

BEFORE THE CONTRACT REVIEW BOARD OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 90 - 1332
EXEMPTION TO THE REQUIREMENTS TO)
SOLICIT COMPETITIVE PROPOSALS FOR)
AMENDMENT NO. 9 TO THE CONTRACT WITH)
SCS ENGINEERS, INC. THAT PROVIDES)
ADDITIONAL DESIGN AND CONSTRUCTION)
MANAGEMENT SERVICES FOR THE METRO) Introduced by Executive
SOUTH STATION MODIFICATIONS) 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 and construction management 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 is impractical to solicit proposals for the work described in Amendment No. 9; and

WHEREAS, The Executive Officer has reviewed the Amendment and recommends Contract Review Board approval; now, therefore,

BE IT RESOLVED,

That the Contract Review Board hereby exempts the attached Contract Amendment No. 9 to the contract with SCS Engineers, Inc. from competitive procurement, Section 2.04.054 (a) (3) of the Metro Code, for required additional design and construction management services for Metro South Station modifications.

The Executive Officer is hereby authorized to execute said Amendment No. 9.

ADOPTED by the Contract Review Board of the Metropolitan Service District this 8th day of November 1990.


Tanya Collier, Presiding Officer

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 90-1332 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENTS TO SOLICIT COMPETITIVE PROPOSALS FOR AMENDMENT NO. 9 TO THE CONTRACT WITH SCS ENGINEERS, INC. THAT PROVIDES ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE METRO SOUTH STATION MODIFICATIONS

Date: November 1, 1990

Presented by: Councilor DeJardin

Committee Recommendation: At the October 30, 1990 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 90-1332. Voting in favor were Councilors Buchanan, Collier, DeJardin, Saucy and Wyers.

Committee Issues/Discussion: Jim Watkins, Engineering and Analysis Manager, explained that the Solid Waste Department wants to amend its design and construction management services contract with SCS Engineers, Inc. The amendment, which is the ninth amendment to the contract to date, would provide for full-time, on-site construction management services from November 8, 1990 to December 20, 1990 and then half-time, on-site construction management services through March 1, 1991. The amendment also would procure additional design services, including pile driving specialists, random testing, redesign of wetland parking, and site visitation by the design engineer. Mr. Watkins noted that the work included in the amendment could not have reasonably been anticipated by SCS or by Metro.

Since the amendment is for personal services in excess of \$10,000, Council approval is required to exempt the amendment from competitive procurement procedures, in accordance with Metro Code Section 2.04.054(a)(3). Justification for the exemption is set out on pages 2- 3 of the staff report.

In response to Mr. Watkins' statement that the construction cost was less than the budgeted amount, Councilor Collier inquired whether this could have been a potential funding source to assist with credits to nonprofit charitable rehabilitation agencies, and reiterated the Council's serious interest in that issue.

Councilor Saucy noted his belief that staff could have anticipated the developments which led to the proposed amendment, and that he has a problem with handling these matters as an afterthought.

AMENDMENT #9

Contract No. 900971

**Amendment to the Design Services Agreement
for
Modifications to Metro South Station
to include
Additional Design and Construction Management Services**

This Agreement dated the 8th day of November, 1990 hereby amends the above titled design services contract between the Metropolitan Service District, hereinafter referred to as "Metro", and SCS Engineers, Inc., hereinafter 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 services that could not have been anticipated at the time of contract award.

The Contractor, in addition to the services provided for in the original Contract and previous Amendments, shall provide the following:

1. Full time, on-site construction management for an equivalent of 60 working days. This is to include full time, on-site construction management from November 8, 1990 through December 20, 1990, and then half time, on-site construction management services from December 21, 1990 through March 1, 1991.
2. A pile driving specialist on-site full time during the pile driving operations.
3. Random testing of the various portions of the work to ensure that the Construction Contractor's Quality Control program is effective.
4. Redesign of the wetland parking to provide one parking stall for a full sized school bus.
5. On-site visitations by the design engineer, as necessary.

Metro agrees to pay to Contractor additional consideration on a time and materials basis for which the cumulative amount shall not exceed Sixty Thousand Dollars (\$60,000) 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.

AMENDMENT #9
METRO SOUTH STATION
MODIFICATIONS

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.

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: _____

Title: _____

Title: _____

Date: _____

Date: _____

RRS MSSMODS\MSSII\AMEND9 October 17, 1990

AMENDMENT #9
METRO SOUTH STATION
MODIFICATIONS



GRANT/CONTRACT SUMMARY

AMENDMENT NO. 9

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 900971 BUDGET CODE NO. 531-317410-574130-52100
 FUND. Capital DEPARTMENT: Solid Waste (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 Amend Contract to provide additional design and construction management services for Metro South modifications

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 Metro and SCS Engineers, Inc.

5. EFFECTIVE DATE July 19, 1989 TERMINATION DATE June 15, 1991
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$	<u>198,162</u>
	PREV. AMEND (1 through 8)		<u>86,285</u>
	THIS AMEND No. 9		<u>60,000</u>
	TOTAL	\$	<u>344,447</u>

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1989-91 \$ 146,285
 B. BUDGET LINE ITEM NAME Engineering Svcs. AMOUNT APPROPRIATED FOR CONTRACT \$ 100,000*
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF 9-7-90 1990 \$ 2,695,000

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

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

9. NUMBER AND LOCATION OF ORIGINALS _____

8. 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:

*Savings from construction project will be used to fund contract amount which exceeds \$100,000

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

JW Bobl Mat.
 DEPARTMENT HEAD

CONTRACT REVIEW BOARD

(IF REQUIRED) DATE _____

1. _____
COUNCILOR
2. _____
COUNCILOR
3. _____
COUNCILOR

COUNCIL REVIEW

(IF REQUIRED)

DATE _____

FISCAL REVIEW

Elmer Benjamin
 BUDGET REVIEW
 10/23/90

LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1332 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENTS TO SOLICIT COMPETITIVE PROPOSALS FOR AMENDMENT NO. 9 TO THE CONTRACT WITH SCS ENGINEERS, INC. THAT PROVIDES ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE METRO SOUTH STATION MODIFICATIONS.

Date: November 8, 1990

Presented by: Jim Watkins and
Rob Smoot

FACTUAL BACKGROUND

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 employee 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. In addition, the contractual services provided by SCS includes construction management.

The original contract amount for these services was \$198,162. To date the contract has been amended eight (8) times, adding \$86,285 to the original contract price.

The provisions of Code Section 2.04.054(a)(3) prohibits 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.

ANALYSIS

Metro's contract with SCS provides for full time, on-site construction management for the first ninety (90) days after the Construction Contractor was issued a Notice To Proceed (July 6, 1990 to October 4, 1990) and then at least once a day until completion of the project. When the Design Services RFP was written, Metro staff expected that full time, on-site construction review after the first 90 days would be assumed by Metro personnel.

Amendment No. 8 to the SCS Contract extended the on-site Construction Management services by 24 working days. The Construction Management services now end on November 8, 1990.

Metro staff is recommending a contract amendment to provide for additional construction management services (to include full

time, on-site construction management from November 8, 1990 to December 20, 1990, and then half time, on-site construction management services through to March 1, 1991) for the following reasons:

Metro will be unable to put a Construction Coordinator on-site full time due to other, concurrent project loads;

Maintaining the services of the current Construction Manager will ensure continuity and integrity in document processing and in reviewing the progress of the work on-site;

Metro staff anticipates additional delays will be created because of poor weather; and,

Coordination of construction activities with facility operations is more difficult than was anticipated during design.

Metro staff is also recommending that this amendment include the following design services:

Pile driving specialists to be on-site full time during the pile driving operations; and,

Random testing of the various portions of the work to ensure that the Construction Contractor's Quality Control program is effective; and,

Redesign wetland parking to provide one parking stall for a full sized school bus; and,

SCS's design engineer is to make site visitations as necessary.

The work included in Amendment No. 9 (attached hereto as "Exhibit A") could not have reasonably been anticipated by SCS nor Metro. Amendment No. 9 is for full time, on-site construction management for an equivalent of 60 working days and the additional design services as described above.

Metro staff requests the Contract Review Board to waive the competitive procurement procedures of Code Section 2.04.053 for the following reasons:

It is impractical to consider other vendors due to SCS's familiarity and experience with the site and other, integrated portions of the work;

A reduction in project costs is unlikely to occur if a substitute vendor, unfamiliar with the project, is utilized;

Utilization of a new vendor would require an amendment to the existing contract with SCS;

Introducing a new vendor would seriously hamper the project and require additional staff time to coordinate and integrate the work;

Metro would be exposed to increased risk of claims disputes by contracting with two separate firms for portions of the construction management services; and

To date, the work performed by SCS has been efficient and satisfactory.

BUDGET IMPACTS

Adequate funds exist in the FY 1989-90 budget for payment of an additional \$60,000 to the Design Services Agreement (Contract No. 900971) with SCS Engineers, Inc. Although the amount anticipated for design services will be exceeded, there will be sufficient funds in the Engineering Services Budget because the Construction Services Contract was awarded for less than anticipated.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends Contract Review Board approval of Resolution No. 90-1332.

RRS 10/17/90 AM9STAF.RPT