

## IMPACT STATEMENT

**Legislation title:** Amend contract with Just Bucket Excavation, Inc. for the SE 50th Ave – SE Division St. to SE Hawthorne Blvd Road Rehabilitation Project in an amount not to exceed \$190,038.32 (Ordinance).

**Contact name:** Norberto Adre, P.E.

**Contact phone:** 503-823-4818

**Presenter name:** Norberto Adre

### **Purpose of proposed legislation and background information:**

- On May 17th, 2016, Portland voters passed Measure 26-173, Portland's first local funding source dedicated to fixing our streets. Measure 26-173 will raise an estimated \$64 million over four years.
- Just Bucket Excavating, Inc was awarded contract for the SE 50<sup>th</sup> Avenue- SE Division St to SE Hawthorne Blvd Road Rehabilitation Project for \$1,150,656 funded by Measure 26-173. The paving objective was to grind and pave and no removal of the trolley rails, same treatment done since the trolley stop operation.
- On June 22, 2018, the contract was amended to remove approximately 1,800 feet of trolley rails on SE 50<sup>th</sup> Avenue from Division to Lincoln where the asphalt cover over the rails was 2" or less. The removal of the rails was necessary to meet ADA requirement for Pedestrian Crossing and to extend the life of the new pavement layer to 20 years. The change order increased the contract amount to \$1,434,028.64.
- This supplementary amendment will address the following: Meet ADA requirement mandatory for Pedestrian Crossing on SE 50<sup>th</sup> Avenue north of SE Lincoln St. to SE Hawthorne Blvd. where the trolley rails remains, and asphalt thickness is 3" or more; Expedite completion of the project to reduce construction impacts to the commuting public and to the residents of the nearby local streets. This will increase the contract amount to \$1,624,066.96, more than 25% increase from the original contract amount.

### **Financial and budgetary impacts:**

- The change orders will reconstruct the 1,800 feet of street with trolley rails that will make pedestrian crossing compliant to ADA requirement, repair storm and sewer damaged pipes and fill voids due the leaks, improve storm water collection, and extend the life of the new street to 20 years.
- The project is funded with Fixing Our Street (FOS) Funds and budgeted in FY 17-18, FOS contingency will be used for the change orders.
- No additional new position will be created. PBOT will fund 100% of the change orders.

### **Community impacts and community involvement:**

- Accelerating project completion will reduce unwelcome impacts to the commuting public, and to the residents of the nearby local streets.
- Addition Pedestrian Crossing improvements will be in line with PBOT Vision Zero Goal.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |

KK 10-31-18



|  |   |                              |
|--|---|------------------------------|
| <b>Change Order # 2</b>  | <b>Title:</b> Road Reconstruction to Comply with ADA Requirement and Acceleration of Project Completion |                              |
| <b>Project:</b> 50th Ave: Division-Hawthorne, SE   |   | <b>Project No.</b> T00590    |
| <b>Contractor:</b><br>JUST BUCKET EXCAVATING INC<br>1125 DUFFIELD HEIGHTS AVE SE<br>SALEM, OR 97304  |   | <b>Contract No.</b> 30006244 |
| THIS CONTRACT IS HEREBY MODIFIED AS FOLLOWS:<br>(DESCRIPTION AND LOCATION OF WORK OR ITEMS COVERED BY THIS ORDER)  |   |                              |
| <ol style="list-style-type: none"> <li>1. Perform grading, adjustment of ADA Ramps, drainage improvement and driveway adjustment according to attached SE 50th - Road Reconstruction Plan Sheets - plan sheet 2A-1, and revised plan sheets 2E-1, 2E-2, 2E-3, 2E-4, 2F-14, 2F-15, 2F-16, 2F-17, 3, 3A,, 3B, 4, 4A, 4B, 5, 5A, 5B, 6, 6A, 6B, D-1, D-2, D-4. Delete sheet D-3.</li> <li>2. Install Additional signs per attached SE 50th - Road Reconstruction Plan Sheets - Sheets S-1 to S-14.</li> <li>3. Accelerate paving work to complete before September 30th.</li> </ol>   |   |                              |
| SPECIFICATIONS AND PROVISIONS - THE WORK TO BE DONE UNDER THIS ORDER IS TO BE PERFORMED, MEASURED, AND PAID FOR IN ACCORDANCE WITH THE TERMS FOR THE ABOVE CONTRACT EXCEPT AS MODIFIED AS FOLLOWS -  |   |                              |
| <ol style="list-style-type: none"> <li>1. Work includes repair of damage to curbs and sidewalk.<br/>Existing Bid Items will be used for measurement and payment.<br/>Payment for Mobilization and TPDT will be 10% and 3% of Total Change Order Cost, respectively .</li> <li>2. Comply with Section 00905 - Removal and Re-installation of Existing Signs<br/>Comply with Section 00940 - Signs.</li> <li>3. Comply with Section 00196 - Payment for extra Work<br/>Payment will use Signed Force Account Forms.</li> <li>4. Asphalt Price Escalation due to delay paving work using.<br/><br/>00195.10 Asphalt Cement Material Price Escalation/De-escalation - An asphalt cement escalation/de-escalation clause will be in effect during the life of the Contract.<br/>The Owner reserves all of its rights under the Contract, including, but not limited to, its rights for suspension of the Work under 00180.85 and its rights for termination of the Contract under 00180.90, and this escalation/de-escalation provision shall not limit those rights.<br/><br/>(a) Monthly Asphalt Cement Material Price (MACMP) - The Monthly Asphalt Cement Material Price (MACMP) will be established by the Owner each month. For information regarding the calculation of the MACMP, and for the actual MACMP, go to the ODOT website at:<br/><a href="http://www.oregon.gov/ODOT/Business/Pages/Asphalt-Fuel-Price.aspx">http://www.oregon.gov/ODOT/Business/Pages/Asphalt-Fuel-Price.aspx</a><br/>If the Owner selected index ceases to be available for any reason, the Owner in its discretion will select and begin using a substitute price source or index to establish the MACMP each month. The MACMP will apply to all asphalt cement including but not limited to paving grade, polymer modified, and emulsified asphalts, and recycling agents.</li> </ol> |   |                              |

# Exhibit A

The Owner does not guarantee that asphalt cement will be available at the MACMP.

(b) *Base Asphalt Cement Material Price (Base)* - The Base asphalt cement material price for this Project is the MACMP published on the ODOT website for the month May 2018.

(c) *Monthly Asphalt Cement Adjustment Factor* - The Monthly Asphalt Cement Adjustment Factor will be determined each month as follows:

If the MACMP is within  $\pm 5\%$  of the Base, there will be no adjustment.

If the MACMP is more than 105% of the Base, then:

Adjustment Factor = (MACMP) - (1.05 x Base)

If the MACMP is less than 95% of the Base, then:

Adjustment Factor = (MACMP) - (0.95 x Base)

(d) *Asphalt Cement Price Adjustment* - A price adjustment will be made for the items containing asphalt cement listed below. The price adjustment as calculated in (c) above will use the MACMP for the month the asphalt is incorporated into the Project. The price adjustment will be determined by multiplying the asphalt incorporated during the month for subject Pay Items by the Adjustment Factor.

The Pay Item for which price adjustments will be made is:

Level, 3, 1/2" Dense MWMAC Mixture

## BID ITEM CHANGES

| NO.              | DESCRIPTION   | UNIT | UNIT PRICE  | EST. QTY | TOTAL COST  |
|------------------|---|------|-------------|----------|-------------|
| 04               | TEMPORARY BARRICADES, TYPE II                                 | EACH | \$56.00     | 43       | \$2,408.00  |
| 05               | TEMPORARY BARRICADES, TYPE III                                | EACH | \$221.66    | 21       | \$4,654.86  |
| 20               | GENERAL EXCAVATION  | CUYD | \$100.99    | 110      | \$11,108.90 |
| 21               | 12 INCH SUBGRADE STABILIZATION                                | SQYD | \$65.55     | 150      | \$9,832.50  |
| 23               | 12 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D, COMPLETE | FOOT | \$89.33     | 28       | \$2,501.24  |
| 24               | CONCRETE INLETS, TYPE CG-2                                    | EACH | \$2,375.96  | 3        | \$7,127.88  |
| 26               | ADJUSTING BOXES   | EACH | \$262.26    | 2        | \$524.52    |
| 38               | CONCRETE CURBS, STANDARD CURB                                 | FOOT | \$28.58     | 150      | \$4,287.00  |
| 39               | CONCRETE DRIVEWAYS  | SQFT | \$29.26     | 725      | \$21,213.50 |
| 41               | MONOLITHIC CURB AND SIDEWALKS                                 | SQFT | \$14.70     | 615      | \$9,040.50  |
| CO<br>002.0<br>1 | Additional Sign Removal and Install                           |      | \$1,754.50  | 1        | \$1,754.50  |
| CO<br>002.0<br>2 | OVERTIME COSTS - JBE  | LS   | \$43,930.08 | 1        | \$43,930.08 |
| CO<br>002.0<br>3 | WEEKEND PLANT FEES  |      | \$4,200.00  | 1        | \$4,200.00  |
| CO<br>002.0<br>4 | KODIAK PREMIUM COSTS  | TN   | \$9.63      | 1,452    | \$13,983.43 |
| CO<br>002.0<br>5 | 2-INCH GRIND PREMIUM  |      | \$.16       | 6,000    | \$960.00    |
| CO<br>002.0<br>6 | ASPHALT ESCALATION - AUGUST                                   | LS   | \$4,850.40  | 1        | \$4,850.40  |
| CO<br>002.0<br>7 | ASPHALT ESCALATION - SEPTEMBER                                | LS   | \$12,481.40 | 1        | \$12,481.40 |

# Exhibit A

|  |   |       |             |        |                  |
|--|---|-------|-------------|--------|------------------|
| C002   | POTHOLE EXCAVATION                                  | EA    | \$360.31    | 26     | \$9,368.06       |
| C003   | GEOTEXTILE  | SY    | \$2.30      | 6,640  | \$15,272.00      |
| C004   | CONNECTING TO EXISTING STRUCTURES                   | EA    | \$2,667.05  | 1      | \$2,667.05       |
| C005   | AGGREGATE BASE 3/4" MINUS                           | TN    | \$35.48     | 2,600  | \$92,248.00      |
| C006   | LEVEL 3, 1/2 INCH DENSE, MWMAC MIXTURE              | TN    | \$104.21    | 2,700  | \$281,367.00     |
| C007   | COLD PLANE PAVEMENT REMOVAL, 4 INCH DEEP            | SQYD  | \$5.83      | -2,040 | -\$11,893.20     |
| C008   | COLD PLANE PAVEMENT REMOVAL, 5 INCH DEEP            | SQYD  | \$5.83      | -1,030 | -\$6,004.90      |
| C009   | COLD PLANE PAVEMENT REMOVAL, 3 INCH DEEP            | SQYD  | \$4.96      | -4,377 | -\$21,709.92     |
| C010   | LEVEL 3, 1/2 INCH DENSE, FIBER REINFORCED MWMAC MIX | TON   | \$110.83    | -2,083 | -\$230,858.89    |
| C011   | 14 INCH ASPHALT CONCRETE PAVEMENT REPAIR            | SQYD  | \$112.10    | -1,200 | -\$134,520.00    |
| C012   | FLAGGERS  | HOURL | \$58.33     | 500    | \$29,165.00      |
| C013   | BOND INCREASE OF 1.15%                              | LS    | \$10,689.54 | 1      | \$10,689.54      |
| Current Contract Amount  |   |       |             |        | \$1,150,656.10   |
| Total cost of this Change Order                                |   |       |             |        | \$283,372.54     |
| Revised Contract Amount  |   |       |             |        | \$1,434,028.64   |
| Total effect on contract time resulting from this Change Order |   |       |             |        | 49 Calendar Days |

|  |    |
|--|----|
| Consent of Surety is required  | No |
| <input checked="" type="checkbox"/> Contractor, if "Yes" is checked above has Consent of Surety been obtained? |    |
| This change effects the expiration or extent of insurance  | No |
| <input checked="" type="checkbox"/> Contractor, if "Yes" is checked above will policies be extended?           |    |

This Change Order is subject to and incorporates the provisions of Section 196.10B of the Standard Specifications. By signing, dating and returning the original of this form to the Owner, Contractor agrees that the information presented herein is complete, accurate, and resolves all issues of contract time and compensation associated with the work identified herein.

Approved By:

|   |   |
|---|---|
| <b>JUST BUCKET EXCAVATING INC</b><br><br>SIGNATURE:<br><br>Willie Davis Jr. | <b>Portland Bureau of Transportation</b><br><br>SIGNATURE:<br><br>Lewis Wardrip |
| 06/22/2018  | 06/22/2018  |



|   |   |             |                   |                              |                   |
|---|---|-------------|-------------------|------------------------------|-------------------|
| <b>Change Order # 1</b>   | <b>Title:</b> Additional Bid Items to Remove Rails and Reconstruct the Pavement |             |                   |                              |                   |
| <b>Project:</b> 50th Ave: Division-Hawthorne, SE  |   |             |                   | <b>Project No.</b> T00590    |                   |
| <b>Contractor:</b><br>JUST BUCKET EXCAVATING INC<br>1125 DUFFIELD HEIGHTS AVE SE<br>SALEM, OR 97304   |   |             |                   | <b>Contract No.</b> 30006244 |                   |
|   |   |             |                   | <b>Bid No.</b>               |                   |
|   |   |             |                   | <b>Ordinance No.</b>         |                   |
| THIS CONTRACT IS HEREBY MODIFIED AS FOLLOWS:<br>(DESCRIPTION AND LOCATION OF WORK OR ITEMS COVERED BY THIS ORDER)   |   |             |                   |                              |                   |
| <ol style="list-style-type: none"> <li>1. Add Bid Item 18a for removing trolley tracks</li> <li>2. Add Bid Item 20a Pothole excavation</li> <li>3. Add Bid item 22a Geotextile</li> <li>4. Add Bid Item 23a Connecting to existing structure.</li> <li>5. Add Bid Item 32a Base aggregate 3/4 minus</li> <li>6 Add Bid Item 33a Level 3 1/2 dense MWMAC mix</li> <li>7. Removed bid item 30 and 31 since we will not be grinding more 3"</li> <li>8. Reduced the quantity of bid item 29 - 3" cold plane pavement removal to 6098 square yards.</li> <li>9. Removed 33 since we will not use fiber reinforced concrete asphalt</li> <li>10. Reduce the quantity of bid item 34 by 1000 square yards</li> </ol>  |   |             |                   |                              |                   |
| SPECIFICATIONS AND PROVISIONS - THE WORK TO BE DONE UNDER THIS ORDER IS TO BE PERFORMED, MEASURED, AND PAID FOR IN ACCORDANCE WITH THE TERMS FOR THE ABOVE CONTRACT EXCEPT AS MODIFIED AS FOLLOWS -   |   |             |                   |                              |                   |
| <p><i>Bid item 18a - Comply with Section 00291- Contaminated Media</i><br/> <i>Comply with Section 00310 - Removal of Structures and Obstruction modified as follows:</i><br/> <i>Section 00310.92 - Replace item (h) with</i><br/> <i>item (h) includes removal of railroad tracks and ties, disposal of ties, additional saw cutting, addition permit for parking removal.</i></p> <p><i>Bid Item 20a - Comply with Section 00330 - Earth Work.</i><br/> <i>Pothole deep enough to determine the depth the of the rails and patch the holes.</i></p> <p><i>Bid Item 22a - Comply with Section 00331 - Subgrade Stabilization.</i></p> <p><i>Bid Item 23a - Comply with Section 00490 - Work on Existing Sewers and Structures.</i></p> <p><i>Bid Item 32a - Comp;y with section 00640 - Aggregate Base and Shoulders</i></p> <p><i>Bid Item 33a - Comply with Section 00744 - Minor Hot Mixed Asphalt Concrete (MHMAC) Pavement .</i></p> |   |             |                   |                              |                   |
| <b>NO.</b>  | <b>DESCRIPTION</b>  | <b>UNIT</b> | <b>UNIT PRICE</b> | <b>EST. QTY</b>              | <b>TOTAL COST</b> |
| C001  | REMOVAL OF TROLLEY RAILS  | LF          | \$137.55          | 1,800                        | \$247,582.80      |

# Exhibit A

|   |                              |    |             |   |                  |
|---|------------------------------|----|-------------|---|------------------|
| CO<br>002.0<br>8  | CO MOBILIZATION              | LS | \$15,067.74 | 1 | \$16,817.55      |
| CO<br>002.0<br>9  | CO TP&DT                     | LS | \$4,520.32  | 1 | \$5,045.27       |
| CO<br>002.1<br>0  | ADA Ramp Landing Adjustments | LS | \$9,769.81  | 1 | \$13,316.79      |
| Current Contract Amount   |                              |    |             |   | \$1,434,028.64   |
| Total cost of this Change Order   |                              |    |             |   | \$190,038.32     |
| Revised Contract Amount   |                              |    |             |   | \$1,624,066.96   |
| Total effect on contract time resulting from this Change Order  |                              |    |             |   | 52 Calendar Days |
| Consent of Surety is required   |                              |    |             |   | No               |
| ☛ <b>Contractor</b> , if "Yes" is checked above has Consent of Surety been obtained?  |                              |    |             |   |                  |
| This change effects the expiration or extent of insurance   |                              |    |             |   | No               |
| ☛ <b>Contractor</b> , if "Yes" is checked above will policies be extended?  |                              |    |             |   |                  |
| <p>This Change Order is subject to and incorporates the provisions of Section 196.10B of the Standard Specifications. By signing, dating and returning the original of this form to the Owner, Contractor agrees that the information presented herein is complete, accurate, and resolves all issues of contract time and compensation associated with the work identified herein.</p> |                              |    |             |   |                  |

## ORDINANCE No.

\*Amend contract with Just Bucket Excavating, Inc. in the amount of \$190,038 for the SE 50<sup>th</sup> Ave - SE Division St to SE Hawthorne Blvd project to comply with ADA requirement, and to accelerate project completion (Ordinance; amend Contract No. 30006244)

The City of Portland ordains:

Section 1. The Council finds:

1. On November 1, 2017 council passed Ordinance no.188663 that authorized a contract with the lowest responsible bidder for the SE Division St to SE Hawthorne Blvd project.
2. On February 14, 2018, council accepted bid of Just Bucket Excavating, Inc for the SE 50<sup>th</sup> Avenue- SE Division St to SE Hawthorne Blvd project for \$1,150,656.
3. On June 22, 2018, the contract was amended to remove approximately 1,800 feet of Trolley Rails on SE 50<sup>th</sup> Avenue from Division to Lincoln. The removal of the rails was necessary to meet ADA requirement for Pedestrian Crossing and to extend the life of the new pavement layer to 20years. This increased the contract amount to \$1,434,028.64
4. This supplementary amendment will address the following: Meet ADA requirement mandatory for Pedestrian Crossing on SE 50<sup>th</sup> Avenue north of SE Lincoln St. to SE Hawthorne Blvd. where the trolley rails remains, and asphalt thickness is 3" or more; Expedite completion of the project to reduce construction impacts to the commuting public and to the residents of the nearby local streets. This will increase the contract amount to \$1,624,066.96.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge is hereby authorized to amend the contract with Just Bucket Excavating, Inc. in a contract change order form attached as Exhibit A.

Section 2. The Council declares that an emergency exists because it will expedite project completion, and timely compensate contractor for the additional work; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

Commissioner Chloe Eudaly  
Prepared by: Norberto Adre:CB  
Date Prepared: October 24, 2018

**MARY HULL CABALLERO**  
Auditor of the City of Portland  
By

Deputy



Agenda No.  
**Ordinance NO.**  
 Title

\*Amend contract with Just Bucket Excavating, Inc. in the amount of \$190,038 for the SE 50<sup>th</sup> Ave - SE Division St to SE Hawthorne Blvd project to comply with ADA requirement, and to accelerate project completion (Ordinance; amend Contract No. 30006244)

|   |   |
|---|---|
| <p><b>INTRODUCED BY</b><br/>                 Commissioner/Auditor:<br/> <b>Chloe Eudaly</b></p>   | <p>CLERK USE: DATE FILED <u>NOV 27 2018</u></p>   |
| <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration – Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly <i>CBE</i></p>  | <p>Mary Hull Caballero<br/>                 Auditor of the City of Portland</p> <p>By: <u><i>Susan Larson</i></u><br/>                 Deputy</p> |
| <p><b>BUREAU APPROVAL</b></p> <p>Bureau: PBOT<br/>                 Group: Engineering Service Group<br/>                 Group Manager: Steve Townsen<br/>                 Director: Chris Warner <i>For 4/5</i></p> <p>Prepared by: Norberto Adre <i>FE</i><br/>                 Supervisor: Todd Liles <i>U</i><br/>                 Date Prepared: October 24, 2018</p> <p>Impact Statement<br/>                 Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document<br/>                 If "Yes" requires City Policy paragraph stated in document.<br/>                 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b><br/>                 required for Code Ordinances</p> <p><b>City Attorney Approval:</b><br/>                 required for contract, code, easement, franchise, charter, Comp Plan <i>KAM</i></p> |   |
| <p>Council Meeting Date <del>December 5,</del> <u>November 29,</u><br/>                 2018 <i>Dec 5th</i></p>   | <p><b>ACTION TAKEN:</b></p> <p><i>DEC 05 2018 Referred to the Commissioner of Public Safety</i></p>   |

**AGENDA**

**TIME CERTAIN**   
 Start time: \_\_\_\_\_  
 Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
 Total amount of time needed: **15min**  
 (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. Eudaly          | 4. Eudaly                       |      |
| Wheeler            | Wheeler                         |      |