

AMENDMENT NO. 3

CONTRACT NO. 30002215

FOR

SW 86TH AVENUE PUMP STATION AND APPURTENANCES

This Contract was made and entered by and between Brown and Caldwell, Inc., hereinafter called Contractor, and the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives, hereinafter called City.

1. Additional compensation is necessary and shall not exceed \$359,811. The amended not-to-exceed contract amount is \$2,931,546.
2. Additional work is necessary as described in the modifications to the Scope of Work as follows:

PROJECT E09051 SW 86th Avenue Pump Station and Appurtenances**E09051 – Task 1.0 Project Management**

Additional services are required to complete the Project Management task due to the additional services described below and the continued complexity of managing the design consultant team to comply with new permitting requirements and additional design elements. The proposed level of effort in this amendment provides project management services through calendar year 2015.

E09051 – Task 3.0 Permitting and Public Outreach Assistance

Additional services are required to complete the Permitting and Public Outreach Assistance task due to the land use permit conditions of approval, extended schedule, design revisions, creation of a Citizens' Advisory Committee (CAC) and to address issues raised by the BES Construction Services Division during ongoing reviews of the Contract Documents. These services include the following activities:

E09051 – Task 3.1 Permitting

Washington County imposed conditions of approval in the Special Use and Development decision, Casefile 12-174-SU/D/FP for the project that SW 86th Avenue be provided with a wearing surface that will have a structural life expectancy of no less than 5 years, with a minimum of a 22 foot wide paved surface; and that the project must terminate SW 84th Avenue to Washington County standards at the southerly property line of

the project site including provisions for pedestrian access, a barricade, and curb and gutter sections. These road design and construction conditions and other requirements from Washington County require significant additional permitting efforts as described here:

SW 86th Ave Road Improvements, Natural Resource Assessment

Clean Water Services (CWS) has design requirements for storm and surface water management related to water quality Sensitive Areas and Vegetated Corridors. The provisions in CWS Design and Construction Standards, Chapter 3 Sensitive Areas and Vegetated Corridors are intended to prevent or reduce adverse impacts to the drainage system and water resources of the Tualatin River Basin. The Natural Resource Assessment includes documentation of existing conditions, resource impact assessment, and mitigation. A Natural Resources Assessment Report using current CWS reporting requirements shall be produced and provided to the City for submittal to CWS as required to obtain a Service Provider Letter.

SW 86th Ave Road Improvements, Wetland Delineation

Conduct a wetland delineation using the required criteria and methodologies of the Corps of Engineers *Wetland Delineation Manual Technical Report Y-87-1* (Environmental Laboratory, 1987) and the *Western Mountains, Valleys and Coast Region* regional supplement to the 1987 Manual. This manual provides the guidelines and methodology for defining the limits of wetlands and waterways. The boundaries of wetlands and waterways will be flagged in the field so that they are visible to professional surveyors. GPS coordinates of the wetland boundaries will be taken and can be overlaid on the PBOT survey.

Upon completion of the fieldwork, a wetland delineation report suitable for review by the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (Corps) will be prepared. The report will include information on the soils, hydrology, and vegetation of the required SW 86th Ave Road Improvements project area. Graphics will depict the topography, soils mapped by the Natural Resources Conservation Service, National Wetlands Inventory information, and the location of the wetland and waterway boundaries. The report will be submitted to DSL for their review.

SW 86th Ave Road Improvements, Site Development Permit

CWS requires a Site Development Permit for any work that impacts the storm or sanitary sewer system. A Site Development Permit Application will be prepared according to current Clean Water Services requirements. The Permit Application will be provided to the City for submittal to CWS.

SW 86th Ave Road Improvements, Removal-Fill Permit

Prepare a Joint Removal/Fill Permit application with supporting documentation for submittal to both the Corps and DSL. At the Federal level, the Corps regulates activities in wetlands and waterways under its

authority to implement Section 404 of the Clean Water Act. At the State level, DSL implements the State's Removal-Fill Law, which regulates work within "waters of the state," which includes wetlands. The Joint Removal/Fill Application will include the following:

- Wetland Impacts
- Fill below the OHW
- Project Description
- Justification for impacts to wetlands and aquatic resources
- Alternatives considered
- Permit drawings

Prepare the permit narration, permit drawings, determine quantities and boundaries for a Joint Permit Application for submission to both the Corps and DSL. Anticipated figures include:

- Location map
- Site plan
- Cross-section drawings

Information needed to complete the application includes:

- Due to the anticipated small wetland impacts, the project should qualify for a Nationwide Permit from the Corps.
- Proposed design with staging areas, grading limits, and access.
- Volumes of all fill.
- Permanent and temporary areas of disturbance.
- Types of materials (e.g., gravel, silt, clay, etc.).
- How the project will be accomplished (i.e., describe construction methods, equipment, site access).
- Erosion and Sediment Control Plan.

It is assumed that required mitigation would be handled through the purchase of available wetland credits at a local wetland mitigation bank or payment to provide (in-lieu fees) and therefore no mitigation design would be required. It is also assumed that purchasing of mitigation credits is an acceptable mitigation option and that there is a local bank with available credits. Work with the Corps and DSL to determine the number of credits needed to be purchased for mitigation of wetland impacts (this is generally a 1:1 ratio).

Submit the application to the Corps and DSL on behalf of the City and serve as the Authorized Agent to facilitate the processing of the application. Coordinate with resource agencies to ensure the permit

application is processed in a timely manner and questions and comments are responded to quickly and accurately. Keep City informed of the permit process and any agency questions or concerns.

Diversion Manhole AMN802 Rehabilitation Permitting

The work to rehabilitate this manhole will require a Type I Land Use Review Process through Washington County. The required documentation will be prepared to obtain a Service Provider Letter from Clean Water Services and the Type I Land Use Review.

Washington County Building Permits

The land use review conditions of approval from Washington County require additional coordination between permit applications and the design to make sure that all conditions are met.

E09051 – Task 3.2 Public Outreach

Additional services are required to complete the Public Outreach assistance task due to a scope increase for the Consultant as follows:

Public Outreach

The City is forming a CAC and Consultant has been asked to assist with the organization of the CAC, prepare for and facilitate meetings, and prepare for and attend an open house.

Consultant is also tasked with general outreach support and assistance; this might be visiting property owners, writing the email construction updates, flyers, updating web text, pre-construction video assistance, or other help as needed by City staff.

Additional Task 3 Assumptions:

- Consultant involvement with CAC limited to 15 meetings through May 2015 and one open house
- Consultant general public outreach assistance assumed to be 8 hours per month through May 2015

Additional Task 3 Deliverables:

- Natural Resource Assessment
- Service Provider Letter Request

- Wetland Delineation
- Joint Removal/Fill Permit Application
- Simplified Site Assessment (for submittal to CWS)
- Washington County Type I Land Use Review Application
- Public outreach materials

E09051 – Task 4.0 Final Design

Additional services are required to complete the Final Design task due to the land use permit conditions of approval, extended schedule, design revisions, and to address additional post 100% design completion review comments from BES Construction Services Division. These services include the following activities:

E09051 – Task 4.8 Final Documents

Additional services are required to prepare the Final Documents is described here:

Existing Structure Demolition

During Final Design, it was determined that the City would undertake a project to deconstruct the existing structure in advance of the SW 86th Avenue construction. This requires the modification of demolition and civil drawings in the SW 86th Avenue construction package.

Diversion Manhole AMN802 Rehabilitation Design

During Final Design, it was determined that the schedule would preclude packaging the AMN802 design in the final construction documents due to ownership and easement issues. The City provided direction to pull this work from the package and set it aside until it could be included as a change to the construction contract. Subsequent to this decision, it was determined that CWS needed the design to issue the site development permit and so additional services are required to produce an updated design package and pull demolition, civil, process, structural, and architectural drawings from the SW 86th Avenue construction package.

City Construction Comments and Schedule Extension

Following final design development to 100% plans and specifications, BES Construction Services Division staff provided additional comments that require modified portions of the design and required additional effort to incorporate these changes into the SW 86th Avenue construction package and track compliance with the comments. The comments also extended the design period approximately 1.5 months past the date by which the Final Design was scheduled to be complete causing additional effort. Additional review comments are expected to come in between delivery of final construction documents and the date of advertisement and additional effort is required to address these comments.

E09051 – Task 4.9 SW 86th & SW 84th Avenue Road Improvement Designs

Washington County imposed a condition of approval on the Special Use and Development decision approval for the project that SW 86th Avenue be provided with a wearing surface and structural life expectancy of no less than 5 years, with a minimum of a 22 foot wide paved surface. This condition requires the preparation of new drawings, specifications, and a construction cost estimate for the work. It is assumed that these will be provided as 90% documents for review and as Final documents.

Prepare a drainage (stormwater management) report for the site based on CWS requirements and submit to CWS for approval.

Additional E09051 – Task 4 Deliverables:

- Revised Manhole AMN802 drawings
- Revised construction documents (plans and specs) with review comments incorporated
- Draft and final drainage reports
- SW 86th Avenue Road Improvement design drawings/specifications/cost estimate (90% and Final)
- SW 84th Avenue Roadway Termination design drawings/specifications/cost estimate (90% and Final)

E09051 – Task 6.0 Services during Construction

Additional services are required to complete the Services during Construction task due to the land use permit conditions of approval imposed by Washington County in the Special Use and Development decision, Casefile 12-174-SU/D/FP. These require extensive monitoring and outreach before, during, and after construction. Also, additional services are required during construction to address the inclusion of MH AMN802 and the submersible pump replacement. The proposed level of effort in this amendment provides construction support services through calendar year 2015.

E10416 – Task 8.0 FABA Submersible Pump Replacement

Work on the FABA Submersible Pump Replacement through December 2012 was tracked and invoiced as a separate project. Work from that point forward is to be tracked and invoiced with the rest of the SW 86th Avenue work.

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The payment schedule is revised as follows:

Payment Schedule – Project & Project Task Budget Adjustments

Task #	Task Name/Description	Current Budget Amounts	Amendment No. 3 Amounts	Adjusted Task Budget Amounts
1.0	Project Management	\$85,871	\$12,800	\$98,671
2.0	Basis of Final Design	\$32,751	\$0	\$32,751
3.0	Permitting and Public Outreach	\$221,888	\$104,912	\$326,800
4.0	Final Design	\$1,481,540	\$216,460	\$1,698,000
5.0	Services During Bidding	\$25,210	\$0	\$25,210
6.0	Services During Construction	\$250,203	\$25,639	\$275,842
7.0	Services During Startup/Closeout	\$116,472	\$0	\$116,472
8.0	FABA Submersible Pump Replacement	\$93,500	\$0	\$93,500
9.0	FABA PS FM Hydraulic Surge Tank	\$264,300	\$0	\$264,300
TOTALS		\$2,571,735	\$359,811	\$2,931,546

3. M/W/ESB Participation:

The following table summarizes the Contractor's amended M/W/ESB subconsultant participation

Subconsultant	M/W/ESB Certifications	Scope/Type of Work	Current Subcontract Amounts	Amendment No. 3 Amended Subcontract Amounts
Greenbusch Group	WBE	Acoustical Engineering	\$24,835	\$24,835
JLA Public Involvement	DBE/WBE	Public Involvement	\$32,000	\$84,000
MEC Electrical Engineering	ESB	Electrical CADD	\$140,340	\$142,340
Shur Architects	ESB	Architectural Design	\$172,842	\$183,542
Superelevation	DBE/MBE/ESB	CADD	\$140,160	\$144,160
Vigil-Agrimis	DBE/MBE	Civil Design and Permitting	\$410,160	\$497,860
M/W/ESB Total Amounts			\$932,037 \$920,337 ¹	\$1,076,737
Amended Contract Amounts			\$2,571,735	\$2,931,546
M/W/ESB Percentage of the Amended Contract Amounts			36.2% 35.8%¹	36.7%

¹ Math correction - the M/W/ESB Total Amount and Percentage of Amended Contract Amount were incorrect in previous contract

All other terms and conditions shall remain unchanged and in full force and effect.

Contract No. 30002215 Amendment/Change Order No. 3

Contract Title: SW 86th Avenue Pump Station and Appurtenances

This contract amendment may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same contract amendment.

The parties agree the City and Contractor may conduct this transaction by electronic means, including the use of electronic signatures.

BROWN AND CALDWELL

By: _____ Date: _____

Name: Bryan K. Paulson

Title: Vice President

Contract No. 30002215 Amendment/Change Order No. 3Contract Title: SW 86th Avenue Pump Station and Appurtenances

CITY OF PORTLAND SIGNATURES:

By: n/g Date: _____
Bureau DirectorBy: n/g Date: _____
Purchasing AgentBy: _____ Date: _____
Elected Official

Approved:

By: _____ Date: _____
Office of the City Auditor

Approved as to Form: APPROVED AS TO FORM

By: James H. Van Dyke Date: 3/21/13
Office of City Attorney CITY ATTORNEY