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190876

Emergency Ordinance

***Authorize the Chief Procurement Officer to amend contract with Vega Civil Engineering, LLC in the amount of \$49,150 to complete design for the N Suttle Rd Local Improvement District (amend Contract No. 30007647; C-10058)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Council approved formation of the North Suttle Road Local Improvement District with the passage of Ordinance No. 188576 on August 30, 2017.
2. Design of the planned North Suttle Road was started by the Portland Bureau of Transportation. The design engineer assigned to the project obtained outside employment and separated service with the City of Portland on October 9, 2020. Due to engineering staffing levels and workloads, it was necessary to utilize a consultant to advance plans beyond the 60% level.
3. A contract with Vega Civil Engineering, LLC (hereafter "Vega Civil") was executed pursuant to City Code Chapter 5.68.035 on February 25, 2021. City Code Section 5.68.035 authorizes the Chief Procurement Officer to award and execute Contracts for the purchase or lease of Goods and Services, without specific authorization by ordinance of City Council whenever the Contract Amount is \$1,000,000 or less.
4. A Notice to Proceed was issued by PBOT to Vega Civil Engineering, LLC on March 24, 2021. The scope of work is to complete all remaining street, sidewalk and stormwater design work compatible with necessary rail crossing replacements so both the PBOT and PTRR work are properly coordinated to risk the risk of delays and claims during construction.
5. Rick Franklin Inc. as a subcontractor to Peninsula Terminal Railroad (PTRR) successfully completed track replacement work of four existing (4) rail crossings of North Suttle Road on schedule on April 12, 2021. This work was in accordance with Ordinance No. 190140 approved by Council on September 23, 2020.
6. PBOT has submitted redline comments on the plans prepared by Vega Civil as of the filing date of this Ordinance. The cost of finalizing the

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Contact

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Requested Agenda Type

Consent

design to stamped plans is currently estimated at \$49,150. It is in the public interest for Vega Civil to cost-effectively complete the design work for the North Suttle Road LID project.

7. PTRR requested that design of the North Suttle Road LID be coordinated with a fifth rail crossing on March 16, 2021. The project plans were revised by Vega Civil to accommodate this new rail crossing. PTRR subsequently informed PBOT that the fifth rail crossing was no longer being pursued on April 20, 2022, which requires a further revision to the plans.
8. Code Subsection 5.33.040 C.2 authorizes the Chief Procurement Officer to award and amend contracts when authorized by Council.
9. The current contract amount is \$187,243 amended from an original contract amount of \$149,913. Passage of this Ordinance will increase authorized compensation by \$49,150 to \$236,393.
10. Vega Civil is a disabled / women-owned / emerging small business vendor certified by State of Oregon's Certification Office for Business Inclusion and Diversity (COBID).

NOW, THEREFORE, the Council directs:

- A. Council hereby authorizes the Chief Procurement Officer to amend the contract with Vega Civil Engineering, LLC to complete design of the North Suttle Road Local Improvement District per the scope of work attached as Exhibit A and per the fee schedule attached as Exhibit B provided that the contract amendment has been approved as to form by the City Attorney.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver checks chargeable to PBOT when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because Vega Civil can only design one (1) PBOT project at a time, and both PBOT and Portland Parks & Recreation wish for Vega Civil Engineering, LLC to begin design of the SE 155th & Main Street & Millmain Drive LID to serve Parklane Park in East Portland; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (490.18 Kb)

 [Exhibit B](#) (334.59 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 15, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance allows the PBOT to cost effectively contract with Vega Civil Engineering, LLC (hereafter “Vega Civil”) to complete design of N Suttle Road LID.

The LID will construct street, sidewalk, stormwater and sanitary sewer improvements to N Suttle Rd. from North Portland Road to its western terminus in a second phase of construction. This will follow prior completion of replacement of four (4) existing rail crossings by Rick Franklin Inc. pursuant to Ordinance No. 190140 approved by Council on September 23, 2020.

Complaints have been received about the condition of N Suttle Road since June 18, 2003. Engineering of the street is extraordinarily complex with flat grades and a narrow, constrained right-of-way with railroad tracks on the south side of the street and buildings with no setback on the north side of the street.

Property owners were extensively involved in the discussions leading to formation of this LID, and their input is reflected in the project scope as approved by Council first forming the LID per Ordinance No. 188576 on August 30, 2017, and a major scope change to the LID with Council approval of Ordinance No. 189523 on May 29, 2019.

Financial and Budgetary Impacts

- The current contract amount is \$149,913.
- Passage of this Ordinance will increase authorized compensation by \$49,150 to \$236,393 due to the unforeseen addition and subsequent deletion of a fifth rail crossing.
- The proposed compensation increase is less than 1% of the project budget.
- This project is in the Adopted FY21-22 Budget as T00698. Total project budget is approximately \$7.9M.
- No additional funding is requested as a result of this ordinance.
- This contract amendment could be approved administratively but Council approval is sought for transparency.

Community Impacts and Community Involvement

- Vega Civil was added as an external consultant to the project to backfill a loss of internal staff, with this action appropriately not being an action subject to a public involvement process.
- There was extensive public involvement prior to formation of the LID. Preliminary plans already prepared by Vega Civil have previously been shared with the property owners. No outreach is planned for this Council item, but final plans will be shared with property owners once the final work by Vega Civil has been completed.

Budget Office Financial Impact Analysis

The current contract amount is \$149,913. Passage of this Ordinance will increase authorized compensation by \$49,150 to \$236,393 due to the unforeseen addition and subsequent deletion of a fifth rail crossing. The proposed compensation increase is less than 1% of the project budget. As the project is a Local Improvement District one, the costs are ultimately borne by property owners.

Agenda Items

525 Consent Agenda in [June 15-16, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea