

ORDINANCE No. 186136

* Increase contract with James W. Fowler Co. for additional construction services necessary to complete the Phase 1 riverbank restoration of the South Waterfront Greenway Central District project (Ordinance; amend Contract No. 30002713)

The City of Portland ordains:

Section 1. The Council finds:


1. Council provided support and direction for the development of the South Waterfront Greenway Central District Improvements through Resolution No. 36273 in December 2004, Ordinance 184389 in January 2011 and acceptance of the Guaranteed Maximum Price proposed by JW Fowler Co. of \$4,035,843.62 for the Phase 1 improvements in May 2012.
2. Ordinance 185370 in August 2011 accepted a grant in the amount of \$1,300,000 and authorized an Intergovernmental Agreement with TriMet for Wetland Mitigation within the Greenway Central District project.
3. The shallow water habitat portion of the Phase 1 improvements could not be completed on schedule because river levels remained unusually high, so Phase 1 was split into Phase 1A, to be completed in spring of 2013 and Phase 1B, to be completed in the fall of 2013.
4. Ordinance 185797 in December 2012 authorized payment for extra construction services in Phase 1A related to adjusting the construction plan to unusually high river levels; excessive volumes of contaminated soil and debris; design adjustments related to soft soils; and expenses associated with the increased duration of Phase 1A construction.
5. Change Orders 1 through 17 were executed to increase to the amount of Contract No. 30002713 to \$5,264,487.29, a 30.44% increase.
6. JW Fowler will provide extra construction services in Phase 1B related to adjusting the construction plan for regulatory restrictions on work within the flowing river, regulatory restrictions on soil disposal and for the increased duration of the construction out to spring of 2014.
7. A Change Order to further increase to the contract amount of \$1,764,300.00 will be required to complete Phase 1B. The new value of Contract No. 30002713 will be \$7,028,787.29, a 74.16% increase over the original value.
8. The Change Order to complete Phase 1B will also alter the form of compensation to the contractor from a reimbursable cost plus fee basis to a lump sum maximum basis. This will eliminate a large administrative burden that was unnecessarily increasing cost to the City.
9. A construction contingency totaling 10% of the increase, \$176,430, will also be held in reserve against unforeseen events during construction this year.
10. Funds for this increase will come from the existing project budget.

NOW, THEREFORE, The Council Directs:

- a. After approval as to form by the City Attorney, the Chief Procurement Officer is hereby authorized to execute Change Orders to increase the contract amount of Contract No. 30002713 up to a not to exceed total contract value of \$7,205,217.00.
- b. The Commissioner and Auditor are authorized to provide payment chargeable to the applicable budgets under project code P00193 when demand is presented and approved by the appropriate authorities.

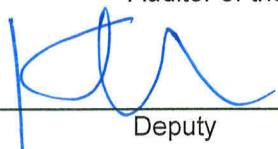
Section 2. The Council declares that an emergency exists in order to avoid further delay in the completion of Phase 1 improvements to the South Waterfront Greenway Central District therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: JUL 03 2013
Commissioner Fritz
Prepared by:
A.Rouse 06/18/13

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

Agenda No. **186136**
ORDINANCE NO.
 Title

*Increase contract with James W. Fowler Co. for additional construction services necessary to complete the Phase 1 riverbank restoration of the South Waterfront Greenway Central District project. (Ordinance): *amend Contract No. 30002713*

INTRODUCED BY Commissioner/Auditor: Fritz	CLERK USE: DATE FILED <u>JUN 28 2013</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance and Administration – Hales	
Position 1/Utilities – Fritz <i>T. Baylan</i>	
Position 2/Works – Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	
Bureau: Parks Bureau Head: Mike Abbate <i>Mike Abbate</i>	
Prepared by: Allison Rouse Date Prepared: 06.19.13	
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 July 3, 2013	
✓ City Attorney Approval <i>[Signature]</i>	

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

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