

ORDINANCE No. 187065 As Amended

\* Increase contract with Tice Electric, Inc. in the amount of \$85,251 to execute Change Order No. 1 for construction of a left turn signal from N Fremont St westbound to N Vancouver Ave southbound (Ordinance; amend Contract No. 30004358; C-10047)

The City of Portland ordains:

Section 1. The Council finds:

1. Procurement Services opened bids on December 16, 2014 for the North Vancouver Avenue & Cook Street Local Improvement District (LID) for installation of new mast arm traffic signals at the following intersections:
  - a. North Vancouver Avenue and Cook Street; and
  - b. North Williams Avenue and Fremont Street; and
  - c. North Vancouver Avenue and Fremont Street.
2. Tice Electric, Inc. (hereafter "Tice") was the lowest responsive bidder with its bid of \$341,332.00.
3. The Chief Procurement Officer approved acceptance of Bid No. 117461 on December 30, 2014 under authority delegated by Council under Section 5.33.040.A.3 of City Code.
4. The City executed Contract No. 30004358 with Tice on January 28, 2015 with an original contract amount of \$341,332.00. No previous change orders have been executed for this construction contract.
5. The total encumbered contract amount to date for this construction contract is currently \$341,332.00; change orders resulting in contract expenditures exceeding 25% or \$85,333.00 would require Council approval.
6. Tice submitted a proposal to install a new left turn signal from North Fremont Street westbound to North Vancouver Avenue southbound to the Portland Bureau of Transportation on February 10, 2015, attached as Exhibit A and affecting the scope in Finding 1c. This proposal was in response to a request by the Portland Bureau of Transportation (PBOT). Approval of this scope change to add the new left turn signal will authorize an increase in the contract amount from \$341,332.00 to \$426,582.66. This proposed change order amount and contract amount increase of \$85,250.66 could be approved administratively by the City Engineer and the Chief Procurement Officer, respectively, without Council approval, leaving \$82.34 in remaining administrative authority for further change orders and contract amount increases.

7. The Portland Bureau of Transportation desires to have Council approve this change order in lieu of relying upon administrative authority to approve the change order. The new left turn signal is not being funded by the North Vancouver Avenue & Cook Street LID through an Extra Work Agreement.
8. The City will avoid remobilization, additional survey, and standalone construction costs of a separate and subsequent contract to install the left turn signal by combining construction of the North Vancouver Avenue & Cook Street LID with Change Order No. 1, funded by savings from the Citywide Traffic Signal Rebuild capital project. Disruption to the neighborhood will be minimized by combining two phases of construction into a single phase, and will avoid replacing newly-acquired and installed traffic signal hardware.
9. An additional \$34,133.20 is being requested for contingency for the construction contract identified in Finding No. 1 in addition to the change order authority identified in Finding No. 4. The new authorized construction contract amount will further increase from the \$426,582.66 identified in Finding No. 6 to \$460,715.86.
10. An additional \$85,333.00 is being requested for contingency for the construction contract identified in Finding No. 1 in addition to the change order authority identified in Finding No. 6. The new authorized construction contract amount will therefore further increase from the \$426,582.66 identified in Finding No. 6 to \$511,915.16.
11. The construction work authorized by this Ordinance is not a major change in scope per Section 17.08.080 of City Code for the project identified in Finding No. 1. This additional work is being funded by general transportation revenues (GTR), and not by the North Vancouver Avenue & Cook Street LID.
12. The traffic classification of North Vancouver Avenue is a neighborhood collector. The traffic classification of North Fremont Street is a local service street with traffic volumes significantly exceeding typical local service street traffic volumes. 570 vehicle left turn movements from North Fremont Street westbound to North Vancouver Avenue southbound were measured on January 6, 2011 between 7:30 AM and 8:30 AM. During the same time period, 100 vehicle trips were measured continuing west through the North Fremont Street and Vancouver intersection; 85% of vehicles approaching the intersection were making left turn movements.
13. The Vancouver-Williams Business Association requested the new left turn signal to Portland Bureau of Transportation staff on August 6, 2014 and the Portland Bureau of Transportation has received requests for the new left turn signal from other community stakeholders. The Vancouver-Williams Business Association was notified of the proposed left turn signal on March 3, 2015.
14. The Alameda, Boise, Eliot, Irvington, King and Sabin Neighborhood Associations were notified of this proposed left turn signal on March 3, 2015.

15. The record of Ordinance Nos. 186802, 186803 and 186804 approved by Council on September 3, 2014 includes discussion of the community benefit of the new left turn signal, albeit which will be funded by general transportation revenues (GTR) in lieu of by the North Vancouver Avenue & Cook Street LID.
16. The Bureau's level of confidence in the cost estimates for this project as of the filing date of this Ordinance is "Medium" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006, given that project specifications are complete and the construction contract has been executed.
17. Additionally, the Portland Bureau of Transportation desires to have Council authorize the Chief Procurement Officer to make final payment of the contract upon completion and acceptance of the work under this contract provided that the final contract amount is equal to or less than \$511,915.66.

NOW, THEREFORE, the Council directs:


- a. The City Engineer is hereby authorized to execute Change Order No. 1 with Tice Electric, Inc., substantially in conformance with Exhibit A, in the amount of \$85,250.66.
- b. The City Engineer is hereby authorized to execute additional change orders as may be necessary and appropriate for the existing scope elements of the construction contract not to exceed \$85,333.00 for total change order authority of \$119,383.86 reflecting the amounts in Finding No. 7 and Finding No. 9.
- c. 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.
- d. 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 \$460,715.86.
- e. The current or future owner of the property at 3441 North Vancouver Avenue at the southwest corner of the intersection of North Fremont Street and Vancouver Avenue will be required to make additional improvements to this intersection upon future development of this property. This work includes but is not limited to permanent poles, permanent equipment, utility undergrounding and/or construction of new curb extensions, curb ramps, Americans with Disabilities Act tactile warnings or other scope elements commonly required for intersection reconstruction. Future requirements for improvements are also not limited to the southwest corner of this intersection.

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 the North Vancouver Avenue & Cook Street LID project identified in Finding 1; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAR 25 2015

Commissioner Steve Novick  
Prepared by: Andrew Aebi:slg  
Date Prepared: March 19, 2015

**Mary Hull Caballero**  
Auditor of the City of Portland

By   
Deputy

Agenda No.  
**ORDINANCE NO. 187065** As Amended  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b></p>	<p>CLERK USE: DATE FILED <u>3-20-2015</u></p>
<p><b>COMMISSIONER APPROVAL</b></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>CS</i></p>	<p align="center">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>MH Caballero</i></u> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: <b>Transportation</b> <i>AMP</i> Policy, Planning and Projects Manager: <b>Art Pearce</b> Assistant Director:</p> <p>Prepared by: Andrew Aebi:slg <i>AHA</i> Date Prepared: March 19, 2015 <i>3/19/15</i></p>	<p><b>ACTION TAKEN:</b></p>
<p>Impact 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><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p>	
<p><b>Council Meeting Date</b> <b>MARCH 25, 2015</b></p>	

**AGENDA**

**TIME CERTAIN**   
Start time: \_\_\_\_\_  
Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
Total amount of time needed: **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	✓	