

ORDINANCE No. 183443

*Amend contract with Tri-State Construction for Change Order No. 11 for fabrication and erection of a bicycle and pedestrian bridge east of NE 92nd Dr over the Columbia Slough. (Ordinance; amend Contract No. 30000806; C-10020)

The City of Portland ordains:

Section 1. The Council finds:

1. Council accepted bid No. 110861 from Tri-State Construction for the 2009 Local Improvement Districts Project on August 12, 2009.
2. The City entered into Contract No. 30000806 on August 28, 2009, for \$671,641.00 for construction of street improvements at the NE 87th Avenue and Columbia Boulevard intersection, street improvements on NE 92nd Drive from the Columbia Slough, and bridge improvements on NE 92nd Drive over the Columbia Slough. The scope of work in this contract pertaining to bridge improvements was solely for the existing vehicle bridge and constituted the first of two phases of bridge work on NE 92nd Drive.
3. Change Order Nos. 1, 2, 4, 5, 6, 7, 8 and 10 were previously approved under delegated authority in the combined amount of \$124,609.85. These change orders related to the relocation of utilities from private property as part of right-of-way acquisition required for this project; the area in which NE 92nd Drive is being constructed was previously private property. These change orders were foreseen, but this work could not feasibly be done in a private manner and compensated through right-of-way payments in advance of construction, nor could it be included ex ante within the scope of this contract due to inadequate information on utility locates. It is estimated that private relocation of these utilities prior to construction would have resulted in a six-month delay to commencing this project included in the City of Portland's Local Economic Stimulus Program, which had the objective of putting Portlanders back to work as quickly as possible. Tri-State Construction is a local Portland firm, with offices at 5730 NE 138th Avenue.
4. Change Order No. 3 was previously approved in the amount of \$7,528.00 for street lighting work required on NE Alderwood Road. This change order was the result of unforeseen conditions.
5. Change Order No. 9 was previously approved in the amount of \$6,224.29 and related to additional stabilization work required for the existing vehicle bridge. This change order was the result of unforeseen conditions.
6. Change Order No. 11 exceeds the delegated 25% change order authority and therefore requires City Council approval. This work constitutes the second phase of bridge construction and is related to the fabrication and erection of a new bicycle and pedestrian bridge east of NE 92nd Drive. The Bureau of Transportation has received approval from the Bureau of Development

Services on its Type II land use review approval application on July 7, 2009 per Case/File Number LU-09-122400 EN; and has also executed an easement with the Oregon Division of State Lands, on September 29, 2009 per State Easement No. 42236-EA. Therefore this change order is "shovel-ready."

7. Accelerating the fabrication and erection of the bicycle and pedestrian bridge will further fulfill the objective of the City of Portland's Local Economic Stimulus Program to put Portlanders back to work as quickly as possible and will minimize expense to property owners in the NE 92nd Drive LID project. It will also enhance safety and reduce potential conflicts among bicyclists, pedestrians and trucks, by minimizing the time period in which all modes of travel have to temporarily use the existing vehicle bridge until the new bicycle pedestrian bridge is fabricated and erected.
8. It is therefore recommended that Change Order No. 11 be authorized in the amount of \$313,968.65 for a total contract amount of \$1,123,971.79 in lieu of pursuing a separate bid process.

NOW THEREFORE, the Council directs:

- a. The Commissioner-in-Charge and the Auditor are hereby authorized to increase Contract No. 30000806 with Tri-State Construction for fabrication and erection of a bicycle and pedestrian bridge east of NE 92nd Drive, substantially in conformance with Change Order No. 11, attached as Exhibit A, in the amount of \$251,174.92 and also authorize a 25% contingency on remaining 2009 Local Improvement District project construction work in the amount of \$62,793.73 for a total increase of \$313,968.65.
- b. The Commissioner-in-Charge and the Auditor are authorized to draw and deliver checks chargeable to the FY 09-10 Budget, Portland Bureau of Transportation, when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because delay may result in additional expense and adversely impact safety; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

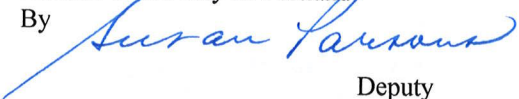
Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: December 21, 2009

JAN 06 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No. **183443**
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 Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS	CLERK USE: DATE FILED <u>DEC 31 2009</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish 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: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>AVA 12/21/09</i> <i>[Signature]</i>	
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 6, 2010	
City Attorney Approval	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 min. (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 ✓	