

BEFORE THE CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING THE)
CONTRACT BETWEEN METRO AND BRW,)
INC. (CONTRACT NO. 902962))
FOR THE PURPOSE OF CORRECTING)
THE CONTRACT BUDGET AMOUNT FOR)
CONSULTANT SERVICES ASSOCIATED)
WITH THE COMPLETION OF THE)
SOUTH/NORTH TRANSIT CORRIDOR)
STUDY)

RESOLUTION NO. 95-2226

Introduced by

Mike Burton
Executive Officer

WHEREAS, Metro executed Contract No. 902962 with BRW in 1992 as authorized in Metro Ordinance No. 92-447 and amended such contract in 1994 for additional work and contract budget as authorized in Metro Resolution No. 94-1922 due to new federal requirements; and

WHEREAS, A contract budget error of \$32,800 was made in the calculation of the previous Change Order No. 2; and

WHEREAS, A discrepancy OF \$8,861 was identified in Metro's favor in the amount needed to close out the contract; and

WHEREAS, Additional budget authority exists and is not requested; and

WHEREAS, The High Capacity Transit Section of the Department of Planning has established that BRW, Inc. has performed the work as specified and satisfactorily within the terms of the contract; and

WHEREAS, The Metro Council as Public Contract Review Board may declare that it is in the public's interest for this work on the South/North Transit Corridor Study to move forward in the most expedient manner, accept those findings and waive competitive bidding; and

WHEREAS, This resolution was submitted to the Executive

Officer for consideration and is forwarded to the Metro Council for approval; now, therefore,

BE IT RESOLVED,

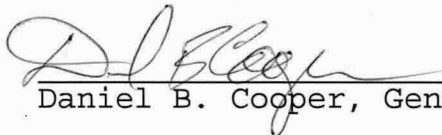
That the Metro Contract Review Board hereby exempts Change Order No. 3 to Contract No. 902962 with BRW, Inc. from the competitive procurement procedures of Metro Code provision 2.04.053 and authorizes the execution of the change order pursuant to the terms of Metro Code Sections 2.04.054(a)(2) and (3) by increasing the contract value by \$23,938.47.

ADOPTED by the Metro Council this 14 day of Nov., 1995.



J. Ruth McFarland, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

JC:lmk
95-2226.RES
10-19-95

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2226 FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND BRW, INC. (CONTRACT NO. 902962) FOR THE PURPOSE OF CORRECTING THE CONTRACT BUDGET AMOUNT FOR CONSULTANT SERVICES ASSOCIATED WITH THE COMPLETION OF THE SOUTH/NORTH TRANSIT CORRIDOR STUDY

Date: October 16, 1995

Presented by: Andrew Cotugno

PROPOSED ACTION

Approval to amend the existing contract between Metro and BRW, Inc. to correct the budget amount established under the previously approved amendment (Resolution No. 94-1922) for the South/North Transit Corridor Study.

This resolution would extend the contract between Metro and BRW, Inc. (Contract No. 902962) and would increase the contract value by \$23,938.47.

FACTUAL BACKGROUND

1. In November 1992, Metro executed a contract with BRW for \$317,792 for consultant services for the South/North project.
2. In May 1994, Metro extended that contract for \$49,455 in additional consultant services (new contract total \$367,247) not anticipated in the original Scope of Work in order to meet changing federal requirements for LRT planning.
3. In determining the residual contract value and a budget for the additional work for the contract extension, an arithmetic error of \$32,800 was made. In particular, Metro and BRW estimated that, at the time of the extension, \$110,008 was still available under the contract when, in fact, only \$77,208 was available.
4. In addition, Metro and BRW discovered an error in past billings under the contract where Metro was inadvertently overcharged \$8,861.53.

The consultant budget errors were not uncovered until BRW had successfully completed the Scope of Work under the contract extension. The net effect is that Metro needs to reimburse BRW an additional \$23,938.47 for work completed under this contract. However, Metro currently does not have contract authority for the additional reimbursement. The proposed resolution would grant the contract authority for the extension and payment to BRW. Funds for this extension would come from the South/North Project contingency budget. Therefore, an increase in budget authority is not needed. Finally, it should be noted that this amendment is not due to a change in the contract's Scope of Work and BRW has performed the requested Scope of Work to Metro's specification within the terms of the contract.

Section 2.04.054(a) (3) of the Metro Code requires that, "For Personal Services contracts, any contract amendment or extension exceeding \$10,000 shall not be approved unless the Contract Review Board shall have specifically exempted the contract amendment from the competitive procurement procedures of Section 2.04.53."

Metro Council, acting as Contract Review Board, is hereby requested to specifically exempt this amendment from competitive procurement procedures of Section 2.04.053 and thereby authorizes the Executive Officer to execute this contract amendment.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2226.