

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 89 - 1116
AN EXEMPTION FROM REQUIREMENTS OF METRO)
CODE SECTION 2.04.053 FOR AMENDMENT 16) Introduced by
TO CONTRACT WITH ZIMMER GUNSUL FRASCA) Executive Officer Rena Cusma
FOR FINAL ENGINEERING SERVICES FOR)
HOLLADAY STREET IMPROVEMENTS ADJACENT)
TO THE OREGON CONVENTION CENTER PROJECT)

WHEREAS, Zimmer Gunsul Frasca Partnership (ZGF) was selected by competitive process in the spring of 1987 to provide design services for the Oregon Convention Center; and

WHEREAS, the related offsite transit and street improvements are an integral part of the success of the Oregon Convention Center; and

WHEREAS, ZGF has performed preliminary engineering services and is serving as project manager for Tri-Met for this project; and

WHEREAS, to complete the transit and street improvements immediately adjacent to the Oregon Convention Center before the facility opens requires final engineering to commence immediately; and

WHEREAS, the Advisory Committee on Design and Construction considered this issue and the overall project budget at its August 4, 1989 meeting and recommended that the engineering effort continue and be funded \$25,000 from project contingency and \$72,000 from existing budget categories allocated to Holladay Street; and


WHEREAS, the overall project budget has allocated \$600,000 as the project's contribution for these improvements and the cost of this engineering work would be funded from this amount;

WHEREAS, the Executive Officer recommends Council approval; now, therefore,

BE IT RESOLVED,

That the Council hereby exempts the attached contract Amendment No. 16 with Zimmer Gunsul Frasca Partnership from the competitive procurement section of 2.04.053 of the Metro code for final engineering services for street and transit improvements for the convention center project.

ADOPTED by the Council of the Metropolitan Service District this 24th day of August, 1989.


Mike Ragsdale, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 87-2-261CC BUDGET CODE NO. 559 - 231109 - 574120 - 50404
 FUND: 559 DEPARTMENT: Convention Center (IF MORE THAN ONE) - - - -
Project
 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 Addendum No. 16 final engineering services for Holladay
Street and related transit 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 Zimmer Gunsul Frasca and Metro

5. EFFECTIVE DATE 8/15/89 TERMINATION DATE 12/31/90
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$	<u>3,763,000</u>
	PREV. AMEND		<u>587,623</u>
	THIS AMEND		<u>97,000</u>
	TOTAL	\$	<u>4,447,623</u>

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1989 80 \$ 400,000
 B. BUDGET LINE ITEM NAME engineering services AMOUNT APPROPRIATED FOR CONTRACT \$ 400,000
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF July 1, 1989 \$ 400,000

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

SUBMITTED BY _____ \$ _____ MBE
 AMOUNT
 SUBMITTED BY _____ \$ _____ MBE
 AMOUNT
 SUBMITTED BY _____ \$ _____ MBE
 AMOUNT

9. NUMBER AND LOCATION OF ORIGINALS 1-Zimmer Gunsul Frasca, 1-Convention Center Project Office
and Contract Officer's file

1. 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 _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> 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

CONTRACT REVIEW BOARD
 (IF REQUIRED) DATE _____

COUNCIL REVIEW
 (IF REQUIRED):

DEPARTMENT HEAD

1.

COUNCILOR

DATE

FISCAL REVIEW

2.

COUNCILOR

BUDGET REVIEW

3.

COUNCILOR

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

CONVENTION, ZOO & VISITORS
FACILITIES COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 89-1116 GRANTING AN EXEMPTION FROM METRO CODE REQUIREMENTS FOR AMENDMENT NO. 16 TO THE CONTRACT WITH ZIMMER GUNSUL FRASCA FOR ENGINEERING SERVICES ON THE CONVENTION CENTER PROJECT

Date: August 16, 1989

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At the August 15, 1989 Convention, Zoo & Visitors Facilities meeting, members -- Councilors Buchanan, DeJardin, Van Bergen and myself -- voted unanimously to recommend Council adoption of Resolution No. 89-1116.

COMMITTEE DISCUSSION/ISSUES: Sandy Bradley from the Convention Center Project Office presented Resolution No. 89-1116. The primary reason for this amendment is to facilitate completion of the Holladay Street improvement project adjacent to the Convention Center prior to the scheduled opening of that facility. Tri-Met is the manager of the project, but has not received necessary approvals from UMTA to proceed with the final engineering of the street improvements. This amendment will enable the final engineering to be completed in a timely fashion. Zimmer Gunsul and Frasca had been retained by Tri-Met to do the final engineering work, but they will complete the work under their contractual relationship with Metro. The amount of the amendment is \$97,000 with \$25,000 to come from the Convention Center Project Office budget and \$72,000 to be deducted from the \$1,056,000 budgeted for Holladay Street improvements.

Ms. Bradley pointed out that under UMTA rules there can be no retroactive payments for costs incurred prior to receiving UMTA approval. Therefore, Metro will not be reimbursed for the \$25,000 from UMTA.

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STAFF REPORT

Agenda Item No. 1

Meeting Date: August 15, 1989

CONSIDERATION OF RESOLUTION NO. 89-1116 FOR THE PURPOSE OF GRANTING AN EXEMPTION TO REQUIREMENTS OF METRO CODE SECTION 2.04.053 FOR AMENDMENT NO. 16 TO CONTRACT WITH ZIMMER GUNSUL FRASCA FOR FINAL ENGINEERING SERVICES FOR HOLLADAY STREET ADJACENT TO THE OREGON CONVENTION CENTER PROJECT

Date: August 8, 1989

Presented by: Bradley

BACKGROUND AND FACTUAL ANALYSIS:

The Zimmer Gunsul Frasca Partnership (ZGF) is under contract to Metro for design of the convention center. In addition to regular architectural services, ZGF serves as a technical manager for other aspects of the project.

Under provisions of Ordinance No. 88-271E, the Council must exempt amendments to the ZGF contract which exceed \$10,000 from the competitive procurement process otherwise required in Section 2.04.053 of the Metro Code.

In addition to the design and construction of the Oregon Convention Center, the Convention Center Project is responsible for specific transit and pedestrian improvements in the immediate neighborhood. In partnership with the City of Portland and the Oregon Department of Transportation a comprehensive list was developed and responsibility for each element assigned. Much of this work is in the engineering phase or under construction and will be completed prior to the opening of the convention center in September, 1990.

The major elements outstanding are the rebuilding of Holladay Street and enhancements to the light rail system on the northern edge of the convention center site. Holladay Street must be completely rebuilt to accommodate the convention center bus loading zones, changes in circulation, and transit improvements. Transit improvements include a new MAX station between Martin Luther King Jr. Blvd. (Union) and Third Avenue, improvements to the Coliseum MAX station, and pedestrian improvements along the north side of Holladay Street.

These elements were to be managed by Tri-Met using funding primarily provided by a grant from the federal Urban Mass Transit Authority (UMTA). Metro's contribution was established at \$600,000, which Tri-Met would apply to its grant match obligations. The Convention Center Project carries the \$600,000 in its overall project budget.

In addition, the convention center project budget includes \$211,000 for the reconstruction of Holladay Street, and \$245,000 for Holladay

Street traffic signals. In total, the project budget allocates \$1,056,000 for Holladay Street road and transit improvements.

Tri-Met began preliminary engineering and environmental assessment work on February 10, and submitted to UMTA on April 20th its grant application for final engineering and construction. ZGF also served as project manager for this work. Tri-Met has requested a "letter of no prejudice" from UMTA which would allow costs incurred prior to receipt of the grant funds to be eligible for reimbursement. The regional UMTA staff in Seattle indicated that Tri-Met should have no trouble receiving such a letter.

To date, no letter has been received. Until assurances are received that costs incurred will be eligible for grant reimbursement, Tri-Met is precluded from proceeding with the project.

The schedule for completing the project in time for opening is in jeopardy. Tri-Met had scheduled final engineering to begin June 1. Preparation of final bid documents has been delayed. Final engineering must be completed by early October. Following a compressed bid period, contract award and notice to proceed are scheduled for late October, 1989. This allows less than one year for a multi-faceted project. Further reducing the construction period could result in severe cost penalties, and/or a delay in opening this critical artery serving the Oregon Convention Center.

The cost of final engineering for the work on Holladay Street from I-5 to the east side of Martin Luther King Jr. Boulevard is approximately \$97,000. Because of the critical nature of this work, project staff has worked with Tri-Met and the Portland Department of Transportation (PDOT) to develop a plan to ensure the street can be opened on time. PDOT agreed to contract for the construction of the street, but had no funds to initiate final engineering and produce bid documents, leaving this effort to Metro. The sources of the required \$97,000 are recommended as follows:

- \$25,000 from the project's adopted budget;
- \$72,000 to be deducted from the \$1,056,000 otherwise budgeted for the Holladay Street improvements.

This amendment authorizes ZGF to proceed with final engineering, and limits the expenditure amount to \$97,000. ZGF has also been selected by Tri-Met to do the transit-related final engineering work. In the event that a letter of no prejudice is received before this work is completed, Metro's costs could be less, as work related to engineering the transit improvements could be billed to Tri-Met. No budget action is required for this amendment.

ADVISORY COMMITTEE ON DESIGN AND CONSTRUCTION RECOMMENDATION:

The Advisory Committee on Design and Construction met on August 4, 1989 and unanimously recommended that Metro approve this proposed amendment.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of Resolution No. 89-1116, granting an exemption for the contract amendment with Zimmer Gunsul Frasca for final engineering services for street and transit improvements for the convention center project.

AMENDMENT NO. 16

This amends the Agreement between the Metropolitan Service District ("Owner") and Zimmer Gunsul Frasca Partnership ("Architect") executed February 27, 1987 ("original agreement") as amended.

WHEREAS, the parties agreed to the conditions set forth in the original agreement and desire to amend the Agreement as amended;

The following changes are made to the original agreement as previously amended:

EXHIBIT C, COMPENSATION TO ARCHITECT

B. Total Cost

The total cost of the services provided under this agreement during all phases shall not exceed [4,350,623] \$4,447,623.

C. Architect's Basic Services Compensation

25. For final engineering for street improvements for Holladay Street between the west side of Holladay at First Street intersection and the east side of Holladay at Martin Luther King Jr. Blvd., and between the face of the south curb of Holladay and the north side of the north sidewalk of Holladay; and for

platform improvements for the future light rail station, including the paying, utility stub-ins for future station requirements and foundations for future station shelter structure, an amount not to exceed \$97,000

WHEREAS, all other conditions and covenants remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this amendment to be executed by their duly authorized officers.

ARCHITECT:
ZIMMER GUNSUL FRASCA PARTNERSHIP

OWNER:
METROPOLITAN SERVICE DISTRICT

BY: _____
(TITLE) _____

BY: _____
(TITLE) _____

DATE: _____

DATE: _____