

## ORDINANCE No. 188877

Amend contract with BergerABAM, Inc. for the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 in the amount of \$316,298 (Ordinance; amend Contract No. 30003652)

The City of Portland ordains:

Section 1. The Council finds:

1. On March 8, 2006, the City Council adopted the 2005 Portland Watershed Management Plan, which describes actions necessary for improvement of watershed health in Portland. An important strategy within the Plan is aquatic enhancement for both improved hydrologic function and in-water habitat enhancement for salmonids. On May 2, 2012, Council adopted Resolution No. 36920, reaffirming the City's commitment to watershed health.
2. The Fanno/Tryon Water Quality and TMDL Predesign completed in 2008 by the Bureau of Environmental Services (BES), identifies priority aquatic enhancements needed to protect and restore Tryon Creek. The culvert under SW Boones Ferry Road was identified for replacement as it obstructs fish passage and is undersized for the conveyance of storm flows.
3. On September 11, 2013, through Ordinance No. 186245, BES entered into Contract No. 30003652 with BergerABAM, Inc. for design services for Tryon Creek at Boones Ferry Road Culvert Replacement for a contract amount of \$607,505.
4. The design phase of the project includes an advisory committee composed of agency staff, community organizations and adjacent property owners. In 2014, the advisory committee recommended that BES replace the culvert with a bridge based on the alternative analysis and community values and worked with BES to secure additional funding for the bridge from Metro's Nature in the Neighborhood Capital Grant Program.
5. Per PCC 5.68, the City's Chief Procurement Officer authorized Amendments 1 through 4 of the contract. The amendments provided for an extension of the contract to accommodate the Project schedule, and provide for a financial increase to the contract in the amount of \$151,802.39.
6. In accordance with PCC 5.68, BES is requesting an increase to the contract through Amendment No. 5 in the amount not to exceed \$316,298.05. The amendment will provide additional funding to support the increased project management and coordination, assistance during bidding, construction services, and hydraulic design work to be completed by BergerABAM, Inc. The revised contract amount will be \$1,075,605.44.
7. The original Ordinance authorizing the contract with BergerABAM, Inc., identified that approximately 14% of the total contract dollars were assigned to Minority, Women and Emerging Small Business (MWESB) participation. Amendment No. 5 will provide for \$219,135 or approximately 20.37% of the total contract dollars to certified MWESB subconsultants.
8. The total cost of the amendment to the contract is \$316,298.05. The level of confidence is high. Funds are available in the Sewer System Operating Fund, FY 2017-18, CIP Budget, Bureau of Environmental Services, WBS Element E08682.

NOW, THEREFORE, the Council directs:

- a. The Chief Procurement Officer is authorized to execute on behalf of the City an amendment to Contract No. 30003652 with BergerABAM, Inc. as outlined in a form substantially in accordance with the contract amendment attached as Exhibit A at the not-to-exceed cost of \$316,298.05.
- b. The Mayor and City Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authorities.

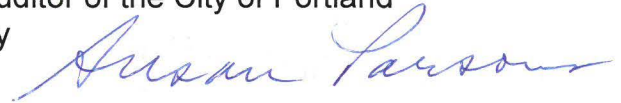
Passed by the Council,  
Commissioner Nick Fish

MAR 28 2018

Scott T. Gibson, PE  
February 13, 2018,

WBS – E08682

**Mary Hull Caballero**  
Auditor of the City of Portland  
By



Deputy

Agenda No.  
**ORDINANCE NO.**

**188877**

Title

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<p align="center"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Nick Fish</b></p> <hr/> <p align="center"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>SW for Nick Fish</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <hr/> <p align="center"><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan <i>WJR Michael Jordan</i></p> <p>Prepared by: Scott T. Gibson, PE Date Prepared: February 13, 2018</p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> <i>TPB</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <b>March 21, 2018</b></p>	<p>CLERK USE: DATE FILED <u>MAR 13 2018</u></p> <hr/> <p align="center">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p align="center">MAR 21 2018 <b>PASSED TO SECOND READING</b> MAR 28 2018 9:30 A.M.</p>
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<p align="center"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p> <hr/> <p><b>CONSENT</b> <input type="checkbox"/></p> <hr/> <p><b>REGULAR</b> <input checked="" type="checkbox"/> <b>Total amount of time needed: 10 mins</b> (for presentation, testimony and discussion)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width:30%;">YEAS</th> <th style="width:30%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <input type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <input checked="" type="checkbox"/>		2. Fish	2. Fish <input checked="" type="checkbox"/>		3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>		4. Eudaly	4. Eudaly <input type="checkbox"/>		Wheeler	Wheeler <input checked="" type="checkbox"/>	
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