

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

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

RESOLUTION NO. 10-4140

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, 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, under the direction of the Zoo, Portland Fence Company is fabricating caging at the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with the project specifications and schedule; and

WHEREAS, the original contract was awarded as a result of an open competitive bid process with Portland Fence Company being deemed the lowest responsive and responsible bidder; and

WHEREAS, the current contract amount is \$298,609 and the proposed contract amendment totals \$21,257.32. The debits and credits to the contract have been reviewed by the Zoo Project Manager and the project team and has been approved as necessary and appropriately priced; and

WHEREAS, during the course of construction, a number of unforeseen items have come up that necessitate additional work be performed by this contract. This work includes hydraulic door bracket, perimeter meshing, additional chain link fence, repairs to existing access gate.

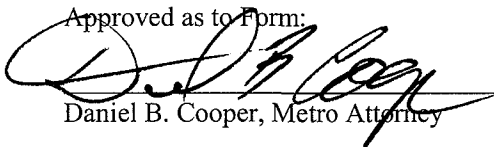
WHEREAS, the Metro Procurement Officer believes that the amending the existing contract with Portland Fence Company is appropriate and that such action is in the best interests of Metro and will better ensure a timely project delivery; and

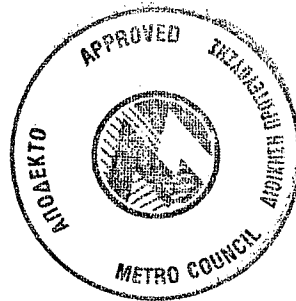
BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute contract amendments in the amount of \$21,257.32 with Portland Fence Company for the Predators of the Serengeti and Red Ape Reserve project.

ADOPTED by the Metro Council Contract Review Board this 15 day of APRIL 2010.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4140, 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: March 26, 2010

Prepared by:

Darin Matthews, 503 797-1626
Joanne Ossanna, 503-220-5705

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for steel caging at the Predators of the Serengeti and Red Ape Reserve projects in 2009. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Portland Fence Company, a division of United Fence Contractors, Inc.

The project specifications and design drawings were prepared by Peck Smiley Ettlin Architects and adequately represented the scope of the project.

This contract was awarded on 3/19/2009 and expired 12/31/2009. Original contract amount was \$251,028. On 10/19/2009, it was amended for additional work at Predators of the Serengeti in the amount of \$47,581, bringing contract total to \$298,609. Portland Fence Company has provided caging fabrication and installation services in accordance with the contract. As of February 1, 2010 their work—as initially described in contract Scope of Work—is nearing completion. There is currently \$9,952 left on the contract.

During the course of construction, a number of unforeseen items have come up.

1. Red Ape Reserve. An additional bracket for hydraulic door locking pin was identified as a necessity to ensure safe door operation. The contractor (Portland Fence Company) has quoted \$517.32 to complete this additional work.
2. Red Ape Reserve. Rigid Mesh around the perimeter base of the outdoor exhibit yard has been added to project scope, to ensure against potential contact between dangerous animals and zoo visitors. The contractor has quoted \$4896 to complete this additional work.
3. Red Ape Reserve. A black 4 foot tall chain link fence, running 116 feet in the planter dividing visitor space from animal space is shown on the approved design drawings but was not included in any contractor's Scope of Work. This work is necessary to ensure minimum required safety distances between dangerous animals and zoo visitors. The contractor has quoted \$4931 to complete this additional work.
4. Red Ape Reserve. Modifications to gate frames in the outdoor mesh enclosure were required due to misalignment of posts and concrete walls. The contractor has quoted \$463 to complete this additional work.
5. Predators of the Serengeti. Lock out/tag out modifications at cheetah holding building for keeper/animal safety. The contractor has quoted \$1100 to complete this additional work.
6. Predators of the Serengeti. Change the hardware on the demonstration theater gate to ensure limited, authorized staff access for safety. The contractor has quoted \$585 to complete this work.
7. Predators of the Serengeti. Repairs to the existing access gate at service entrance to Predators. The contractor has quoted \$752 to complete this additional work.

8. Predators of the Serengeti. Alterations to the zoo perimeter fence are required to meet USDA requirements. The contractor has quoted \$11,177 to complete this additional work.

This brings the total amount for proposed changes to \$24,421.32. The Zoo eliminated one item from Portland Fence Company's contracted scope of work: hydraulic door shrouds. There is a credit from the contractor to the Zoo for this eliminated work in the amount of \$3164. By applying that credit to this contract amendment, the net total amount is \$21,257.32. The respective Project Managers for Red Ape Reserve and Predators of the Serengeti projects and design teams have reviewed these additional items and agreed the work is necessary. The necessary additional work for Red Ape Reserve can be covered under current project budget. The punch list for Predators of the Serengeti, including the items listed above, is being prioritized. No work will proceed, even upon approval of contract amendment, unless funding can be identified.

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 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. Red Ape Reserve is scheduled to open in summer 2010.

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 respective Project Managers and Zoo Management and in accordance with schedules.
4. **Budget Impacts:** These change orders fall within budgeted contingency amounts.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment.



600 NE Grand Ave.
 Portland, OR 97232-2736
 (503) 797-1700

Change Order

CHANGE ORDER NO. 2
CONTRACT NO. 929143

This Amendment hereby amends the above titled contract between Metro, a metropolitan service district organized under the law of the State of Oregon and the Metro Charter, and **Portland Fence Co, Inc** hereinafter referred to as "Contractor," located at **9940 SE Oak St. Portland Oregon 97216**.

This is a change order to amend the original Scope of Work to include new tasks at the *Predators of the Serengeti* and *Red Ape Reserve* exhibits. The expiration date of the contract is hereby extended to June 30, 2010. The cost for the added work and supplies is as follows:

Red Ape Reserve Exhibit

Rigid Mesh Barrier (perimeter of outdoor mesh enclosure)	\$ 4,896.00
Additional bracket for hydraulic locking pin ram	\$ 517.32
4 ft black chain link fence in planter (around door enclosure)	\$ 4,931.00
Gate modifications for keeper and vehicle service gates (Outdoor mesh enclosure)	\$ 463.00
Credit from Portland Fence (hydraulic door shrouds)	\$ (3,164.00)
Total Red Ape Reserve	\$ 7,643.32

Predators of the Serengeti Exhibit

Lock out/tag out modifications @ Cheetah Holding (for keeper/animal safety)	\$ 1,100.00
Change hardware on demonstration theater gate (ensures limited, authorized staff access for safety)	\$ 585.00
Repairs to existing access gate at service entrance (<i>Predators</i>)	\$ 752.00
Alterations to Zoo perimeter fence (USDA requirement)	\$ 11,177.00
Total Predators of the Serengeti	\$ 13,614.00

Total Amendment #2 \$ 21,257.32

Contract Amount	\$ 298,609.00
Amendment #2	\$ 21,257.32
	\$ 319,866.32

The contract is hereby amended for TWENTY ONE THOUSAND TWO HUNDRED FIFTY SEVEN AND 32/100 DOLLARS (\$21,257.32). 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 Change Order.

PORTLAND FENCE CO, INC

METRO

 Signature Date

 Signature Date

 Name

Darin Matthews
 Name

 Title

Metro Procurement Officer
 Title