

## ORDINANCE No. 184388

\* Amend contract with Walker Macy, LLC for design services for the South Waterfront Greenway Central District Phase One Project (Ordinance; amend Contract No. 37631)

The City of Portland ordains:

### Section 1. The Council finds:

1. The City of Portland and the Portland Development Commission (PDC), under their respective charter authorities, are authorized to enter into cooperative agreements for the improvement of communities and environments.
2. The City Council passed Resolution No. 36273 in December 2004 to accept the South Waterfront Greenway Development Plan – Phase 1, Design Component, as the City's unified vision for the greenway in the South Waterfront District.
3. In 2004, Portland Development Commission entered into a Development Agreement (DA) with Oregon Health Sciences University (OHSU), River Campus Investors LLC (RCI), North Macadam Investors LLC (NMI) as agent for the City, including Portland Parks & Recreation. The DA committed \$4,000,000 in North Macadam Urban Renewal Area funds for construction of the South Waterfront Greenway Central District Phase One Development.
4. Walker Macy was awarded PTE Contract No. 37631 (Ordinance 181289) in September 2007 to provide PTE design services for planning, design and construction administration for implementation of the Greenway under the management of Portland Parks & Recreation. The original contract amount was \$855,186.
5. Amendment No. 1 was executed administratively in April 2008 for \$13,543 to compensate Walker Macy for additional scientific testing related to hydraulic engineering of the riverbank.
6. Amendment No. 2 was executed administratively in July 2008 to extend the contract time to December 2010.
7. Amendment No. 3 was executed administratively in September 2008 for \$42,279 to compensate Walker Macy for additional work to assess soil conditions and negotiate on the City's behalf with Federal authorities regarding permitting of the riverbank design.
8. In July 2009, Federal authorities stated definitively that they would not permit the riverbank configuration called for in the City's Greenway Development Plan, requiring a redesign. Amendment No. 4 was executed administratively in August 2010 for \$128,852 to extend the contract time and compensate Walker Macy for further negotiation to determine a permissible design, further study of soil conditions, redesign of the riverbank and associated cost and value engineering studies. This brought the total compensation of Contract 37631 to \$1,039,860. The expiration date was extended to December 31, 2012.
9. PP&R has now resolved the permitting issues and will select a Construction Manager/ General Contractor (CM/GC) to work with the project team on constructability, staging, cost estimating and value engineering. Final design and permits must be

complete in early 2012 to meet the approved construction window in the summer of 2012.

- 10. PP&R has asked Walker Macy for services beyond those contemplated in the last amendment to their contract. These services are assistance with selection of and coordination with the CM/GC and production of construction documents.
- 11. The additional compensation under this Ordinance comes to \$219,760 to compensate Walker Macy for these additional services.
- 12. The total not to exceed contract amount shall now be \$1,259,620 which is 147.29% of the original contract amount.
- 13. Funds for this and all previous increases to this contract are available from the current project revenue.

NOW, THEREFORE, The Council Directs:

- a. The Chief Procurement Officer is authorized to execute Amendment No. 5 to Contract No. 37631. Such amendment shall be in a form substantially like the form of agreement attached hereto, as approved as to form by the City Attorney's Office.
- b. The Mayor and Auditor are authorized to provide payment chargeable to the applicable budgets when demand is presented and approved by the appropriate authorities.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the provision of design services to the South Waterfront Greenway Central District Phase One Improvements; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: **JAN 27 2011**  
Commissioner Fish  
Prepared by: Liz Moorhead:ds

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

Agenda No. **184388**  
**ORDINANCE NO.**  
 Title

\* ~~Authorize Amendment No. 5~~ to contract with Walker Macy, LLC for design services for the South Waterfront Greenway Central District Phase One Project (Ordinance; amend Contract No. 37631).

INTRODUCED BY Commissioner/Auditor: <b>Fish</b>	CLERK USE: DATE FILED <u>JAN 21 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish <i>Nia R</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy  ACTION TAKEN:
BUREAU APPROVAL Bureau PP&R Bureau Head: Santner <i>[Signature]</i> Prepared by: Moorhead Date Prepared: 01/05/2011  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 January 27, 2011	
City Attorney Approval <i>[Signature]</i>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <u>2:00</u>  Total amount of time needed: <u>tbd</u> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <u>tbd</u> (for presentation, testimony and discussion)

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