

AMENDMENT NO. 4 TO THE
AGREEMENT FOR PROFESSIONAL SERVICES
CONTRACT NO. 37279
PORTLAND STREETCAR LOOP PROJECT
DESIGN AND CIVIL ENGINEERING SERVICES

This Amendment No. 4 modifies the Agreement for Professional Services between the City of Portland (City) and Portland Streetcar, Inc. (PSI) dated May 1, 2007 (City/PSI Contract No. 37279)

RECITALS:

Whereas, PSI, a public service non-profit corporation registered in the State of Oregon, has had oversight responsibility under contracts with the City for design, financial planning, management, civil and vehicle engineering, construction, community relations, construction mitigation and operation of the Portland Streetcar system; and

Whereas, on April 4, 2007, after completion of a competitive procurement process carried out in accordance with federal requirements and the selection of URS Corporation and its team of subconsultants (URS) to perform design and civil engineering services for the Portland Streetcar Loop Project (Loop Project), the City passed Ordinance No. 180866 authorizing City/PSI Contract No. 37279 which assigned to PSI the responsibility for oversight of and subcontracting with URS for design and civil engineering services; and

Whereas, the solicitation documents and City/PSI Contract No. 37279 provide that future amendments would be negotiated for additional services through final design and construction of the Loop Project, subject to successful negotiations of terms and the availability of additional funds; and

Whereas, City/PSI Contract No. 37279 was amended most recently by Amendment No. 3 authorized by Ordinance No. 183284 passed by the City Council on October 28, 2009 providing for PSI to amend its contract with URS for additional design and civil engineering services performed during the final design and construction phases of the Loop Project and extending the term of the Agreement to March 1, 2012; and

Whereas, extended and additional design and civil engineering services are required of URS and its subconsultants that includes extending services to April 1, 2012 for one additional month expected to be needed to complete project close-out; and additional services related to 1) traffic control striping and signage (channelization) revisions requested by Portland Bureau of Transportation (PBOT); 2) relocation of the existing streetcar stop on 10th Avenue from Marshall to Northrup to eliminate streetcar, bike and pedestrian safety conflicts; 3) revising the intersection of NE Broadway and Larabee to provide left and right auto turn lanes to improve bike safety and streetcar operations onto the Broadway Bridge; 4) revising the overhead wiring system at NE Broadway and Larabee and other locations; 5) revising the traffic signals at NE Broadway and Larabee and other locations; 6) site, foundation and other design work for relocating the totem on NW 11th in the Pearl District; 7) utility upgrades requested (and paid for) by Bureau of Environmental Services (BES); 8) additional surveying related to the PGE Consent

Agreement, sidewalk easements, OMSI acquisitions, viaduct construction quality control, bridgehead construction, Broadway Bridge lift span and others; 9) preparing and filing additional temporary construction easements as required by FTA; and 10) traffic and train signals, track and other revisions related to powering the existing switch at SW 10th and Market to enable a turn-back of eastside streetcar service on SW Market; and

Whereas, Loop Project construction contingency funds are adequate to cover the costs of the additional project management services required by this Amendment; and

Whereas, the Portland Bureau of Transportation, City Loop Project Change Order Review Committee and City Project Manager have reviewed this Amendment and recommend its approval; and

Whereas, on June 1, 2011, the PSI Board of Directors adopted Resolution No. 11-08, authorizing its Chair to execute this Amendment.

AGREEMENT

1. Scope of Services. PSI, through URS, its subcontractor, shall carry out the professional services in the Scope of Additional Services set out in Exhibit A attached to this Amendment.
2. Maximum Compensation. The total Maximum Compensation provided for in the City/PSI Agreement No. 37279 will be increased by \$270,756 from \$10,507,100 to \$10,777,856 in accordance with the Cost Breakdown for Extended and Additional Services set out in Exhibit B to this Amendment.
3. Term. The expiration date shall be extended from March 1, 2012 to April 1, 2012.
4. ALL OTHER TERMS AND CONDITIONS OF THE CITY/PSI CONTRACT #37279 AS AMENDED REMAIN UNCHANGED.

AMENDMENT NO. 4 AGREED TO THIS ____ DAY OF _____ 2011:

APPROVALS:

CITY OF PORTLAND

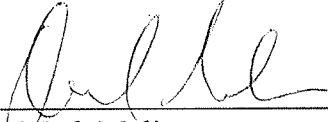
PORTLAND STREETCAR, INC.

By: _____
Sam Adams
Mayor

By: _____
Michael Powell
Chair, Board of Directors

By: _____
LaVonne Griffin-Valade
City Auditor

APPROVED AS TO FORM:

By:  _____
Mark Moline
Sr. Deputy City Attorney

By: _____
Heather Martin
PSI Attorney

Exhibit A

**PORTLAND STREETCAR LOOP PROJECT
DESIGN SUPPORT DURING CONSTRUCTION
SCOPE OF EXTENDED AND ADDITIONAL SERVICES**

URS shall provide labor, equipment, and materials to manage and coordinate the additional design support work being performed for the Loop Project during the construction phase. These activities will be provided as needed (and as listed below) throughout the remaining duration of the construction phase and start-up of operations. It includes the work necessary as listed in the following tasks:

Assumptions:

- Construction support services are to be extended through March 2012
- Construction support services for start-up and testing activities will be completed by the end of March 2012.

Task 1.0 Project Management

- Continue to provide contract management for the design project team and subconsultants to complete supportive tasks within approved budget limits.
- Continue to monitor task budgets and prepare monthly progress reports.
- Continue to distribute and track responses for RFI and submittal review requests from CM team
- Continue to provide coordination and direction to the design team and subconsultants.
- Continue to implement Quality Assurance program
- Continue to attend Construction Management Team meetings as necessary and maintain communications and coordination between the design team and the core construction management team.

Task 2.0 Field Engineering Support

- Continue to provide Field Engineering services as part of the construction management team. Duties will include:
 - Coordinate or provide review and responses to contractor submittals
 - Coordinate or provide review and responses to contractor's RFI's
 - Provide or coordinate construction inspection services as necessary
 - Management of Quality Assurance for construction
- Complete safety certification efforts and final punch lists prior at major milestones as necessary and, ultimately for opening day.
- Attend Construction Management Team meetings.

Task 3.0 Civil/Track Design Support

- Provide additional design support for civil, track design elements for the Loop Project. New design work include:
 - Design of powered switch machine at 10th/Market
 - Relocation of totem pole from 11/Lovejoy
 - Relocation of MLK/Burnside stop
 - Add liner designs to stormwater planters due to new BES requirements
 - Re-design Davis Street substation site
 - Re-design site for Belmont TPS and stormwater management facility
 - Design for relocation of 10th/Marshall stop to 10th/Northrup
 - Provide revised median design for Broadway at Larabee
- Continue to provide review and respond to contractor RFI's and provide design clarifications as necessary
- Conduct site visits for purposes of inspection or design clarification upon request
- Continue to provide civil/track design support upon request. Provide new designs as necessary to resolve minor field related conditions or conflicts.

Task 4.0 Systems Design Support

- Continue to review and respond to contractor submittals for the systems design elements for the Loop Project including traction power substations, underground power distribution system, overhead contact system, train control system and corrosion monitoring system and streetlights and provide comments. It is expected that the contractor shall submit more than 200 individual submittals. Re-submittal review shall be limited to 25% of the original submittals.
- Continue to review and respond to contractor requests for information (RFI) regarding the traction power substations, underground power distribution system, overhead contact system, train control system and corrosion monitoring system and streetlights and provide comments and clarifications.
- Provide new/unanticipated designs as necessary to resolve minor field related conditions or conflicts. New design services include:
 - Train control systems design services supporting CM/GC systems sub-contractor
 - Relocation of Belmont sub-station
 - Relocate PGE feed for OMSI substation
 - OCS and TPS redesign for Davis substation
 - Design of Bridgeport OCS building attachments
 - OCS re-design for Park Place condo basement
 - OCS relocation due to underground storage tanks
 - Changes to OCS design at Broadway/Larabee
 - Relocate OCS to bridge column at Maintenance Facility
 - Provide interlock design for wheel truing machine
- Attend Construction Management Team meetings as necessary.

Task 5.0 Survey and Right-of-Way Support

- Support PGE Consent Agreement

- Provide descriptions including Grand & Belmont Sidewalk Easement & OMSI acquisitions
- Provide quality control survey near MLK Viaduct
- Provide Bridgehead easement research and descriptions
- Conduct survey of Broadway Bridge lift span motion
- Provide Casa Bella Temporary Construction Easement
- Identify locations which impact a row line in the following ways:
 - sidewalk/track construction which abuts a property line
 - sidewalk/track construction which crosses over a property line
 - any PSL related equipment which is to be located on a property line
 - any PSL related equipment which is to be located beyond a property line
- Determine if any locations are in public ROW, city-controlled tax lot, county property, ODOT right-of-way.
- Determine if any locations have an existing easement in place.
- Determine if any locations have an easement agreement or row purchase in progress.
- Identify which locations are for ADA-compliant ramps and not specifically part of the streetcar design
- Identify which properties require a Temporary Construction Easement (TCE) or a permanent Sidewalk Easement in the following ways:
 - if location is in public ROW – No TCE
 - if location is in an existing sidewalk easement – No TCE
 - if location is in progress to be public ROW or have a permanent easement – No TCE
 - if location abuts a wall – No TCE
 - if location abuts a building face with no door – No TCE
 - if location is more than 3 feet away from a property line – No TCE
 - if location abuts a building doorway – Needs TCE
 - if location abuts a flat surface (i.e., parking lot, planter bed, etc.) – Needs TCE
 - if location requires additional ROW (i.e., ADA-compliant travel path) – Needs permanent Sidewalk Easement.
- Identify which locations are not specifically required for the streetcar design, have existing ramps, and need a TCE to build ADA-compliant ramps. Designate those locations for construction deferral.
- Identify construction schedule for all locations which need a TCE (i.e., “need by” date).
- Create “Exhibit A” for all locations which need a TCE. “Exhibit A” to include the following:
 - Tax lot and State ID #
 - Square foot of TCE area (5 feet beyond the limits of construction)
 - Street names and other base map information to identify property.

Task 6.0 Traffic Design Support

- Provide modifications to traffic signal at 10th/Northrup to accommodate new train/traffic operations
- Provide new design for traffic signal relocation(s) at Broadway/Larabee due to changes in median island.

- Provide new traffic channelization designs under direction of PBOT staff. New designs for channelization have been made project-wide.

Exhibit B

**PORTLAND STREETCAR LOOP PROJECT
DESIGN SUPPORT DURING CONSTRUCTION
BUDGET FOR EXTENDED AND ADDITIONAL SERVICES**

Extended Services (3/1/12 – 4/1/12)

URS Design Management	\$4,544
Field Engineering	\$24,000

Additional Design Services

Surveying	\$34,255
Additional construction easements	\$19,192
10th/Market power switch	\$41,724
Pearl District totem relocation	\$4,456
Utility upgrades directed by BES	\$2,373
Traffic channelization directed by PBOT	\$25,440
NW 10th & Marshall stop relocation & NE Broadway & Larabee intersection revisions	\$19,680
Overhead electrical changes	\$88,592
Traffic signal revisions	<u>\$6,500</u>

Total	\$270,756
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