ORDINANCE No. 183983

*Amend contract with Otak, Inc. for professional project management and engineering services for the design of the East Lents Floodplain Restoration Project - Phase 2, Project No. E07384. (Ordinance; amend Contract No. 38100)

The City of Portland ordains:

Section 1.   The Council finds:

1.   The Bureau of Environmental Services (BES) applied for a FEMA grant to mitigate nuisance flooding from Johnson Creek and restore wildlife habitat in the East Lents neighborhood area in proximity to SE Foster Rd and SE 108th Ave

2.   FEMA awarded BES Grant Award Package No. EMS-2005-PC-0004 (9) in November 2006. The cost sharing FEMA grant (FEMA 75%, BES 25%) awarded BES a maximum of $2,736,068 towards a proposed $3,648,091 floodplain reconnection project, which will mitigate nuisance flooding and restore wildlife habitat on BES owned property.

3.   BES completed the design for Phase 1 of the East Lents Floodplain Restoration Project, which is planned for construction in 2011.

4.   There is need and benefit to seamlessly design and construct Phase 2 of the East Lents Floodplain Restoration Project immediately after Phase 1.

5.   Phase 2 design is to start immediately, and Phase 2 construction is to be planned for 2012.

6.   The attached PTE contract amendment and accompanying exhibits contain the necessary scope-of-work, budget, deliverables and delivery schedule necessary to facilitate the design of Phase 2 of the East Lents Floodplain Restoration Project.

7.   The detailed scope of work for the Otak contract amendment was developed, and costs were estimated, at the subtask level.

8.   Funds are available in the Sewer System Operating Fund for contract expenditures during the life of the contract.

9.   This amendment extends the contract term through December 31, 2014 to allow for design services during the 2-year construction warranty period that will be in place upon completion of construction of Phase 2.

10.   The established cost for the Phase 2 design is $1,247,464. The estimated cost for FY 10/11 is $800,000, $400,000 for FY 11/12, $40,000 for FY 12/13 with the remaining balance of $7,464 in FY 13/14. The cost estimate level of confidence is "Optimal". Funds are available in the Sewer System Operating Fund, FY 2011 Budget, Bureau of Environmental Services, Project No. E07384.
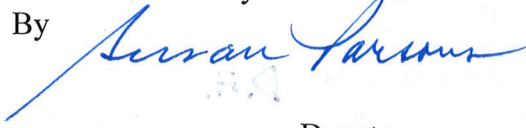
NOW, THEREFORE, the council directs:

    a.   The Commissioner of Public Affairs is authorized to execute a contract amendment with Otak, substantially in conformance with the contract amendment and exhibits attached hereto, for the purpose described in Section 1, in the amount of $1,247,464.

    b.   The Mayor and 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 authority.

Section 2.   The Council declares that an emergency exists because funds in the Otak contract for the design of Phase 1 of the East Lents Floodplain Restoration Project are nearly exhausted, and funding is needed immediately in order to seamlessly move the design into Phase 2. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

JUL 14 2010

Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

Scott Gibson
June 16, 2010
E07384 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland
By

Deputy

1019

✓ 140

Agenda No.
ORDINANCE NO. 1 8 3 9 83
Title

✓	*Amend contract with Otak, Inc. for professional project management and engineering services for the design of the East Lents Floodplain Restoration Project - Phase 2, Project No. E07384. (Ordinance; Amend Contract No. 38100)

INTRODUCED BY Commissioner/Auditor: **Dan Saltzman**	CLERK USE: DATE FILED _____ JUL 09 2010 _____
COMMISSIONER APPROVAL	
Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: _____
Position 3/Affairs - Saltzman	Deputy
Position 4/Safety - Leonard	**ACTION TAKEN:**
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Dean Marriott	
Prepared by: Scott Gibson Date Prepared: June 16, 2010	
Financial Impact Statement Completed ☒ Amends Budget ☐ Not Required ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
Council Meeting Date July 7, 2010	
✓ **City Attorney Approval** D.H.	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
TIME CERTAIN ☐ Start time: _____ **Total amount of time needed:** _____ (for presentation, testimony and discussion)		1. Fritz	1. Fritz	✓	
		2. Fish	2. Fish	✓	
CONSENT ☒		3. Saltzman	3. Saltzman	✓	
REGULAR ☐ **Total amount of time needed:** _____ (for presentation, testimony and discussion)		4. Leonard	4. Leonard	✓	
		Adams	Adams	✓	