

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 11-4252
CONTRACT AMENDMENT FOR THE WATER)
MAIN BUILDING PROJECT AT THE OREGON) Introduced by Acting Chief Operating Officer
ZOO) Dan Cooper with the concurrence of Council
) President Tom Hughes

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 public improvement contract amendments that exceed five percent of the initial contract value or \$25,000.00; and

WHEREAS, on December 13, 2010, Metro awarded the contract (the "Contract") to construct the Oregon Zoo Water Main Building (the "Project") to SKANSKA USA, Inc., after conducting an open competitive bid process in which SKANSKA, USA, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the original Contract amount is \$160,000, and amendments 1 and 2 increasing the Contract in the amount of \$2,047, and \$4,486 have been approved by the Chief Operating Officer in accord with the Metro Code, for the following additional work: remove and replace sections of sidewalk, add two-inch conduit in existing trench for future utility and remove and replace vault lid at sidewalk ; and

WHEREAS, the Oregon Zoo now wishes to obtain Metro Council approval for amendment three to the Contract for additional work, in the amount of \$4,298. The additional work elements of Amendment 3 include the following: relocate the location of existing irrigation main line that was in conflict with the new building's footings, install additional fencing along the sidewalk to protect the building site's perimeter and to ensure visitor safety, prepare and install additional planting bed work to connect the project to sidewalk, remove and replace concrete sidewalk adjacent to the new custom cast vault lid to eliminate any grade changes and trip hazards; and

WHEREAS, the additional work has been reviewed by the Deputy Chief Operating Officer, the Oregon Zoo Bond Manager, the Oregon Zoo Construction Manager and the Project architect, and has been determined to be necessary, appropriately priced, and within the contingency budget for the project; and

WHEREAS, the sum of the prior approved contract amendments and the amendment proposed herein is \$10,831, exceeds five percent of the initial Contract, amounting to seven percent of the Project's total budget of \$160,000, and therefore must be approved by the Metro Council under Metro Code Section 2.04.058(a)(3); and

WHEREAS, the Metro Procurement Officer believes that amending the existing Contract with SKANSKA USA, Inc. is appropriate and that such action is in the best interests of Metro and will better ensure a timely Project delivery; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Chief Operating Officer to execute contract amendment three with SKANSKA USA, Inc. in the amount of \$4,298, for the Oregon Zoo Water Main Building Project.

ADOPTED by the Metro Council Contract Review Board this 14 day of APRIL 2011.

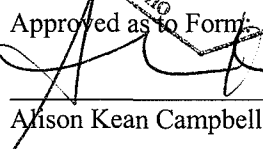


Thomas Hughes, Council President

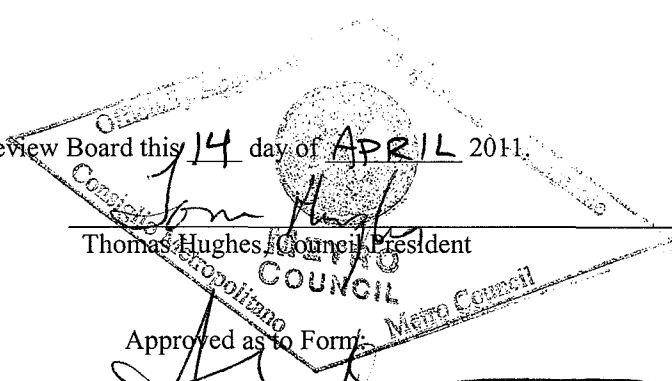
Attest:

N/A

Kelsey Newell, Recorder

Approved as to Form:


Alison Kean Campbell, Acting Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO 11-4252, METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE WATER MAIN BUILDING PROJECT AT THE OREGON ZOO

Date: March 24, 2011

Prepared by: Darin Matthews, 503 797-1626
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BACKGROUND

An open, competitive Request for Bid was issued for the Water Main Building (WMB) project in 2010. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Skanska USA Building, Inc.

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

During the course of construction, existing site conditions and necessary changes to the WMB construction documents have required contract change orders. The program team is requesting amendment to the contract to address the following conditions:

Change Order Three

- A. Upon excavation for the Water Main Building's footings, the contractor discovered that the irrigation main line and a parallel feeder line were within the footprint of the new building's footings. Existing irrigation mainlines had to be re-routed to avoid the new foundation of the WMB. The cost for time and materials to perform this work totals \$137.
- B. The area immediately adjacent to the WMB site has been designated as a contractor staging and materials storing area for additional zoo project work. The area is only partially enclosed by fencing. The Bond Program Director and Construction Manager walked the site with the project manager and determined that adding additional fence along the sidewalk would enclose the staging area and finish off the downhill perimeter of the WMB site. Approximately 66 linear feet of 6-foot chain link fencing along the sidewalk near the WMB project site is required to complete the work. The total cost for this addition is \$2,010.
- C. Uphill of the WMB site there is a blank zone between the limits of disturbance and the sidewalk to Washington Park and Hoyt Arboretum. Although requested, the Architects failed to extend the site's new planting plan from the WMB uphill to the edge of the sidewalk. The unfinished bed has blackberries and other invasive species growing in it, posing an aesthetic and practical maintenance challenge to zoo horticulture staff. At the zoo's request, the Architect's amended the planting plan to extend to edge of the sidewalk and installing one additional tree, 18 shrubs and 8 groundcovers. The total cost for this addition is \$1,265.
- D. Due to existing sidewalk curvature conditions, when the new custom cast vault lid for the WMB was installed, one corner near the curb created a trip hazard. The contractor removed and replaced the concrete sidewalk with new curvature to meet the vault lid elevations and eliminate any trip hazard. The total cost for this addition is \$886.
- E. The total cost for change order 3, all additional scopes listed above, is: \$4,298.

The project's design consultants reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced, which the Metro Procurement Officer concurs with. The Zoo Bond Construction Manager, Program Director, and the Metro Deputy Chief Operating Officer reviewed these change orders and agreed the work is necessary and can be paid within the adopted project budget.

The total for change order three is \$4,298. With approval of these change orders, the total change orders to date total \$10,831, or seven percent of the project's budget of \$160,000. The project contingency is believed adequate to complete the project within budget.

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 bond program will continue to manage and administer this contract to ensure this project is constructed in accordance with the contract, including all plans and specifications. The Water Main Building is scheduled to be completed in April 2011.

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 Water Main Building project under the direction of the Bond Program Project Manager and in accordance with contract documents and schedules.
4. **Budget Impacts:** This change order total is within the project's budgeted contingency. The total contract for Skanska USA Building, Inc will increase to \$170,831.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment representing change order three with Skanska USA Building, Inc.