

EXHIBIT 'A'

AMENDMENT NUMBER 2

CONTRACT NUMBER 30004540

FOR

Leach Upper Garden Development Project

Pursuant to Ordinance Number

This Contract was made and entered by and between Land Morphology, Inc., hereinafter called Consultant, 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 work is necessary as described in the Scope of Work (attached to this amendment as Exhibit A) as follows:
 - Task 0 Project Management;
 - Task 4 Construction Documents;
 - Task 5 Site Development / Building Permits; and
 - Task 6.0 Construction Administration and Documentation
2. Additional sub-consultants, Anderson Krieger, are being added for Construction Documents and Construction Administration.
3. The contract expiration date is extended to June 30th, 2020.
4. Additional compensation of \$674,137 is necessary for amended Tasks. A detailed breakdown is included in Exhibit A.
5. Total amended contract amount shall not exceed \$ 1,215,091

This new not-to-exceed sum was calculated as follows:

| | |
|----------------|---------------------------------------|
| \$ 433,314 | (Original Contract Not-To-Exceed Sum) |
| +\$ 107,640 | (Amendment #1) |
| +\$ 674,137 | (Amendment #2) |
| <hr/> | |
| = \$ 1,215,091 | (New Total Not-to-Exceed Sum) |

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

CONSULTANT SIGNATURE

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 Consultant may conduct this transaction by electronic means, including the use of electronic signatures.

Consultant Name: Land Morphology, Inc.,

Address: 1512 Alaskan Way
Seattle, WA 98101

Telephone: 206 443.2120

Signature: _____ Date: _____

Name: Richard Hartlage

Title: President, CEO

Contract Number: [_____]

Amendment Number: [_____]

Contract Title: [_____(Contract title)_____]

CITY OF PORTLAND SIGNATURES

By: _____
Chief Procurement Officer

Date: _____

By: _____
Elected Official

Date: _____

Approved:

By: _____
Office of City Auditor

Date: _____

Approved as to Form:

By: _____
Office of City Attorney

Date: _____

Amended Task 0 – Project Management**Amended Task 4- Construction Documents****Amended Task 5- BDS Site Development Permit****Amended Task 6-Construction Administration and Close-Out****UNDERSTANDING AND OBJECTIVES**

This amendment adjusts contract terms for Tasks 0, 4, 5 and 6. Portland Parks and Recreation, in collaboration with Leach Garden Friends, have secured additional funding for the project, increasing the total project budget allowing for an increase in the overall scope of construction. Need for this amendment was catalyzed by the increase in project funding. The selection of scope for further design and construction is consistent with the prioritized phased approach completed in Phase 1 of this contract.

The focus of Task 4-6 is to build upon work completed and approved in Tasks 1-3. The scope of services is based on final Design Development and Land-use documentation completed in Task 3.

This is the second amendment to contract 30004540 between City of Portland and Land Morphology. The amendment accomplishes the following:

1. Amends Project Scope of Work - fee schedule, project schedule, and consultant personnel. The scope of work, Exhibit A-Revision 2, dated 12/21/2017 is an amendment to the Contract for Professional Services between Land Morphology and City of Portland for Leach Botanical Garden: Upper Garden Development Project dated 4/6/2015 and Amendment 1 dated 6/20/2016. Exhibit D is a list of deliverables including construction plans, technical specifications, permitting, cost management, construction administration and documentation activities.
2. Amends Task 0- Project Management to include Project management services associated with modified Tasks 4, 5 and 6. LM will manage the contract and consultant team to include client and consultant coordination, issuing and managing contracts, phone coordination, coordination of consultant's work, monthly reports, and invoices.
 - **FEE SCHEDULE: Exhibit B1-Revision 2**
The Fee Schedule, Exhibit B1 – Revision 2, dated 12/21/2017 is an amendment to the Contract for Professional Services between Land Morphology and City of Portland for Leach Botanical Garden: Upper Garden Development Project dated 4/6/2015. The fee schedule shows allocation of fees to Land Morphology (LM) and their sub-consultants for amended Scope of Work (Task 0, 4, 5 and 6). The exhibit illustrates the



percentage of MWEBE participation to date (Task1-3) and this amendment (Task 4.5. & 6). Information in this schedule will also amend Section B Consultant Personnel, and Section C Compensation

- **PROJECT TIMELINE: Exhibit C-Revision 2**

We understand Amendment 2 will be approved by City Council in early 2018. Construction is anticipated to commence January 2019. The objective is to complete construction by October 2019. The Project Timeline Exhibit C-Revision 2, dated 12/21/2017 is supplemental to Exhibit C included in the Contract dated 4/6/2015. The Project Timeline included as Exhibit C in original contract addressed only Tasks 1-Master Plan Refinement, and Task 2-Schematic Design. The Project Timeline in Amendment 1 addressed Design Development (DD) and land use permitting support. Revision 2 addresses Task 4-Construction Documents, Task 5 Site Development Permitting and Construction Task 6 Construction Services including Construction Administration, Bidding and Project Closeout.



3. Amends Tasks 4 Construction Documents

- The approved DD documents (Task 3) further developed 15 priority projects addressed in the Schematic Design Documents (Task 2). The design, priorities, BDS permitting requirements and budget were further defined in Task 3. The project scope to be addressed in this initial phase of construction includes Tasks 4,5 and 6 includes:
 - Hillside connection- path and stairs
 - Canopy walk and forest enhancements
 - Pollinator meadow and walks
 - Perimeter fencing
 - Site screening and landscape buffers
 - Fireside terrace and arbor
 - Event lawn
 - Irrigation mainline
 - Enhance woodland paths and stairs
 - Extend 122nd utilities to site (electrical, sanitary, water)
 - New Parking Lots (Administration Bldg. and Upper garden)
 - 122nd Street pedestrian route and stair
 - Clayborn St. and utility coordination (design and permits by others)

**Overall project budget is \$9.8M. Cost management services are included in this amendment to align estimates with secured budgets. These costs are further documented in the final Design Development estimate dated 11/01/2017.*

- Incorporate requirements identified in the Land Use permitting process into further Design Development and construction documentation of prioritized and funded improvements
- Prepare 100% construction documents and technical specifications using City of Portland Standards
- Provide cost estimating and cost management services to insure the project construction contract can be awarded within the established budget.
- Task 4 Construction Documents
LM and its subconsultants will prepare a complete set of construction documents to include plans and specifications suitable for bidding, acquiring site development and building permits and securing a construction contractor selected through standard City of Portland Procurement Process. Plan/ estimates and specification submittals will be at 30%, 60%, 90% and 100%.
- Submittals will be coordinated and reviewed by with the Leach Working Group (LWG) and Portland Parks and Recreation (PPR) staff. The plans will respond to the established budget. The construction documentation work will commence (02/15/2018), with deliverables ready for bidding on 09/01/2018. The construction is anticipated to last 10 months and be completed in by January 2019.

4. Amends Task 5 Site Development Permit

- The City Land Use (CLU) review process completed in Task 3, identified requirements associated with BDS development permits. In Task 5 the consultant will assist City PM in applying for and obtaining necessary the site development and building permits for construction. Public Works Permits associated with the Claybourne ROW improvements will be completed by others in parallel and separate consulting contract. This amendment covers only coordination with Public Works consultant team.

5. Amends Task 6 to include

- The consultant team will provide construction contract administration, design and documentation support services. Project Construction Design, Documentation and Administration Services.



THE TEAM

PPR will manage the contract and the interface with additional consultants under separate contracts. LM coordinate schedules with these consultant through PP&R project manager. Consultants involved in Tasks 4, 5 and 6 as part of LM contract will include:

| | |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Morphology (LM) | Lead, project management, site and building permit applications Landscape architecture, site architecture, parking, trails, restoration and gardens |
| Olson Kundig Architects (OK) | Architect-Construction documents and for arbor |
| Mitali Associates | Cost estimating / cost management and quality control |
| Osphal Lund Consulting | Structural engineering of tree canopy walk, arbor, pathways, stairs and terraces |
| Janet Turner Engineering | Utility Design, site utilities, storm water engineering parking lot grading (122nd St. r/w improvements will be a separate contract) |
| Reyes | Electrical engineering, lighting design and franchise utilities |
| Lancaster | Transportation Planning |
| Anderson Krieger | Advising Local Landscape Architects responsible for quality reviews of CD plans and specifications. Support with construction contract administration. Reviews will address compliance with city documentation and design standards, coordination between disciplines and review of for adequacy of documentation for constructability and public bidding. Located in Portland, AK will be available to resolve site related issues on day to day basis. |
| Morgan Holen | Arborist-Assist with permit applications and prepare tree protection plans, details and specifications |



SCOPE OF WORK

TASK 0.0 PROJECT MANAGEMENT

Following City Council approval of Contract Amendment 2, the Consulting Team will proceed with Task 0 – management, coordinating the team and schedule for work and deliverables described in Task 4, 5 and 6. Manage the design, permitting, submittals and construction process as required to deliver project on time and within established budget.

SUBTASKS

- Develop scope of work, schedule and timelines with critical path items
- Title Block Sheet Set Up and Coordination
- Maintain up to date schedule/timeline and keep client informed of adjustments
- Monthly Reports and Invoicing – Assume 2 hours per month for 10
- PM Coordination Calls- Assume 2 hours per week for 10 months
- Notes from Coordination Meetings
- Consultant Coordination Calls – Assume 4 hours per month for 10 months



Deliverables

- Work plan and timeline
- Meeting notes
- Weekly Owner / PM Updates
- Quality control Documentation
- Monthly reports and invoices
- Maintain updated status of actions and assignments (Drop Box or similar)

Assumptions

- City will coordinate reviews and adhere to internal review schedule outlined in the agreements.
- City will be responsible for coordinating reviews.
- Travel to Portland is addressed in Scope of Work for each Task

TASK 4.0: CONSTRUCTION DOCUMENTS:

Following City Council approval of Contract Amendment 2, the Consulting Team will proceed with Task Four – Construction Documents (CD) to prepare 100% construction documents and specifications for construction of the project above described scope of work.

SUBTASKS

4.01 Prepare 30%, 60%, 90%, and 100% construction documents package

Adjustments to 95% DD documents will be addressed in 30% CD submittal. Response to comments will be addressed in subsequent packages and logged with PP&R Comment Log form. The scope includes 30%, 60%, 90% and 100% Construction Documents submittals to include plans, details, and technical specifications. Land Morphology will support City PM with developing non-technical specifications including Division 1's, Special provisions and General Conditions.

4.02 Develop 30%, 60%, 90% and 100% construction document level cost estimates and cost management strategies.

The construction cost estimates will be prepared to conform with CSI Divisions. The intent is to confirm probable costs and to determine that the proposed improvements are within the project budget. The consultant team will advise on cost control strategies, perhaps including scope reduction and/or bidding strategies such as including additive alternates.

4.03 Provide Final (100% Level) Construction Document Plans and Specifications suitable for bidding. Submit final consultant-provided materials for a completeness review, and when approved, provide the materials in electronic format to City.

4.04 After bidding is completed and permit review is approved, LM Team will prepare a conformed set of documents with inclusion of all permit and bid addendum changes. This set will be issued for construction.

DELIVERABLES

- Monthly consulting team progress and expenditure reports
- Prepare 30%, 60%, 90% and 100% CD Documents to include:
 - Existing Conditions Survey
 - Demolition Plans
 - Utility Plans and Details
 - Structural Plans and Details
 - Architectural Plans and Details
 - Landscape Architectural Plans and Details
 - Electrical Plans and Details
 - Tree Protection Plans and Details
 - Materials Plans and Details
 - Layout Plans



- Grading Plans and Details
- Planting Plans and Details
- Irrigation Plans and Details
- Lighting Plan and Details
- Franchise Utilities Diagram
- Technical specifications
- Division 1, contracts, Special provisions section
- Final Bid Tabs, aligned with specifications and drawings
- 30%, 60%, 90% and 100% CD Level Construction Cost Estimates
- Responses to 30%, 60%, 90% and 100% CD City review comments
- Conformed plans and documents for construction contract

ASSUMPTIONS:

PP&R pm will provide standard CSI spec format and template for design team to modify and adjust as needed, in consultation with PP&R PM.

**TASK 5.0: PERMITS**

Upon approval of contract amendment 2 and written authorization from the PPR Project Manager, the Consulting Team will proceed with Permit documents and applications. Consultant shall ensure a complete document package suitable for obtaining necessary permits. LM has assumed the following:

- The included Site Development permitting scope and budget assumes budget of \$48,896 assuming 15 hours a week for 5 months and 8 hours per week for 5 months at \$125.00/hour.
- Any required community outreach will be by City or Garden representatives
- Facilitation and coordination of reviews will be handled by City PM who will consolidate review comments into a single document, provide direction, and resolve conflicting requests

SUBTASKS

- 5.01** Assist City with Site Development Building Permit Application by providing the required drawings and exhibits. Forms to be filled out, permits filed and fees paid by City PM
- 5.02** Provide all information, resubmittals, corrections and additions necessary to obtain approvals needed to obtain required permits. The City's Project Manager will be the applicant and prime point of contact, for all communications, check sheets, responses, negotiations, and appeals. The City Project Manager will direct revisions.

DELIVERABLES

- Permit Set suitable for submittal submission to BDS for permitting, and any necessary appeals and revisions as necessary.
- Completed permit application forms and appeal application forms, if necessary. (City to pay for all permit and appeal applications and review and recording fees directly.)

ASSUMPTIONS:

PP&R pm will provide standard CSI spec format and template for design team to modify and adjust as needed, in consultation with PP&R PM.



TASK 6.0: CONSTRUCTION ADMINISTRATION AND PROJECT CLOSE-OUT

Upon written authorization from the PPR Project Manager, the Consulting Team will proceed with Task 6.0 – Construction Administration, Design and Documentation.

SUBTASKS

- 6.01** Bidding and Contract Award support to PPR Project Manager
Attend pre-bid conference, provide guidance on bidders' questions, review bids and prepare conformed documents for inclusion in construction contract
- 6.02** Provide Construction Administration Services. Attend Pre-Construction Meeting(s) and project meetings as requested by PPR. Services may include site visits during construction, site observation reports, as required. Review of shop drawings, tracking and review of required submittals (including completeness review), review of samples and mockups, Requests for Information (RFIs) responses, issuance of Architect's Supplemental Instructions (ASIs) and communication with the contractor through PP&R Construction Manager or Project Manager and inspectors, providing clarification to construction documents as necessary. Track all drawing and specification changes throughout the construction process in the electronic files for ease of compiling Record Drawings for Close-Out.
- 6.03** Maintain Project Records Develop a complete list of required submittals, including close out submittals, per PPR format spreadsheet. Log and track all submittals including RFI's, products submittal and approvals, change orders, and pay requests.

- 6.04** Substantial Completion Walk-Through and Punchlist. Perform substantial completion site visit(s) with City staff to observe level of completion of construction and assist in developing an initial punch list.
- 6.05** Project Close-out Document Review / As-Built Markup Review. Review contractor provided red-lined as-builts, closeout manual, warranties and other materials. Produce a document providing comments on accuracy and completeness.

CA DELIVERABLES

- Project Records including Logs of technical submittals, RFI's, ASI's, construction meeting notes, inspection reports, modification proposals and change orders
- As requested by City Staff, reviews of Contractor's periodic pay requests
- Substantial completion notes and punch list and contractor response
- Contractor's close out submittals to include as-built mark ups, operation manuals
- Substantial completion and completion records
- Record Drawings prepared by consultants from Contractor-Provided As-Built Notes (Hard copy and/or electronic files)



ASSUMPTIONS

Project Duration

| Phase | Weeks | Notes |
|-----------------------------------|-------|---------------------|
| CD | | Complete 09/1/2018 |
| Bidding | | Complete 11/01/2018 |
| Conformed Documents | | Complete 01/1/2018 |
| Permitting | | Complete 01/1/2018 |
| Contract Award Construction Start | | 02/01/2018 |
| Construction Complete | | 11/1/ 2019 |
| Close Out | | 01/10/2019 |

Travel Assumptions

Fee and scope assumes travel is included in the fee proposal with costs shown on Fee Schedule, Exhibit B.

Construction Contract

Fee and scope assumes one (1) construction contract with bidding documents potentially addressing not more than 3 additive alternates. We understand the City, through Leach Garden, may do some direct procurement of plant materials to be installed by the contractor.

Expenses

Reimbursable expenses are included in this fee proposal with cost shown on Fee Schedule, Exhibit B.

Services

Support City PM through permitting bidding and construction contract award.

Owner Responsibilities

- Permit applications and fees
- Consolidation of review comments for each formal submittal including reconciling conflicts
- Compiling project manuals for bidding and construction including completing Divisions 1 and 2
- Bidding services including advertise for bid, reproduction and distribution of plans coordinating request for information
- Bid opening, review of qualifications and recommendation for award
- Construction contract negotiation
- Coordination of Council approval and award.
- Coordinating City staff and leadership reviews and approvals
- Review of contractor administrative submittals
- Any required community outreach and coordinating review with Leach Botanical Garden

**Contractor Responsibilities**

- Confirmation of survey and establish benchmarks
- Procure and install improvements consistent with Contract Documents
- Staking and surveying
- Record documents

EXHIBIT B1: FEE SUMMARY - REVISION 2

| Firm | M/W/ESB Status | Discipline | Task 1&2 Fee | % of Fee | Task 3 Fee | % of Fee | Task 4, 5, & 6 | % of Fee | Total Tasks 1-6 | % of Fee |
|---------------------------------------------------------------------------------------------------|----------------|--------------------------|---------------|----------|---------------|----------|----------------|----------|-----------------|----------|
| Land Morphology | N/A | Landscape Architecture | \$ 120,245.00 | 43.73% | \$ 151,520.00 | 56.96% | \$ 321,521.00 | 47.69% | \$ 593,286.00 | 48.83% |
| Anderson Krieger | W/D/ESB #207 | Landscape Architecture | | 0.00% | | 0.00% | \$ 38,625.00 | 5.73% | \$ 38,625.00 | 3.18% |
| Capital Engineering | M/W/ESB #9193 | Civil Engineering | \$ 6,142.90 | 2.23% | \$ 14,500.00 | 5.45% | | | \$ 20,642.90 | 1.70% |
| GreenWorks | NONE | | \$ 8,876.75 | 3.23% | \$ - | 0.00% | \$ - | | \$ 8,876.75 | 0.73% |
| Hodaie | M/W/ESB #6751 | Mechanical Engineering | \$ 5,000.00 | 1.82% | \$ - | | \$ - | | \$ 5,000.00 | 0.41% |
| Janet Turner | W/D/ESB #10714 | Civil Engineering | | 0.00% | \$ - | 0.00% | \$ 48,470.00 | 7.19% | \$ 48,470.00 | 3.99% |
| Lancaster | ESB #8371 | Traffic Engineering | \$ 6,440.50 | 2.34% | \$ 7,000.00 | 2.63% | | | \$ 13,440.50 | 1.11% |
| Lund Opsahl LLC | WBE #10074 | Structural Engineering | \$ - | 0.00% | \$ 12,000.00 | 4.51% | \$ 38,000.00 | 5.64% | \$ 50,000.00 | 4.11% |
| Mitali and Associates, LLC | M/W/ESB #8642 | Cost Estimating | \$ 7,699.90 | 2.80% | \$ 24,000.00 | 9.02% | \$ 46,280.00 | 6.87% | \$ 77,979.90 | 6.42% |
| Morgan Holen | W/M/ESB #8482 | Arborist | | 0.00% | | 0.00% | \$ 14,000.00 | 2.08% | \$ 14,000.00 | 1.15% |
| Northwest Geotechnical Consultants, Inc. DBA Northwest Geotech, Inc., dba Northwest Testing, Inc. | D/E/MBE #1035 | Geotechnical Engineering | \$ - | 0.00% | \$ 13,400.00 | 5.04% | | | \$ 13,400.00 | 1.10% |
| Olson Kundig Architects, PC | NONE | Architecture | \$ 54,565.95 | 19.85% | \$ 25,060.00 | 9.42% | \$ 46,360.00 | 6.88% | \$ 125,985.95 | 10.37% |
| Reyes | M/W/ESB #2285 | Electrical Engineering | \$ 7,019.96 | 2.55% | \$ - | | \$ 46,250.00 | 6.86% | \$ 53,269.96 | 4.38% |
| Suenne Ho | W/M/ESB #1923 | Urban Design | \$ 21,045.28 | 7.65% | \$ - | | \$ - | | \$ 21,045.28 | 1.73% |
| Winterbrook | ESB #4523 | Land Use Planning | \$ 10,988.50 | 4.00% | \$ - | | \$ - | | \$ 10,988.50 | 0.90% |
| Contract Total | | | \$ 248,024.74 | 90.21% | \$ 247,480.00 | 93% | \$ 599,506.00 | 89% | \$ 1,095,010.74 | 90.12% |
| Sub Contract Total | | | \$ 127,779.74 | 46.47% | \$ 95,960.00 | 36.08% | \$ 277,985.00 | 41.24% | \$ 501,724.74 | 41.29% |
| MWBSBE Total | | | \$ 64,337.04 | 23.40% | \$ 70,900.00 | 26.65% | \$ 231,625.00 | 34.36% | \$ 366,862.04 | 30.19% |
| Contingency | | | | | \$ 4,084.00 | 1.54% | \$ 33,833.00 | 5.02% | \$ 37,917.00 | 3.12% |
| Mark Up | | | \$ 12,777.97 | 4.65% | \$ 9,596.00 | 3.61% | \$ 27,798.50 | 4.12% | \$ 50,172.47 | 4.13% |
| Expenses | | | \$ 14,151.30 | 5.15% | \$ 4,840.00 | 1.82% | \$ 13,000.00 | 1.93% | \$ 31,991.30 | 2.63% |
| Total | | | \$ 274,954.01 | 100.00% | \$ 266,000.00 | 100.00% | \$ 674,137.50 | 100.00% | \$ 1,215,091.51 | 100.00% |

Note: Contract Agreement commits to 20.5 percent MWESB for Tasks 1-6

Actual % for Task 1-3 exceeds the commitment

Task 4-6 participation goals will be determined when funding is secured for first phases of construction to be addressed in this contract

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