

CITY OF PORTLAND**CONTRACT NO. 37218****AMENDMENT NO. 4**

FOR

Prototype Streetcar

This Contract Amendment (Amendment) is between the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives ("City") and Oregon Iron Works, Inc. ("Contractor").

1. The City and Contractor have agreed to add services to this Contract as referenced in Change Order #3, as attached hereto.
2. Except as expressly amended above, all other terms and conditions of the Contract and subsequent amendments shall remain in full force and unchanged.
3. By signature below, the parties agree to this Amendment, effective upon the date of the last signature below.

OREGON IRON WORKS INC.

BY:

 Name

 Title

Address: 9700 SE Lawnfield Road
Clackamas, OR 97015
Telephone No. 503-653-6300
Fax No 503-653-5870

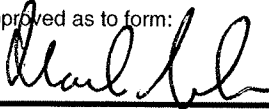
CITY OF PORTLAND

BY:

 Officer

Christine Moody, Chief Procurement

Approved as to form:



 City Attorney

CHANGE ORDER

| | | | |
|--------------------------|--|-----------------------------|--|
| PROJECT: | Portland Streetcar Streetcar Prototype Procurement Portland, Oregon | TO: | Oregon Iron Works Inc. 9700 SE Lawnfield Road Clackamas, OR 97015 |
| OWNER: | City of Portland 1120 S.W. Fifth Avenue, Suite 800 Portland, Oregon 97204 | PROJECT MANAGER: | Shiels Obletz Johnsen, Inc. 1140 SW 11th Avenue, Suite 500 Portland, OR 97205 |
| CHANGE ORDER NO.: | 3 | INITIATION DATE: | July 1, 2010 |
| CONTRACT NO.: | 37218 | CONTRACT DATED: | March 7, 2007 |

THE CONTRACT IS HEREBY CHANGED AS FOLLOWS:

Contractor shall complete studies and prepare specifications, design development documents and a cost estimate for manufacturing a streetcar vehicle that is compatible with the existing Portland, Seattle and Washington D.C. Streetcar vehicles and capable of operating for a least one mile on batteries and super capacitors without overhead electrical power support (Wireless Streetcar).

The FTA has announced approval of a federal grant to assist in funding a portion of Contractor's cost in carrying out the work described in Change Order No. 2 to the contract between the City of Portland (City) and Oregon Iron Works (OIW) dated March 7, 2007 (City/PSI Contract No. 37218) and the work required by this Change Order. The federal grant will be \$2.4 million and the total project cost will be \$3.0 million which includes a \$600,000 contribution by OIW under Change Order No. 2. The sum of \$400,000 is allocated in the \$2.4 million grant for work required by this Change Order. Payment by the City under this Change Order shall be subject to the successful completion of a federal grant agreement between TriMet and FTA and an amendment to the City/TriMet IGA to disburse federal funds to the City.

A. DESCRIPTION OF WORK:

OIW shall carry out the following tasks:

1. **Load Study:** Conduct a study of electrical power load requirements and the equipment necessary to meet that load for Wireless Streetcar operations without an overhead electrical power source for at least one mile.
2. **Conversion Analysis:** Prepare a description of the special on-board and wayside equipment and recommended operating procedures that will be necessary for rapid in-service conversion from overhead to battery electrical and/or super capacitor power and vice-versa.
3. **Structural Analysis:** Prepare calculations of the body structural changes that will be required to accommodate the additional weight of batteries, super capacitors and other appurtenances required for Wireless Streetcar operations.
4. **Specifications:** Prepare technical specifications for special equipment that will be needed on the Wireless Streetcar for wireless operation.
5. **Design Development:** Prepare design drawings showing the revisions to the typical Streetcar design that will be required for the Wireless Streetcar showing changes to the body, structure, locations and layout of batteries, super capacitors and other equipment and features of the Wireless Streetcar.
6. **Cost Estimate.** Prepare an estimate of the cost for the manufacture and delivery of individual Wireless Streetcars based on quantity orders of one to six vehicles.
7. **Final Report.** Prepare a final report that includes the Load Study, Conversion Analysis, Structural Analysis, Specifications, Design Development Drawings and Cost Estimate.

B. PAYMENT

The City will pay the Contractor a maximum of \$400,000, but not more than 1) the Contractor's actual documented costs for carrying out the work described in this Change Order or 2) the federal grant funds allocated for the work required by this Change Order appropriated by Congress and delivered to TriMet and the City through a grant agreement with the FTA.

C. MILESTONE PAYMENT SCHEDULE

Payments by the City to Contractor for work under this Change Order independent of other payments to the Contractor under City/PSI Contract No. 37218 as modified by Change Order No. 2 shall be 1) a progress payment of \$200,000 upon submittal of the Load Study, Conversion and Structural Analysis and Specifications; and 2) the remaining amount due to the Contractor under this Change Order upon submittal and approval of the Final Report and the documented costs for carrying out the work under this Change Order.

D. ATTACHMENTS: None

Except as provided herein, all terms and conditions of the contract as heretofore modified remain unchanged. The terms and conditions of this Change Order constitute a full accord and satisfaction for all costs, including labor, materials, equipment, direct and indirect costs, overhead, profit, schedule impacts, delays and extended overhead, if any, related to the actions described or referenced herein.

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|--|----|-----------------|
| Original Contract Amount..... | \$ | 3,200,000.00 |
| Net Change by Change Orders #1.1 through #1.7 and Change Order #2..... | \$ | 1,630,277.00 |
| Contract Amount prior to this Change Order..... | \$ | 4,830,277.00 |
| Contract Amount will be (increased) (decreased) (unchanged) by | \$ | 400,000.00 |
| New Contract Amount, including this Change Order | \$ | 5,230,277.00 |
| Date of delivery of the work of under this Change Order..... | | January 1, 2011 |

APPROVED FOR ISSUANCE:

APPROVED:

Shiels Oblatz Johnsen, Inc. for Date
Portland Streetcar, Inc.

City of Portland – Project Manager Date

APPROVED:

APPROVED:

Oregon Iron Works, Inc. Date

City of Portland - PBOT Director Date

COPIES TO:

- PSI 1817.0
- Carter MacNichol
- Vicky Diede
- Gary Cooper