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191371

Emergency Ordinance

*Amend contract with Walker Macy, LLC for additional design services for Parklane Park Development for \$64,316 (amend Contract 30006991)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 189685, passed by Council on September 4, 2019, authorized a contract with Walker Macy, LLC to provide planning, design, and construction administration services for the Parklane Park Development. The value of the original contract was \$1,189,848.

Based on changes to the project scope, there have been four contract amendments thus far to Contract No. 3000699, bringing the current contract total to \$1,487,190. The amendments were for:

- A. No. 1: Add scope of work for architectural services to design a restroom building, multi-use pavilion and two picnic shelters, as well as additional services to substitute an in-person community gathering with materials and services for a self-guided on-site tour during the Covid-19 pandemic. (\$106,526)
- B. No. 2: Additional geotechnical boring, infiltration tests, waste characterization and disposal; additional irrigation scope for 5-acre parcel and irrigation well coordination; add Early Work Phase 1 Grading Permit package; add soil vapor probe installation, methane gas monitoring, well assessment, hydrogeological evaluation, and reporting; additional submittal and cost estimate at 75% Construction Documents level; Land Use scope change revisions; net of scope additions/reductions to meet project budget; delete Public Works Permit process after achieving Concept Level approval; add more Construction Administration scope; project schedule extension; billing rate increase to apply to Construction Administration phase only; add not to exceed hourly allowance for geotechnical services during construction. (\$163,407)
- C. No. 3: Play area redesign, skate park redesign, grading to reflect additional fill, LID coordination and redesign to coordinate,

Introduced by

[Commissioner Dan Ryan](#)

Bureau

[Parks & Recreation](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

July 12, 2023

Time Requested

10 minutes

planting and tree modifications, 90% cost estimate and reconciliation. (\$27,409)

D. No. 4: Replace electrical engineering subconsultant with another firm, due to the original electrical engineer closing their firm during the design and permitting phase of the project, thereby not completing their subcontracted scope of work. (\$0)

2. Portland Parks & Recreation is in the process of constructing the Parklane Park Development project. Current contractual project Substantial Completion date is November 1, 2024.

3. PP&R has had to request consultant services beyond those contemplated in the previous four amendments to this contract. These additional services resulted from:

- A. Design fees to add additional permanent toilet facilities to the project, due to a Building Code requirement encumbered through BDS Site Development Review.
- B. Design fees for grading and drainage modifications, resulting in a project cost savings of approximately \$300,000.

Walker Macy, LLC submitted a fee proposal detailing the additional services requested. That proposal with a date of February 25, 2023, has been received and determined to be fair and reasonable to the City of Portland. The contract amendment, together with the proposal, are attached as Exhibit A. The Additional Services Request for the added scope of work includes a \$64,316 lump sum fee.


4. By authorizing the increase of \$64,316 for the current amendment, the new not to exceed value of Contract No. 30006991 will be \$1,551,506. The resulting contract exceeds a 25% increase in contract value and requires Council approval.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer or their designee is authorized to execute Amendment No. 5 to Contract No. 30006991 for Professional, Technical or Expert Services. Such amendment shall be in a form substantially like the form of agreement attached hereto as Exhibit A, as approved as to form by the City Attorney.
- B. The Mayor and City Auditor are authorized to provide payment chargeable to the applicable budgets when demand is presented and approved by the appropriate authorities.

Section 2. The Council declares that an emergency exists because the additional services are necessary for project permit approval, which is critical to keep the project on schedule; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/30006991-walker-macy-llc-amendment-5-draft-for-ord.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/30006991-walker-macy-llc-amendment-5-draft-for-ord.pdf), 551.75 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 12, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance authorizes an amendment to Contract No. 30006991 with Walker Macy, LLC. The amendment authorizes an additional \$64,316 lump sum fee for additional design services that are required to complete the design and permitting of the Parklane Park Development project. This is the fifth amendment to this contract, originally authorized by Ordinance No. 189685, passed by Council on September 4, 2019 for planning, design, and construction administration services.

The design changes are necessary due to permitting requirements that arose during BDS permit review to include two additional permanent toilet facilities on the site, bringing the total to four. The toilet facilities are required due to a BDS interpretation of the Building Code. PP&R appealed the original ruling related to the quantity of toilets and maximum distance requirements due to unique circumstances of the site and in consideration the entire park's design. The appeal partial denial resulted in a meeting with the Building Official to develop a reasonable compromise that would both meet the intent of the Building Code, while also meeting the needs of the community who will be using all the park's features as well as public safety and maintenance requirements.

Other design changes are necessary to accommodate stripping mounds and drainage to alleviate the project of extra costs associated with hauling and disposal of the strippings generated from the site in preparation for grading activities. Strippings are comprised of the top layer of existing vegetation (primarily grasses) and organic root mass in the top few inches of soil. The net cost savings is approximately \$300,000 to accommodate the strippings on site as opposed to the cost to haul and dispose of them.

Financial and Budgetary Impacts

The contract amendment amount will be covered by contingency in the existing Project Budget intended to cover such changes as they arise.

Community Impacts and Community Involvement

There are no community impacts anticipated, nor community involvement necessary, as a result of this legislation. There was a robust community engagement process in 2019-20 throughout the design of the project, as well as information distributed regarding anticipated impacts due to construction.

100% Renewable Goal

N/A

Budget Office Financial Impact Analysis

This contract amendment is funded by the Parklane Project's contingency budget and the Parks Bureau.

Agenda Items

588 Regular Agenda in [July 12-13, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/7/12)
(<https://www.portland.gov/council/agenda/2023/7/12>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea