

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING) RESOLUTION NO. 08-3892
AS THE METRO CONTRACT REVIEW BOARD,)
FOR THE PURPOSE OF APPROVING A SOLE)
SOURCE CONTRACT WITH THE OREGON) Introduced by Chief Operating Officer
PACIFIC RAILROAD FOR RAILROAD TRACK) Michael J. Jordan, with the concurrence of
REALIGNMENT SERVICES) Council President David Bragdon

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010, the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.062 requires Contract Review Board approval for contracts awarded without competitive bidding when it has been determined that the needed goods or services are available from only one source; and

WHEREAS, Metro's Chief Operating Officer has determined that realignment of the Oregon Pacific Railroad Company track between SE Umatilla Street and SE Marion Street in Sellwood, City of Portland, is a necessary prerequisite to prepare for future construction of the Springwater Trail between its current terminus at SE Umatilla Street and SE 18th Street (the "Sellwood Gap"); and

WHEREAS, the City of Portland Bureau of Environmental Services ("BES") has determined that said track realignment is a necessary prerequisite to the construction of a planned Combined Sewer Overflow Interceptor System to be installed in the current location of the Oregon Pacific Railroad Company track between SE Umatilla Street and SE Marion Street in Sellwood, City of Portland; and

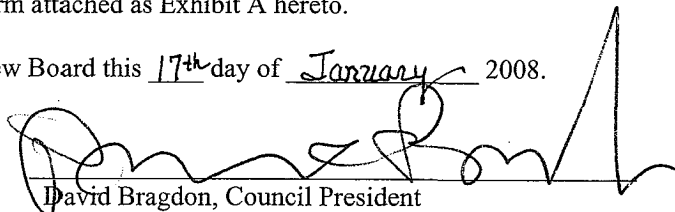
WHEREAS, the Oregon Pacific Railroad Company ("OPR") has agreed to the track realignment, but only if OPR has complete control and responsibility for moving the tracks and Metro pays OPR an agreed upon sum for doing so; and

WHEREAS, BES and Metro have entered into an Intergovernmental Agreement providing that BES will pay Metro a set sum plus contract administration expenses for the procurement of the OPR track realignment and establishing Metro as the procuring agency for the track realignment services; and

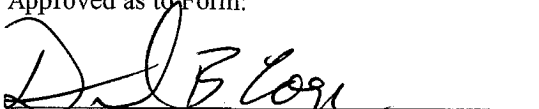
WHEREAS, because the track realignment may only be performed by and at the direction of the Oregon Pacific Railroad, the Chief Operating Officer has concluded that the track realignment services are available from only one source, as set forth in Metro Code 2.04.062 and ORS 279B.075; and

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Chief Operating Officer to negotiate and execute a sole source contract with the Oregon Pacific Railroad Company in substantially the form attached as Exhibit A hereto.

ADOPTED by the Metro Council Contract Review Board this 17th day of January 2008.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney

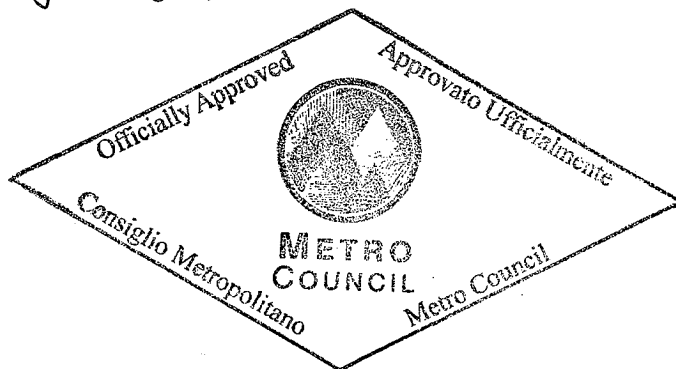


Exhibit A to Resolution No. 08-3892
Placeholder
Sole Source Contract Between Metro and
Oregon Pacific Railroad for Railroad Track Realignment Services

SCOPE OF WORK

Between
Metropolitan Regional Government
And

Oregon Pacific Railroad Company

ATTACHMENT A

Metro will contract for the construction of the realignment of the Oregon Pacific Railroad Company (OPRC) line within in anticipation of construction of a sewer line by the City of Portland Bureau of Environmental Services (BES) and future construction of the Springwater "Gap" Trail.

Background:

BES Combined Sewer Overflows (CSO)

This project was initiated by the City of Portland to facilitate construction of a sanitary sewer intercept project to address combined storm overflow issues to the Willamette River. Oregon DEQ, the promulgating agency for the Federal Clean Water Act, has issued the City an order (Amended Stipulation Final Order) to complete the design of all CSO projects by December 2011. Construction of the interceptor project is scheduled to begin August 2008.

Sellwood Interceptor

The alignment of Sellwood (sewer) Interceptor Sewer Project, is parallel to the OPRC railroad tracks, and is coincident with a section of the future Springwater "Gap" Trail. Construction of approximately 1500 feet of sewer pipeline along the tracks will eliminate 8 CSO diversion structures. A new sewer pipeline along portions of the existing railroad is a preferred alternative because is both less expensive to construct and more efficient to operate and maintain in the future.

Portland Parks and Recreation (PPR)-Metro Springwater Trail

Metro and PPR have completed a Springwater Trail Pre-design (Springwater Missing Gap, Metro-Alta Planning, June 2006). This design also requires re-alignment of the railroad tracks. BES and PPR reviewed this alignment and determined that shifting the tracks provides sufficient space for both the interceptor sewer and the Sellwood Section of the Springwater "Gap" Trail.

The three parties, Metro, PPR and BES, have agreed that it is prudent to construct the realignment of the OPRC railroad, the interceptor sewer, and lay ground work for the Sellwood Section trail construction at the same time.

Key Benefits:

- Reduced Capital Cost of Sellwood Gap Trail
- Expedited Construction Schedule to complete the trail
- Efficient use of public funding due to collaboration on project between the City of Portland and Metro

Scope of Work

Work Description

OPRC owns and operates a short-line railroad within the project area. The single track line serves industrial customers between Milwaukie and Portland. The area includes approximately 1500 linear track feet of track that must be relocated to accommodate construction of the sewer and trail. The construction will require clearing, grading, physical movement of the track and road crossing improvements.

Railroad Plans and Maintenance Road Plans

BES has prepared hard copy railroad and maintenance road plans that illustrate the existing and future railroad alignment over existing land base feature, e.g., roads, property lines, and utilities. The plans are drawn to scale and are annotated with dimensions suitable for survey staking.

The railroad plans illustrate existing and proposed horizontal alignment of the tracks. Elevation and super-elevation of the tracks will be the responsibility of OPRC. During the project OPRC is required to coordinate rail elevation and super-elevations with Metro and the BES Project Manager, prior to construction.

Prior to construction, the plans shall be reviewed by all parties and checked for accuracy and construction feasibility.

Construction Management Coordination

Work includes providing Metro with a two week look-ahead construction schedule, attending a weekly construction meeting and coordination among all contractors and city crews working in the vicinity of the project. OPRC will provide access to the site for Metro's construction manager, BES project manager.

Pavement restoration services will be provided by the City and shall be scheduled at least three weeks in advance of any work within the improved portions of Umatilla and Harney Streets.

Contracts and Billing

Payment shall be full compensation for all materials, labor and equipment necessary to complete the track re-alignment work. The Contract shall hold Metro and the City harmless for any error or omissions in the drawings reviewed and approved by OPRC.

Billing shall occur monthly with an initial payment of 10 percent of the value of the contract for site mobilization. Billing shall describe the percent work that has been completed according to the attached construction schedule. All billing will occur at the end of each month. No retainage shall be withheld from progress payments.

Railroad Realignment Construction Services

Work includes re-alignment of the OPRC railroad to the location shown on the drawings and as approved by all parties. The construction elements will include: preconstruction staking, clearing and grubbing, initial grading and excavation, track realignment, track construction, and pavement restoration.

Changes or adjustments to the elevation of the future railroad tracks shown on the plans shall be coordinated among OPRC and City agencies including, but not limited to PDOT, BES, and Bureau Of Maintenance (BOM). Coordination of rail elevation information is paramount to ensure that pavement grades are smooth over the interim grade, and, that final grade of rails and pavement are equal and meet the ODOT Rail Order specifications.

Permits

A traffic control plan is required that provides information on detours, signage, hours of closure etc. The traffic control plan is required to be submitted to PDOT for all work to be conducted within the street right of way.

The Grade Crossing Order is required before the new rail alignment can be made active. The Grade Crossing Order will be obtained by the City. Coordination between OPRC and City crews and its' contractors is required to ensure that all transportation safety elements (e.g., signage) are installed to the satisfaction of the ODOT Rail authorities.

Project Schedule:

See attached

Budget:

Total cost for construction of the realignment of the OPRC railroad tracks is not to exceed \$250,084.13.

Project Schedule

Sellwood Interceptor Track Relocation Project

Week Beginning- 2008

Segment	Activity	7-Jan	14-Jan	21-Jan	28-Jan	4-Feb	11-Feb	18-Feb	26-Feb	3-Mar	10-Mar	17-Mar	24-Mar
I, III, V	Mobilization												
All	Erosion Control												
All	Tree removal												
All	Traffic control												
All	Limits of Work staking												
All	Site grubbing												
All	Preliminary grading												
I and V	Reinforce track for shift in location												
V	Shift track												
I	Shift track												
III	Build replacement track segments												
I and V	Line and Surface track												
V	Construct temporary access- Harney to Marion												
II	Build Umatilla Crossing												
IV	Build Harney Crossing												
II	Install Umatilla Crossing												
IV	Install Harney Crossing												
All	Complete final surfacing and lining of track												
II and IV	Pave crossing approaches												
All	Final site clean-up												
All	Demobilization												

Notes: Umatilla and Harney crossing track sections will be built on newly constructed trackage and set into place by crane to minimize traffic disruption
 Anticipated closure of Umatilla Street crossing will be 3-4 days; access to condo's from Spokane Street only
 Anticipated closure of Harney Street crossing will be 2-3 days; detour to be provided via Marion Spokane Street

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3892, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A SOLE SOURCE CONTRACT WITH THE OREGON PACIFIC RAILROAD FOR RAILROAD TRACK REALIGNMENT SERVICES

Date: January 17, 2008

Prepared by: Mary Anne Cassin
and Mel Huie

PURPOSE

The Metro Council's (acting as the Contract Review Board) approval of the resolution will allow Metro to enter into a sole source contract with the Oregon Pacific Railroad (OPR) to realign the railroad tracks in the Sellwood Gap (SE Umatilla St. to SE Marion St.) of the Springwater Corridor Trail, near the Willamette River.

BACKGROUND

The city of Portland has been required by federal and state environmental agencies to greatly curtail the amount of untreated sewerage that spills into the Willamette River during periods of heavy rains. New sewer lines need to be installed in the Sellwood Gap from SE Umatilla to SE Marion St. in southeast Portland. In order to install the sewers, the existing railroad tracks need to be realigned. The new sewers will be installed on the inland side of the corridor and the future trail will be on the riverside of the corridor. A maintenance road in the corridor will serve as an interim trail.

Oregon Pacific Railroad (OPR) owns the right-of-way and the tracks to be realigned. OPR has agreed to allow the track to be realigned, on the condition that OPR have complete control and responsibility for managing the tracks. Because OPR will not allow another party to realign its tracks, a competitive procurement of said track realignment services would be fruitless. OPR also realigned the railroad tracks nearly a decade ago to allow for the "Springwater on the Willamette Trail" to be built. Then, as now OPR's proposed compensation for the track realignment was less expensive than other available options.

The city of Portland will pay all the costs of the track realignment. Metro Parks & Greenspaces will administer the funds and contract with OPR. Metro will also serve as the contract manager for the track realignment.

ANALYSIS / INFORMATION

Known Opposition

There is no known opposition.

Legal Antecedents

Metro Code Section 2.04.062 provides that a contract for goods or services may be awarded without competition if the Metro Contract Review board determines that the goods or services are available from only one source, in accord with ORS 279B-075. ORS 279B.075 requires that the Metro Contract Review Board base its decision on a written finding that the goods and services are available from only one source.

Anticipated Effects

The project will allow the city of Portland to install new sewer lines and a pump station in the corridor. The railroad tracks will be realigned and a maintenance road will be built. The maintenance road will serve as the interim trail.

Budget Impacts

None. The City will provide all the funding for the track realignment project.

RECOMMENDED ACTION

Staff recommends the approval of Resolution No. 08-3892.