

METROPOLITAN EXPOSITION RECREATION COMMISSION

RESOLUTION NO. 10-27

Approving an amendment to the contract with Interior Technology for Phase II of the Movable Partition Retrofit Project, authorizing additional work, authorizing the MERC General Manager to execute the contract amendment and requesting that Metro Council modify the FY 2010-11 through FY 2014-15 Capital Improvement Plan.

WHEREAS, it is in the public's interest to repair and retrofit of the Oregon Convention Center's movable partitions; and

WHEREAS, the approved FY 10-11 MERC Capital Budget included provisions for the Oregon Convention Center to proceed with a Movable Partitions Retrofit Project ("the Project"); and

WHEREAS, MERC staff completed a formal solicitation of bids culminating with a bid opening on January 5, 2010 and awarded the contract to the lowest responsive and responsible bidder Interior Technology with the bid of \$519,894 for Phase I and Phase II of this project; and

WHEREAS, MERC entered into a contract with Interior Technology for Phase I of the Project in the amount of \$327,600 and now desires to amend the contract for Phase II of the Project for the remaining \$192,294 and for an additional term through July 31, 2011 to complete the Project; and

WHEREAS, Interior Technology recommended additional work after the work commenced that it deemed necessary to complete the project correctly for an additional amount of \$114,500 above the original bid price; and

WHEREAS, Sections 3(B), and 8(A)(1)(d) of MERC's Contracting and Purchasing Rules allow the Commission to approve contract amendments; and

WHEREAS, adequate appropriation exists to fund this \$74,000 increase to the Air Walls Project, upon approval of this increase by the MERC Commission, the Commission requests that the Metro Council modify the FY 2010-11 through FY 2014-15 Capital Improvement Plan to reflect this change.

BE IT THEREFORE RESOLVED that the Metropolitan Exposition Recreation Commission:

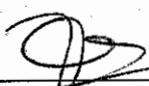
1. Approves the amendment of the contract with Interior Technology for Phase II of the Movable Partition Retrofit Project at the Oregon Convention Center for the originally approved amount of \$192,294 and approves the increase of the original amount by \$114,500 to a total contract amount not to exceed \$636,000.
2. Requests that Metro Council modify the FY 2010-11 through FY 2014-15 Capital Improvement Plan to reflect this change.
3. Authorizes the MERC General Manager to execute the Phase II contract amendment in substantially the same form as attached Exhibit A.

Passed by the Commission on December 1, 2010.

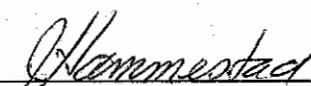
Approved as to form:

Daniel B. Cooper, Metro Attorney

By:


Nathan A. Schwartz Sykes, Senior Attorney


Chair


Secretary/Treasurer



A SERVICE OF METRO

777 NE MLK JR BLVD
PORTLAND, OREGON 97232

Amendment

FIRST AMENDMENT TO CONTRACT NO. 1406

This First Amendment (" the Amendment") hereby amends contract No. 1406 ("the Contract") between the Metropolitan Exposition Recreation Commission, an appointed commission of Metro, and Modernfold NW, Inc., DBA Interior Technology, hereinafter referred to as "Contractor."

RECITALS

- A. The parties entered into the Contract for a Movable Partition Retrofit Project ("the Project") at the Oregon Convention Center on April 21st 2010.
- B. The Project had two phases. The Contract included the cost and scope of work for phase I of the Project.
- C. The parties desire to amend the Contract in regard to cost, term and scope of work for phase II of the Project as well as provide for additional work required for completion of the Project.

The Contract is amended as follows:

I. Article I Scope of Work

The Scope of Work description is amended as follows:

CONTRACTOR is to provide all labor and materials as required for replacement of panel covering and drop seal repairs in Ballrooms and Meeting Rooms with only drop seal repairs in the Exhibit Halls. Exhibit Hall A1 panels – Contractor will remove current covering and replace with paint as specified below.

Clarifications

- Contractor must use replacement parts from original manufacturer
- Contractor is to provide any equipment rental necessary to complete this work
- Contractor is responsible for all recovering supplies and miscellaneous materials required

MEETING ROOMS AND BALLROOMS: treatment as specified below

Recovering

- Remove existing astragals, top and bottom sweeps from the face of all MF panels
- Remove existing finish from the face of all MF panels
- Adhere new carpet to face of all MF panels as per manufacturer's specifications
- Reinstall original astragals, top and bottom sweeps to the face of all MF panels

Drop Seal Repair

Amendment

- Replace broken or missing end caps, jedco latches, souch co latches, handles, cable assembly as needed

Detailed specifications and quantities

Meeting Room Partition Type:

931 ModernFold Partitions
18 ft. tall
4' wide panels
#14 track system
2" manual drop seal

<u>Meeting Room</u>	<u>Quantity of Partitions</u>
A 107/108	10 partitions
A 108/109	10 partitions
A 103/104	8 partitions
A 105/106	12 partitions
B 110/111	10 partitions
B 111/112	10 partitions
B 113/114	13 partitions
B 114/115	12 partitions
B 115/116	13 partitions
B 117/118	10 partitions
B 118/119	10 partitions
C 120/121	10 partitions
C 121/122	10 partitions
C 123/124	8 partitions
C 125/126	12 partitions

Ballroom Partition Type:

931 ModernFold Partitions
23 ft. tall
4' wide panels
#14 track system
2" manual drop seal

<u>Ballroom</u>	<u>Quantity of Partitions</u>
Ballroom 201/202	28 Partitions
Ballroom 202/203	28 Partitions
Ballroom 203/204	28 Partitions

ALL EXHIBIT HALLS: treatment as specified below

Drop Seal Repair

- Replace broken or missing end caps, jedco latches, souch co latches, handles, cable assembly as needed



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EXHIBIT HALL A1 - Paint

- Remove astragals from each panel in A1 Hall only.
- Remove existing finish & glue the face of all panel in A1 Hall only.
- Apply two coats DTM satin with rolled finish (Color TBD).
- Reinstall all original astragals to all panels in A1 Hall only.

Detailed specifications and quantities

Exhibit Hall Partition Type:

931 ModernFold Partitions
30ft. tall
4' wide panels
#14 track system
2" manual drop seal

<u>Exhibit Hall</u>	<u>Quantity of Partitions</u>
Exhibit Hall C	43 Partitions
Exhibit Hall B1	43 Partitions
Exhibit Hall B2	43 Partitions
Exhibit Hall A1	43 Partitions
Exhibit Hall A	43 Partitions

II. Article II Term of Contract

The term of the contract is extended through July 31, 2011. The date of substantial completion shall be June 30, 2011.

III. Article III Contract Sum and Terms of Payment

The contract sum is amended to an amount not to exceed \$634,358. This is an increase of \$114,464 from the original project original bid of \$519,894. This contract sum also includes the costs for phase II in the amount of \$192,294.

IV. Article XIII Integration of Contract Documents

Except for the above amendments, all other terms, conditions and covenants of the Contract remain in full force and effect. To the extent there is any conflict between this Amendment and any other contract documents, this Amendment shall supersede all previous documents.



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IN WITNESS TO THE ABOVE, the following duly authorized representatives of the parties referenced have executed this Amendment.

Contractor

MERC

Signature

Date

Signature

Date

Name

Name

Title

Title

MERC Staff Report

Agenda Item/Issue: For the purpose of approving an amendment to the contract with Interior Technology and the Metropolitan Exposition Recreation Commission (MERC); requesting Metro Council to modify the FY 2010-11 through FY 2014-15 Capital Improvement Plan and authorizing the MERC General Manager to execute the amendment to include all additional work needed that was not part of the original work contemplated to completely renovate all necessary mechanisms for the Movable Partition Retrofit Project in the amount of \$114,500.

Resolution No.: 10-27

Presented By: Jeff Blosser

Date: December 1, 2010

Prepared By: Jeff Blosser/Josh Lipscomb

Background and Analysis: The MERC Budget Committee recommended the Movable Partition Retrofit Project to the full MERC Commission for approval. The MERC Commission approved their recommendation and Resolution 10-05 at its February 2009 meeting to accept the lowest and most responsive bid and authorized the General Manager to execute a contract with Interior Technology for the partition retrofit project.

The partitions are located in the original side of the Convention Center, are nearly 20 years old, and have never been replaced. It is necessary to refurbish and replace worn out parts of the partitions due to loss of functionality and the need to update the movable walls for safety and customer service. The Commission previously approved this partition retrofit project at a budget level of \$560,000 to be completed in two phases over a two fiscal year period (Fiscal Years 2009-10 and 2010-11). The Metro Council approved a MTOCA project funding request for \$340,000 in FY2009-10 and \$220,000 for FY 2010-11.

Staff completed a formal solicitation of bids per MERC contracting and purchasing rules for this project culminating with a bid opening in January 2010. Interior Technology's bid came in at \$519,894. Interior Technology recommended additional work after starting the project in Phase I, and identified many items that were in need of repair not identified in the scope of work. The changes included the removal and replacement of all switches, the directional sections of track, drop seals, painting, internal locking mechanisms and other work. Most of these requested changes could not be identified until the work began, as they were internal operating parts of the movable wall units. These changes were at a cost of \$114,500. The Phase I portion of the project was budgeted at \$340,000 and \$327,000 was spent in year one to complete the first phase of this project. Phase II was to be completed this fiscal year and we need to amend the contract and increase the contract to accomplish all necessary work for this project including the additional items identified by the contractor to complete this project. The approval of this contract will also amend the Metro five-year capital plan. (The increase is greater than 10% allowable for contract adjustments and needs to be approved by the MERC Commission).

Therefore, staff is requesting the Commission to approve the amendment to the contract with Interior Technology in the amount of \$114,500, which would bring the total contract amount not to exceed \$634,358 or \$114,500 over the approved contract amount of \$519,894 and to authorize the General Manager to execute a contract for Phase II of this project.

Fiscal Impact: During FY 2009-10, the MERC Commission approved the entire movable partition project in the budget \$560,000. The project was scheduled to be completed over two fiscal years in two phases. Additional work was identified by the contractor and added to the scope of work as needed to complete the refurbishment of the Air Walls. Phase I of this project was completed for \$327,600 and MTOCA funds approved to fund this project were used to pay for the first phase of this two-year project in FY 2009-10. Work for Phase II will commence this fiscal year with the approval of the contract amendment and complete the project including the additional work identified by the contractor. Phase II will be funded with MTOCA funds allocated for this project over the two fiscal years, the VAV project savings of \$36,000, energy rebates from the ETO for the VAV project of \$31,000 and the rest of the funds will come out of the Operations Budget, (between \$7,000-\$9,000). The total approved capital projects budget is not being increased with this change, a reallocation of funds is being requested to pay for the additional work identified in this project by the contractor.

Attachments to Resolution and/or Staff Report: Recommended contract amendment is attached to the Resolution.

Recommendation: Staff recommends that the Metropolitan Exposition-Recreation Commission adopt Resolution 10-27, approve an amendment to the contract with Interior Technology; requests that Metro Council modify the FY 2010-11 through FY 2014-15 Capital Improvement Plan and directs the MERC General Manager to execute the amendment to include the additional work identified and authorizes an increase to the original contract amount by \$114,500 so that the contractor can accomplish the original scope of work and the new needed work identified to complete the refurbishing and retrofitting of the Movable Wall Partitions at the Oregon Convention Center.