

## ORDINANCE No. 186451

\*Increase contract with James W. Fowler Co. for additional construction services necessary to complete the Phase 2 upland park portion 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 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 the 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. Various Change Orders for extra services in Phase 1A were executed, increasing the amount of Contract No. 30002713 to \$5,264,487.29, a 30.44% increase.
5. Ordinance 186136 in July 2013 authorized payment for extra construction services in Phase 1B related to adjusting the construction plan for regulatory restrictions on work within the flowing river and on soil disposal and for the increased duration of the construction out to spring of 2014. The maximum value of Contract 30002713 was increased to \$7,205,217.00 in order to accommodate a Change Order of \$1,764,300 for Phase 1B construction plus an authorized contingency fund of \$176,430.
6. In order to take advantage of their established field office and staging areas, knowledge of the site and permit requirements and high professional expertise, Portland Parks & Recreation has requested that James W. Fowler Co. provide further construction services to complete Phase 2 of the Greenway Central District, the upland park and trails, for a guaranteed maximum price of \$3,300,000.
7. A construction contingency of \$500,000, or 15.15% of the Phase 2 price will also be held in reserve against unforeseen site conditions or events during construction of Phase 2. The maximum value of Contract 30002713 will then be \$11,205,217, a 272.69% cumulative increase over the original value.
8. Funds for this increase will come from the existing project funding.

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 up to \$3,800,000 to increase the contract amount of Contract No. 30002713 up to a not to exceed value of \$11,005,271.00.
- 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 2 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: FEB 05 2014  
Commissioner Fritz  
Prepared by:  
A.Rouse 01/27/14

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

Agenda No. **186451**  
**ORDINANCE NO.**  
 Title

✓ Increase contract with James W. Fowler Co. for additional construction services necessary to complete the Phase 2 upland park portion of the South Waterfront Greenway Central District project. (Ordinance; amend Contract No. 30002713)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Fritz</b>	CLERK USE: DATE FILED <b>JAN 31 2014</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration – Hales Position 1/Utilities – Fritz <i>Amend Fritz</i> Position 2/Works – Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: PP&R Bureau Head: Mike Abbate <i>Mike Abbate</i> Prepared by: Allison Rouse Date Prepared: 01.27.14	<b>ACTION TAKEN:</b>
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 <b>February 5, 2014</b>	
City Attorney Approval <i>[Signature]</i>	

<b>AGENDA</b> <b>5</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: est. 10 min. (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. Novick	4. Novick	✓	
Hales	Hales	_____	_____