



SENT VIA EMAIL

**AMENDMENT No. 5 to
CONTRACT No. 30006910
FOR
Marx & 105th Pump Station Upgrade**

This Amendment No. 5 amends Contract No. 30006910 dated 3rd day of June, 2019, by and between Consor North America, Inc., ("Consultant") a domestic business corporation of the State of Oregon, and the City of Portland, a municipal corporation of the State of Oregon ("City") by and through their duly authorized representatives. This Amendment may refer to Consultant and City individually as a "Party" or collectively as the "Parties."

This Amendment is authorized by City Ordinance No. _____.

The Effective Date of this Amendment is _____. The purpose of this Amendment is to extend the Term, add funds to the Contract, revise the Scope of Work, revise the PROJECT SCHEDULE, revise the SUBCONSULTANTS section, revise the task breakdown of the "not to exceed" amount, revise the COMPENSATION section and revise the Hourly Rates.

The Contract was previously amended as follows:

Amendment 1, dated August 3, 2020, which extended the Term from June 30, 2022 to October 31, 2022, increased the original not-to-exceed amount of the Contract from \$775,774 by \$62,631 to a new total not-to-exceed amount of \$838,405, revised the Scope of Work, revised the PROJECT SCHEDULE, revised the SUBCONSULTANTS section, revised the Hourly Rates, add the task breakdown of the "not to exceed" amount to the Contract.

Amendment 2, dated January 1, 2021, which changed the Project Manager from Jeff Maag to Sundeep Kaur and revised the Hourly Rates.

Amendment 3, dated March 1, 2022, which changed the City's Project Manager from Sundeep Kaur to Lisa Moscinski, extended the Term from October 31, 2022, to March 1, 2025, increased the Contract not-to-exceed amount of \$838,405 by \$71,243 to a new total not-to-exceed amount of \$909,648, revised the Scope of Work, revised the PROJECT SCHEDULE, revised the SUBCONSULTANTS section, revised the task breakdown of the "not to exceed" amount in the Contract and revised the HOURLY RATES.

Amendment 4, dated October 3, 2022, which changed the Consultant's name from Murraysmith, Inc. to Consor North America, Inc.

The Parties agree to Amend the Contract as follows:

1. The Term is extended from March 1, 2025, to **June 30, 2027**, unless terminated sooner under the provisions of the Contract.
2. The Contract not-to-exceed amount of \$909,648 is increased by \$458,676 to a new total not-to-exceed amount of **\$1,368,324**.
3. The Scope of Work is revised as shown below. New language is **BOLD** and underlined. Deleted language is indicated in text ~~striketrough~~. Where there is no BOLD and underline or text striketrough, language shall remain the same.

OVERVIEW OF REVISED PROJECT SCOPE

The purpose of Amendment 5 is to revise the scope of services to:

- 1) Update a portion of the Pre-Design Task 2 for the new pump station location at 5635 NE 105th Ave.
- 2) Update Design Task 3 for the new pump station location at 5635 NE 105th Ave.
- 3) Design sewer realignment to divert flows to new pump station location at 5635 NE 105th Ave and force main extension to connect to the existing force main at the current pump station location.

Task 1 – Project Management

- **Additional project management time for the extension of the contract time and to oversee the additional work outlined in the Tasks listed below.**

Assumptions:

- **Project duration is extended; therefore, it is assumed that there will be additional progress payments/status reports.**

Task 2 - Preliminary Design Phase Services

Previously submitted Technical Memos (TM) need to be revised to reflect considerations for the new location. In addition, TMs, 30% final package and basis of design report are required to be updated with the new proposed pump station location at 5635 NE 105th Ave. This will require updates on a portion of the pre-design tasks as outlined below.

2.2 Coordinate Survey and Prepare Base Mapping

- **Review topographic mapping provided by Owner for completeness of project and data needed for design development. Accuracy of underground utility locations and coordination with utilities will be completed by the Owner.**

2.3 Geotechnical and Structural Analysis and Recommendations

- **Update TM #1 – “Geotechnical and Structural Design Criteria and Recommendations for Pump Station Improvements” for building foundation recommendations to meet building code requirements based on new data provided by the Owner at the new location.**

2.4 Code Compliance Review

- **Update TM #2 – “Zoning Design Standards, Variances, and Anticipated Timeline for Approval” to provide land use compliance requirements for the new property.**

2.7 Stormwater Feasibility Evaluation

- **Update TM #5 – “Stormwater Feasibility Evaluation” to summarize stormwater management requirements for the new property and site layout.**

2.8 Preliminary Pump Selection and Electrical Design

- **Develop new system curve and pump selection to confirm power loads; coordinate new power service with PGE for the new property, electrical layout site and building plan; update TM #6 – “Electrical Design Criteria” to document findings and recommendations.**

2.11 Prepare Alternative Site Plans

- **Develop conceptual Site Plan at 5635 NE 105th Ave. Locate structures, identify development standard offsets, landscaping and screening requirements, and identify vehicle access turning movements. Meet with BES staff to discuss and get input. Prepare updated site plan for use with Early Assistance meeting with Bureau of Development Services (BDS).**

2.12 Prepare 30% Design Submittal

- **Update TM #8 – “Basis of Design” and 30% Design Submittal for pump station relocation at 5635 NE 105th Ave.**

- Update 30% Design Drawings
- Update 30% Cost Estimate

Task 2 - Preliminary Design Phase Deliverables

- Draft and Final Conceptual Site Plans
- Revised TM's #1, #2, #5, #6, #8
- Revised 30% Design drawings
- Revised 30% Design Cost Estimate

Assumptions

12. City will complete additional topographic and property survey of new property and right of way between existing and new pump station. This includes the gravity sewer inverts that extend north along NE 105th Avenue toward the slough.
13. City will provide updated Geotechnical Investigations Report and Level I and II Environmental Assessments for property at 5635 NE 105th Avenue.
14. 30% cost estimate will be a Class 5 estimate with an expected accuracy range of -20% to +50%.

Task 3 – Design Phase Services

3.2 Prepare 60% Design Plan, Specification, and Estimate (PS&E) Submittal

- Update 60% Design Plans, Specifications, and Estimate Submittal for pump station relocation at 5635 NE 105th Avenue.
- Revised 60% design plans for new location and layout.
- Develop Plan and Profile sheets for realigned gravity sewer and new force main extension (2 sheets)

3.3 Prepare Land Use Application Package

- Attend a new Early Assistance meeting with BDS for the new location.

3.4 Prepare 90% Design PS&E Submittal

- Develop Plan and Profile sheets and technical specifications for the realigned gravity sewer and force main extension.

3.6 Prepare Final Bid Documents

- Develop Plan and Profile sheets and technical specifications for the realigned gravity sewer and force main extension.

Task 3 Design Phase Deliverables

- Updated 60% design Plans, Specifications, and Estimate for the relocated pump station. The drawings originally assumed under the original contract are still valid.
- Two additional Plan and Profile sheets for the gravity sewer and force main extension.
- Final design documents must be in compliance with the BES Wastewater Pump Station Design Manual (July 2023), BES CAD standards (<https://www.portland.gov/bes/improvements/bes-autocad>), 2020 City of Portland Standard Specifications, and the latest version of the Treatment and Pumping Station Design Guidelines.
- ~~Final design documents must be in compliance with the BES Wastewater Pump Station Design Manual V6, BES CAD standards, 2010 City of Portland Standard Specifications, and Electrical and Integration Design Guidelines;~~

Assumptions

- Existing buildings and materials on the property will be removed prior to starting construction. Building demolition, material removal, and site cleanup plans and specifications are not included.
- 60% cost estimate will be a Class 4 estimate with an expected accuracy range of -20% to +30%.
- 90% cost estimate will be a Class 3 estimate with an expected accuracy range of -10% to +20%.

4. The PROJECT SCHEDULE is revised as shown in the table below:

Project Milestone	Expected Date
Notice to Proceed	June 2019
Survey and Geotech Data Received	March 2024
Predesign Phase Complete	September 2024
Land Use Review Period	March - July 2025
Design Phase Complete	October 2025
Land Acquisition Period	Completed in 2023
Bid Phase Period	November 2025 - January 2026
Construction Phase Period	April 2026 – June 2027
Project Close Out	June 2027

5. The SUBCONSULTANTS section is revised as shown in the table below:

NAME	DMWESB CERTIFICATION TYPE	ROLE ON PROJECT	CURRENT SUBCONTRACT AMOUNT	AMENDMENT 5	REVISED SUBCONTRACT AMOUNT
AKANA	MBE/DBE	Structural Engineering	\$52,100	\$24,664	\$76,764
Rhino One LLC	MBE/DBE	Geotechnical Engineering	\$23,068	\$15,760	\$38,828
Elcon Associates Inc	MBE	Electrical Engineering	\$156,153	\$81,500	\$237,653
Winterbrook Planning	ESB	Land Use Planning	\$64,569	\$32,081	\$96,650
Juncus Studio LLC	ESB	Landscape Architect	\$67,810	\$31,229	\$99,039

The revised subcontracting amounts to D/M/W/ESB forms on this contract is estimated at **\$548,934 or 40.12%** of the Contract amount.

6. The task breakdown of the “not to exceed” amount is revised as shown in the table below and Exhibit 1, Exhibit 2 and Exhibit 3 are attached as reference. The necessity for Optional Tasks will be determined by the City. No work or charges may proceed on Optional Tasks without written authorization from the City’s Project Manager.

Task No.	Description	Revised NTE Task Amount
	Base Services:	
1	Project Management	\$142,714
2	Preliminary Design Phase Services	\$360,055
3	Design Phase Services	\$628,608
4	Bid Phase Services	\$34,835
5	Construction Phase Services	\$178,414
	Optional Tasks:	
6	Supplemental Services	\$23,698
	Contract Total Not to Exceed Amount:	\$1,368,324

The “not to exceed” (NTE) amount is increased using an escalation factor to bring the 2018 costs used to establish the NTE in the June 2019 contract up to current costs, due to unprecedented inflation and owner driven delays in the schedule. The original schedule assumed a design completion date in September 2020. It is now expected to be complete in May 2024 with 75% of the design-related work remaining to be complete. To date there have been four amendments which added scope, increased the NTE, and extended the Term. While the project did progress through pre-design there were delays due to owner driven scope changes that were addressed in Amendment No. 1 and owner staff changes. Design was placed on hold by owner August 2021 to work out permitting and easement acquisition issues.

The escalation factor used to bring the 2019 costs up to current costs uses a 4.7% annual average increase and is based on the original completion date of tasks.

Amendment No. 5 includes new scope and fee outlined in fee estimate available in the exhibits.

7. The following language is added to the Contract within the COMPENSATION section.

Discretionary Adjustment of Labor Rates Due to Inflation

Annual adjustment of hourly rates will be considered upon written request from the Consultant. Approval of a request for rate increases is solely within the City's discretion and under no circumstances is the City obligated to approve such a request.

Rate increases are subject to the following limitations:

- No increases will be granted before the one-year anniversary of the Contract;
- No more than one increase shall be granted per Contract year;
- Rate increases may not exceed the preceding calendar year's Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the West Region Class Size A average inflation rate (as determined from the US Department of Labor statistics);
- Rate increases shall not be retroactive.

Other than as stated above, hourly rates may not be increased.

8. The Hourly Rates are deleted in its entirety and replaced with the table below and are effective February 1, 2024.

Conсор North America, Inc.		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Principal Engineer VI	\$281.88	\$353.00
Principal Engineer V	\$281.88	\$330.00
Principal Engineer IV	\$281.88	\$312.00
Principal Engineer III	\$281.88	\$293.00
Principal Engineer II	\$263.43	\$277.00
Principal Engineer I	\$239.85	\$264.00
Professional Engineer IX	\$229.60	\$252.00
Professional Engineer VIII	\$221.40	\$240.00
Professional Engineer VII	\$216.28	\$227.00
Professional Engineer VI	\$198.85	\$216.00
Professional Engineer V	\$180.40	\$204.00
Professional Engineer IV	\$171.18	\$192.00

Professional Engineer III	\$164.00	\$186.00
Professional Engineer II	\$216.28	\$227.00
Engineering Designer VIII *	-	\$229.00
Engineering Designer VII	\$157.85	\$219.00
Engineering Designer VI	\$152.73	\$208.00
Engineering Designer V	\$145.55	\$195.00
Engineering Designer IV	\$139.40	\$192.00
Engineering Designer III	\$132.23	\$186.00
Engineering Designer II	\$126.08	\$171.00
Engineering Designer I	\$119.93	\$158.00
Technician IV	\$149.65	\$185.00
Technician III	\$137.35	\$166.00
Technician II	\$114.80	\$144.00
Technician I	\$92.25	\$122.00
Administrative III	\$153.75	\$128.00
Administrative II	\$114.80	\$118.00
Administrative I	\$77.90	\$104.00
Project Coordinator IV*	-	\$176.00
Project Coordinator III*	-	\$160.00
Project Coordinator II*	-	\$144.00
Project Coordinator I*	-	\$132.00
<i>New Labor Classification*</i>		
Elcon Associates, Inc.		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Principal	\$243.95	\$250.05
Project Manager	\$176.30	\$180.71
Senior Engineer	\$155.80	\$159.70
Engineer	\$142.48	\$146.04
Senior Designer	\$136.33	\$139.73
Designer	\$132.23	\$135.53
Technician	\$116.85	\$119.77
CADD Operator	\$96.35	\$98.76
Drafter	\$88.15	\$90.35
Accountant	\$83.03	\$85.00
Akana		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Principal*	-	\$400.00
Project Manager*	-	\$190.00
Senior Architect*	-	\$195.00
Architect	\$149.65	\$175.00

Senior Structural Engineer	\$210.13	\$220.00
Structural Engineer	\$148.63	\$165.00
Architectural Designer*	-	\$132.44
Technical Editor*	-	\$145.00
BIM Manager*	-	\$155.00
Project Coordinator*	-	\$130.00
Structural CAD Operator CAD**	\$103.53	\$120.00
<i>New Labor Classification*</i>		
<i>Revised Labor Classification**</i>		
Juncus Studio, LLC.		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Principal	\$137.35	\$237.80
Senior Landscape Architect	\$148.63	\$148.63
Landscape Architect*	-	\$120.95
Landscape Designer 2	\$91.23	\$111.21
Landscape Designer 1	\$80.98	\$93.50
<i>New Labor Classification*</i>		
Rhino One, LLC.		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Senior Engineer Principal Geotechnical Engineer**	\$176.30	\$235.63
Staff Engineer Project Geotechnical Engineer**	\$105.58	\$137.75
Staff Geologist Staff Geotechnical Engineer**	\$100.45	\$113.10
Engineering Geologist*	-	\$126.67
CAD Operator CAD/GIS Operator**	\$83.03	\$114.61
Project Administrator	\$79.95	\$95.00
<i>New Labor Classification*</i>		
<i>Revised Labor Classification**</i>		
Winterbrook Planning		
Labor Category	Current Maximum Hourly Billing Rate	Revised Maximum Hourly Billing Rate
Principal	\$191.68	\$235.00
Senior Planner	\$158.88	\$175.00
Associate Planner	\$139.40	\$150.00
Assistant Planner	\$121.98	\$135.00

All other terms and conditions of the Contract remain unchanged by this Amendment and in full force and effect.

This Amendment may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same instrument. The Parties agree that they may execute this Amendment by electronic means, including the use of electronic signatures.

IN WITNESS WHEREOF, the Parties hereby cause this Amendment to be executed.

CONSOR NORTH AMERICA, INC.

Authorized Signature

Date

Printed Name and Title

Address:

Phone:

Prepared by Janie Garcilazo

Sent to Consor North America, Inc., via email

Contract Number: 30006910

Amendment Number: 5

Contract Title: Marx & 105th Pump Station Upgrade

CITY OF PORTLAND SIGNATURES

By: _____ Date: _____
Chief Procurement Officer

Approved:

By: _____ Date: _____
Office of City Auditor

Approved as to Form:

By: _____ Date: _____
Office of City Attorney

MARX AND 105TH PUMP STATION IMPROVEMENTS
CITY OF PORTLAND BES
PROPOSED FEE ESTIMATE

Average Billing Rate Estimated per Classification/Staff Staff Name	LABOR CLASSIFICATION (HOURS)										Hours	Labor	Subconsultants Direct, No Mark Up					Subconsultant Total with Markup	Expenses	Total
	Principal Engineer IV	Principal Engineer III	Professional Engineer VIII	Professional Engineer V	Engineering Designer III	Engineering Designer II	Engineering Designer VII	Project Coordinator I	Project Coordinator IV	Administrative II			Structural AKANA	E&IC Elcon	Geotech Rhino One	Land Use Winterbrook	Landscape Juncus			
	\$291	\$258	\$215	\$167	\$124	\$109	\$169	\$93	\$156	\$109										
	CarrMic	CraftsAda	KreipeEdw	UhaczKel	CrowFre	ColesJac	EstepMat	SteinbergMor	RitzEri	EricksonNat										
Task 1 - Project Management and Coordination																				
Task 1.1 - Preliminary Design Phase Project Management		64							25	25	114	\$ 23,130		\$ 19,182				\$ 20,141	\$ -	\$ 43,271
Task 1.2 - Design Phase Project Management		40							4	4	48	\$ 11,374						\$ -	\$ -	\$ 11,374
Task 1 Subtotal	0	104	0	0	0	0	0	0	29	29	162	\$ 34,504	\$ -	\$ 19,182	\$ -	\$ -	\$ -	\$ 20,141	\$ -	\$ 54,645
Task 2 - Predesign Phase Services																				
Task 2.2 - Coordinate Survey and Prepare Base Mapping						16	24				40	\$ 5,796						\$ -	\$ -	\$ 5,796
Geotechnical and Structural Analysis and																				
Task 2.3 - Recommendations			24		8						32	\$ 6,140			\$ 14,602			\$ 15,332	\$ -	\$ 21,472
Task 2.4 - Code Compliance Review			8		16						24	\$ 3,696				\$ 12,040	\$ 2,370	\$ 15,131	\$ -	\$ 18,826
Task 2.7 - Stormwater Feasibility Evaluation			4	40	8	16	8				76	\$ 11,638						\$ -	\$ -	\$ 11,638
Task 2.8 - Electrical Design and Space Planning			8		16	8	16				48	\$ 7,270		\$ 13,900				\$ 14,595	\$ -	\$ 21,865
Task 2.11 - Prepare Revised Site Plan		8	24	24	24	32	40				152	\$ 24,441					\$ 4,020	\$ 4,221	\$ -	\$ 28,662
Task 2.12 - Update 30% Design Submittal		8	40	16	32	32	16	12			156	\$ 24,586	\$ 15,561	\$ 18,348			\$ 4,310	\$ 40,130	\$ 35	\$ 64,751
Task 2 Subtotal	0	16	108	80	104	104	104	12	0	0	528	\$ 83,567	\$ 15,561	\$ 32,248	\$ 14,602	\$ 12,040	\$ 10,700	\$ 89,409	\$ 35	\$ 173,011
Task 3 - Design Phase Services																				
Task 3.2 - Update 60% Design PS&E Submittal	8		24	16	48	40	60				196	\$ 30,583						\$ -	\$ 35	\$ 30,618
Task 3.3 - Update Land Use Application and EA Meeting			16				16				32	\$ 6,137				\$ 12,520		\$ 13,146	\$ 35	\$ 19,318
Task 3.4 - Prepare 90% Design PS&E Submittal	8		16		24	40	40				128	\$ 19,839						\$ -	\$ -	\$ 19,839
Task 3.6 - Prepare Final Bid Documents	8		16		24	24	16				88	\$ 14,042						\$ -	\$ -	\$ 14,042
Task 3 Subtotal	24	0	72	16	96	104	132	0	0	0	444	\$ 70,602	\$ -	\$ -	\$ -	\$ 12,520	\$ -	\$ 13,146	\$ 70	\$ 83,818
Task 4 - Bid Phase Services																				
Task 4.1 - Respond to Bidder Inquiries											0	\$ -					\$ 825	\$ 866	\$ -	\$ 866
Task 4.2 - Attend Pre-bid Meeting											0	\$ -					\$ 645	\$ 677	\$ -	\$ 677
Task 4.3 - Prepare Addenda											0	\$ -						\$ -	\$ -	\$ -
Task 4.4 - Prepare Conformed Contract Documents											0	\$ -					\$ 1,185	\$ 1,244	\$ -	\$ 1,244
Task 4 Subtotal	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,655	\$ 2,788	\$ -	\$ 2,788
Task 5 - Construction Phase Services																				
Task 5.1 - Preconstruction Conference											0	\$ -					\$ 645	\$ 677	\$ -	\$ 677
Task 5.2 - Submittal Review											0	\$ -					\$ 2,370	\$ 2,489	\$ -	\$ 2,489
Task 5.3 - Construction Engineering											0	\$ -					\$ 4,020	\$ 4,221	\$ -	\$ 4,221
Task 5 Subtotal	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,035	\$ 7,387	\$ -	\$ 7,387
TOTAL - ALL TASKS	24	120	180	96	200	208	236	12	29	29	1134	\$ 188,673	\$ 15,561	\$ 51,430	\$ 14,602	\$ 24,560	\$ 20,390	\$ 132,870	\$ 105	\$ 321,648

MARX & 105TH PUMP STATION UPGRADE
CITY OF PORTLAND, BES
AMENDMENT 5 - EXHIBIT 3

														ESTIMATED FEES							Subconsultant Total	Expenses	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
	Principal Engineer V	Principal Engineer IV	Principal Engineer VI	Professional Engineer IX	Professional Engineer VIII	Professional Engineer VII	Professional Engineer VI	Engineering Designer I	Engineering Designer I	Technician IV	Administrative II	Administrative I	Hours	Labor	Subconsultants with 5% Mark Up																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
	\$236.48 KPM	\$223.88 MLC	\$250.00 RKL	\$177.63 AJC	\$182.42 MAR	\$167.40 NJM	\$143.52 EPK	\$93.00 MCF	\$91.45 FC	\$120.72 MBE	\$92.55 JSH	\$61.03 MRS	Akana Structural		Rhino One Geotech	Elcon Electrical	Winterbrook Planning	Juncus Land Arch																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				