

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING	)	RESOLUTION NO. 89-1070
A CONTRACT WITH BISHOP CONTRACTORS,	)	
INC. FOR CONSTRUCTION OF AFRICAFA	)	Introduced by Mike
BASEMENT IMPROVEMENTS	)	Ragsdale, Presiding
		Officer

WHEREAS, Metro Washington Park Zoo is facing increasing demands to better serve group users; and

WHEREAS, It is not desirable to attempt to mix special group activities with general visitor activities; and

WHEREAS, It is in the public interest to maximize the use of this public facility; and

WHEREAS, The funding necessary for the completion of this project is in the Zoo Capital Improvements Fund; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Approves a contract with Bishop Contractors, Inc. to complete the AfriCafe Improvements.

ADOPTED by the Council of the Metropolitan Service District  
this 13th day of April, 1989.

  
\_\_\_\_\_  
Mike Ragsdale, Presiding Officer

AMR:can  
3/13/89  
SR:RES

**Metro Washington Park Zoo  
Africa Improvements  
Bid Summary**

March 10, 1989 2:00 P.M.

Contractor	Received Addenda #1	Bid Bond	DBE Form	Resident Bidder	Base Bid	Alternate	Total
Carr Construction	X	X	X	X	\$284,899	\$7,410	\$292,309
Warren Pacific	X	X	X	X	\$283,589	\$8,500	\$292,089
Michael J. Watt	X	X	X	X	\$268,500	\$7,740	\$276,240
Wilson & Dean	X	X	X	X	\$303,000	\$8,200	\$311,200
Meng-Hannan	X	X	X	X	\$292,807	\$7,763	\$300,570
Mackay Construction	X	X	X	X	\$305,000	\$7,600	\$312,600
Oak Hill Constr.	X	X	X	X	\$288,607	\$10,230	\$298,837
Bishop Contractors	X	X	X	X	\$258,700	\$7,300	\$266,000



# GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 89-3-878-ZO

BUDGET CODE NO. will be assigned later

FUND: Capital DEPARTMENT: Zoo

(IF MORE THAN ONE)                     

SOURCE CODE (IF REVENUE)                     

## INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
  - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
  - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
  - C. OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
  - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Construction of AfriCafe Basement Improvements

2. TYPE OF EXPENSE ☐ PERSONAL SERVICES ☐ LABOR AND MATERIALS ☐ PROCUREMENT  
☐ PASS THROUGH AGREEMENT ☐ INTER-GOVERNMENTAL AGREEMENT ☒ CONSTRUCTION  
☐ OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☐ CHANGE IN COST ☐ CHANGE IN WORK SCOPE  
☐ CHANGE IN TIMING ☒ NEW CONTRACT

4. PARTIES Bishop Contractors, Inc.

5. EFFECTIVE DATE est. 3/25/89 TERMINATION DATE 8/31/89  
(THIS IS A CHANGE FROM                     )

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$ <u>266,000.00</u>
	PREV. AMEND	<u>                    </u>
	THIS AMEND	<u>                    </u>
	TOTAL	\$ <u>266,000.00</u>

## 7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 198 <u>8-89</u>	\$ <u>266,000.00</u>
B. BUDGET LINE ITEM NAME <u>AfriCafe Impr.</u> AMOUNT APPROPRIATED FOR CONTRACT	\$ <u>305,260.00</u>
C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF <u>3/25/89</u> , 19 <u>    </u>	\$ <u>305,260.00</u>

## 8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY <u>Summary is attached.</u>	\$ <u>                    </u>	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>                    </u>	\$ <u>                    </u>	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>                    </u>	\$ <u>                    </u>	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS 3

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE

B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☒ NO

11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☒ YES ☐ NO

IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION ODOT

12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☒ YES ☐ NO

13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☒ YES ☐ NOT APPLICABLE

TYPE OF BOND Bid

AMOUNTS 10% (\$26,600)

TYPE OF BOND Performance and Materials

AMOUNTS 266,000

14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)

NAME ECS & Associates SERVICE Electric fixtures & sound

☒ wbe  
☐ MBE

NAME Alameda Plumbing SERVICE Mechanical work

☒ MBE

NAME \_\_\_\_\_ SERVICE \_\_\_\_\_

☐ MBE

NAME \_\_\_\_\_ SERVICE \_\_\_\_\_

☐ MBE

15. IF THE CONTRACT IS OVER \$10,000

A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?

☒ YES ☐ NO

B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?

☐ YES

DATE \_\_\_\_\_

INITIAL \_\_\_\_\_

16. COMMENTS:

## GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

DEPARTMENT HEAD *[Signature]*

FISCAL REVIEW \_\_\_\_\_

BUDGET REVIEW \_\_\_\_\_

CONTRACT REVIEW BOARD

(IF REQUIRED) DATE \_\_\_\_\_

1. \_\_\_\_\_  
COUNCILOR

2. \_\_\_\_\_  
COUNCILOR

3. \_\_\_\_\_  
COUNCILOR

COUNCIL REVIEW

(IF REQUIRED)

DATE \_\_\_\_\_

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM \_\_\_\_\_

B. CONTRACTS OVER \$10,000 \_\_\_\_\_

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES \_\_\_\_\_

CONSTRUCTION AGREEMENT  
FOR THE  
AFRICAFA IMPROVEMENTS

METRO WASHINGTON PARK ZOO

This Construction Agreement is made by and between \_\_\_\_\_

Bishop Contractors, Inc.

hereinafter called Contractor, and the Metropolitan Service District, a political subdivision of the State of Oregon, hereinafter called Metro.

Contractor and Metro agree as follows:

1. Contract Documents

The Contract Documents consist of this Construction Agreement, the Advertisement for Bids, the Invitation to Bid, the Instructions to Bidders, the Bid Forms, including Bid Schedules, bid security and Disadvantaged Business Program forms, the Performance and the Labor and Materials Payment Bonds, the General Conditions, the Supplementary Conditions, the Specifications, the Drawings, the approved and updated Construction Schedule, and other information and data as listed in the Supplementary Conditions, and any modifications of any of the foregoing in the form of Addenda, Clarifications, or Change Orders in accordance with the terms of the Contract. Where applicable, reference to this Construction Agreement herein shall be deemed to refer to all of the Contract Documents.

These documents form the Contract and are, by this reference, expressly incorporated herein. All are as fully a part of the Contract as if attached to this Construction Agreement and repeated fully herein. No amendment made to this Contract nor Change Order issued shall be construed to release either party from any obligation contained in the Contract Documents except as specifically provided in any such amendment or Change Order.

2. Scope of Work

Contractor agrees to provide all labor, tools, equipment, machinery, supervision, transportation, permits and every other item and service necessary to perform the Work described in the Contract Documents. Contractor agrees to fully comply with each and every term, condition and provision of the Contract Documents.

3. Contract Amount

As consideration for Contractor's performance hereunder, Metro agrees to pay Contractor the Contract Amount as adjusted by

approved Change Orders issued pursuant to the Contract Documents and subject to the availability of monies in the Construction Fund. Contractor agrees to accept the Contract Amount as full payment for Contractor's performance of the above-described Work.

The Contract Amount is two hundred, sixty-six thousand  
DOLLARS (\$ 266,000.00 ) and 0 /100TH

Metro shall make payments to Contractor in the manner and at the times provided in the Contract Documents.

4. Additional or Deleted Work

Contractor shall, when so instructed by Metro under the procedures of the Contract Documents, perform additional Work or delete Work in accordance with the Contract Documents. When applicable, the Unit Prices included in the Contractor's Bid shall determine the value of additional or deleted work. When the listed Unit Prices are not applicable, the increase or decrease in the Contract Amount shall be determined pursuant to the applicable provisions of the Contract Documents.

5. Time of Completion; Liquidated Damages

Time is of the essence of this Construction Agreement. Contractor shall bring the work to substantial completion within the Contract Time as set forth in of the Supplementary Conditions of the Contract Documents. The Contract Time shall commence upon issuance of the Notice to Proceed. By executing this Construction Agreement, Contractor confirms and accepts that the Contract Time is a reasonable period for performance of all of the Work.

Should the Contractor fail to substantially complete the Work, as determined by Metro in accordance with the Contract Documents, within the Contract Time, Contractor shall be liable for liquidated damages to Metro as described in the Contract Documents.

6. Bonds

Contractor submits herewith a Performance Bond and a separate Labor and Materials Payment Bond, both in a form acceptable to Metro and otherwise in accordance with the Contract Documents and each in the Contract Amount to ensure full compliance, execution and performance of this Contract by Contractor and payment by Contractor of labor and material Suppliers as more fully described in the Contract Documents. The Performance Bond shall stay in force for a period of one (1) year after written acceptance of the Work by Metro as a guarantee of repair or

replacement of any item(s) of Work found to be defective by reason of faulty workmanship or defective materials. The Labor and Materials Payment Bond shall remain in force for the time required for actions against the bond to be filed in accordance with ORS 279.536.

7. Laws of Oregon Apply

The law of Oregon shall govern the interpretation and construction of this Construction Agreement and all of the Contract Documents.

8. Entire Agreement

THIS CONSTRUCTION AGREEMENT SIGNED BY BOTH PARTIES AND SO INITIALED BY BOTH PARTIES IN THE MARGIN OPPOSITE THIS PARAGRAPH CONSTITUTES A FINAL WRITTEN EXPRESSION OF ALL OF THE TERMS OF THIS CONSTRUCTION AGREEMENT AND IS A COMPLETE AND EXCLUSIVE STATEMENT OF THOSE TERMS. ANY AND ALL  
\_\_\_\_\_  
Metro REPRESENTATIONS, PROMISES, WARRANTIES, OR STATEMENTS BY CONTRACTOR OR CONTRACTOR'S AGENTS THAT DIFFER IN ANY WAY FROM THE TERMS OF THIS WRITTEN AGREEMENT SHALL BE GIVEN NO FORCE AND EFFECT. THIS CONTRACT  
\_\_\_\_\_  
Contractor SHALL BE CHANGED, AMENDED, OR MODIFIED ONLY BY WRITTEN INSTRUMENT SIGNED BY BOTH METRO AND CONTRACTOR. THIS CONTRACT SHALL NOT BE MODIFIED OR ALTERED BY ANY COURSE OF PERFORMANCE BY EITHER PARTY.

Contractor:

Metropolitan Service District:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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Africa Improvements  
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CONVENTION, ZOO & VISITOR  
FACILITIES COMMITTEE REPORT

Agenda Item No. 6.1

Meeting Date April 13, 1989

**RESOLUTION NO. 89-1070, APPROVING A CONTRACT FOR CONSTRUCTION OF  
AFRICAFAE BASEMENT IMPROVEMENTS**

Date: March 22, 1989

Presented By: Councilor Knowles,  
Committee Chair

COMMITTEE RECOMMENDATION: At the March 21, 1989 CZVF meeting, Committee members present -- DeJardin, Kelley, Van Bergen and myself - - voted unanimously to recommend Council adoption of Resolution No. 89-1070. Councilor Buchanan was absent.

COMMITTEE ISSUES/DISCUSSION: Metro Washington Park Zoo Construction Manager Bob Porter presented Resolution No. 89-1070. Mr. Porter recalled the original Africafe RFP included basement improvement specifications but they were later deleted when the bids received were too high. As discussed in the attached staff report, the basement improvements will enable the Zoo to better serve groups, regardless of weather conditions, while meeting general public needs in the cafe. It was noted the former Zoo Committee reviewed the improvements plan with Zoo staff last Fall and both the Zoo Committee and the Council Internal Affairs Committee approved the Zoo's development of a design plan. Zoo Capital Improvements Fund Contingency can cover this project because costs for potential landslide prevention work will not be as high as projected. The Committee did not raise any issues or questions for further discussion.

jpm a:\res1070.cr

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 89-1070 FOR THE PURPOSE OF APPROVING A CONTRACT FOR CONSTRUCTION OF AFRICAFAE BASEMENT IMPROVEMENTS

Date: Mar. 14, 1989

Presented by: A. M. Rich

#### PROPOSED ACTION

Staff recommends that the Executive Officer be authorized to execute a contract with Bishop Contractors, Inc. for a sum of \$266,000 for AfriCafe basement improvements.

#### FACTUAL BACKGROUND AND ANALYSIS

With the anticipated opening of Africa, the largest single exhibit Metro Washington Park Zoo will ever have, the Zoo is facing increasing demands to better serve group users as well as the general visitor. These groups include many local service, civic, and community clubs who meet regularly at set locations. Periodically, they take a "field trip" to enhance their understanding of attractions in this community. In the past, we have turned them away or scheduled them only during fair weather months. When AfriCafe opened we began to attempt to accommodate them in the Cafe. This simply did not work.

Attendance generally picks up substantially in March (usually 250% of February). Counting on a portion of the Cafe for dedicated group use is risky because we stand to alienate the group with noise from the public and we alienate the public with the appearance of catering to special interests. This is not a new dilemma; we face the same problem with company picnics during the summer. The major difference here is that the Cafe is a relatively small space compared to the open lawn area in front of the Elephant Museum.

To help alleviate these problems the Zoo was authorized by the Zoo Committee and the Internal Affairs Committee last fall to proceed with a design for improvements to the basement with a construction estimate of \$286,000. The design was completed in January and the Invitation to Bid was advertised in Portland Business Today on February 14, and in The Skanner on February 15, 1989.

Bids were publicly opened on Friday, March 10, 1989 at 2:00 p.m. Eight bids were received, ranging from a high of \$312,600 to a low of \$266,000. See Attachment A. Bishop Contractors, Inc. is the low bidder. The firm has complied with all bidder requirements and has met Metro's DBE/WBE goals.

#### BUDGET IMPACT

Funds to proceed with this project will be transferred from the Capital Improvements Fund Contingency line item to a line item for AfriCafe Basement Improvements. The Contingency funds became available when recent geo-technical reports indicated no call for constructing a large buttress along Canyon Road.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 89-1070.

AMR:can  
3/14/89  
SR