

**ORDINANCE No. 184194**

Authorize additional change order authority to the Director of the Bureau of Environmental Services or his designee for the Portsmouth Force Main Segment 2 construction contract Project No. E09039 (Ordinance; Contract No. 30000424)

The City of Portland ordains:

Section 1. The Council finds:

1. Michels Corporation is constructing the Portsmouth Force Main Segment 2 under Contract No. 30000424, effective April 21, 2009.
2. Ordinance No. 183705 passed Council on April 21, 2010 authorizing additional change order authority to the Bureau of Environmental Services Director or his designee up to a total contract amount of \$28,000,000.
3. The project's Geotechnical Baseline Report described the ground conditions along the tunnel alignment for contractors' information in preparing bids for the construction contract.
5. During the initial mining under Waud Bluff, Michels Corporation encountered ground conditions, specifically cobbles and boulders, which were not encountered during ground investigation in preparation of the Geotechnical Baseline Report. These ground conditions have required the procurement of an alternate tunnel boring machine. Consequently, additional change order authority is necessary to compensate Michels Corporation for the time and cost involved in this differing site condition in excess of the bureau's current change order authority.
6. The requested change order authority is an additional \$4,000,000 which includes a revised contract amount of \$30,460,088 plus an additional 5% contingency over the remaining work for a total contract authority of \$32,000,000. Funds are available in the Sewer System Operating Fund, FY10-11 Budget, Bureau of Environmental Services, WBS No. E09039.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services or designee is authorized to increase Contract No. 30000424 with Michels Corporation for the purpose described in Section 1, up to a revised contract amount of \$32,000,000, provided the Chief Procurement Officer concurs.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council, **OCT 27 2010**  
Dan Saltzman  
Commissioner of Public Affairs

Christa Overby  
October 4, 2010  
WBS No. E09039 - ord

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By   
Deputy

Agenda No. 184194  
**ORDINANCE NO.**  
 Title

Authorize additional change order authority to the Director of the Bureau of Environmental Service or his designee for the Portsmouth Force Main Segment 2 construction contract, Project No. E09039, Contract No. 30000424 (Ordinance);

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Dan Saltzman, Commissioner of Public Affairs</b>	CLERK USE: DATE FILED <u>OCT 15 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Dan Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: Dean Marriott <i>[Signature]</i>  Prepared by: Christa Overby Date Prepared: October 4, 2010	<b>ACTION TAKEN:</b>  OCT 20 2010 PASSED TO SECOND READING OCT 27 2010 9:30 A.M.
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date: October 20, 2010	
City Attorney Approval <i>D.H.</i>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <i>[Signature]</i> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	