

ORDINANCE No. 186017

*Increase contract amount with Kodiak Pacific Construction Co. for Change Orders No. 11 through No. 13 in the amount of \$97,097 including contingency for construction of the NE 97th Ave Green St Local Improvement District and the NE 136th Ave Phase I Local Improvement District (Ordinance; amend Contract No. 30002862; C-10035; C-10036)

The City of Portland ordains:

Section 1. The Council finds:

1. Procurement Services opened bids on July 7, 2012 for the 2012 Phase I Local Improvement Districts Project for construction of work on the NE 136th Avenue Phase I Local Improvement District (LID) and the second phase of construction of the NE 97th Avenue Green Street Local Improvement District (LID). Kodiak Pacific Construction Co. (hereafter "Kodiak") was the lowest responsive bidder with its bid of \$466,234.78.
2. The City executed Contract No. 30002862 with Kodiak on September 12, 2012 with an original contract amount of \$466,234.78. Execution of this contract did not require Council approval because the original contract amount was below the amount of \$500,000 which would otherwise require Council approval under Subsection 5.33.040.A.3 of City Code.
3. Change Orders No. 1 through 9 were previously approved under delegated authority in the combined amount of \$50,166.71 for various work completed for the NE 136th Avenue Phase I Local Improvement District.
4. Change order No. 10 was previously approved under delegated authority in the amount of \$66,285.00 for conduit work completed for the NE 97th Avenue Green Street LID.
5. The total encumbered contract amount to date for both projects is currently \$582,686.49 with an unencumbered contract amount remaining of \$106.99; contract expenditures exceeding \$582,793.48 require Council approval.
6. Additional contract authority in the amount of \$13,627.85 is being requested for quantity changes to the NE 97th Avenue Green Street LID.
7. Change Order No. 11 for the NE 97th Avenue Green Street LID in the amount of \$7,330.00 exceeds the delegated 25% change order authority referenced in Finding No. 5 and therefore requires City Council approval and is attached as Exhibit A. This work constitutes extension of sanitary sewer laterals in the NE 97th Avenue Green Street LID to the right-of-way line consistent with current standards and to avoid violating the City's five-year street cut moratorium.

8. Change Order No. 12 for the NE 97th Avenue Green Street LID in the amount of \$9,746.59 also exceeds the delegated 25% change order authority referenced in Finding No. 5 and therefore requires City Council approval and is attached as Exhibit B. This work constitutes various adjustments to new street grades in the NE 97th Avenue Green Street LID to avoid draining public stormwater onto the private property of planned future development, and also reinforces a midblock concrete street section to reduce the likelihood of future maintenance at City expense.
9. Change Order No. 13 for the NE 97th Avenue Green Street LID in the amount of \$37,289.00 also exceeds the delegated 25% change order authority referenced in Finding No. 5 and therefore requires City Council approval and is attached as Exhibit C. This work constitutes addition of street lighting for the NE 97th Avenue Green Street LID.
10. Additional contract authority for both projects in the amount of \$29,103.22 is being requested for remaining contract contingency.
11. Findings No. 6 through No. 9 above will increase the contract amount by \$97,069.92 from \$582,686.49 to \$679,756.41.
12. The construction work authorized by this Ordinance is not a major change in scope per Section 17.08.080 of City Code; however notification of Council consideration of this Ordinance was mailed to property owners on April 17, 2013.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge and the Auditor are hereby authorized to increase Contract No. 30002862 with Kodak Pacific Co. substantially in conformance with Change Orders No. 11, Change Order No. 12 and Change Order No. 13, attached as Exhibits A through C, in the amount of \$54,365.59 and also authorize contingency of \$42,704.33 for a total increase of \$97,069.92. The contingency amount of \$42,704.33 is 25% of \$170,817.30 in change orders for the contract.
- b. The Commissioner-in-Charge and the Auditor are authorized to draw and deliver checks chargeable to the FY12-13 Budget of the Portland Bureau of Transportation, when demand is presented and authorized by the proper authorities.
- c. The requirement for a Report to Council under Subsection 5.33.040.A.7 of City Code is hereby waived and the Chief Procurement Officer is authorized to make final payment of the contract provided that the final contract amount is equal to or less than the revised contract amount of \$679,756.41.

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Section 2. The Council declares that an emergency exists because a delay may result in additional expense as well as delay completion of the construction contract and street lighting; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

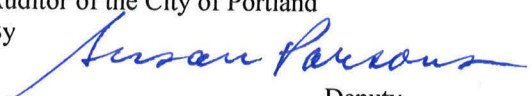
Passed by the Council,

MAY 08 2013

Mayor Charlie Hales
Prepared by: Andrew Aebi:slg
Date Prepared: 4/24/13

LaVonne Griffin-Valade
Auditor of the City of Portland

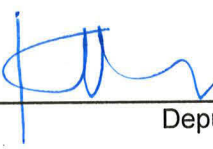
By



Deputy

Agenda No. **186017**
ORDINANCE NO.
 Title

*Increase contract amount with Kodiak Pacific Construction Co. for Change Orders No. 11 through No. 13 in the amount of \$97,096.66 including contingency for construction of the NE 97th Ave Green St Local Improvement District and the NE 136th Ave Phase I Local Improvement District (Ordinance; Amend Contract No. 30002862; C-10035; C-10036)

INTRODUCED BY Commissioner/Auditor: MAYOR CHARLIE HALES	CLERK USE: DATE FILED <u>MAY 03 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Prepared by: Andrew Aebi:slg Date Prepared: April 24, 2013	ACTION TAKEN: MAY 08 2013 <i>RESCHEDULED TO MAY 08 2013 2 P.M.</i>
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date May 8, 2013	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	