

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A)
CONTRACT AMENDMENT FOR ELECTRICAL)
CONTROL SYSTEM WORK AT THE OREGON)
ZOO)

RESOLUTION NO. 10-4114

Introduced by Chief Operating Officer
Michael Jordan with the concurrence of
Council President David Bragdon.

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

WHEREAS, in June 2009, Metro awarded a \$99,500 public improvement contract to ESC Controls, Inc. to provide installation and maintenance of electrical control and management systems for lighting, heating, ventilation and air conditioning at the Oregon Zoo; and

WHEREAS, as set forth in the Staff Report attached hereto, the Oregon Zoo staff identified a need for ESC Controls, Inc. to do additional related work at the Oregon Zoo in the amount of \$60,652.85, including work on the Predators of the Serengeti and Red Ape Reserve exhibits; and

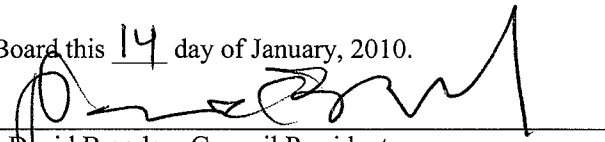
WHEREAS, a contract amendment is needed to increase the total contract amount to \$170,152.85, and the additional work has been reviewed by the Construction Bond Manager and Procurement Officer and is deemed to be necessary and appropriately priced; and.

WHEREAS the proposed contract amendment requires approval of the Metro Council, because Metro Code 2.04.058 requires Council approval for contract amendments that exceed five percent of the initial contract value or \$25,000; and

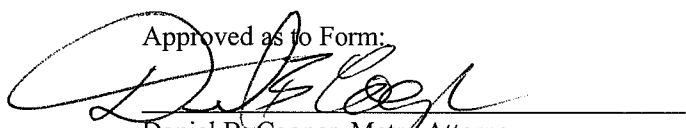
WHEREAS, the Metro Procurement Officer believes that the amending the existing contract with ESC Controls, Inc. is appropriate and that such action is in the best interests of Metro and the Oregon Zoo; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute a contract amendment with ESC Controls, Inc., increasing the contract amount by \$60,652 to \$170,152.85.

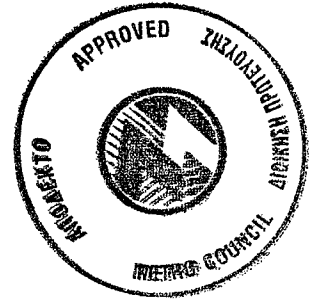
ADOPTED by the Metro Council Contract Review Board this 14 day of January, 2010.



David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4114 FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR ELECTRICAL CONTROL SYSTEM WORK AT THE OREGON ZOO

Date: January 5, 2010

Prepared by: Darin Matthews, 797-1626
Joanne Ossanna, 220-5705

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for Electrical Control Systems Installation and Maintenance at the Oregon Zoo. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was ESC Controls, Inc of Tigard, Oregon.

The contract specifications were prepared by the Oregon Zoo and represented the estimated need for services at various locations throughout the zoo.

This contract was awarded in July 2009 in the amount of \$99,500. The contractor immediately began providing services on an as-needed basis, including the installation of controls on the Predators of the Serengeti and Red Ape Reserve projects.

This contractor has a proven history of performance at the Oregon Zoo, a reputation for quality work, and a familiarity with zoo control systems. Their services were overseen by several zoo staff members, and based on a lack of coordination the cost of the services provided exceeded the amount of the contract. Therefore, ESC provided more services than originally planned.

Zoo management recently assumed proper control of this contract and all related expenditures for the Predators of the Serengeti and Red Ape exhibits, and have determined that an additional \$60,652.85 in services have been provided by ESC for several zoo projects and maintenance needs. The Procurement Officer has reviewed these additional charges and has determined that necessary services were provided by this contractor and that appropriate rates were charged.

Invoices are currently due for services that have been provided, and with the approval of this contract amendment, this contract can be adjusted to allow for the proper payment. An additional \$10,000 is requested for this amendment to address any pending or upcoming service needs at the Oregon Zoo. The new total contract value will be \$170,652.85 and is based on the unit pricing established in the original contract.

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

The Oregon Zoo will continue to manage and administer this contract as part of their maintenance program. In the future, this requirement will be put out for competitive bid and a new contract will be established. Additionally, any control work on capital bond projects will be included as part of a prime contract for exhibit construction and separately procured from Oregon Zoo maintenance needs.

Direct Digital Controls, (DDC), relating to Energy Management Systems for lighting and Heating, Ventilation and Air Conditioning are an integral part of Metro's sustainability initiatives. There are many energy efficient routines that DDC allows the user to monitor and trend. By storing trends, energy consumption patterns can be monitored. Equipment can also be centrally scheduled "on" or "off" in applications where schedules frequently change. This limits energy consumption to time frames and ranges when it is necessary and reduces energy waste.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Metro Code 2.04.058, ORS Chapter 279C.
3. **Anticipated Effects:** Services provided to date and future services will be covered up to the amended contract amount.
4. **Budget Impacts:** The Oregon Zoo's FY 2009-10 capital account, renewal and replacement account, and general fund appropriations are adequate to fund the increase in contract value and expenditures.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment with ESC Controls, Inc.

