

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 98-2685
THE SOUTH/NORTH TECHNICAL)
ASSISTANCE, FINANCIAL ANALYSIS) Introduced by
AND INTERGOVERNMENTAL COORDI-) Mike Burton, Executive Officer
NATION CONSULTANT SERVICES)
CONTRACT, NO. 904099, WITH THE)
LARKIN GROUP, INC.)

WHEREAS, In March 1995, the Metro Council adopted Resolution No. 95-2141A, which authorized the release of a Request for Proposals for consultant services to prepare technical assistance, financial analysis and intergovernmental coordination for the South/North Project Draft Environmental Impact Statement (DEIS) with the provision that the contract could, following approval from the Metro Council, be extended to include technical services related to the South/North Final Environmental Impact Statement (FEIS); and

WHEREAS, A consultant team led by the Larkin Group, Inc. was selected through a competitive bidding process for the provision of technical assistance, financial analysis and intergovernmental coordination for the South/North Transit Study; and

WHEREAS, In October 1995, the Metro Council adopted Resolution No. 95-2218, which authorized Metro's Executive Officer to execute a consultant services contract with the Larkin Group, Inc., Contract No. 904099, for the provision of technical assistance, financial analysis and intergovernmental coordination for the South/North DEIS with a budget not to exceed \$274,988.00 with the provision that the contract could, following approval from the Metro Council, be extended to include technical services related to the South/North FEIS; and

WHEREAS, Preliminary Engineering activities approved by the Federal Transit Administration in April 1996 and the cost-cutting

alternatives approved by the Metro Council in May 1997 through adoption of Resolution No. 97-2505A were not included within the original scope of work and budget for the South/North technical assistance, financial analysis and intergovernmental coordination consultant services Contract No. 904099 and therefore, in July 1997, the Metro Council approved Resolution No. 97-2536 authorizing the Executive Officer to execute an amendment to Contract No. 904099 for the amount of \$151,926.00 with the Larkin Group, Inc. to incorporate a revision to the contract's scope of work related to the cost-cutting process and Preliminary Engineering, resulting in an amended not-to-exceed budget of \$426,914.00; and

WHEREAS, The Larkin Group, Inc. is uniquely qualified to perform the consultant services required to conduct the technical assistance, financial analysis and intergovernmental coordination associated with the Preliminary Engineering activities and development of the South/North Final Environmental Impact Statement; and

WHEREAS, Current funding for the South/North Transit Corridor Study Environmental Impact Statement and Preliminary Engineering of approximately \$24.7 million has adequate funds available for an amendment to the South/North technical assistance, financial analysis and intergovernmental coordination consultant services contract to incorporate activities associated with Preliminary Engineering and to evaluate the cost-cutting amendments to South/North light rail alternatives; and

WHEREAS, In February 1998, the Federal Transit Administration authorized the publication of the South/North Draft Environmental Impact Statement, completing the technical work for the Draft Environmental Impact Phase of the South/North study;

and

WHEREAS, Initiating technical work on the Final Environmental Impact Statement in a timely manner will enhance the region's ability to secure federal matching funds for the project; and

WHEREAS, In May 1998, the Metro Council adopted Resolution No. 98-2652 which authorized a contract amendment for the Final Environmental Impact Statement phase of the project; and

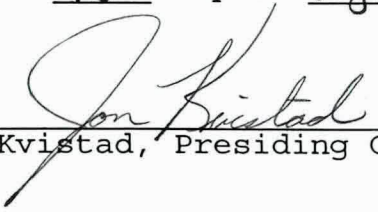
WHEREAS, In June 1998, the Transportation Equity Act for the 21st Century (TEA-21) became effective and authorized a guaranteed level of federal funds for surface transportation for the next six years; and

WHEREAS, The compressed federal funding timeline resulting from the passage of TEA-21 has led to the identification of an additional work element as a consultant task; now, therefore,


BE IT RESOLVED:

That Metro's Executive Officer is authorized to execute Amendment No. 3 to Contract No. 904099 to incorporate a revision to the contract's scope of work, substantially similar to Exhibit A, and add \$29,770.00 to the budget with the Larkin Group, Inc., resulting in an amended not-to-exceed total budget of \$750,000.00.

ADOPTED by the Metro Council on this 13th day of August, 1998.


Jon Kvistad, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

**CHANGE ORDER NO. 3
METRO CONTRACT NO 904099**

**AMENDMENT NO. 3 TO A PERSONAL SERVICES AGREEMENT
FOR SOUTH/NORTH TECHNICAL ASSISTANCE, FINANCIAL ANALYSIS AND
INTERGOVERNMENTAL COORDINATION**

This agreement hereby amends the above-titled contract (the "Original Agreement") between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter ("Metro") and The Larkin Group, Inc. ("Contractor").

A. Purpose. The purpose of this Change Order is to replace certain terms and conditions contained in the Original Agreement, as set forth herein.

B. Terms of Change Order.

1. Section 2, Scope of Work, of the Original Agreement is hereby amended to incorporate the following:

Contractor shall provide all services and materials specified in the Additional Scope of Work (Amendment No. 3), attached hereto as Exhibit A and incorporated by this reference as if set forth in full.

2. Section 3, Payment, is hereby amended to read as follows:

Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and time(s) specified in the Original Scope of Work and the Additional Scope of Work for a maximum sum not to exceed SEVEN HUNDRED FIFTY THOUSAND AND NO/100THS DOLLARS (\$750,000.00).

Contractor shall invoice Metro for reimbursement of expenditures for authorized work performed under the Scopes of Work approximately on a monthly basis. The invoice(s) shall include a brief description of the work performed during the invoice period and shall include an itemization of costs at a task level.

The task budget is included in Exhibit B, attached hereto and incorporated by this reference as if set forth in full. Budgeted amounts for each task may be modified, keeping the total not to exceed budget constant, upon written agreement between the Metro Project Manager and the Consultant Project Manager.

C. Effect of Amendments. Except as modified or superseded herein, all other terms and conditions of the Original Agreement and all previous change orders shall remain in full force and effect.

METRO

THE LARKIN GROUP, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

SCOPE OF WORK

Dorman & Company

- Review all Public Comments received during the South/North DEIS formal comment period.
- Develop a methodology to categorize all formal public comments received by Metro during the South/North DEIS formal comment period.
- Recommend how each category of comments are to be addressed.
- Serve as Principal staff to the Response to Public Comments Team led by Leon Skiles and prepare materials and agendas for weekly Team meetings.
- Develop responses to specific comments as directed by Leon Skiles.
- Assist in developing an annotated Reference Document by preparing handwritten notes that others will format and print.
- Prepare camera ready text for Chapter 8, S/N Final Environmental Impact Statement
- Provide current State of Oregon Certification of Disadvantaged Business Enterprise/Woman Business Enterprise No. 522

Page Perfect

- Provide typing, graphics and support services

**The Larkin Group Inc. - Metro Contract No. 904099
Contract Budget - Amendment No. 3**

Work Element: By Firm	Current Budget	Budget Amendment No. 3	New Total Budget
The Larkin Group Incorporated			
DEIS Tasks			
Issue Identification & Resolution	\$ 129,390	\$ -	\$ 129,390
Intergovernmental Coordination	\$ 50,635	\$ -	\$ 50,635
Documentation Review & Comment	\$ 4,275	\$ -	\$ 4,275
Sub-Total	\$ 184,300	\$ -	\$ 184,300
FEIS Tasks			
Issue Identification & Resolution	\$ 14,775	\$ -	\$ 14,775
Review & Comment FEIS Materials	\$ 3,940	\$ -	\$ 3,940
Special Issue Areas	\$ 17,238	\$ -	\$ 17,238
Respond to Public Comments	\$ 3,940	\$ -	\$ 3,940
Sub-Total	\$ 39,893	\$ -	\$ 39,893
PE Tasks			
PE Issue Identification & Resolution	\$ 63,637	\$ -	\$ 63,637
PE Design Review	\$ 39,956	\$ -	\$ 39,956
PE/DEIS Coordination	\$ 11,780	\$ -	\$ 11,780
PE/FEIS Management and Coordination	\$ 22,163	\$ -	\$ 22,163
Schedule Management Assistance	\$ 4,584	\$ 9,600	\$ 14,184
Sub-Total	\$ 142,120	\$ 9,600	\$ 151,720
Other			
Record of Decision/Full Funding Grant Agreement	\$ 22,163	\$ -	\$ 22,163
Contract Management & Administration	\$ 14,186	\$ -	\$ 14,186
Sub-Total	\$36,349	\$ -	\$ 36,349
The Larkin Group Incorporated - Total			\$ 412,262
Steven Siegel & Associates			
DEIS Tasks			
Evaluation	\$ 5,700	\$ -	\$ 5,700
Purpose & Need	\$ 7,600	\$ -	\$ 7,600
Transit Impacts	\$ 3,325	\$ -	\$ 3,325
Financial Plan	\$ 40,717	\$ -	\$ 40,717
Project Benefits	\$ 15,200	\$ -	\$ 15,200
Issue Identification	\$ 21,913	\$ -	\$ 21,913
Prepare DEIS	\$ 25,175	\$ -	\$ 25,175
Prepare LPS Report	\$ 14,250	\$ -	\$ 14,250
Sub-Total	\$ 133,880	\$ -	\$ 133,880
FEIS Tasks			
Revise Finance Plan	\$ 14,775	\$ -	\$ 14,775
Revise EIS Chapters	\$ 5,910	\$ -	\$ 5,910
Review FEIS Chapters Prepared by Others	\$ 5,910	\$ -	\$ 5,910
Issue Identification During FEIS/PE Activities	\$ 26,595	\$ -	\$ 26,595

Meeting Participation		\$ 4,925	\$ -	\$ 4,925
	Sub-Total	\$ 58,115	\$ -	\$ 58,115
PE Tasks				
Property Donation Options		\$ 9,500	\$ -	\$ 9,500
Coordinate with PE Activities		\$ 4,925	\$ -	\$ 4,925
	Sub-Total	\$ 14,425	\$ -	\$ 14,425
Other				
Finance Plan Revisions During ROD/FFGA		\$ 4,925	\$ -	\$ 4,925
Issue Identification and Assistance		\$ 35,460	\$ -	\$ 35,460
	Sub-Total	\$ 40,385	\$ -	\$ 40,385
Steven Siegel & Associates - Total				\$ 246,805
Kato & Warren Inc.				
Chapter 2: Alternatives Considered		\$ 8,076	\$ -	\$ 8,076
Assist Implementation Evaluation Process		\$ 305	\$ -	\$ 305
Design Concept & Scope Refinement		\$ 305	\$ -	\$ 305
Engineering Support		\$ 3,869	\$ -	\$ 3,869
	Sub-Total	\$ 12,555	\$ -	\$ 12,555
Kato & Warren Inc. - Total				\$ 12,555
Underhill Company				
Capital Cost Tracking: One Report		\$ 4,188	\$ -	\$ 4,188
Innovative Construction Techniques		\$ 6,120	\$ -	\$ 6,120
Issue Identification and Resolution		\$ 7,600	\$ -	\$ 7,600
Project Redefinition and Evaluation		\$ 5,700	\$ -	\$ 5,700
Technical & Policy Review		\$ 2,850	\$ -	\$ 2,850
Review & Comment FEIS Chapters		\$ 2,850	\$ -	\$ 2,850
Expenses		\$ 500	\$ -	\$ 500
		\$ -	\$ -	\$ 29,808
Underhill Company - Total				\$ 29,808
Andrew Janssen Transportation Consulting				
Capital Cost Coordination		\$ 4,400	\$ -	\$ 4,400
Cost Cutting and Project Redefinition		\$ 6,600	\$ -	\$ 6,600
Design Review		\$ 2,200	\$ -	\$ 2,200
Engineering Services		\$ 3,300	\$ -	\$ 3,300
Travel		\$ 2,300	\$ -	\$ 2,300
		\$ 18,800	\$ -	\$ 18,800
Andrew Janssen Transportation Consulting - Total				\$ 18,800
Dorman Company				
Response to Public Comments		\$9,600.00	\$ 10,400	\$ 20,000
Assist drafting Mitigation Reports		\$ -	\$ 4,000	\$ 4,000
Technical Writing		\$ -	\$ 1,270	\$ 1,270
		\$ -	\$ 15,670	\$ 25,270
Dorman Company - Total				\$ 25,270
Page Perfect				
Typing, graphics & support services		\$ -	\$ 4,500	\$ 4,500
		\$ -	\$ 4,500	\$ 4,500
Page Perfect - Total				\$ 4,500
Contract Total		\$ 720,230	\$ 29,770	\$ 750,000

TRANSPORTATION PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO.98-2685, FOR THE PURPOSE OF AMENDING THE SOUTH/NORTH TECHNICAL ASSISTANCE, FINANCIAL ANALYSIS AND INTERGOVERNMENTAL COORDINATION CONSULTANT SERVICES CONTRACT, NO. 904099, WITH THE LARKIN GROUP

Date: August 11, 1998

Presented by: Councilor Washington

Committee Action: At its August 4, 1998 meeting, the Transportation Planning Committee voted 2-0 to recommend Council adoption of Resolution No. 98-2685. Voting in favor: Councilors Kvistad and McLain .

Council Issues/Discussion: In 1995, the Larkin Group was chosen, via a request for proposal process, to provide technical assistance, financial analysis and intergovernmental coordination for South/North Transit Corridor study, for a budget not to exceed \$274, 988.

Resolution No. 98-2685 authorizes a third amendment to this contract in the amount of \$29,770, for a budget not to exceed \$750,000. The scope of work additions are reflected in Exhibit A to the document, and generally relate to the completion of the Final Environmental Impact Statement (FEIS) for the South/North Transit Corridor Study.

There was no committee discussion on this item.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2685 FOR THE PURPOSE OF AMENDING THE SOUTH/NORTH TECHNICAL ASSISTANCE, FINANCIAL ANALYSIS AND INTERGOVERNMENTAL COORDINATION CONSULTANT SERVICES CONTRACT, NO. 904099, WITH THE LARKIN GROUP, INC.

Date: July 23, 1998

Presented by: Richard Brandman

PROPOSED ACTION

This resolution would authorize Metro's Executive Officer to execute an amendment to Contract No. 904099 with the Larkin Group, Inc. to incorporate a revision to the contract's scope of work, substantially similar to Exhibit A, resulting in an amended budget. The proposed amendment would incorporate activities associated with the scope of work for the completion of the Final Environmental Impact Statement (FEIS). A compressed federal funding timeline resulting from the recent passage of TEA-21 has led to the identification of an additional work element as a consultant task. The additional work involves drafting mitigation reports and coordinating the response to public comments that will be included within the FEIS.

FACTUAL BACKGROUND AND ANALYSIS

1. Background

The South/North Transit Corridor Study was initiated in April 1993 when the Metro Council adopted Resolution No. 93-1784, which selected the Milwaukie and I-5 North Corridors as the region's high-capacity transit priority to be studied further within a Draft Environmental Impact Statement (DEIS). In October 1993, the Federal Transit Administration (FTA) issued its intent in the *Federal Register* to publish an Environmental Impact Statement (EIS) for the South/North Corridor. Between December 1994 and December 1995, the project narrowed the alignment and length alternatives and design options to be studied further within the DEIS.

2. Selection of DEIS Consultant Services Contract

In May 1995, the Metro Council approved Resolution No. 95-2141A, which authorized the release of a Request for Proposals for consultant services for technical assistance, financial analysis and intergovernmental coordination for the South/North Transit Corridor Study. In general, the purpose of the contract was to provide for assistance in documenting the description of alternatives (Chapters One and Two of the DEIS), prepare a full-spectrum cost benefit analysis, assist in tracking the forecast capital costs of the project, assist in preparation of the project's finance plan (Chapter Seven of

the DEIS), and assist in coordinating work efforts and issue resolution with participating jurisdictions.

Following a competitive bidding process, the Larkin Group, Inc. was selected to negotiate a scope of work and budget. In October 1995, the Metro Council adopted Resolution No. 95-2218, which authorized Metro's Executive Officer to execute Contract No. 904099 with the Larkin Group, Inc. for the provision of technical assistance, financial analysis and intergovernmental coordination for the South/North Transit Corridor Study with a budget not to exceed \$274,988.00. The current line item budget for Contract No. 904099 is summarized in Exhibit A.

3. Amendment No. 1, Preliminary Engineering and Cost-Cutting Amendments

In November 1995, Metro submitted the *South/North Major Investment Study Final Report* to the FTA. In April 1996, the FTA approved the final report and authorized Metro to advance the South/North Corridor into Preliminary Engineering concurrently with the preparation of the DEIS. In February 1996, in a special session, the Oregon Legislature approved a bill that provided \$375 million in Oregon State Lottery funds for the state's share of South/North Light Rail's capital budget for the first construction segment (and other transportation projects statewide). That bill was referred by petition to the voters of the State of Oregon (Ballot Measure 32). In November 1996, Ballot Measure 32 was defeated in the statewide vote.

In May 1997, following an extensive technical analysis and public comment process, the Metro Council adopted Resolution No. 97-2505A, which amended the alternatives to be studied further within the South/North DEIS to respond to the most promising cost-cutting measures. The amendments to the South/North DEIS light rail alternatives approved by Metro Council are described in detail in the *South/North Cost-Cutting Measures Final Report* (Metro: May 1997).

A substantial portion of the technical assistance, financial analysis and intergovernmental coordination for the South/North Transit Corridor Study was completed by the Larkin Group, Inc. prior to the November 1996 election. Following the election, Metro staff directed the Larkin Group, Inc. to provide technical assistance, financial analysis and intergovernmental coordination to support the cost-cutting process initiated by the Metro Council. Analysis of the cost-cutting measures was not included within the original scope of work and budget for Contract No. 904099. Therefore, in July 1997, the Metro Council approved Resolution No. 97-2536 for the purpose of approving Amendment No. 1 to Contract No. 904099 to

incorporate activities associated with Preliminary Engineering and analysis of the cost-cutting measures.

4. Amendment No. 2, Completion of Preliminary Engineering and the Final Environmental Impact Statement Amendments.

In order to comply with the federal National Environmental Policy Act (NEPA) requirements necessary to qualify for the receipt of federal funds, the South/North Transit Corridor Study must complete Preliminary Engineering and a Final Environmental Impact Statement, including the project's financial plan and several mitigation plans.

Metro project staff prepared a scope of work and budget that would incorporate activities associated with completing Preliminary Engineering and the Final Environmental Impact Statement into the technical assistance, financial analysis and intergovernmental coordination consultant services scope of work. Amendment No. 2 for Contract 904099 was approved by Metro Council in May 1998 with the adoption of Resolution No. 98-2652. The amended scope of work was coordinated with engineering work that is being performed by Tri-Met and its consultants. Additional work on the environmental analysis and mitigation plans for the FEIS will also be performed by Parametrix and several sub-consultants under a separate contract extension.

5. Proposed Amendment No. 3, Additional Work Required to Complete the Final Environmental Impact Statement.

In June 1998, President Clinton signed the Transportation Equity Act for the 21st Century (TEA-21) which authorized a guaranteed level of federal funds for surface transportation for the next six years. In order to meet a compressed federal funding timeline resulting from the passage of TEA-21, it is necessary to incorporate additional work for the completion of the Final Environmental Impact Statement to the Larkin Contract. The additional work involves assisting in drafting mitigation reports and coordinating the review and preparation of responses to public comments received on the DEIS (both federal requirements).

Through the preparation of the amended scope of work, Metro staff found that the Larkin Group, Inc. is uniquely qualified for the execution of that scope of work because of: 1) the Larkin Group's previous work on the South/North Transit Corridor Study and DEIS; 2) the need to integrate Preliminary Engineering activities into the South/North Final Environmental Impact Statement and to draft the South/North financial plan and documentation, which has already had significant DEIS level work completed by the Larkin Group, Inc.; and 3) the need to publish a South/North FEIS as soon as possible in order to secure federal matching funds for the project. Further, the RFP for this contract and the original

contract, both approved by the Metro Council, included a provision that the contract scope and budget could be amended following approval from the Metro Council to include tasks associated with preparation of Preliminary Engineering and the FEIS. Metro staff have negotiated a proposed not-to-exceed budget with the Larkin Group, Inc. staff for the Preliminary Engineering and Final Environmental Impact Statement scope of work, which would increase consultant services Contract No. 904099 by \$29,770.00, resulting in a not-to-exceed budget of \$750,000.00. The proposed Amendment No. 3 to the scope of work and budget are included in Exhibit A. Resolution No. 98-2685 would therefore authorize the Metro Executive Officer to execute Amendment No. 3.

BUDGET IMPACT

The South/North Transit Corridor Study's current budget for preparation of the EIS and PE is adequate to fund the proposed amendment to Contract No. 904099. The current total project budget has been incorporated into the current Fiscal Year 1998/99 Metro budget.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 98-2685.