

BEFORE THE CONTRACT REVIEW BOARD OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 92-1656
AN EXEMPTION TO THE COMPETITIVE)
PROCUREMENT PROCEDURES OF METRO) Introduced by Rena Cusma,
CODE CHAPTER 2.04.053, AND AUTHORIZING) Executive Officer
A CHANGE ORDER TO THE DESIGN SERVICES)
AGREEMENT WITH PARAMETRIX, INC.)

WHEREAS, It is in the public interest that the St. Johns Landfill closure process move forward in an expeditious manner; and

WHEREAS, The closure process can be expedited through the use of the existing engineering contractor to perform tasks described in Change Order No. 10; and

WHEREAS, The project requires additional engineering services that could not have been anticipated at the time of Contract award; and

WHEREAS, It is impractical to solicit proposals for the work described in Change Order No. 10; and

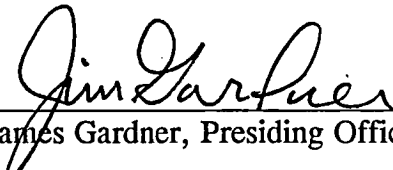
WHEREAS, Change Order No. 10 cannot be approved unless an exemption to the Competitive Procurement Process pursuant to Metro Code 2.04.054 is granted by the Metro Contract Review Board; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District Contract Review Board exempts Change Order No. 10 to the Design Services Agreement with Parametrix, Inc. from the Competitive Procurement Procedures of Metro Code 2.04.053 and authorizes execution of Change Order No. 10.

ADOPTED by the Contract Review Board of the Metropolitan Service District this
13th day of August, 1991.


James Gardner, Presiding Officer

LPW:
SW921656.RES

METRO CONTRACT NO. 901270

CHANGE ORDER NO. 10
TO THE CONTRACT BETWEEN
PARAMETRIX, INC. AND THE METROPOLITAN SERVICE DISTRICT
ENTITLED, "DESIGN SERVICES AGREEMENT"

Provide Technical Assistance to Produce Request For Bids (RFB) Documents;
Provide Assistance During the Bidding Process; and
Provide A Construction Management Budget
Associated with the Closure of Sub-Areas 2 and 3 and
the Initial Construction Phase of the Motor Blower Flare Facility
at the St. Johns Landfill During 1993-1994

The Scope of Work and Schedule of the "Design Services Agreement" entered into June 1990, as earlier modified is further modified to incorporate the changes described below:

1. The following additions are made to the Scope of Work, "2.3 Component Design Tasks":

2.3.2.(f) Additional Design Tasks for Final Cover on Sub-Areas 2 and 3.

- i) Review final cover construction documents including specifications, drawings and Quality Assurance/Quality Control (QA/QC) procedures for construction using the existing on-site low permeable cover. If necessary, modify construction documents for reuse of the existing low permeable soil.
- ii) Provide an investigation of existing interim soil cover in Subareas 2 and 3.
 - a) Review of Existing Information.
Review all available information regarding the condition of the existing interim clay cover in Subarea 2. Available information for Subarea 2 includes field density test results and thickness test hole data collected by others. No information is available for Subarea 3.
 - b) Field Explorations.
Excavate 25 to 35 shallow test pits throughout Subareas 2 and 3. The majority of test pits will be located in Subarea 3. The test pits shall be logged, sides photographed and samples obtained. Soil excavated from the test pits will be used to partially backfill the pits. The surfaces of the pits shall be filled with low permeable soil provided by Metro. The test pits will be made with a backhoe and operator provided by Metro.

Health and safety monitoring of the work site shall be carried out by trained personnel provided by Cornforth Consultants, subconsultants to Parametrix.

c) Laboratory Testing.

The following soil classification tests shall be conducted:

- Visual classification (all samples)
- Natural moisture contents (30)
- Atterberg limits (10)
- Grain size analyses (4)

d) Office Studies.

The following office studies shall be conducted:

- Summarize and review results of the field and laboratory testing programs.
- Evaluate the natural composition and condition of the interim clay.
- Determine the approximate thickness of suitable clay across the site.
- Assess the quality and variability of the interim clay.
- Evaluate the suitability of the clay for its intended use.

e) Analysis and Report.

A technical report shall be prepared summarizing:

- Results of the field exploration including test pit logs and photographs.
- Laboratory testing programs.
- Estimated thickness of suitable clay across the landfill site.
- Recommendations for in-place treatment (sideslopes) and excavations and re-use (topslopes) of the interim clay.
- Four copies of the report will be submitted

2.3.3. (g) Additional Design Tasks for Stormwater Management in Sub-Areas 2 and 3.

- i) Review sedimentation control construction documents. Review final vegetation plan developed by Fishman Environmental Services and any directive from Metro concerning plan implementation. Modify construction documents, as necessary.

2.3.5 (g) Additional Design Tasks for Gas Control.

Review the motor blower flare facility construction documents. Review existing information about landfill gas quantity, quality, and use.

2. The following addition is made to the Scope of Work "3. CONSTRUCTION DOCUMENTS SERVICES (TASK 9)":

3.10 ADDITIONAL CONSTRUCTION DOCUMENTS SERVICES FOR SUB-AREAS 2 AND 3 AND THE MOTOR BLOWER FLARE FACILITY

- (a) Prepare final (100% completion) construction documents including drawings, technical specifications and a QA/QC plan to include all elements necessary for closure of Sub-Areas 2 and 3 and the initial construction phase of the motor blower flare facility.
 - i) Three sets of draft construction documents shall be submitted at 90% completion by Contractor for Metro's review.
 - ii) Three sets of final construction documents shall be submitted at 100% completion by Contractor. In addition, one digital copy of the final specifications and one set of final vellum reproducible drawings shall also be submitted. The digital copy of the specifications shall be in an MS-DOS compatible format, either Word for Windows 2.0 or WordPerfect 5.1, on 5-1/4" high density disks. The electronic files shall be organized and saved according to the Construction Specification Institute (CSI) format, as used in the contract specifications (e.g. 02220).
 - iii) Submit a bid schedule after meeting once with Metro staff to discuss its structure.
 - iv) Submit a construction cost estimate.
 - (b) One memorandum noting all modifications to the construction contract documents from the 90% Closure Improvement contract documents approved by the Department of Environmental Quality (DEQ) shall be submitted by Contractor at 100% completion of both sets of construction documents.
 - (c) Attend up to three, 2-hour meetings with Metro staff to discuss the performance of the above-tasks.
 - (d) When requested by Metro staff, provide assistance and attend meetings regarding unexpected issues that may arise. Allow a maximum sum of \$5,000 for this task.
3. The following addition is made to the Scope of Work "4. BIDDING (TASK 10)" which was previously modified by Change Order No. 6:
- c. Attend pre-bid conferences for the closure of Sub-Area 2 and 3/construction of the motor blower flare facility.

- d. Prepare responses to questions and prepare contract language changes for addenda when requested by Metro staff for Sub-Areas 2 and 3 and the initial construction phase of the motor blower flare facility. Respond in writing within three days of a written request by Metro.
4. The following addition is made to the Scope of Work "5. CONSTRUCTION MANAGEMENT PHASE COMMENCEMENT (TASK 11)":
- 5.9 CONSTRUCTION MANAGEMENT BUDGET FOR CLOSURE OF SUBAREAS 2 AND 3 AND THE INITIAL CONSTRUCTION PHASE OF THE MOTOR BLOWER FLARE FACILITY
- (a) Submit construction management budget for the Subareas 2 and 3 Closure Construction project and the construction of the initial portion of the Motor Blower Flare facility project.
 - i) Budget assumptions, proposed tasks and documentation including a scheduled breakdown of manpower and other costs on a monthly basis shall be included.
 - ii) If requested, attend one meeting with Metro staff to review the budgets and discuss preconstruction activities.
5. SCHEDULE FOR THE CLOSURE OF SUBAREAS 2 AND 3 AND THE INITIAL CONSTRUCTION PHASE OF THE MOTOR BLOWER FLARE FACILITY
- a. Additional Design Tasks
 - i) Contractor shall complete reviews concerning existing low permeable soils and the motor blower flare facility specifications before completing the 90 % project completion documents, as stated below.
 - b. Construction Document Service Tasks
 - i) Contractor shall submit 90% project completion documents for Metro review no later than Wednesday, September 30, 1992 .
 - ii) Metro shall review 90% project completion documents and return comments to Contractor within 15 full working days from Contractor's submittal of review documents.

iii) Contractor shall submit final 100% project completion documents for Metro review within 8 working days of submittal of Metro's review comments. The final project bid schedule, construction cost estimate, and memorandum recording contract document modifications shall be included with the Contractor submittal.

c. Bidding Assistance Tasks

Contractor shall be available to assist Metro during the bidding periods, from the RFB release dates through the bid acceptance closing dates for the Closure of Subareas 2 and 3 project and the Motor Blower Flare Facility project.

d. Construction Management Budget

Contractor shall submit budgets for the Closure of Subareas 2 and 3 project and the Motor Blower Flare Facility project within 21 calendar days after the date of a written request by Metro. It is anticipated that the budgets will be requested after the bids are received.

6. COST FOR THE CLOSURE OF SUBAREAS 2 AND 3 AND-THE INITIAL CONSTRUCTION PHASE OF THE MOTOR BLOWER FLARE FACILITY

Contractor shall receive compensation on a time and material basis, for tasks specified in this Change Order. Rates for time and materials are shown on the attached Exhibit 10-A.

- a. Contractor shall receive compensation not to exceed \$ 40,789 for completion of the Additional Design Tasks.
- b. Contractor shall receive compensation not to exceed \$ 114,906 for completion of the Construction Documents Service Tasks. This shall include a maximum sum of \$5,000 for regulatory meeting, as described in 3.10(e).
- c. Contractor shall receive compensation not to exceed \$23,000 for the Bidding Assistance Tasks.
- d. Contractor shall receive compensation not to exceed \$ 8,100 for preparation of the Construction Management Budget.

The original contract for Bidding (TASK 10) contains a remaining balance of \$23,000 which is available to fund the Bidding Assistance Tasks for Sub-Areas 2 and 3, as specified in this Change Order, and for future Bidding Assistance Tasks associated with other Sub-Areas on a time and material basis. Thus, the net additional amount authorized by this Change Order No.10 for Subareas 2 and 3 and the initial construction phase of the motor blower flare facility shall not exceed \$163,795 which is the sum of the tasks for Additional Design Tasks, Construction Documents Service and Construction Management Budget.

7. The Scope of Work, "7. REGULATORY CONTINGENCY (TASK 13)" and "EXHIBIT A, C. Contractor's Compensation" shall be modified so that the costs for services performed and materials delivered shall not exceed \$194,000.

All other terms and conditions of the original agreement and previous agreements shall remain in full force and effect.

PARAMETRIX, INC.

METROPOLITAN SERVICE DISTRICT

By: _____
(Print Name and Title)

By: _____
(Print Name and Title)

Date: _____

Date: _____

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EXHIBIT 10-A

PARAMETRIX RATE SCHEDULE

1992 DESIGN SERVICES TASKS FOR SUBAREAS 2 & 3 AND THE M/B FLARE FACILITY

LABOR

STAFF	HOURLY RATE
Project Manager	\$106
Sr. Project Engineer	\$90
Project Engineer	\$70
Design Engineer	\$55
Gas Task Manager	\$80
Gas Design Technician	\$50
CADD Technician	\$50
Quality Assurance Manager	\$90
Clerical	\$38

EXPENSES

Outside Services	Cost plus 10%
Personal Car Mileage	\$0.28 / mile

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1656, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE PROCUREMENT PROCEDURES OF METRO CODE CHAPTER 2.04.53, AND AUTHORIZING A CHANGE ORDER TO THE DESIGN SERVICES AGREEMENT WITH PARAMETRIX, INC.

Date: August 5, 1992

Presented by: Councilor McFarland

Committee Recommendation: At the August 4 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 92-1656. Voting in favor: Councilors Buchanan, Hansen, McFarland, Van Bergen and Wyers.

Committee Issues/Discussion: Dennis O'Neil, Solid Waste Engineering Staff, explained that Metro has a contract with Parametrix for design services related to the closure of the St. Johns Landfill. O'Neil indicated that there will be a need for several levels of assistance from Parametrix concerning scheduled work for the closure of Subareas 2 and 3 at the landfill and the development of a related motor blower flaring facility. The department is requesting a change order to the contract for \$213,795.

O'Neil noted that various services related to design, construction document development, bidding assistance and construction management budget development would be needed. He also reviewed the need to add \$50,000 to the regulatory contingency to fund unanticipated services related to addressing potential issues raised by state and federal regulatory agencies.

O'Neil then responded to questions raised by Council staff. He noted that overall expenditures under the Parametrix contract for the current fiscal year could exceed the amount budgetted (\$500,000) by \$200-250,000. He explained that the amount of the change order was determined by Metro providing Parametrix with a scope of work and requesting a price for the work. The scope of work was then modified and a final cost determined. O'Neil indicated that one or two additional change orders may be forthcoming during the current fiscal year regarding the Parametrix contract and that additional contractual costs during the fiscal year would primarily relate to additional construction management services.

O'Neil explained that a competitive bidding exemption was appropriate because Parametrix already had two years of work experience at the landfill through which it has developed significant knowledge of the landfill and that closure management should not be done piecemeal.

Councilor McFarland noted that some had raised concerns about leachate management at the landfill. Both O'Neil and Bob Martin expressed confidence in the current leachate management system.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 92-1656 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE PROCUREMENT PROCEDURES OF METRO CODE CHAPTER 2.04.053 AND AUTHORIZING A CHANGE ORDER TO THE DESIGN SERVICES AGREEMENT WITH PARAMETRIX, INC.

Date: July 10, 1992

Presented by: Jim Watkins
Dennis O'Neil

PROPOSED ACTION

Adopt Resolution No. 92-1656, which grants exemption from the competitive procurement process and authorizes execution of Change Order No. 10 to the Design Services Agreement with Parametrix, Inc. for engineering services related to the St. Johns Landfill Closure.

FACTUAL BACKGROUND AND ANALYSIS

In June 1990, Metro entered into a Design Services Agreement with Parametrix, Inc. for engineering services related to the St. Johns Landfill Closure. Under this Agreement Parametrix has ongoing responsibility for designing closure improvements, developing construction documents, rendering bidding assistance and performing construction management services for the closure of the landfill. Parametrix, Inc. has performed these services in connection with soil procurement and the closure of Sub-Area 1 for St. Johns Landfill.

Metro plans to continue with installation of final cover and other closure improvements on portions of the landfill. Metro also plans to construct the initial portion of the permanent motor blower flare facility for the gas generated by the landfill. Closure improvements will be started on Sub-Areas 2 or 3, during the construction season of 1993. The initial portion of the permanent motor blower flare facility must be constructed during the 1993 construction season so it can be connected to the gas collection system. Metro staff plans to develop Request for Bids documents (RFB) for this work during the fall of 1992, request Metro Council approval, and solicit bids in late 1992 or early 1993. Per Change Order No. 10, Parametrix, Inc. would provide technical assistance to Metro staff to review and update some design components and produce construction documents for the RFB and during the bidding process. Parametrix, Inc. will also test the existing cover soil to determine how it should be reused as a component of the improved final cover. In addition, Parametrix will produce construction management budget for the 1993-94 construction activities.

The Contractor shall receive compensation on a time and material basis for the tasks specified in the Change Order. The Contractor shall receive compensation not to exceed the following by

tasks: 1) \$40,789 for Additional Design Tasks; 2) \$114,906 for Construction Documents Service Tasks; 3) \$23,000 for Bidding Assistance Tasks; 4) \$8,100 for preparation of the Construction Management Budget. A balance of \$23,000 remains from \$33,775 already authorized for bidding assistance in the original contract. This would be used for the bidding assistance tasks. Thus, the net additional amount authorized for tasks related to the closure of Sub-Areas 2 and 3 shall not exceed \$163,795 which is the sum of the tasks for Additional Design, Construction Documents Service, and the Construction Management Budget.

Also included in Change Order No. 10 is \$50,000 to replenish a contingency fund in the Parametrix contract. In May 1990, the Metro Council authorized \$144,000 to be used to quickly respond to future unanticipated regulatory requirements and to provide information to assist Metro when negotiating with regulators. To date, \$97,564 has been expended. Of this, \$80,963 was spent in connection with five leachate monitoring wells ordered to be built by DEQ in 1990. Before any expenditure from this fund is authorized, Metro staff requires Parametrix to submit a proposed budget and then Metro staff establishes a maximum allowed expenditure for each task.

It is desirable to replenish this contingency fund so Metro staff can quickly authorize Parametrix to respond to unanticipated problems as they arise. Change Order No. 10 authorizes \$50,000 to be added to the original \$144,000 fund limit.

Metro Code Chapter 2.04.054 states that a contract amendment exceeding \$10,000 shall not be approved unless the Contract Review Board exempts the amendment from the competitive procurement process of Section 2.04.053.

An exemption is clearly justified in this instance. As detailed above, the work contemplated is most logically viewed as part of the ongoing work of Parametrix, Inc. Parametrix, Inc. has an up to date and intimate knowledge of St. Johns Landfill and its closure and will continue to perform engineering services related to landfill closure until 1996. Metros' planning for landfill closure was never intended to be piece meal and fragmented between consultants. It would be inefficient to now hire an additional engineering consultant to carry out this component of landfill closure engineering.

BUDGET IMPACT

The current fiscal year budget for St. Johns Landfill closure is \$500,000 for work under the design services agreement with Parametrix, Inc. The work covered by Change Order No. 10 is included in this budget.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1656.

CHANGE ORDER SUMMARY

CONTRACTOR: Parametrix, Inc.

PROJECT: St. Johns Landfill Closure

PURPOSE: Technical Assistance to Produce the RFB; Assist During the Bidding Process Associated with Closure of Sub Area 2 & 3 & Initial Phase of Motor Blower Facility

CONTRACT NO.: 901270

BUDGET NO. 531-319000-526900-75960

DEPARTMENT: Solid Waste

FUND NAME St. Johns Closure

THIS REQUEST IS FOR APPROVAL OF CHANGE NUMBER: 10

1. The original contract sum was	\$2,301,692.00
2. Net change by previously authorized change order	\$244,435.00
3. The contract sum prior to this request was	\$2,546,127.00
4. Total amount of this change order request	\$213,795.00
5. The new contract sum, including this change order	\$2,759,922.00
6. The total contract sum paid	\$1,381,377.25
7. Fiscal Year appropriation for FY 92-93	\$530,000.00

Line item name: Other Purchased Services

Estimated appropriation remaining as of 7/17/92 \$530,000.00

8. Start Date: 7/17/92 Expire Date: 4/30/96

REVIEW AND APPROVAL:

Jim Watkins 7-24-92
Division Manager, Solid Waste Department Date Fiscal Review Date

Bob Mart
Director, Solid Waste Department Date Budget Review Date

Director, Regional Facilities Date Legal Review Date

VENDOR # 4106



METRO

2000 S. W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser, Council Analyst

Date: July 28, 1992

Re: Resolution No. 92-1656 For the Purpose of Authorizing an Exemption to the Competitive Procurement Procedures of Metro Code 2.04.053 and Authorizing a Change Order to the Design Services Agreement with Parametrix, Inc.

Resolution No. 92-1656 is scheduled for committee consideration at the August 4 meeting.

Background

This resolution would authorize expenditure of \$213,795 as a change order to the design services contract with Parametrix for the St. Johns Landfill. A total of \$163,975 would be used to fund a variety of activities related to the procurement of services for the closure of subareas 2 and 3 and the construction of a motor blower flare facility. These procurements are scheduled to take place in the fall of 1992 with work to begin in the 1993 construction season.

Specific services to be provided by Parametrix include: 1) design tasks (\$40,789), construction documents (\$114,906), and a construction management budget (\$8,100). Funding for bidding assistance (\$23,000) would come from a balance remaining in the original contract. The additional \$50,000 in the change order would be used to replenish the contract's contingency balance which is used to fund unanticipated services provided by Parametrix. The new contingency balance would be about \$96,000.

Issues and Questions

The committee may wish to address the following questions concerning this resolution:

- 1) The staff report notes that \$500,000 is budgeted during the current fiscal year for services under the Parametrix contract. Is the amount projected to be expended in this change order in line with original budget estimates for this proposed work?
- 2) How was the amount included in the change order determined and how was it allocated to the various types of services that will be provided?

3) Did the amount of funding for the current year anticipate the need for additional contingency funds?

4) Are any additional change orders anticipated during the current fiscal year?

5) What types of activities will the remainder of the funds allocated to Parametrix contract be spent for during this fiscal year?