and Policy Division should proactively request annual financial statements from each registered lobbyist prior to the annual deadline.
3. Procurement Service should increase the reliability and consistency of procurement and contract data in the accounting system by:
  - a. Implementing a quality control process to ensure accuracy between contract documents and electronic data.
  - b. Creating a process to formally approve changes to procurement related codes.
  - c. Reviewing procurement and contracting queries and reports to ensure they are accurate.

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## Scope and methodology

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The purpose of this audit was to determine the transparency of Metro governance based on trends in public records, public meetings, lobbyist registrations, and contracting. There were four objectives:

1. Determine the number of public records received each year and whether Metro's response was aligned with legal requirements.
2. Determine the number and type of public meetings held each year and if there are ways to inform the public about them more efficiently and effectively.
3. Determine the number and type of registered lobbyists and assess whether Metro Code requirements are being followed.
4. Determine the number of contracts awarded, the amount spent on the ten largest contractors annually and estimate the number of procurements that did not follow the normal process.

The scope was FY 2014-15 to FY 2023-24 where data was available for a full 10-year trend. Some trends in the report were shorter due to data limitations that would make comparisons over a 10-year period inappropriate.

To accomplish our first objective, we obtained and analyzed public record request data in the system of record (GovQA) for the period FY 2014-15 through FY 2023-24. For the response time analysis, data was only available for the period from FY 2020-21 through FY 2023-24. We interviewed employees involved in the process, reviewed legal and policy documents, and completed data reliability tests to gain reasonable assurance of data accuracy.

To accomplish the second objective, we obtained data about Metro Council's public meetings from the system of record (Granicus) for the period FY 2017-18 to FY2023-24. For the Metropolitan Recreation and Exposition Commission's public meetings we obtain data form Metro's website and meeting administrator for the period from FY 2014-15 to FY 2023-24. We interviewed employees who administer public meetings, reviewed legal and policy documents, and completed data reliability tests to gain reasonable assurance of data accuracy.

To accomplish the third objective, we obtained and analyzed the lists of registered lobbyists from Metro's website in 2015, 2017, 2019, 2022 and 2024. We interviewed employees who administer the lobbyist program, reviewed legal and policy documents, and completed data reliability tests to gain reasonable assurance of data accuracy.

To accomplish the fourth objective, we obtained and analyzed contract data from the document management system (Content Manager) and accounting system (PeopleSoft). For contract spending, the data set covered FY 2019-20 through FY 2023-24. For contract documentation the period spanned from FY 2017-18 through FY 2023-24. We interviewed employees who

manage procurement and contract data, reviewed legal and policy documents, and completed data reliability tests to gain reasonable assurance of data accuracy.

The audit was included in the FY 2024-25 audit schedule. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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# Management response

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## Memo

Date: August 8, 2025  
To: Brian Evans, Metro Auditor  
From: Marissa Madrigal, Chief Operating Officer  
Subject: Management Response – Transparent Governance Audit August 2025

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Management would like to thank the Metro Auditor for undertaking the “Transparent Governance” audit and for its thoughtful and constructive recommendations. This audit addresses core principles that are foundational to public trust and effective government: access, accountability, and responsible stewardship of public resources. Transparency is an essential element in building and maintaining trust in government, and a value that we seek to apply at all levels of the organization. This audit provides an opportunity for us to reflect on our current practices, assess where we can strengthen our systems, and ensure that we are meeting both the letter and the spirit of applicable laws and policies. In several cases, the issues identified by the Metro Auditor intersect with active initiatives underway at Metro that aim to enhance accessibility and improve data and reporting accuracy. For example, we are in the process of a comprehensive RFP to select a new Enterprise Resource Planning (ERP) system. This selection process represents a major organizational investment and a transformative opportunity to reduce reliance on manual processes, improve data accuracy, support more automated workflows, and enable more sophisticated reporting and analysis capabilities. These improvements will directly contribute to better transparency and more timely, accurate information for both internal stakeholders and the public.

Additionally, we are assessing how new federal regulatory requirements may impact how we prioritize and sequence the implementation of certain recommendations. Specifically, the U.S. Department of Justice recently finalized new rules under the Americans with Disabilities Act regarding the *Accessibility of Web Content and Mobile Apps Provided by State and Local Governments*. These requirements will shape how we present digital content and structure our online engagement tools and platforms. As we work to comply with these new standards, we will need to ensure that any changes we make to improve transparency and public communication are also aligned with accessibility best practices and legal obligations.

In closing, we are grateful for the audit's contribution to our ongoing dialogue about transparency, governance, and public accountability. We remain committed to meaningful progress in these areas and to working collaboratively with the Auditor, Council, and the community to implement improvements that reflect our shared values. We look forward to building on this foundation as we modernize our systems, strengthen public trust, and continue to serve our community with integrity and openness.

Overall, management agrees with the recommendations, and you will find our responses to each recommendation as follows:

**Recommendation 1:** *Metro should post notices of all public meetings in the same location online to ensure alignment with legal requirements and improve access for the public.*

Management agrees with this recommendation and recognizes the importance of ensuring public meeting notices are consistently posted in the same location online. Currently, Metro's website includes a centralized events page to fulfill this purpose. However, there are opportunities to further clarify and strengthen roles, responsibilities and processes to ensure consistency, ease of access and compliance. We will review our current process and identify any areas that need refinement or enhancement. This review will be completed by early calendar year 2026.

**Recommendation 2:** *The Government Affairs and Policy Division should proactively request annual financial statements from each registered lobbyist prior to the annual deadline.*

Management agrees with this recommendation. The Government Affairs and Policy Development (GAPD) team will introduce a proactive process to request annual lobbying expense statements from registered lobbyists ahead of the annual deadline. In support of this effort, we will also update the guidance provided to registered lobbyists to emphasize their obligation to submit these expense statements in a timely manner. Together, we anticipate these steps will improve overall compliance and reduce the need for follow-up. We anticipate implementing both updates before the next financial statement deadline of April 15, 2026.

**Recommendation 3:** *Procurement Service should increase the reliability and consistency of procurement and contract data in the accounting system by:*

- a. Implementing a quality control process to ensure accuracy between contract documents and electronic data.

Management agrees with this recommendation and plans on implementing it as part of Metro's replacement of our core financial and human resources system, also called an enterprise resource planning (ERP) system. A significant source of the challenges in this area are the result of manual processes that create increased opportunities for error. The implementation of a new ERP presents a major opportunity to modernize our systems and business processes. One of the key goals of the new ERP system is to expand automation and improve alignment between business processes and compliance requirements. Metro is selecting a new software vendor in Fall 2025 and plans to begin implementation in early calendar year 2026.

b. Creating a process to formally approve changes to procurement related codes.

Management agrees with this recommendation and will implement it as part of a new ERP governance process in conjunction with the rollout of the new ERP system. The new governance process will be designed to introduce standardized controls, workflows and documentation for improvement or other changes to system codes and definitions, including those in procurement. This includes establishing clear guidance for when changes are appropriate, who approves them, and how those decisions are tracked. This work is part of a broader effort to strengthen system governance and improve consistency and accountability across processes.

c. Reviewing procurement and contracting queries and reports to ensure they are accurate.

Management agrees with this recommendation. As part of the ERP project, Metro is developing improved reporting functionality and a data governance structure that will support more accurate, consistent and transparent procurement reporting. Requirements for the new ERP system include the capability to create and generate standardized reports, clearer data definitions, and improved usability, making it easier to validate information and ensure ongoing accuracy across procurement and contracting queries. As mentioned above, the ERP system implementation will begin in early 2026.

Thank you for the opportunity to respond, please let us know if we can answer any questions or provide clarification.



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Metro

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Agenda #: 5.1

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**File #:** RES 25-5514

**Agenda Date:**9/18/2025

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**Resolution No. 25-5514 For The Purpose Of Authorizing An Exemption From Competitive Bidding And Procurement Of Construction Manager/General Contractor Services By Competitive Request For Proposals For Installation Of A Permanent Stormwater Treatment System At The Metro Central Transfer Station**

Gabriele Schuster, Procurement Manager  
Sebrina Nelson, Construction Project Manager  
Jason O' Donnell, Compliance Manager

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 25-5514
EXEMPTION FROM COMPETITIVE	)	
BIDDING AND PROCUREMENT OF	)	Introduced by Chief Operating Officer
CONSTRUCTION MANAGER/GENERAL	)	Marissa Madrigal in concurrence with
CONTRACTOR SERVICES BY	)	Council President Lynn Peterson
COMPETITIVE REQUEST FOR	)	
PROPOSALS FOR INSTALLATION OF A	)	
PERMANENT STORMWATER	)	
TREATMENT SYSTEM AT THE METRO	)	
CENTRAL TRANSFER STATION	)	

WHEREAS, Metro intends to design and install a permanent stormwater treatment system at the Metro Central Transfer Station, to continue to comply with the transfer station's National Pollutant Discharge and Elimination System (NPDES) 1200-Z permit obligations, while reducing operation, maintenance, and consumable expenses (the "Metro Central Transfer Station Permanent Stormwater System Installation"); and

WHEREAS, ORS 279C.335 and Metro Local Contract Review Board Administrative Rule ("LCRB Rule") 49-0130 require that all Metro public improvement contracts be procured based on competitive bids, unless exempted by the Metro Council, sitting as the Metro Local Contract Review Board; and

WHEREAS, Metro's LCRB Rule 49-0620 authorizes the Metro Local Contract Review Board to exempt a public improvement contract from competitive bidding and direct the appropriate use of alternative contracting methods that take account of market realities and modern innovative contracting and purchasing methods, so long as they are consistent with the public policy of encouraging competition, subject to the requirements of ORS 279C.335; and

WHEREAS, ORS 279C.335(2) and (5)(a), and LCRB Rules 49-0630 through 49-0690 require that the Metro Local Contract Review Board hold a public hearing and adopt written findings establishing, among other things, that the exemption of a public improvement contract from competitive bidding is unlikely to encourage favoritism or substantially diminish competition for public improvement contracts; and that said exemption will likely result in substantial cost savings to Metro; now therefore,

BE IT RESOLVED that the Metro Local Contract Review Board:

1. Exempts from competitive bidding the procurement and award of a Construction Manager/General Contractor ("CM/GC") public improvement contract for the construction and installation of the Metro Central Transfer Station Permanent Stormwater Treatment System; and

2. Adopts as its findings in support of such exemption the justification, information and reasoning set forth in the attached Exhibit A, which is incorporated herein by reference as if set forth in full; and

3. Authorizes the Chief Operating Officer to prepare a form of Request for Proposals for CM/GC Contractor services that includes the following evaluation criteria for contractor selection:

a. Contractor's proposed fees for pre-construction services; and

b. Contractor's proposed overhead and profit for construction services; and

- c. Contractor's project understanding and proposed project approach; and
- d. Contractor's record of completion of projects of similar type, scale and complexity, including demonstrated public improvement CM/GC project experience and expertise; and
- e. Contractor's record of coordinating multi-disciplinary approaches to value engineering challenges; and
- f. Contractor's experience with occupied, operational sites, limited staging space and phased construction; and
- g. Contractor's proposed milestone dates, including but not limited to substantial completion; and
- h. Contractor's demonstrated quality and success with compressed schedules; and
- i. Contractor's financial capacity; and
- j. Contractor's experience in incorporating sustainability construction practices and design into projects; and
- k. Contractor's demonstrated commitment to workforce diversity and record of use of subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity; and
- l. Any other criteria that ensure a successful, timely, and quality project, in the best interest of Metro and in accordance with ORS 279C.335(4)(c) and LCRB Rule 49-0640(2)(a) and (b).

4. Authorizes the Chief Operating Officer to issue said form of Request for Proposals and Contract by the Office of the Metro Attorney following its approval, and thereafter to receive responsive proposals for evaluation; and

5. Authorizes the Chief Operating Officer to execute a CM/GC contract with the most advantageous proposer to construct the Metro Central Transfer Station Permanent Stormwater Treatment System following evaluation of the responses to the Request for Proposals.

ADOPTED by the Metro Council acting as the Metro Local Contract Review Board this 18th day of September 2025.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney

**Resolution 25-5514: Exhibit A**

**Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

**Findings in Support of an Exemption from Competitive Bidding  
and Authorizing the Procurement by Request for Proposals  
of  
Construction Manager General Contractor (CM/GC) Services  
for Installation of a Permanent Stormwater Treatment System at the  
Metro Central Transfer Station.**

Pursuant to ORS 279C.335(2) and (4), and Metro Code Section LCRB 49-0620 through 49-0660 and 49-0690, the Metro Local Contract Review Board makes the following findings in support of exempting the procurement of a permanent stormwater treatment system at the Metro Central Transfer Station from competitive bidding, and authorizing use of a Request for Proposal (RFP) process for a Construction Manager General Contractor (CM/GC) public improvement construction contract:

**A. The exemption is unlikely to encourage favoritism or substantially diminish competition (ORS 279C.335(2)(a); LCRB 49-0630(4)).**

The Metro Local Contract Review Board finds that exempting the procurement of a permanent stormwater treatment system at the Metro Central Transfer Station from competitive bidding is “unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts” as follows: The RFP will be formally advertised with public notice and disclosure of the alternative contracting method and will be made available to all qualified contractors. Award of the contract will be based on the identified selection criteria, and dissatisfied proposers will have an opportunity to protest the award. Full and open competition based on the objective selection criteria set forth in the Metro Local Contract Review Board resolution will be sought, and the contract will be awarded to the most advantageous proposer. Competition for the RFP will be encouraged by: Posting on Bid Locker (Metro Procurement’s online procurement site); public advertisements placed in the Portland Business Tribune and minority business publications; performing outreach to local business groups representing minorities, women, and emerging small businesses; and by contacting contractors known to Metro to potentially satisfy the RFP criteria. The subcontractor selection process will be a low bid competitive method for contracts requiring a minimum of three bids per scope, unless there is an approved exception. Competition among subcontractors will be encouraged by contacting local subcontractors, including COBID firms, and notifying them of any opportunities within their area of expertise and by performing outreach to local business groups representing minorities, women, and emerging small businesses.

**B. The exemption will likely result in substantial cost savings to Metro (ORS 279C.335(2)(b)).**

The Metro Local Contract Review Board finds that exempting the procurement of a permanent stormwater treatment system at the Metro Central Transfer Station from competitive bidding will likely result in substantial costs savings to Metro, considering the “type, cost and amount of the Contract,” the 14 factors required by ORS 279C.335(2)(b), and the “additional findings” per Metro Local Contract Review Board (LCRB) Administrative Rule 49-0630(3)(b) as follows:

**1. Type, Cost and Amount of the Contract:**

The rough-order-of-magnitude estimated cost for this public improvement contract is \$2,000,000.00.

## **Resolution 25-5514: Exhibit A**

### **Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

The CM/GC project delivery model is a common public improvement procurement practice. Metro has successfully used this delivery model since 2018 on over 18 projects. In CM/GC projects, the General Contractor becomes a part of the project team during the design process in order to provide constructability, logistics, and value engineering expertise to the construction documentation process. CM/GC offers a distinct advantage to Metro over the traditional design-bid-build (low-bid) method in its ability to obtain enhanced participation from COBID contractors.

#### 2. 14 Statutory Factors (ORS 279C.335(2)(b)(A-N)):

1. *Number of Entities Available to Bid:*

This factor is unaffected by the exemption from competitive bidding. Regardless of procurement method, there are numerous firms interested in participating in the procurement, many of which would bid on the project in the absence of the exemption from competitive bidding.

2. *Construction Budget and Future Operating Costs:*

Using an RFP to select a General Contractor will allow Metro to obtain cost reductions through pre-construction services by the contractor during the design phase, including a constructability review, value engineering, sequencing planning to minimize stormwater treatment downtime, and other services. Involving the contractor early in the design process will foster teamwork that results in a better design, fewer change orders, and faster progress with fewer unexpected delays, resulting in lower costs to Metro. In addition to construction of new built features, this project requires installation and connection of plumbing, mechanical, electrical, and communication infrastructure/systems that integrate into existing infrastructure. Therefore, careful upfront collaboration with the design team is critical for successful project delivery. The potential for faster progress and an earlier completion date will also help Metro avoid the risk of inflationary increase in material and construction labor costs, reduce treatment system downtime, help ensure that stormwater discharges do not adversely impact the environment, and help ensure Metro can continue to meet its obligations under the National Pollutant Discharge Elimination System (NPDES) 1200-Z permit (Permit). Contractor constructability review also allows for an ongoing review of the long-term operating costs of design options, allowing for midcourse design changes, leading to a project having lower long-term operating, maintenance, and repair costs.

3. *Public Benefits:*

In addition to the cost savings benefits outlined throughout this Exhibit A, the procurement of a CM/GC construction contract through the RFP process will help realize Metro's goals of continuing to minimize environmental impacts from transfer station operations, reducing stormwater treatment operation and maintenance costs, and obtaining COBID participation by enabling a qualitative review of proposers' approaches to COBID subcontractor outreach and mentoring partnerships.

4. *Value Engineering:*

The process will enable the General Contractor to work with the Professional Design Team and Metro staff to help reduce construction costs by providing early input and constructability review to designers, avoiding costly redesign and change orders, and providing opportunities for the Professional Design Team and General Contractor to collaborate on practical and innovative solutions to meet the project budget. This type of contract will allow the designers to

## **Resolution 25-5514: Exhibit A**

### **Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

explore with the contractor the feasibility of innovative stormwater treatment system design solutions and improvements more easily and incorporate ongoing value engineering principles. These design solutions will also allow for substantial long-term cost savings by designing for reduced operational and maintenance efforts and reduced consumable use.

#### **5. *Specialized Expertise Required:***

The contractor and subcontractors must demonstrate in their proposals that they have experience with: CM/GC project delivery; working on heavy industrial sites during operating hours; working in a congested area with the general public; providing traffic control in an industrial area; working around power lines; knowledge of controller board systems with human interfaces and integration with mechanical components; low voltage electrical cabling; local jurisdiction permitting, and local regulations; disciplines including excavation, grading, surveying, stormwater systems, lift stations and integration with controls, hard and flex pipe work, pipe freeze protection, low tolerance concrete work, systems integration, pump controls and variable frequency drives, and pressure transducers.

The contractor and subcontractors must also demonstrate success with subcontractor equity, have successfully completed public improvement projects, and understand the logistics of general public and staff traffic control, site access, removing demolished materials, etc. The selection of a contractor with such expertise to perform the project will result in a substantially lower risk to Metro, because it increases the likelihood of the project being completed on or ahead of schedule, resulting in lower costs, and improved stormwater treatment that protects human health and the environment. The ability to factor expertise and experience into contractor selection is inherent in the RFP process but is not part of the traditional low bid process.

#### **6. *Public Safety:***

The CM/GC contracting process will enable the contractor to work with the Professional Design Team and Metro Central Transfer Station staff to plan for minimizing safety hazards and conflict between the project and ongoing facility operations by providing early input into issues of project phasing, equipment and material staging areas, construction access and scheduling. Such integrated early planning efforts are expected to limit risks of interruption to public customers and private garbage haulers while increasing site safety for all. The ability to factor safety performance on similar projects into contractor selection is inherent in the RFP process but is not part of the traditional low bid process. Delivery of an effective stormwater treatment system will help ensure that Metro's operations do not adversely impact the environment, and waterways used by the public. The qualifications-based selection can also help ensure that the project is completed with a level of expertise that enhances public safety.

#### **7. *Reduces Risk to Metro and the Public:***

Metro Central Transfer Station is required to maintain compliance with its NPDES 1200-Z Permit, which includes treating stormwater prior to discharge. This project, if not completed within a targeted window absent of precipitation, could result in discharge of untreated stormwater and adversely impact Metro financially (Permit violation) or adversely impact the environment through discharge of untreated stormwater to surface water, potentially posing a risk to human health and the environment. Project delays may require alternative capture and treatment of site stormwater under a separate permit at significant cost to the project and require additional infrastructure that could interfere with transfer station operations. The risk

## **Resolution 25-5514: Exhibit A**

### **Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

of disruption to Metro Central's daily operations posed by the inability of the contractor to meet the schedule deadlines will be reduced by the selection of the contractor based on the demonstrated ability to perform the work as specified and based on successful prior experience working safely, effectively and efficiently in or near a similar environment where Metro staff, private contractors and the public are present, rather than awarding the project to the low bidder.

8. *Exemption's Effect on Funding:*

Does not apply.

9. *Better Control of Impact of Market Conditions on Cost and Time to Complete:*

In order to maintain compliance with the NPDES 1200-Z Permit, the time to complete the installation of the permanent stormwater treatment system is highly constrained and will require efficient coordination between the general contractor, equipment vendors, and subcontractors. The goal of this project is to construct the project during the summer, during a period of no precipitation. Project delays may require identifying and installing alternative temporary stormwater treatment that could result in substantial project cost overrun.

10. *Technical Complexity:*

The technical complexity of the project will include the required low tolerances of some of the new constructed elements (gravity feed elevations and clear well pad leveling) and integration of the vendor-provided equipment, systems, and controls into the new and existing site stormwater infrastructure. The exemption will allow Metro to select a General Contractor and subcontractors that have demonstrated technical expertise, knowledge, and experience with the logistical challenges of construction in a similar setting, all of which can be factored into the contractor selection in the RFP process. The selection of a contractor with demonstrated success in implementing similar projects will result in a substantially lower risk to Metro, because it will increase the likelihood of maintaining compliance with the Permit, the project being completed on budget, and fewer construction delays and change orders, resulting in lower costs. The RFP process will consider each contractor's past performance and technical knowledge.

11. *New Construction, Renovation, or Remodel:*

The project will include new construction, renovation of existing stormwater system facilities, and installing/constructing improvement to existing facilities. There are opportunities—if Metro engages a Contractor early in the process—to coordinate and design a phased solution with the designer that will minimize site operational disruptions, ensure ongoing NPDES 1200-Z Permit obligations are met, and support project completion within the required timeframe, at no additional cost.

12. *Occupancy During Construction:*

Metro Central Transfer Station is open 362 days a year and is operational 24 hours a day. It will be occupied and operational during construction.

The CM/GC contracting process will enable the contractor to work collaboratively with the Metro project manager, Professional Design Team and Metro Central Station staff to minimize conflict between facility operations, public customers and private garbage haulers, by providing early input into issues of project phasing, equipment and material staging areas, construction

## **Resolution 25-5514: Exhibit A**

### **Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

access and scheduling. Such integrated early planning efforts are essential to maintaining normal facility operations and are expected to limit conflicts and thus reduce the risk of construction delays and costly change orders.

#### **13. *Phased Construction Work:***

Part of the CM/GC's pre-construction work will be determining project sequencing and how to phase the project to minimize stormwater treatment downtime while balancing needed downtime for transfer station operations. The CM/GC will also determine which phases can be completed during regular daytime hours, on weekends, or overnight, allowing for early work order amendments to start on some phases while finalizing overall design, which ultimately saves time on the overall project and mitigates impacts to ongoing operations. Early work phases may uncover latent conditions at the project site that, once exposed, will be addressed efficiently and less expensively during ongoing design, avoiding costly redesigns and change orders.

Due to the project site's NPDES 1200-Z Permit obligations, and need to continuously contain and treat site stormwater, it is necessary for construction to occur solely during the dry summer months. Doing so reduces the risk of discharging untreated stormwater from the project site in violation of the Permit, having to install costly alternative temporary construction stormwater treatment equipment, or finding alternative stormwater treatment or disposal options.

#### **14. *Availability of Personnel, Consultant and Legal Counsel with CM/GC Expertise:***

The Office of Metro Attorney, Project Manager, and Professional Design Team have the necessary qualifications and expertise to negotiate, administer, and enforce the terms of Metro's CM/GC public improvement contract, including prior experience governing large CM/GC projects and managing them to a successful completion.

### **C. Additional Findings (LCRB 49-0630(3)(b)):**

#### **1. Industry practices, surveys, trends.**

The industry-accepted benefits of the CM/GC method include:

- Results in a better design that meets the owner's objectives
- Encourages competition, especially for COBID subcontractors
- May be completed in a faster timeframe
- When skillfully managed, costs less than a design-bid-build project that is designed and constructed in the traditional manner due to higher likelihood of constructability of design and opportunities for value engineering early in the design process
- Reduces the risks of delays, cost overruns, permit violations and disputes
- Limits the number of change orders for unforeseen conditions

#### **2. Past experience and evaluation of Metro CM/GC projects.**

- 2024 – Oregon Zoo Entry Plaza and Polar Bear Plaza Project
- 2023 – Metro Central Transfer Station Roof Safety Upgrades
- 2023 – Arlene Schnitzer Concert Hall Roof Replacement
- 2022 – Blue Lake Park Demolition of Fishing Pier



## **Resolution 25-5514: Exhibit A**

### **Installation of a Permanent Stormwater Treatment System at the Metro Central Transfer Station**

- 2021 – Oregon Zoo Boardwalk and Gate J Security Improvement Project
- 2021 – Arlene Schnitzer Concert Hall City Sewer Connection Project
- 2020 – Oregon Convention Center VIP Suite B and Prefunction A & C Restrooms
- 2019 – Oregon Convention Center Plaza & Renovation Project
- 2019 – Lone Fir Cemetery Design and Construction of a Retaining Wall
- 2018 – Antoinette Hatfield Hall Roof Replacement and Parapet Repair
- 2018 – Arlene Schnitzer Concert Hall Acoustical Enhancements

#### **3. Benefits and drawbacks of CM/GC to construct and install a permanent stormwater treatment system at the Metro Central Transfer Station.**

The CM/GC method provides an invaluable means of addressing the risks to Metro presented by the project's site conditions, timeline, and stormwater permit obligations.

By involving the contractor extensively during the design process, Metro will be able to better account for, plan around, and address the above factors prior to and during construction. This avoids project delays and expensive change orders, helps to reduce liability and revenue risks to Metro, minimizes the likelihood of stormwater permit violations, and provides a foundation of cooperation upon which a high-quality result may be achieved, on schedule and on budget. Pre-construction services provided during the process include a constructability review, value engineering, and other services during design. Involving a contractor during the design fosters teamwork that results in a better design, faster progress with fewer delays and lower risk of costly change orders.

Given Metro's favorable experience with CM/GC, staff foresees no drawbacks to adopting the CM/GC method for installation of a permanent stormwater treatment system at the Metro Central Transfer Station.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 25-5514 OF THE METRO COUNCIL ACTING AS THE METRO CONTRACT REVIEW BOARD FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING PROCUREMENT OF CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES BY COMPETITIVE REQUEST FOR PROPOSALS FOR INSTALLATION OF A PERMANENT STORMWATER TREATMENT SYSTEM AT THE METRO CENTRAL TRANSFER STATION

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Date: July 07, 2025  
Department: Capital Asset Management  
(CAM) - Construction Project Management  
Office (CPMO)  
Meeting Date: September 18, 2025

Prepared by: Sebrina Nelson  
Sebrina.Nelson@oregonmetro.gov  
Presenter(s): Julie Hoffman,  
Julie.Hoffman@oregonmetro.gov  
Length: 30 min

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### ISSUE STATEMENT

Metro Local Contract Review Board is asked to consider approving Resolution 25-5514 to authorize an exemption to the competitive bidding procedures and authorizing procurement of a construction manager and general contractor ("CM/GC").

The Resolution 25-5514 and Exhibit A to that Resolution ("Findings") describe the specialized nature of this project. Based on the findings, the Metro procurement manager believes that a value-based selection process is more appropriate than a traditional, competitive bid (which solely considers lowest bid price). CPMO staff concur.

### ACTION REQUESTED

Approve the recommendation to authorize the alternative procurement of Construction Manager General Contractor services by a competitive Request for Proposals (RFP) for the installation of a permanent stormwater treatment system at the Metro Central Transfer Station. This will allow Metro to consider cost as well as the contractor's experience and expertise in completing similar projects to select the most qualified contractor for the project.

### IDENTIFIED POLICY OUTCOMES

A value-based selection process will enable WPES to procure the most qualified contractor to aid in the compliance of their stormwater permit requirements, site operations needs and logistics, and meet timelines that are dependent on weather and stormwater permit requirements. An integrated design and construction team will also advance the goal of being efficient and effective with limited budget.

### POLICY QUESTION(S)

None

## OPTIONS FOR COUNCIL TO CONSIDER

- Adopt Resolution 25-5514 approving the exemption from competitive bidding in favor of CM/GC project delivery method.
- Do not adopt Resolution 25-5514, resulting in staff procuring a contractor using the traditional Invitation to Bid procurement process.

## STAFF RECOMMENDATION

For this project the Metro Procurement Manager believes that a value-based selection process for a Construction Manager General Contractor is more appropriate than a traditional, design-bid-build procurement process. An alternative qualifications-based procurement method, RFP, enables Metro to specifically request and qualitatively evaluate proposers' prior experience with the unique parameters of this project including experience with occupied, operational sites; demonstrated successes with compressed schedules; cost control; limited staging space and phased construction.

Metro can also evaluate proposers' approaches to Certification Office of Business Inclusion and Diversity (COBID) subcontractor outreach and partnership as well as workforce diversity. This delivery method offers a better opportunity for public agencies to increase the use of COBID firms in sub-contracting opportunities.

## STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

- **Known Opposition:** None
- **Legal Antecedents:** LCRB Rule 49-0620(1), 49-0130, and 49-0690; Oregon Revised Statutes 279C.335 and ORS 279C.337.
- **Anticipated Effects:** The public procurement process will be open and competitive, and items other than cost will be considered in the awarding of the contract. Increased use of COBID subcontractors is anticipated.
- **Budget Impacts:** The RFP process offers safeguards for schedule and cost control of the project, including early involvement by construction contractor in the design process, as well as reducing impact from change orders.

## BACKGROUND

Metro Central Transfer Station discharges stormwater under a 1200-Z National Pollutant Discharge Elimination System (NPDES) general industrial stormwater discharge permit ("1200-Z Permit") issued by the Oregon Department of Environmental Quality (ODEQ). Metro Central Transfer Station requires coverage under the 1200-Z Permit because of the Standard Industrial Classification (SIC) code assigned to the facility and the potential exposure of contaminants to stormwater from site operational activities.

The 1200-Z Permit requires Metro to collect stormwater samples four times per year to demonstrate compliance with the 1200-Z Permit's statewide and sector-specific benchmark parameters and impairment pollutant concentrations established by the 1200-Z Permit. Metro exceeded its 1200-Z Permit's geometric mean benchmarks between 2012 and 2014, requiring Metro to design a Tier II corrective action per the 1200-Z Permit.

In 2015, Metro retained an engineer to design a Tier II corrective action to bring stormwater discharges back into compliance. Between 2016 and 2020, the media filtration system improved stormwater discharge quality; however, high amounts of nutrients in the stormwater caused bacterial growth and continuous fouling of treatment system filters. The fouling resulted in a substantial reduction in stormwater treatment rates and required frequent and costly filter replacements and system maintenance. The stormwater treatment system equipment vendor attempted to make improvements to the system, but Metro and the vendor were unable to identify an acceptable solution that would substantially improve the performance of the system and reduce maintenance and consumable replacement costs.

Based on additional stormwater treatability studies and recommendations from environmental consultants starting in 2020, Metro elected to modify the Tier II corrective action and install a temporary electrocoagulation (“EC”) stormwater treatment system and pilot test its efficacy. After all necessary approvals, the new temporary stormwater treatment system was installed in June 2023.

The temporary EC stormwater treatment system pilot test has demonstrated that the tested EC system technology can treat Metro Central Transfer Station stormwater effectively with lower maintenance and consumable costs.

To ensure that the temporary EC stormwater treatment system was the best and most economical technology for the site, in October 2024, CMPO retained a stormwater engineer to further evaluate stormwater treatment options for Metro Central Transfer Station. Based on the results of the evaluation, site limitations, and the success of the temporary EC system, the engineer recommended that Metro proceed with a permanent EC system to maintain the treatment efficacy that has been observed from the leased system to avoid the need and cost for field testing alternative technologies. Staff recommends that this system be procured with an alternate procurement (CM/GC) process.

A CM/GC project delivery method, wherein the General Contractor partners with the Professional Design Team and Metro Project Manager, is beneficial to Metro because it provides early contractor input regarding design constructability, permitting, project phasing, equipment, equipment connectivity, material staging areas, construction access, and scheduling. Specifically for this project, the CM/GC project delivery is preferred due to the project’s need for careful integration of physically constructed elements, mechanical systems, electronic systems, and control and communication systems while working at a site with considerable operational constraints and specific timing needs.

Special CM/GC coordination is necessary to ensure that the delivered project will:

- Consider the known and tested stormwater treatment technology and install the components so they operate as successfully as the pilot-tested EC system.
- Install a stormwater treatment system with low operational, maintenance, and consumable costs.
- Install a stormwater treatment system within a short time window so that Metro Central Transfer Station can continue to maintain compliance with and meet its 1200-Z Permit obligations and minimize potential Permit violations.
- Install a stormwater treatment system that operates effectively with existing built and pre-treatment infrastructure and equipment.

- Ensure that existing and new elements and components are all compatible and constructable at the time of design leading to fewer change orders and reduced loss of time in the field.
- Ensure adequate and integrated phasing of all project elements to minimize disruptions to operations and both commercial and public haulers using the station.
- Ensure that schedule will be met and contingencies are in place for unforeseen circumstances to complete construction during dry weather months.

The CM/GC project delivery method also helps Metro staff better understand construction costs early in the design process and refine estimates throughout design with all parties agreeing upon a Guaranteed Maximum Price (GMP) prior to the start of construction. The use of CM/GC's GMP avoids project delays and expensive change orders, helps to reduce liability and revenue risks to Metro, and provides a foundation of cooperation upon which a high-quality result may be achieved, on schedule and on budget.