

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6677

AUTHORIZING AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE BUREAU OF ENVIRONMENTAL SERVICES FOR WATERFRONT PARK IMPROVEMENTS INCREASING FUNDING TO PDC FROM \$ 1,793,575 TO \$1,966,079; AND AUTHORIZING INCREASE TO CONTRACT WITH BROWN CONTRACTING, INC. FROM \$10,261,236 TO \$10,350,524

WHEREAS, on May 28, 2008, the Portland Development Commission (“PDC”) Board of Commissioners (“Board”) adopted Resolution No. 6593 authorizing a competitively bid contract for the Waterfront Park Improvements Project to Brown Contracting, Inc. to construct improvements in Waterfront Park to accommodate Portland Saturday Market and other uses;

WHEREAS, the Bureau of Environmental Services (“BES”) requested assistance from PDC to provide construction services for civil work related to the Odor Control Facility (the “Facility Civil Work”) at the Ankeny Pump Station located within the Waterfront Park Improvements Project to ensure the Facility Civil Work was completed prior to opening of the Portland Saturday Market and to minimize impacts to the Greenway Trail;

WHEREAS, on December 1, 2008, the Board adopted Resolution No. 6653 authorizing PDC to enter into an intergovernmental agreement (the “IGA”) with BES regarding the payment for and completion of the Facility Civil Work;

WHEREAS, on December 1, 2008, the Board adopted Resolution No. 6651 authorizing PDC to integrate the Facility Civil Work into the existing contract with Brown Contracting, Inc. (PDC Contract No. 307009);

WHEREAS, on December 1, 2008, PDC amended the contract with Brown Contracting, Inc. to integrate the Facility Civil Work into the work under the contract and increase the not-to-exceed contract amount and issued a notice to proceed with the Facility Civil Work;

WHEREAS, in mid-December 2008, Brown Contracting, Inc. encountered unforeseen contaminated soil conditions resulting in remediation measures not contemplated in the IGA;

WHEREAS, BES determined that the purchasing of materials previously contemplated to be purchased by BES should be purchased by the Brown Contracting, Inc., resulting in an increase in IGA expenditures; and

WHEREAS, unforeseen weather conditions in mid-December 2008 caused time delays and increased costs associated with completion of the Facility Civil Work.

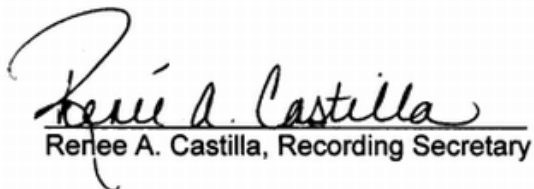
NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the Executive Director to execute an amendment to the IGA with BES for Waterfront Park Improvements,

substantially in the form attached hereto as Exhibit A, increasing the total amount of the Agreement by \$172,504, from \$1,793,575 to \$1,966,079;

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to increase the Brown Contracting contract (Contract No. 307009) by \$163,438, from \$10,261,236 to \$10,424,674; and

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

Adopted by the Portland Development Commission on February 11, 2009.



Renee A. Castilla, Recording Secretary

IGA Number: _____

AMENDMENT No. 1
to
Ankeny Wastewater Odor Control Civil Work Project

THIS AMENDMENT No. 1 (“Amendment”) to the
Ankeny Wastewater Odor Control Civil Work Project (“IGA”) is made this _____ day of February, 2009, by and between the parties to the IGA. All terms and conditions of the IGA not amended below remain unchanged. Capitalized terms not defined herein shall have the meaning set forth in the IGA.

RECITALS

- A. The IGA needs to be amended due to increase project cost payable by BES to PDC to cover weather delay, contaminated soils and material acquisition related cost increases.
- B. This Amendment will increase the budget on the project. Scope will remain unchanged.

AGREEMENTS

The parties hereby agree to amend the IGA as follows:

- I. Section I. A. 12. is hereby replaced in its entirety with the following:

12. The Odor Control Project timeline covered by this Agreement includes FY 2008/09. Key construction milestones include:

Cost Proposal Requested:	September 19, 2008
Cost Proposal Negotiated:	November 5, 2008
Anticipated Notice to Proceed:	December 3, 2008
Substantial Completion:	March 26, 2009
Final Completion:	April 25, 2009
Project Closeout:	June 1, 2009

II. The Budget set forth in Section I. B. is hereby replaced in its entirety with the following:

Plan			Budget FY 2008-09				
Work Item	Description	Timeline Completion*	Personal Services	Materials & Services	Outside Contracts	Total Budget	Other Funding Sources
A	Direct Construction Costs						
A.1	Brown Contracting			1,788,354			
Other	Hard Cost Contingency @ 15%			211,946			
B	Administrative & Consultants						
B.1	PDC Project Staff Hours		31,970				
B.2	PDC Reimbursable Expenses			32,498	9,066		
B.3	Construction Project Management Services		38,860				
B.4	Other PTE Services, Special Inspections etc.			32,498	17,500		
Other	Soft Cost Contingency @ 10%		15,333				
TOTAL	AUTHORIZED BUDGET Cost Not To Exceed		86,163	1,853,350	26,566	1,966,079	1,966,079

III. Section III. A. is hereby replaced in its entirety with the following:

- A. The Bureau shall pay the Commission a sum not to exceed **One Million Nine Hundred Sixty Six Thousand, Seventy Nine DOLLARS (\$1,966,079)** for accomplishment of the Schedule of Work, subject to budget authorization by the City Council, an increase of \$172,504. The increase in contract award for Brown Construction will be from \$1,624,915 to \$1,788,354, an increase of \$163,438. An additional \$9,066 is added to the original \$168,659 to cover project management and administration expenses to implement the Odor Control Facility.

Except as herein modified, all of the terms, conditions and requirements of the IGA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the date first above written.

PDC:

THE CITY OF PORTLAND, a municipal corporation of the State of Oregon, acting by and through the PORTLAND DEVELOPMENT COMMISSION

By: _____
Bruce A. Warner, Executive Director

BUREAU:

THE CITY OF PORTLAND, a municipal corporation of the State of Oregon, acting by and through its BUREAU OF ENVIRONMENTAL SERVICES

By: _____
Dean Marriott, Director, Portland Bureau of Environmental Services
(Executed under authority delegated by Ordinance No. 181373, passed by Council October 24, 2007.)

APPROVED AS TO FORM:

By: _____
PDC Legal Counsel

APPROVED AS TO FORM:

By: _____
City Attorney

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6677

Title:

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Adopted by the Portland Development Commission on February 11, 2009.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Charles Wilhoite, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Regular Agenda		

Certification

The undersigned hereby certifies that:

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


Reree A. Castilla, Recording Secretary

Date: February 20, 2009