

ORDINANCE No. 187152 *As Amended*

Accept the South Waterfront Greenway Central District Improvements Project No. P00193 constructed by James W. Fowler Co. as complete and authorize final payment in the amount of \$1,001 (Ordinance; Contract No. 30002713)

The City of Portland ordains:

Section 1. The Council Finds:

1. The City of Portland, through the Portland Development Commission, entered into a Development Agreement in 2004 with Oregon Health & Science University, River Campus Investors, LLC, and North Macadam Investors, LLC for redevelopment of the South Waterfront Central District, SW Gibbs Street to SW Lane Street.
2. The Development Agreement, as amended from time to time, calls for the design and construction of the South Waterfront Greenway Central District Improvements project ("Project"), a riverbank restoration and regional park with trail system.
3. The City authorized design of the Project through Ordinance 181289 passed by the Council on September 19, 2007.
4. The City authorized acquisition of the property necessary to build the Project in Ordinance 184205 passed by the Council on October 29, 2010.
5. Construction of the Project involved technical complexities, a narrow construction schedule and specialized expertise, so the City authorized an exemption to the competitive bidding process in Ordinance 184389 passed by the Council on January 27, 2011. This Ordinance also provided payment for construction of the South Waterfront Greenway Central District Improvements.
6. James W. Fowler Co. was selected after a competitive bidding process via Request for Proposals No. 112508 to provide Construction Manager / General Contracting services on the Project. Professional, Technical and Engineering Services Contract No. 30002115 was executed on June 15, 2011 for the preconstruction phase of the Construction Manager services.
7. At the conclusion of design, the estimated cost of the entire Project exceeded funding. The Project was divided into Phase 1, the renovation of the riverbank and construction of shallow water fish habitat, and Phase 2, the upland park with trail system. Phase 2 was unfunded at that time.

8. On May 30, 2012 the City accepted the Guaranteed Maximum Price proposal for construction of the Phase 1 improvements as recommended by Report 616-2012. The City subsequently entered into Contract No. 30002713 with James W. Fowler Co. for \$4,035,843.62 to build Phase 1 of the Project.
9. Construction of Phase 1 began in June 2012. The Phase 1 improvements could not be completed on schedule because river levels remained unusually high throughout the permitted construction window. Phase 1 was divided into Phase 1A, completed in the spring of 2013, and Phase 1B, including construction of the shallow water habitat, which was completed in the spring of 2014.
10. Extra construction services were required during Phase 1A related to adjusting the construction plan to the high river levels; handling and disposing of excessive volumes of contaminated soil and debris; design adjustments related to poor soil conditions; and the increased duration of Phase 1A construction. Ordinance 185797 passed by the Council on December 12, 2012 increased the value of Contract No. 30002713 with James W. Fowler to a maximum of \$5,308,759.
11. Extra construction services were required during Phase 1B in order to adjust construction methods for regulatory restrictions on work within the flowing river; changed regulatory requirements on soil disposal; and for the increased duration of construction out to spring of 2014. Ordinance 186136 passed by the Council on July 3, 2013 increased the value of Contract No. 30002713 with James W. Fowler to a maximum of \$7,205,217 to complete Phases 1A and 1B.
12. In December of 2013, Portland Parks & Recreation provided Systems Development Charges funding to add Phase 2 back into the Project. In order to take advantage of their established field office and staging areas; knowledge of the site and permit requirements; and high Minority, Women and Disadvantaged Business utilization commitment, the contract with James W. Fowler was increased again to cover the Phase 2 work, as originally contemplated in the original Request for Proposals. Ordinance 186451 passed by the Council on February 5, 2014 increased the value of Contract No. 30002713 to a maximum of \$11,005,217.
13. On February 19, 2014, Ordinance 186464 was passed by the Council to fund the on-going operations and maintenance of the new facility.
14. The Contractor achieved Substantial Completion of the South Waterfront Greenway Central District Improvements project on December 22, 2014 and a Certificate of Completion was signed on February 28, 2015.
15. An independent third-party review has verified the cost of the work and the total progress payments made. A final payment of \$1,000.80 is due to James W. Fowler to close out Contract No. 30002713.

NOW, THEREFORE, the Council directs:

- a. The South Waterfront Greenway Central District Improvements are accepted.
- b. The Auditor is authorized to provide payment of \$1,000.80 under Contract No. 30002713 chargeable to the applicable budget under project code P00193, when demand is presented and approved by the Chief Procurement Officer.

Section 2. The Council declares that an emergency exists because the construction work has been fully accomplished and the public interest would be affected by any further delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 27 2015

Commissioner Fritz

Prepared by: Allison K. Rouse

Date Prepared: May 14, 2015

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

541

Agenda No.
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: FRITZ	CLERK USE: DATE FILED <u>MAY 22 2015</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz <i>Amel 22</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>Lisa S. Salas</i> Deputy
BUREAU APPROVAL Bureau: PPR Bureau Head: <i>Abbat</i> Prepared by: Allison K. Rouse Date Prepared: May 14, 2015	ACTION TAKEN:
Impact 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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Jeff</i>	
Council Meeting Date May 27, 2015	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> <i>10/2</i>			
Total amount of time needed: 15 (for presentation, testimony and discussion)			
	1. Fritz	1. Fritz	✓
	2. Fish →	2. Fish	✓
	3. Saltzman	3. Saltzman	✓
	4. Novick	4. Novick	✓
	Hales	Hales	✓