



Sam
Adams
Mayor

Susan D.
Keil
Director

REPORT TO COUNCIL

November 10, 2010

Accept contract with Tri-State Construction Inc. for the 2009 Local Improvement Districts contract as complete and make final payment (Report; Contract No. 30000806)

The Council awarded this construction contract to Tri-State Construction with the acceptance of the Purchasing Report for Bid No. 110681 on August 12, 2009. (Finding No. 1 of Ordinance No. 183443 references an incorrect bid number of 110861.) The City entered into Contract No. 30000806 on August 28, 2009. This contract was modified by Council on January 6, 2010 with the passage of Ordinance No. 183443 to add fabrication and erection of pedestrian/bicycle bridge to this existing contract in lieu of entering into a separate contract solicitation.

The original contract amount was \$671,641.00. The revised contract amount was \$1,123,971.79. The \$452,330.79 increase in the contract amount is identified below.

Quantity Variances

Bid items at contract award were estimated at \$671,641.00. The final amount is \$701,596.20 for an adverse variance of \$29,955.20. This was primary due to:

- \$8,447.76 in temporary signs due to an additional road closure on NE 92nd Drive
- \$8,400 for three additional manholes to assure proper stormwater disposal
- \$16,475.76 in additional subgrade stabilization required to stabilize the roadway due to unusually wet weather during construction.

Change Order Nos. 1, 2, 4, 5, 6, 7, 8 and 10

These change orders were approved under delegated authority prior to the contract amendment. At the time of the contract amendment, the combined estimate for these change orders was \$124,609.85 versus a final amount of \$114,453.00 for a positive variance of \$10,156.85. These change orders related to the relocation of utilities from private property as part of right-of-way acquisition required for this project; the area in which NE 92nd Drive is being constructed was previously private property. These change orders were foreseen, but this work could not feasibly be done in a private manner and compensated through right-of-way payments in advance of construction, nor could it be included ex ante within the scope of this contract due to inadequate information on utility locates. It is estimated that private relocation of these utilities prior to construction would have resulted in a six-month delay to commencing this project included in the City of Portland's Local Economic Stimulus Program, which had the objective of putting Portlanders back to work as quickly as possible.

Change Order No. 3

This change order was in the amount of \$7,528.00 for street lighting work required on NE Alderwood Road. This change order was the result of unforeseen conditions.

Change Order No. 9

This change order was in the amount of \$6,224.29 and related to additional stabilization work required for the existing vehicle bridge. This change order was the result of unforeseen conditions.

Change Order No. 11

This change order exceeded the delegated 25% change order authority and therefore required City Council approval, which was granted on January 6, 2010 in the amount of \$313,968.65 including \$251,174.92 for this change order and \$62,793.73 for additional contingency for this and other items. The final amount was \$245,210.11 for a positive variance of \$5,964.81. This work constituted the second phase of bridge construction and was related to the fabrication and erection of a new bicycle and pedestrian bridge east of NE 92nd Drive. This change order followed the Bureau of Transportation receiving approval from the Bureau of Development Services on its Type II land use review approval application on July 7, 2009 per Case/File Number LU-09-122400 EN; and also an executed an easement with the Oregon Division of State Lands, on September 29, 2009 per State Easement No. 42236-EA.

Change Order Nos. 12, 13, 14, 15, 16 and 17

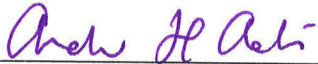
These combined change orders followed the contract amendment and represented a combined total of \$27,365.01 which was less than the \$62,793.73 in additional contingency granted by Council.

Fuel & Asphalt Escalation

These costs were not estimated at the time of the contract amendment. The combined final amount is \$3,784.11.

The final contract amount is \$1,106,160.72. Payments to date total \$1,047,257.77. The Director of Procurement Services is hereby authorized to make a final progress payment in the amount of \$58,902.95 including release of retainage in the amount of \$55,118.84.

The final contract amount is \$17,811.07 below the revised contract amount of \$1,123,971.79. This Report to Council is required because this contract is more than 25% more than the original contract amount per PCC 5.33.040.A.7. Work on the contract was substantially complete on June 17, 2010. The Certificate of Completion was signed by all parties on September 13, 2010.



Andrew H. Aebi

Local Improvement District Administrator & Project Manager



Susan D. Keil

Director, Bureau of Transportation

TO THE COUNCIL

The Commissioner of Finance & Administrator concurs with the above Report to Council, and;

RECOMMENDS:

that the Council accept the contract with Tri-State Construction, Inc. for the construction of the 2009 Local Improvement Districts project as complete and authorize final payment.

Respectfully submitted,

Mayor Sam Adams
Commissioner of Finance & Administration

Agenda No.
REPORT NO.

Title

Accept contract with Tri-State Construction Inc. for the 2009 Local Improvement Districts contract as complete and make final payment (Report; Contract No. 30000806)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Dillmann</i></p>	<p>CLERK USE: DATE FILED <u>NOV 05 2010</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p><i>on behalf of Mayor Adams</i></p>
<p>Mayor—Finance and Administration - Adams</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: <i>[Signature]</i></p>
<p>Position 2/Works - Fish</p>	<p style="text-align: center;">Deputy</p>
<p>Position 3/Affairs - Saltzman</p>	<p>ACTION TAKEN:</p>
<p>Position 4/Safety - Leonard</p>	<p>NOV 10 2010 ACCEPTED</p>
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program</p>	
<p>Other: <i>[Signature]</i> <i>AA 11/01/10</i></p>	
<p>Prepared by: Andrew Aebi:slg Date Prepared: November 1, 2010</p>	
<p>Financial Impact Statement</p>	
<p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p>	
<p>Council Meeting Date NOVEMBER 10, 2010</p>	
<p>City Attorney Approval</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(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. Leonard	4. Leonard	✓	
Adams	Adams	✓	