

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)
AS THE METRO CONTRACT REVIEW BOARD,)
FOR THE PURPOSE OF APPROVING A)
CONTRACT AMENDMENT FOR THE)
PREDATORS OF THE SERENGETI EXHIBIT)
AND RED APE RESERVE EXHIBITS AT THE)
OREGON ZOO)

RESOLUTION NO. 09-4028
Introduced by Michael Jordan, Chief
Operating Officer, with the concurrence of
Council President David Bragdon

WHEREAS, pursuant to Oregon Revised Statute 279A.060 and Metro Code 2.04.058, the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.058 requires Council approval for contract amendments that exceed \$25,000; and

WHEREAS, under the direction of the Oregon Zoo Construction and Maintenance Manager, 2KG Contractors, Inc. is constructing the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with project specifications and schedules; and

WHEREAS, Metro awarded the original contract through an open competitive bid process, with 2KG Contractors, Inc. being deemed the lowest responsive and responsible bidder; and

WHEREAS, the original contract amount was \$5,659,300 and the proposed contract amendment is \$55,855; and

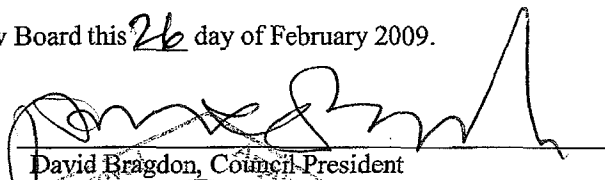
WHEREAS, The Oregon Zoo Construction and Maintenance Manager and the consulting architect for the projects have reviewed the proposed contract amendment, and deem the work necessary and reasonably priced; and

WHEREAS, the amendment cost can be paid from existing project contingency; and

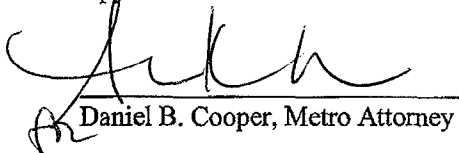
WHEREAS, the Metro Procurement Officer believes amending the existing contract with 2KG Contractors, Inc. is appropriate and in the best interests of Metro; now therefore

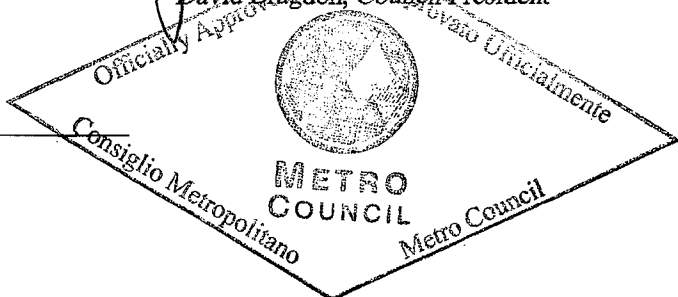
BE IT RESOLVED that the Metro Council, acting as the Public Contract Review Board, authorizes the Procurement Officer to execute a contract amendment in the amount of \$55,855 with 2KG Contractors, Inc. for the Predators of the Serengeti and Red Ape Reserve projects.

ADOPTED by the Metro Council Contract Review Board this 26 day of February 2009.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4028, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE PREDATORS OF THE SERENGETI AND RED APE RESERVE EXHIBITS AT THE OREGON ZOO

Date: February 3, 2009

Prepared by: Darin Matthews, 503 797-1626
Steve Chaney, 503 525-4297

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for the Predators of the Serengeti and Red Ape Reserve projects in 2008. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was 2KG Contractors, Inc.

This contract was awarded on July 2, 2008 in the amount of \$5,659,300 and work began on July 25, 2008. The zoo Construction and Maintenance Manager reports that these projects have progressed as planned and that 2KG Contractors, Inc. has provided construction services in accordance with the contract.

During the course of construction, the contractor requested the following additional services to the exhibits:

Over excavation on footings	\$11,564
Red Ape Reserve first floor slab demolition	6,280
Revision of lion yard footings	16,256
Revisions required by city permit review	<u>21,785</u>
Total	\$55,885

The Zoo Construction and Maintenance Manager reviewed the additional services and agrees the work is necessary and can be paid within the existing project budgets. The consulting architect for the projects also reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, believes the amendment is in Metro's best interest to approve.

The Zoo will continue to manage and administer this contract to ensure these exhibits are constructed in accordance with the contract, including all plans and specifications. The Predators of the Serengeti and Red Ape Reserve exhibits are scheduled to open in summer 2009 and fall 2009, respectively.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Metro Code 2.04.058, ORS Chapter 279C.
3. **Anticipated Effects:** Construction will continue on the new exhibits under the direction of zoo Construction and Maintenance Manager and in accordance with schedules.
4. **Budget Impacts:** The Metro Council previously approved an amended Predators of the Serengeti project at \$5.2 million. A companion resolution before Council amends the Red Ape Reserve project to reflect the new cost of \$2,285,125. A companion budget amendment recognizes contributions to allow completion of these projects. This change order falls within budgeted contingency amounts.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment with 2KG Contractors, Inc.