

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING CHANGE) RESOLUTION NO. 04-3509
ORDER NO. 31 TO THE WASTE TRANSPORT)
SERVICES CONTRACT) Introduced by Michael Jordan, Chief
) Operating Officer, with the concurrence of
) David Bragdon, Council President

WHEREAS, Metro leases a parking area from CSU Transport, Inc., located near Metro's solid waste transfer station located at 6161 NW 61st Avenue, Portland, Oregon 97232; and

WHEREAS, Metro requires a parking area near the Metro Central Transfer Station for the parking of Metro employee vehicles and facility operator employee vehicles; and

WHEREAS, A parking area with 36 leased parking spaces is provided by Change Order No. 27 to the Waste Transport Services Contract between Metro and CSU Transport, Inc., which change order expires December 31, 2006; and

WHEREAS, Metro needs only 12 leased parking spaces for its employees and facility operator employees at the Metro Central Transfer Station, and

WHEREAS, Change Order No. 31 would reduce the number of leased parking spaces to 12, would reduce leased parking costs, and would continue to provide leased parking through December 31, 2009; and

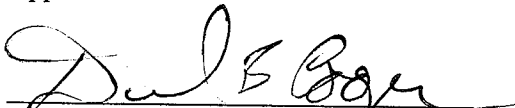
WHEREAS, This resolution was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for their approval; now, therefore,

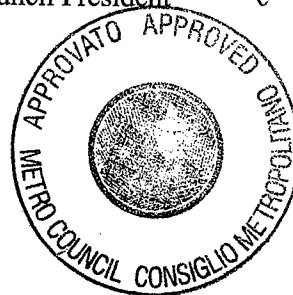
BE IT RESOLVED that the Metro Council, sitting as the Metro Contract Review Board, authorizes the Chief Operating Officer to execute Change Order No. 31 to Contract No. 900848, in a form substantially similar to that set forth as the attached Exhibit "A".

ADOPTED by the Metro Council this 18th day of November, 2004.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



**MODIFICATION TO THE CONTRACT BETWEEN
METRO AND CSU TRANSPORT, INC.
ENTITLED "WASTE TRANSPORT SERVICE"**

This Change Order No. 31, dated as of the last signature date below (the "Effective Date of Change Order No. 31"), hereby amends Metro Contract No. 900848, entitled "Waste Transport Services," dated March 27, 1989, including all prior amendments (which contract and amendments are collectively referred to as the "Waste Transport Service Agreement").

In exchange for the promises and other considerations set forth in the Waste Transport Services Agreement and in this Change Order No. 31, the parties agree as follows:

A. Purpose

The purpose of this Change Order No. 31 is for Contractor to provide Metro with a paved parking area near the Metro Central Transfer Station.

B. Provisions of Change Order No. 31

1. Commencing on January 1, 2005, through December 31, 2009, unless terminated in accordance with the provisions below, Contractor agrees to make available to Metro a parking area as described below.
2. Contractor shall provide a paved parking area 30' x 117' with 12 parking spaces as shown on the attached drawing, located in the north corner of the 1.81 acre storage yard near Metro Central Station that Contractor is leasing from the Burlington Northern and Santa Fe Railway Company (BNSFRC). The attached drawing is labeled as Attachment "1" and is incorporated herein by this reference.
3. Metro, or parties designated by Metro, shall be permitted to use the paved area provided by the Contractor, if Metro makes its annual payment to the Contractor for this right-of-entry.
4. Metro agrees to pay Contractor an annual fee for use of the parking area. Metro shall not be required to pay any fees, taxes or charges other than the payment specified in this section. The annual payment shall be equal to 5.24% of the annual payment that the Contractor pays to BNSFRC for the storage yard described in item #2. Contractor shall include documentation of its annual payment due BNSFRC, with its request for payment to Metro. Metro shall pay its annual payment to the Contractor by January 31 of each year, if the Contractor's request is received by Metro on or before January 10. If the Contractor's request

EXHIBIT A TO RESOLUTION NO. 04-3509

is made after January 10 of any calendar year, Metro shall have 21 calendar days to make payment.

In the event that this Amendment is terminated prior to the end of the calendar year in which the annual payment has been made by Metro to the Contractor, the Contractor shall refund to Metro that amount of the annual payment as prorated to reflect that portion of the calendar year for which the area is unavailable to Metro. The refund may take the form of an offset against other charges due the Contractor from Metro if mutually agreed upon by the parties.

5. This right-of-entry may be terminated by either party, giving the other party 30-days notice of its intent to terminate.
6. Except as modified herein, all other terms and conditions of the Waste Transport Services Agreement shall remain in full force and effect. Any conflict between the provision of the Original Agreement, and other previous amendments or change orders, on the one hand, and this change Order No. 31 on the other hand, shall be resolved by reference to and reliance upon this Change Order No. 31.

CSU TRANSPORT, INC.

METRO

Signature

Signature

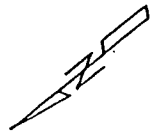
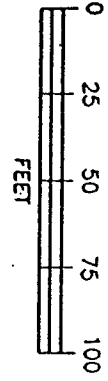
Gary I. Goldberg, President

Print name and title

Date

Date

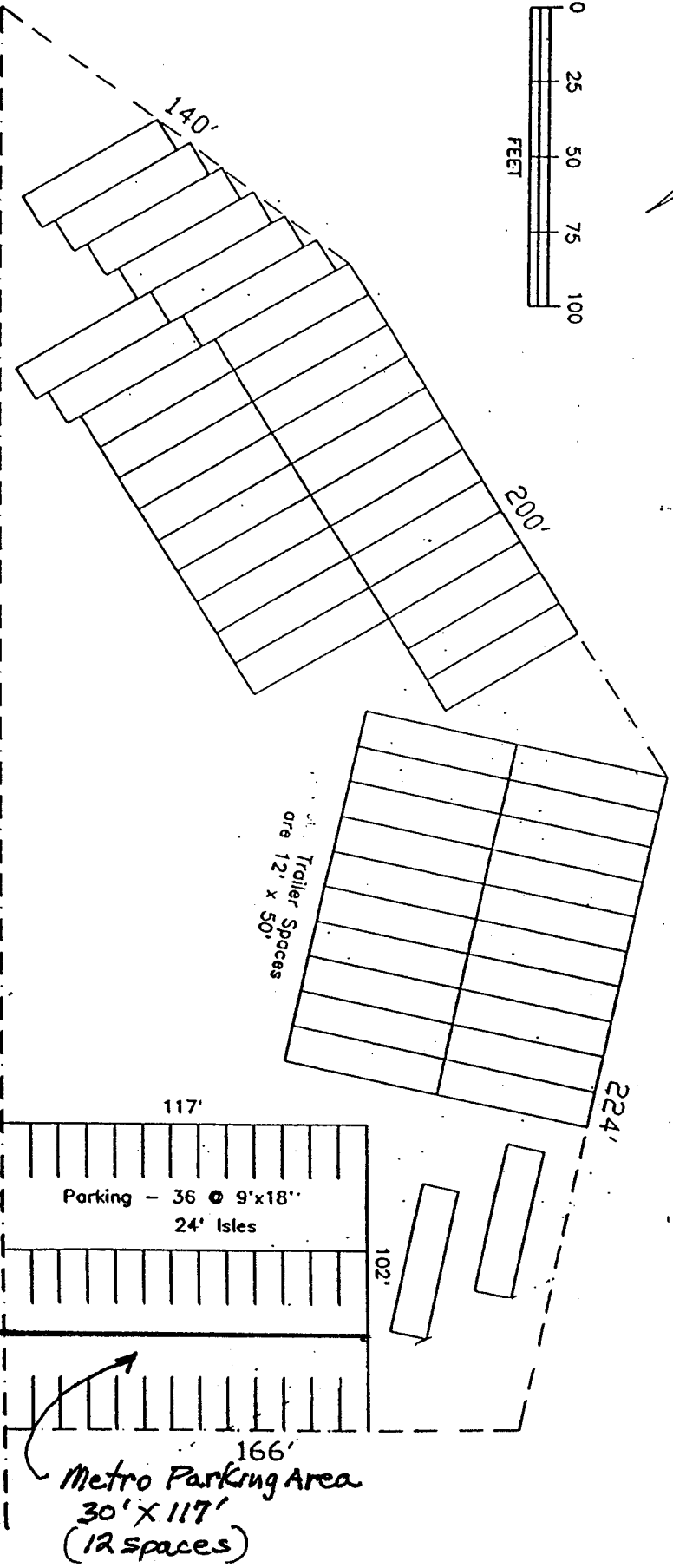
N.W. Balboa Ave.



MCS Storage Yard
METRO PARKING AREA
PORTLAND, OREGON

N.W. Culabra Ave

475'



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3509 FOR THE PURPOSE OF APPROVING CHANGE ORDER NO. 31 TO THE WASTE TRANSPORT SERVICES CONTRACT

October 28, 2004

Prepared by: Ray Barker

BACKGROUND

Metro currently leases from CSU Transport, Inc. (CSU) a paved parking area with 36 parking spaces, located in the north corner of the 1.81 acre storage yard near Metro Central Transfer Station. CSU leases the storage yard from The Burlington Northern and Santa Fe Railway Company. Metro leases the parking area for some employee vehicles and also employee vehicles of the facility operator. There are also some parking spaces available on the transfer station site for Metro and facility operator employees.

The leased parking referred to above was originally authorized by Change Order No. 14 to the Waste Transport Services Contract between Metro and Specialty Transportation Services, Inc. (STS). The Change Order commenced January 1, 1994 and expired December 31, 2000. Change Order No. 27 extended the parking lease, with CSU, to December 31, 2006.

Because of the reduced number of facility operator employees (due to the decrease in solid waste tonnage at the facility) and because there are more parking spaces now available on site, only 12 leased parking spaces are currently needed. The most recent annual payment to CSU for use of the parking area was \$7,760. This is equal to 15.72% of the annual payment that CSU makes to the Railway Company for leasing the storage yard. With a reduction in the number of leased parking spaces to 12, Metro's annual payment would be 5.24% or about \$2,600.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

Section 2.04.058 (b) of the Metro Code requires that no contract which was designated as a contract having a significant impact on Metro may be amended without the express approval of the council evidenced by a duly adopted resolution or ordinance.

3. Anticipated Effects

Adoption of Resolution No. 04-3509 would reduce the number of parking spaces leased to Metro by CSU from 36 spaces to 12, would reduce Metro's leased parking costs, and would provide continued parking through December 31, 2009.

4. Budget Impacts

The annual cost of Amendment No. 31 is estimated to be \$2,600.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 04-3509.