

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN ) RESOLUTION NO. 90 - 1277  
EXEMPTION TO THE REQUIREMENTS TO )  
SOLICIT COMPETITIVE PROPOSALS FOR )  
AMENDMENT NO. 5 TO THE CONTRACT WITH )  
SCS ENGINEERS, INC. THAT PROVIDES )  
ADDITIONAL DESIGN SERVICES FOR THE )  
METRO SOUTH STATION MODIFICATIONS ) Introduced by Executive  
Officer Rena Cusma

WHEREAS, SCS Engineers, Inc. was selected in August 1989 to provide design and construction management services for the modifications to the Metro South Station; and

WHEREAS, fees for the design services were negotiated prior to the time of contract award; and

WHEREAS, the project has required additional services for design that could not have been anticipated at the time of contract award; and

WHEREAS, SCS is in the best position to perform the work for the lowest cost; and

WHEREAS, it was impractical to solicit proposals for the work described in Amendment No. 5; now, therefore,

BE IT RESOLVED,

That the Contract Review Board hereby exempts the attached Contract Amendment No. 5 to the contract with SCS Engineers, Inc. from the competitive procurement section of 2.04.054 (a) (3) of the Metro Code for required additional services for the modifications to the Metro South Station.

ADOPTED by the Contract Review Board of the Metropolitan Service District this fourteenth day of June, 1990.

  
\_\_\_\_\_  
Tanya Collier, Presiding Officer

Exhibit A

AMENDMENT #5

Contract No. 900971

**Amendment to the Design Services Agreement  
for  
Modifications to Metro South Station  
to include  
Additional Design Services not in the Original Scope of Work**

This Agreement dated the 21st day of June, 1990 hereby amends the above titled design services contract between the Metropolitan Service District, hereafter referred to as "Metro", and SCS Engineers, Inc., hereafter referred to as the "Contractor". This amendment is an expansion of the Contractor's original Scope of Work.

It is acknowledged by Metro and Contractor that the services provided herein are additional design services that could not have been anticipated at the time of contract award.

THE PARTIES set forth below agree to the following additions to the Contract as specifically provided for herein:

1. This amendment includes all work performed and services provided for the following tasks:

Conveyance System between Compactors,	\$4,726.
Control Room overlooking the Pit Extension,	\$9,968.
Temporary Transformer location assessment,	\$1,918.
Relocation of Dozer Access,	\$3,864.
Misting System for Dust Control,	\$2,960.
Improved Bridge Alignment,	\$5,462.
Temporary Staging/Storage Area,	\$6,555.
Realignment of Compactor Access Road,	\$7,756.
Operators Room under Dozer Ramp,	\$1,090.

2. Metro agrees to pay to Contractor additional consideration not to exceed Forty-four Thousand, Two Hundred and ninety-nine Dollars (\$44,299.00) for such services as specified herein. No payment beyond this sum shall be authorized by Metro without a specific written amendment to the original contract.

3. The Contractor shall maintain its records in such a manner as to provide a clear distinction between the direct costs of work paid for in the performance of this work and the costs of other operations.
4. Metro shall make payments due the Contractor under this Amendment as soon as possible after receiving invoices for the work performed.

All terms of the original agreement and previous amendments, except as modified herein, shall remain in full force and effect.

SCS Engineers, Inc.

Metropolitan Service District

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

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

RRS  
MSSMODS\MSS11\AMEND5  
May 23, 1990



# GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 900-971

530-318000-571200-00000

FUND: Capital DEPARTMENT: SW

BUDGET CODE NO. \_\_\_\_\_

IF MORE THAN ONE) \_\_\_\_\_

SOURCE CODE (IF REVENUE) \_\_\_\_\_

### INSTRUCTIONS

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

1. PURPOSE OF GRANT/CONTRACT Amendment #5

2. TYPE OF EXPENSE

<input checked="" type="checkbox"/> PERSONAL SERVICES	<input type="checkbox"/> LABOR AND MATERIALS	<input type="checkbox"/> PROCUREMENT
<input type="checkbox"/> PASS THROUGH AGREEMENT	<input type="checkbox"/> INTER-GOVERNMENTAL AGREEMENT	<input type="checkbox"/> CONSTRUCTION
		<input type="checkbox"/> OTHER

OR

TYPE OF REVENUE

<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> CONTRACT	<input type="checkbox"/> OTHER
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3. TYPE OF ACTION

<input checked="" type="checkbox"/> CHANGE IN COST	<input checked="" type="checkbox"/> CHANGE IN WORK SCOPE
<input type="checkbox"/> CHANGE IN TIMING	<input type="checkbox"/> NEW CONTRACT

4. PARTIES Metro and SCS Engineers

5. EFFECTIVE DATE 4/23/90 TERMINATION DATE 6/30/90  
(THIS IS A CHANGE FROM \_\_\_\_\_)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$ <u>198,162.00</u>
	PREV. AMEND	<u>27,050.00</u>
	THIS AMEND	<u>44,299.00</u>
	<b>TOTAL</b>	<b>\$ <u>269,511.00</u></b>

### 7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR <u>1989</u>	\$ <u>250,000.00</u>
B. BUDGET LINE ITEM NAME <u>Purchases - Other Improvements</u> AMOUNT APPROPRIATED FOR CONTRACT	\$ <u>1,432,000.00</u>
C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19____	\$ _____

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

SUBMITTED BY _____	\$ _____	AMOUNT	<input type="checkbox"/> MBE
SUBMITTED BY _____	\$ _____	AMOUNT	<input type="checkbox"/> MBE
SUBMITTED BY _____	\$ _____	AMOUNT	<input type="checkbox"/> MBE

9. NUMBER AND LOCATION OF ORIGINALS \_\_\_\_\_

- 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 \_\_\_\_\_  
 12 WILL INSURANCE CERTIFICATE BE REQUIRED?  YES -  NO  
 13 WERE BID AND PERFORMANCE BONDS SUBMITTED?  YES  NOT APPLICABLE

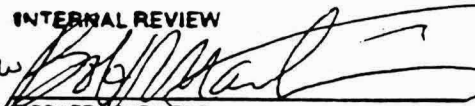

TYPE OF BOND \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_  
 TYPE OF BOND \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

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 <i>Jew</i>  DEPARTMENT HEAD	CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____ 1. _____ COUNCILOR 2. _____ COUNCILOR 3. _____ COUNCILOR	COUNCIL REVIEW (IF REQUIRED) DATE _____
FISCAL REVIEW  BUDGET REVIEW		

5-29-90

- LEGAL COUNSEL REVIEW AS NEEDED:
- A. DEVIATION TO CONTRACT FORM \_\_\_\_\_
- B. CONTRACTS OVER \$10,000 \_\_\_\_\_
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES \_\_\_\_\_

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 90-1277, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENTS TO SOLICIT COMPETITIVE PROPOSALS FOR AMENDMENT NO. 5 TO THE CONTRACT WITH SCS ENGINEERS, INC. THAT PROVIDES ADDITIONAL DESIGN SERVICES FOR THE METRO SOUTH MODIFICATIONS

Date: June 6, 1990

Presented by: Councilor  
Tom DeJardin

Committee Recommendation: The Solid Waste Committee voted 4 to 0 to recommend Council adoption of Resolution No. 90-1277. Voting: Councilors Hansen, Bauer, Buchanan and DeJardin. Absent: Councilor Wyers. This action was taken June 5, 1990.

Committee Discussion/Issues: Jim Watkins, Engineering & Analysis Manager, presented the staff report. In August 1989, Metro contracted with SCS Engineers, Inc. (SCS) for design services to modify the Metro South Station.

The contract has been amended four times to date. The first three amendments were a result of the Oregon City conditional use permit requirements. The fourth was a result of Metro's decision to rebid the construction contract.

A fifth amendment to the SCS contract is proposed for design services totalling \$44, 299. The services are for the following:

o Conveyance system between compactors	\$ 4,726
o Control room overlooking pit extension	\$ 9,968
o Temporary transformer location assessment	\$ 1,918
o Relocation of dozer access	\$ 3,864
o Misting system for dust control	\$ 2,960
o Improved bridge alignment	\$ 5,462
o Temporary staging/storage area	\$ 6,555
o Realignment of compactor access road	\$ 7,756
o Operators room under dozer ramp	\$ 1,090
Total amount of this amendment:	\$44,299

The Solid Waste Committee asked staff for details regarding the proposed changes, why they were necessary, and why they were not anticipated. Staff presented the details of each change and stated that the experience of Jack Gray Trucking (JGT), additional input by AMFAB, and other sources has indicated better ways to address the proposed modifications. For example, AMFAB suggested that a conveyor would improve the speed of loading the compactor as well as improve the operator's ability to avoid jamming and shearing. The experience of JGT showed that the turning radius for compactor access was too small.

SOLID WASTE COMMITTEE REPORT  
Resolution No. 90-1277  
June 6, 1990  
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There were no further questions, comments or issues and the Committee voted unanimously to recommend Council adoption of Resolution No. 90-1277.

GH:RB:pa  
RRB.191

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1277 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENTS TO SOLICIT COMPETITIVE PROPOSALS FOR AMENDMENT NO. 5 TO THE CONTRACT WITH SCS ENGINEERS, INC. THAT PROVIDES ADDITIONAL DESIGN SERVICES FOR THE METRO SOUTH STATION MODIFICATIONS.

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Date: May 24, 1990

Presented by: Jim Watkins and  
Rob Smoot

FACTUAL BACKGROUND AND ANALYSIS

On August 22, 1989, Metro contracted with SCS Engineers, Inc. (SCS) for design services to modify the Metro South Station. These design services include the design of a new entrance for transfer trucks, an employees/visitors parking lot, a pit extension to facilitate the loading of waste into two compactors, a transfer trailer staging/storage area for 110 trailers, and an access road from the staging/storage area to the compactors. The contracted amount for these services was \$198,162.

To date the contract has been amended four (4) times, adding \$27,050 to the original contract price. The first three amendments were additions to the contract as a result of requirements of Metro's Conditional Use Permit with Oregon City. The fourth amendment was a result of Metro's decision to rebid the Construction Contract.

In general the provisions of Code Section 2.04.054(a)(3) prohibit contract amendments for Personal Services contracts in an amount exceeding \$10,000 unless the Metro Council, acting as the Contracts Review Board, shall have specifically exempted the contract amendment from the competitive procurement procedures of Section 2.04.053.

The Office of General Counsel has advised Metro departments that where the amendments are in fact discrete decisions, both as to Scope of Work and in time of consideration, the Metro Code does not preclude amendments to one Personal Services contract which cumulatively exceed \$10,000.

SCS submitted a memorandum to Metro in which compensation for each of the tasks listed below was requested. Each of the those tasks were considered discrete units of work, however, in a letter from Daniel B. Cooper, General Counsel to Amha Hazen,



Contracts Administrator, Mr. Cooper ruled, "... it is not possible to find that the prices quoted are not interconnected. Absent further information, I do not find that these are in fact discrete amendments."

It would be impractical for Metro to contract portions of the design services to modify the Metro South Station to any firm other than SCS. Due to their familiarity with the site and other integrated portion of the work, SCS is in the best position to perform the work for the lowest cost. Further, contracting a portion of the design to another firm would require an amendment to Metro's contract with SCS to require them to coordinate with another firm.

In addition, Metro would be exposed to increased risk of claims disputes by contracting with two separate firms for portions of the design services to modify the Metro South Station. Two contracts would also require additional staff to process billings and to coordinate the integration of the work being done by each contractor.

The work included in Amendment No. 5 (attached hereto as "Exhibit A") could not have reasonably been anticipated by SCS nor was it anticipated by Metro. Amendment No. 5 includes design services for the following tasks (each task is explained below the table):

Conveyance System between Compactors,	\$4,726.
Control Room overlooking the Pit Extension,	\$9,968.
Temporary Transformer location assessment,	\$1,918.
Relocation of Dozer Access,	\$3,864.
Misting System for Dust Control,	\$2,960.
Improved Bridge Alignment,	\$5,462.
Temporary Staging/Storage Area,	\$6,555.
Realignment of Compactor Access Road,	\$7,756.
Operators Room under Dozer Ramp,	\$1,090.
Total amount of this amendment,	\$44,299.

**Conveyance System:** SCS has designed a conveyor to move waste between the two compactors for more efficient loading. It was determined during conversations with the compactor manufacturer that a conveyor would improve the speed of loading the compactors as well as improve the operator's ability to avoid jamming and extensive shearing at the lid because of increased control for loading of the hoppers.

**Control Room:** SCS designed a control room over the compactor loading hoppers from which an operator can control the compactors and conveyance system. The addition of the control room will increase the transfer station operator's ability to spot check the waste prior to loading the compactors, therefore, decreasing the risk that unacceptable waste would be deposited into one of

the compactors. In addition the control room will provide a viewing area of the transfer station operations for staff and visitors.

**Temporary Transformer:** Metro's contract with Amfab Resources for the purchase and installation of the compactor include an upgrade of the existing transformer to accommodate the additional power usage of the compactor. Amfab included the upgrade in their contract to Metro on the basis that PGE does not charge for upgrading transformers.

PGE was contacted in September 1989 to schedule the upgrade of the transformer. At that time they were made aware of Metro's plans to modify the facility to accommodate two compactors. PGE informed Metro and Amfab that the transformer upgrade was seen as only temporary and that there would be a fee for the temporary upgrade.

Metro staff requested SCS to perform a value engineering study to determine the best timing for permanent transformer installation in hopes of avoiding the \$7,918 cost of installing a temporary transformer. SCS has requested compensation for this additional task.

**Relocation of Dozer Access:** The conceptual plan that SCS submitted for review provided a dozer exit from the pit area in which the dozer would ramp across the conveyor and then ramp down into the center of the transfer trailer loading area to a maintenance area beneath the bridge. Staff felt that this plan would congest the area and that it would not be convenient for the operator. SCS was asked to design a dozer exit and maintenance area on the south side of the pit extension which would allow equipment to access the pit near the commercial entrance to the tipping floor. However, the estimated construction cost of a separate dozer maintenance area was \$100,000. Metro then directed SCS to revive their original design. SCS has requested compensation for design time related to evaluating the dozer access and maintenance area proposed by Metro.

**Misting System:** A misting system for dust control is an integral part of most transfer stations, including Metro South Station. Metro's original concept for a pit extension did not include a misting system separate from the compactor misting system. However, as the conceptual plan evolved it was decided to extend the current pit misting system to cover the entire pit extension.

**Improved Bridge Alignment:** SCS had designed two bridges over the compactors to conform with the conceptual design that Metro presented to Oregon City for a Conditional Use Permit. During preliminary design SCS proposed to redesign the bridge structure to consolidate the bridges to reduce the cost of construction.

Metro staff agreed that by consolidating the bridges we might be able to reduce the amount of retaining wall needed in the trailer staging/storage area, and reduce some piling, as well as improve site workability. SCS has requested compensation for their cost in designing the original double bridge.

**Temporary Staging/Storage Area:** SCS provided design services to design a temporary staging/storage area for transfer trailers that allows staging/storage of at least 40 trailers and is consistent with the final design plans for the site. These services included plans and specifications for excavating, subgrading, grading, compacting, applying an aggregate base, storm drainage control, and surveying to reestablish a base map for construction documents. These services, which were not envisioned in the original Scope of Work, were necessary to ensure that a temporary staging/storage area be available on January 1, 1990 for Metro's shuttling contractor.

**Realignment of Compactor Access Road:** SCS redesigned the compactor access road to increase all turning radii and to smooth out turns. These services were requested by Jack Gray Transport, Inc. (JGT) representatives to reduce the risk of damaging trailers and shuttle equipment based on operating experience gained in the initial months of operation. This request was made by JGT after the design of the access road had been substantially completed and came as a surprise to both Metro and SCS because the JGT representatives had voiced satisfaction with the preliminary design..

**Operators Room under Dozer Ramp:** An operator's room under the dozer ramp was requested by Metro at a January 15, 1990 meeting with SCS. This work was requested after 90% completion of the drawings, therefore, a break in design occurred and SCS has requested compensation. This work will allow a printer to be located nearer to the transfer trailer loading, allowing for a more efficient signing of the manifest by the operations contractor and the shuttle contractor.

#### BUDGET IMPACTS

Adequate funds exist in the FY 1989-90 budget for payment of an additional \$44,299 to the Design Services Agreement (Contract No. 900971) with SCS Engineers, Inc.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends Contract Review Board approval of Resolution No. 90-1277.

RS  
05/24/90