

BEFORE THE CONTRACT REVIEW BOARD OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 90 - 1264
EXEMPTION FROM REQUIREMENTS OF METRO)	
CODE SECTION 2.04.054 (a) (3) FOR)	
AMENDMENT NO. 6 TO THE CONTRACT WITH)	
DAMES AND MOORE FOR RESEARCH AND)	Introduced by Executive
ASSISTANCE WITH LITIGATION ON THE)	Officer Rena Cusma
CONVENTION CENTER SITE)	

WHEREAS, Dames and Moore was selected in the fall of 1987 to perform an environmental assessment for the convention center project; and

WHEREAS, Dames and Moore served as Metro's agent throughout the assessment, analyses and extensive remediation programs that were required before construction could begin; and

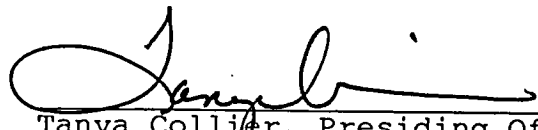
WHEREAS, the cost of remediation on the site formerly occupied by Rose City Plating exceeded \$700,000 and Metro has filed suit to recover those costs; and

WHEREAS, the assistance of Dames and Moore is required during legal proceedings and to prepare a report on the status of the underground tanks removed from the site; now, therefore,

BE IT RESOLVED,

That the Council hereby exempts the attached Contract Amendment No. 6 to the contract with Dames and Moore from the competitive procurement section of 2.04.054 (a) (3) of the Metro code for required assistance during litigation.

ADOPTED by the Council of the Metropolitan Service District this
24th day of May, 1990.


Tanya Collier, Presiding Officer

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ADOPTED by the Council of the Metropolitan Service District this
_____ day of May, 1990.

Tanya Collier, Presiding Officer

CONTRACT AMENDMENT NO. 6
DAMES & MOORE
CONTRACT NO. 900-612

This amends the Agreement (Contract No. 900-612) between the Metropolitan Service District and Dames & Moore ("CONTRACTOR") executed April 29, 1988 as previously amended, ("original agreement" for the period April 25, 1988 through December 31, 1989.

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

The following changes are made to the original agreement. CONTRACTOR agrees to complete all tasks in an expeditious a manner as possible and as necessary to accommodate the construction schedule of the Oregon Convention Center;

Additional Tasks:

CONTRACTOR agrees to perform the following work:

- (1) Provide assistance as requested by Metro office of General Counsel regarding environmental assessment, testing, and remediation of site formerly occupied by Rose City Plating Company. Assistance includes but is not limited to preparation of questions to be posed during discovery, response to questions asked during discovery, preparation for trial, assistance during trial and other assistance as needed.
- (2) Prepare final report describing location, status and disposition of underground storage tanks removed from the Oregon Convention Center site as required by Department of Environmental Quality.

Compensation Limits:

For the scope of work described above, Metro agrees to compensate CONTRACTOR for services performed and materials delivered the additional sum of TWENTY FIVE THOUSAND AND no/100ths DOLLARS (\$25,000.00)

Terms:

The term of the contract shall be extended through December 31, 1990.

WHEREAS, all other conditions and terms of the original agreement remain in full force and effect.

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

CONTRACTOR
DAMES & MOORE

METROPOLITAN
SERVICE DISTRICT

Title: _____

Date: _____

Title: _____

Date: _____

STAFF REPORT

CONSIDERATION RESOLUTION # 90-1264 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM REQUIREMENTS OF METRO CODE SECTION 2.04.054 (a)(3) FOR AMENDMENT NO. 6 TO THE CONTRACT WITH DAMES & MOORE FOR RESEARCH AND ASSISTANCE WITH LITIGATION

Date: May 1, 1990

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

In the fall of 1987, the convention center project issued a request for proposals for an environmental assessment of the convention center site. Dames and Moore was selected, and served as Metro's agent during the assessment, analyses and remediation programs required prior to construction.

The cost of the remediation program for the Rose City Plating site exceeded \$700,000. In early March, 1990, Metro filed suit in Federal District Court seeking to recover \$772,337 in response and remediation costs under CERCLA and ORS 466. Dames and Moore has assisted the Office of General Counsel in the preparation of questions for this litigation and will be assisting with further legal work.

In addition, Dames and Moore will be preparing a short report for DEQ on the status of the underground storage tanks that were removed from the convention center site.

This amendment authorizes an additional \$25,000 for the work described above, which will be billed on a time-and-materials basis.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of the amendment to the contract with Dames and Moore for assistance with litigation associated with the remediation on the convention center site.

CONVENTION & VISITOR FACILITIES
COMMITTEE REPORT

RESOLUTION NO. 90-1264, FOR THE PURPOSE OF AUTHORIZING
AN EXEMPTION FROM REQUIREMENTS OF METRO CODE SECTION
2.04.054(a)(3) FOR AMENDMENT NO. 6 TO THE CONTRACT WITH
DAMES & MOORE FOR RESEARCH AND ASSISTANCE WITH
LITIGATION

Date: May 9, 1990

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: The Convention & Visitor Facilities
Committee voted 4 to 0 to recommend Council adoption of
Resolution No. 90-1264. Voting: Councilors Knowles, Buchanan,
McFarland and Van Bergen. Absent: Councilor Hansen. This
action was taken May 8, 1990.

COMMITTEE DISCUSSION/ISSUES: Neil McFarlane, Project Operations
Manager, presented the staff report. He stated that Dames &
Moore was hired in the Fall of 1987 to do an environmental
assessment of the Convention Center site prior to construction.
A remediation program was necessary for the Rose City Plating
site which cost over \$700,000.

In March 1990, Metro filed suit in Federal District Court seeking
to recover \$772,337 in response and remediation costs. Staff is
recommending that the contract with Dames & Moore be amended to
authorize an additional \$25,000 for contractor to perform the
following work:

1. Provide assistance as requested by Metro Office of General
Counsel regarding environmental assessment, testing and
remediation of site formerly occupied by Rose City Plating
Company. Assistance includes, but is not limited to,
preparation of questions to be posed during discovery,
response to questions asked during discovery, preparation
for trial, assistance during trial and other assistance as
needed.
2. Prepare final report describing location, status and
disposition of underground storage tanks removed from the
Oregon Convention Center site as required by Department of
Environmental Quality.

The Convention and Visitor Facilities Committee met in executive
session on May 8, 1990 to discuss the Metro suit prior to
considering the Dames & Moore contract amendment in regular
session. In regular session there were no further questions,
comments or issues raised and the Committee voted unanimously to
recommend Council approval of Resolution No. 90-1264.

RB:aeb
A:\RES1264.RPT

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- (2) Prepare final report describing location, status and disposition of underground storage tanks removed from the Oregon Convention Center site as required by Department of Environmental Quality.

Compensation Limits:

For the scope of work described above, Metro agrees to compensate CONTRACTOR for services performed and materials delivered the additional sum of TWENTY FIVE THOUSAND AND no/100ths DOLLARS (\$25,000.00)

Terms:

The term of the contract shall be extended through December 31, 1990.

WHEREAS, all other conditions and terms of the original agreement remain in full force and effect.

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

CONTRACTOR
DAMES & MOORE

METROPOLITAN
SERVICE DISTRICT

Title: _____

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STAFF REPORT

CONSIDERATION RESOLUTION # 90-1264 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM REQUIREMENTS OF METRO CODE SECTION 2.04.054 (a) (3) FOR AMENDMENT NO. 6 TO THE CONTRACT WITH DAMES & MOORE FOR RESEARCH AND ASSISTANCE WITH LITIGATION

Date: May 1, 1990

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

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In addition, Dames and Moore will be preparing a short report for DEQ on the status of the underground storage tanks that were removed from the convention center site.

This amendment authorizes an additional \$25,000 for the work described above, which will be billed on a time-and-materials basis.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of the amendment to the contract with Dames and Moore for assistance with litigation associated with the remediation on the convention center site.