

ORDINANCE No. 186105 As Amended

*Amend contract with Civilworks Northwest Inc. for Change Order No. 5 in the amount of \$163,963.26 including contingency for construction of the SW 11th Ave Project from SW Gibbs St to SW Gaines St (Ordinance; amend Contract No. 30002877; C-10039; C-10040)

The City of Portland ordains:

Section 1. The Council finds:

1. Procurement Services opened bids on July 26, 2012 for the 2012 Phase II Local Improvement Districts Project for construction of work on:
 - a. The SE 82nd Avenue of Roses and Bybee Boulevard (LID)
 - b. The Lents IV / SE 118th Avenue LID, and
 - c. The SW 11th Avenue Project from SW Gaines Street to SW Gibbs Street.
2. Civilworks Northwest, Inc. (hereafter "Civilworks") was the lowest responsive bidder with its bid of \$595,013.50.
3. Council approved acceptance of Bid No. 114626 on August 29, 2012.
4. The City executed Contract No. 30002877 with Civilworks on September 18, 2012 with an original contract amount of \$595,013.50.
5. Change Orders No. 1 through 4 were previously approved under delegated authority in the combined amount of \$104,431.68 for various work completed for the projects identified in Finding No. 1.
6. A unit increase authorization was previously approved under delegated authority in the amount of \$41,362.35 for the projects identified in Finding No. 1a and Finding No. 1b.
7. The total encumbered contract amount to date for both projects is currently \$735,807.53; contract expenditures exceeding \$743,766.88 require Council approval, leaving an unencumbered balance of \$7,959.35.
8. Additional contract authority in the amount of \$163,963.26 is being requested for quantity changes to the projects identified in Finding No. 1.

9. Change Order No. 5 for the SW 11th Avenue project identified in Finding No. 1c in the amount of \$116,651.75 exceeds the delegated 25% change order authority referenced in Finding No. 7 and therefore requires City Council approval and is attached as Exhibit A. This work extends recently-constructed sidewalk on the west side of SW 11th Avenue currently terminating at SW Whitaker Street further south to 100 feet north of SW Gaines Street. It also extends pending pavement reconstruction of SW 11th Avenue currently terminating at SW Whitaker Street as previously authorized by Change Order No. 4 further south to SW Curry Street. Neither the northern project limit of SW Gibbs Street for the sidewalk and pavement reconstruction work nor the southern project limit of SW Gaines Street for the curb ramp and bus pad installation work is affected by this Ordinance. An interim asphalt path constructed by the project along the SW 11th Avenue frontage of 1023 SW Curry Street will be reconstructed as concrete sidewalk at property owner expense upon redevelopment of this property.
10. The City will avoid remobilization, additional survey, and costs of preparing for and managing a separate and subsequent contract by combining construction of Change Order No. 5 with previously-executed Change Order No. 4, which is pending construction on June 17, 2013. Disruption to the neighborhood will also be minimized by combining two phases of construction into a single phase of construction.
11. An additional \$42,311.51 is being requested for additional contingency for the projects identified in Finding No. 1. The requested contingency amount of \$47,311.51 plus unencumbered contract authority of \$7,959.34 equals 25% of the previously-executed change orders and the proposed change order for the contract.
12. The construction work authorized by this Ordinance is not a major change in scope per Section 17.08.080 of City Code for the projects identified in Finding No. 1a and Finding No. 1b.
13. SW 11th Avenue from SW Gibbs Street to SW Gaines Street as identified in Finding No. 1c is designated as:
 - a. A Street of Citywide Significance;
 - b. A Neighborhood Collector traffic classification, serving Oregon Health Sciences University, which is Portland's largest employer and the State of Oregon's fourth-largest employer (excluding government);
 - c. A Transit Access Street, and is served by frequent service bus line #8 Jackson Park;
 - d. A City Walkway, and execution of the change order referenced in Finding No. 9 will fully complete the sidewalk network on both sides of the street.

NOW, THEREFORE, the Council directs:

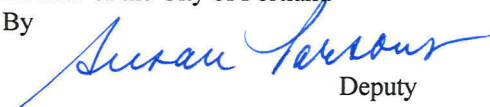
- a. The City Engineer is hereby authorized to increase Contract No. 30002877 with Civilworks substantially in conformance with Change Order No. 5, attached as Exhibit A, in the amount of \$116,651.75 and also authorize contingency of \$47,311.51 for a total increase of \$163,963.26.
- b. The Mayor and the Auditor are authorized to draw and deliver checks chargeable to the FY13-14 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 \$899,770.79.

Section 2. The Council declares that an emergency exists because a delay will result in additional expense as well as delay completion of the construction contract and the SW 11th Avenue project as identified in Finding 1c; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 19 2013

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: June 19, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

Agenda No. **186105** As Amended
ORDINANCE NO.
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p>CLERK USE: DATE FILED <u>JUN 14 2013</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>Handwritten initials</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p style="text-align: center;"><i>Handwritten signature</i></p> <p>By: _____ Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program</p> <p>Prepared by: Andrew Aebi:slg Date Prepared: June 13, 2013 <i>AHA 6/19/13</i></p>	<p>ACTION TAKEN:</p>
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date JUNE 19, 2013</p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 MIN. (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	