

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 99-2846
AMENDMENT TO THE CONTRACT BETWEEN)
METRO AND OTAK, INC. FOR DESIGN)
AND ENGINEERING SERVICES AT OXBOW)
REGIONAL PARK AND HOWELL) Introduced by
TERRITORIAL PARK) Mike Burton

WHEREAS, Metro executed Contract No. 920810 with Otak, Inc. in August of 1998; and

WHEREAS, the RFP and Contract scope of work included the design and engineering for all elements included in both Master Plans with an estimated design cost of \$1,400,000; and

WHEREAS, the Contract was executed for the amount of funding in FY 98-99 budget (\$356,760) with those funds to be expended by the Contractor upon written task orders for design and engineering as project priorities were established and funding was appropriated; and

WHEREAS, funding has been appropriated for design and construction of parks capital projects at Oxbow Regional Park and Howell Territorial Park in the adopted FY 99-00 budget; and

WHEREAS, the Regional Parks and Greenspaces Department has established that Otak, Inc has performed the work as specified and satisfactorily within the terms of the contract; and

WHEREAS, Metro Council as Public Contract Review Board may declare that it is in the public's interest for this work on the parks capital projects to move forward in the most expedient manner; now, therefore,

BE IT RESOLVED,


That the Metro Contract Review Board authorizes the execution of Amendment No. 2 to Contract No. 920810 with Otak, Inc. pursuant to the terms of Metro Code Sections 2.04.053 (a)(2) and (3) by increasing the contract value by \$1,018,500.

ADOPTED by the Metro Contract Review Board this 4th day of NOVEMBER, 1999.



Rod Monroe, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

**AMENDMENT NO. 2
CONTRACT NO. 920810**

This Agreement hereby amends the above titled contract between Metro, a metropolitan service district, and OTAK, Inc hereinafter referred to as "Contractor."

This amendment is a change order to the original contract as follows:

Paragraph 2. Scope of Work as follows:

Incorporate by reference to the Exhibit A Scope of Work a Notice to Proceed which describes the specific design and engineering services required and specifies Council approved budget for the project.

Paragraph 3. Payment as follows.

Metro shall pay the Contractor for services performed and material delivered in the amounts, manner and at the times specified in the Scope of Work for a maximum sum not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000). Metro will not be responsible for any payments for services, materials, expenses, or other costs other than those specifically included in the Notice to Proceed and funding in the approved Council budget.

Except for the above, all other conditions and covenants remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement.

OTAK

METRO

SIGNATURE DATE

SIGNATURE DATE

NAME

NAME

TITLE

TITLE

METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2846, FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN METRO AND OTAK, INC. FOR DESIGN AND ENGINEERING SERVICES AT OXBOW REGIONAL PARK AND HOWELL TERRITORIAL PARK

Date: November 3, 1999

Presented by: Councilor Kvistad

Committee Action: At its September 14, 1999 meeting, the Metro Operations Committee voted 3-0 recommend Council adoption of Resolution No. 99-2846. Voting in favor: Councilors Atherton, Kvistad and Washington.

Committee Issues/Discussion: Heather Nelson Kent made the staff presentation on behalf of the Regional Parks and Greenspaces Department. Resolution No. 99-2846 amends an existing contract with OTAK, Inc. for design and engineering services associated with the development of capital projects at Oxbow and Howell Territorial Parks.

OTAK was the successful bidder in a May of 1998 Request for Proposal process for design, engineering and construction inspection services at Howell and Oxbow Parks. The estimated costs for these services were \$1.4 million.

The existing five-year contract with OTAK, first executed in 1998, and based on the RFP is for \$381,500, after one amendment. Resolution 99-2846 authorizes an increase in the contract value of \$1,018,500, for a total not to exceed \$1.4 million. The effect of this second contract amendment, authorized by this resolution, would be to allow the department not to return to council for incremental increases in the contract, based on additional work assignments. However, another avenue available for the Council to retain oversight of this project, is through the annual Capital Improvement Plan (CIP) and budget process.

Councilor Kvistad said that he was not entirely comfortable with approving the total contract amount without some periodic council review. Ms. Kent responded that all funding for the Howell and Oxbow projects was not in hand at this time. Approximately \$870,000 will be needed to fully fund and implement this contract. As money becomes available in future years to implement this contract, it will not be able to be spent before the Council authorizes the spending through the CIP and budget processes mentioned above.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2846 FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN METRO AND OTAK, INC. FOR DESIGN AND ENGINEERING SERVICES AT OXBOW REGIONAL PARK AND HOWELL TERRITORIAL PARK

Date: October 13, 1999

Presented by: Charlie Ciecko

PROPOSED ACTION

Resolution No. 99-2846 seeks approval to amend the existing contract (Contract No. 920810) between Metro and Otak, Inc. for design and engineering services associated with the development of capital projects at Oxbow and Howell Parks.

BACKGROUND

In 1997 Metro Council approved a master plan for Howell Territorial Park including capital improvements estimated at \$1.7 million and a master plan for Oxbow Regional Park including capital improvements estimated at \$5.4 million.

In May 1998 Metro Council approved a competitive selection process (RFP #98R-25-PKS) to provide design and engineering services associated with the development of these capital projects at Oxbow Regional Park and Howell Territorial Park. The RFP allowed Metro to select one firm to provide full design, engineering and construction inspection services necessary to implement master plan improvements at both parks, as funding became available. In their successful proposal, Otak, Inc. estimated a total \$1.4 million for complete design, engineering and construction inspection services for the proposed park improvements.

In 1998 Metro Council authorized an initial contract with Otak, Inc. for the amount appropriated in the FY 98-99 budget (\$356,760). Contract Amendment No. 1 (for \$24,740) was executed in March 1999. The department requests Metro Council (Contract Review Board) approval to extend the contract beyond this amount in order to continue on capital projects at Oxbow and Howell parks. These proposed projects have been reviewed and approved as part of Metro's CIP process.

This amendment to Contract No. 920810 would increase the contract amount to include the entire amount (\$1,400,000) proposed in Otak Inc.'s RFP. Contractor will be given Notice to Proceed for additional work tasks only after funding for construction has been appropriated by the Metro Council through approval of the department's annual budget. \$1,405,488 was appropriated for FY 1999-00.

FISCAL IMPACT

\$1,405,488 for design and construction projects at Oxbow Regional Park and Howell Territorial Park was approved in the FY 1999-00 budget.

RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 99-2846.