

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF CONSIDERING AN) RESOLUTION NO. 04-3485
AMENDMENT TO METRO CONTRACT NO.)
925630, FOR THE DEMOLITION OF) Introduced by Chief Operating Officer
STRUCTURES AT THE ST. JOHNS LANDFILL) Michael J. Jordan, with the concurrence of
) Council President David Bragdon

WHEREAS, On April 2, 2004, Metro and J. L. Arndt Construction entered into a public improvement contract for a maximum contract price not exceeding \$19,500 to demolish the scalehouse office and scales at the St. Johns Landfill; and

WHEREAS, Following execution of the agreement, the City of Portland required removal of certain concrete slabs from the property, which work had not been included in the Scope of Work for the project; and

WHEREAS, The cost of such additional unexpected work totals \$11,154.59; and

WHEREAS, Metro Code Section 2.04.058 requires the approval of the Metro Council for amendments to public contracts under one million dollars, when such amendments exceed 20% of the initial amount of the contract; and

WHEREAS, This Resolution was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for its approval; now, therefore,


BE IT RESOLVED that the Metro Contract Review Board, authorizes the Chief Operating Officer to execute Amendment No. 1 to Contract No. 925630, in a form substantially similar to that shown in the attached Exhibit A.

ADOPTED by the Metro Council this 19th day of August, 2004.



David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



AMENDMENT NO. 1

This amendment, dated as of the last signature date below, hereby amends the Public Contract between Metro and J.L. Arndt Construction, "Contractor," dated April 2, 2004 (the "original agreement"). In exchange for the promises and other valuable consideration described in the original agreement, subsequent amendments, and this amendment, the parties agree as follows:

1. Contractor shall provide the following additional services.
 - a. Remove and dispose of the bottom slabs for the outbound and inbound scale pits.
 - b. Provide additional backfill, compaction, and testing as required.
2. Metro agrees to pay Contractor additional consideration for such services in an amount not to exceed TEN THOUSAND, ONE HUNDRED FIFTY-FOUR AND 59/100THS DOLLARS (\$10,154.59) beyond the agreed payment for service under the original agreement. No payment beyond this additional sum shall be authorized by Metro without specific written amendment to the original agreement. This amendment increases the maximum contract price to TWENTY-NINE THOUSAND, SIX HUNDRED FIFTY-FOUR AND 59/100THS DOLLARS (\$29,654.59).

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

J.L. ARNDT CONSTRUCTION

METRO

Signature

Signature

Print Name and Title

Print Name and Title

Date

Date

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3485, FOR THE PURPOSE OF CONSIDERING AN AMENDMENT TO METRO CONTRACT NO. 925630, FOR THE DEMOLITION OF STRUCTURES AT THE ST. JOHNS LANDFILL.

Date: August 2, 2004

Prepared by: David Biedermann

BACKGROUND

Metro and J.L. Arndt Construction entered into a public improvement contract for a maximum contract price not exceeding \$19,500 to demolish the scale house office and scales at the St. Johns Landfill. The specifications were drawn up according to known requirements, including those of the City of Portland.

Following execution of the agreement and during the actual demolition, the City of Portland required the additional removal of large concrete slabs from the property. This work had not been included in the Scope of Work for the project as the Metro project manager was not aware of the requirement.

Based on the project manager's professional opinion and that of the contractor, it appeared it could be done within the Metro amendment limitation for a contract of this size, (20% of the initial amount, an additional \$3, 900). He directed the contractor to proceed with the concrete slab removal.

The removal proved to be far more difficult and lengthy than expected due to the construction techniques used in the slab design. The cost of the additional work totaled \$11, 154.59.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro Code Section 2.04.058 requires the approval of the Metro Council for amendments to public contracts under one million dollars, when such amendments exceed 20% of the initial amount of the contract.
3. **Anticipated Effects** Payment for the additional work.
4. **Budget Impacts** There are budgeted contingency funds in Solid Waste for this type of occurrence.

RECOMMENDED ACTION: The Chief Operating Officer recommends approval of Resolution 04-3485.