

METROPOLITAN EXPOSITION-RECREATION COMMISSION

Resolution No. 02-30

For the Purpose of approving an amendment to MERC Contract 921818 with Zimmer Gunsul Frasca Partnership (ZGF) for the Oregon Convention Center Expansion to incorporate Change Order #2, and authorizing the MERC General Manager to execute the amendment on behalf of the Commission.

WHEREAS, the Commission contracted with Zimmer Gunsul Frasca in January 2000 by Resolution #00-05 for architectural services for the Oregon Convention Center Expansion for a fee not to exceed \$6,412,142; and

WHEREAS, the Commission's contract with Zimmer Gunsul Frasca identifies in Exhibit C additional services to be provided and paid for, if authorized by the Owner, which are beyond the basic services, and

WHEREAS, over the past two years, two (2) additional Conditional Use Applications and additional architectural services have been required to complete the City permitting process which has exceeded the original scope of services defined in the contract; and

WHEREAS, services have been provided by the subcontracted electrical/mechanical design engineering team for Owner-requested scope changes not identified in the original contract; and

WHEREAS, the OCC Expansion Team has negotiated with ZGF regarding the additional services and recommends approval of Change Order #2 for increased fees of \$261,230 for services provided over the past two years by Zimmer Gunsul Frasca Partnership and the sub-contracted electrical/mechanical design engineering team; and

WHEREAS, the OCC Expansion Advisory Committee has reviewed Change Order #2 and the Committee unanimously supports the recommendation by the OCC Expansion Project Team to approve Change Order #2 to the contract with Zimmer Gunsul Frasca Partnership for services provided beyond the scope of the original contract; and

WHEREAS, funding for the \$261,230 fee increase is available in the Project's contingency budget for FY 02-03,

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. That the Metropolitan Exposition-Recreation Commission approves amending MERC contract #921818 with Zimmer Gunsul Frasca Partnership for the Oregon Convention Center Expansion, so as to incorporate Change Order #2 in a form substantially similar to Exhibit A, with a fee increase of \$261,230 to a not to exceed contract amount of \$6,937,397, and
2. That the MERC General Manager is authorized to execute the amendment to contract #921818 on behalf of the Commission.

Passed by the Commission on September 25, 2002.

Chair

Secretary-Treasurer

Approved As To Form:
Daniel B. Cooper, General Counsel

By: _____
Kathleen A. Pool
Senior Assistant Counsel

Exhibit A – Change Order #2 to contract 921818

Amendment
Incorporating Change Order #2
Zimmer Gunsul Frasca Partnership - Contract #921818

This Agreement amends the Personal Services Agreement, Contract #921818 between the Metropolitan Exposition-Recreation Commission, referred to hereinafter as MERC, and Zimmer Gunsul Frasca Partnership, referred to hereinafter as "ZGF", for architectural services for the Oregon Convention Center Expansion, which was effective January 2000.

An additional sum of \$261,230 (Two Hundred Sixty-One Thousand, Two Hundred Thirty and 00/100 dollars) is added to the Contract for additional scope of work services. The scope of work is increased to include the following services at the stated fees:

Fees requested by ZGF

<i>Two conditional use applications and extended permit review labor</i>	<i>\$181,150.00</i>
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Fees requested by CBG (subcontractor)

<i>Floor box upgrade</i>	<i>\$ 4,500.00</i>
<i>Revisions to bid packages for CMGC</i>	<i>\$ 14,840.00</i>
<i>Air handler VE</i>	<i>\$ 15,500.00</i>
<i>Added CA services</i>	<i>\$45,240.00</i>

Maximum payment pursuant to paragraph 3 of the Agreement shall not exceed \$6,937,397 (Six Million, Nine Hundred Thirty-seven Thousand, Three Hundred Ninety-seven and 00/100 dollars).

All other terms and conditions of the Contract shall remain unchanged.

Zimmer Gunsul Frasca Partnership

MERC

Signature

Signature

Name

Name

Title

Title

Date

Date

Attachment: Exhibit A – Change Order #2 to MERC Contract #921818



Contact: Ernest Grigsby
Firm: Zimmer Gunsul Frasca Partnership
Address: 320 SW Oak Street, Suite 500
City, State, Zip: Portland, Oregon
97204

Date: 25 September 2001
Project: Oregon Convention Center Expansion
Subject: **Change Order #2**
CO Number: **2 – Scope Changes for Conditional Use Applications, Permitting, & Electrical/Mechanical Design Engineering Team Services**

In accordance with Exhibit B, Section E, of the Personal Services Agreement, Contract 921818 between MERC, and Zimmer Gunsul Frasca Partnership, this document activates the execution of services as defined below.

Scope of additional services to be provided is defined as follows:

Per Exhibit C, paragraphs A, E, and I of Personal Services Agreement, Contract #921818, provide:

1. Design services to complete the Land Use Process and Permitting Process that exceeded the original regulatory criteria assumed for the Project.
2. Mechanical and electrical services not contracted in the base bid.

This document approves the contracting of additional services as defined in MERC Staff Report "Authorizing an amendment to MERC Contract #921818 with ZGF Architects to incorporate Change Order #2" dated 09/18/02, and ZGF correspondence dated 7/3/02 which details justification of Change Order #2 and the cost for design services which exceed original design services as indicated in contract #921818.

Base Contract Amount to Date:	\$	<u>5,409,197.00</u>
Alternate Services Amount to Date:	\$	<u>537,475.00</u>
Subtotal:	\$	<u>5,946,672.00</u>
 Total of Activated Tasks to Date:	\$	<u>418,783.00</u>
Cost of Task Activated by this Document:	\$	<u>0.00</u>
Total Activated Contract Amount:	\$	<u>6,365,455.00</u>
 Total Contract Amount:	\$	<u>6,412,142.00</u>
Total Contract Change Orders:	\$	<u>264,025.00</u>
Cost of Change Order Approved by this Document:	\$	<u>261,230.00</u>
Total Contract Amount:	\$	<u>6,937,397.00</u>

Subject: **Change Order #2**
CO Number: **2 – Scope Changes for Conditional Use, Permitting & Electrical/Mechanical**

Authorization:	<u>Zimmer, Gunsul, Frasca Partnership</u>	<u>Date</u>
Authorization:	<u>Karl Schulz, Senior Project Manager</u>	<u>Date</u>
Authorization:	<u>Jeff Blosser, Co-Project Director, OCC</u>	<u>Date</u>
Authorization:	<u>Scott Moss, Co-Project Director, Metro</u>	<u>Date</u>

attachments:

MERC Staff Report, 9/18/02
ZGF correspondence, 7/3/02

ZIMMER·GUNSUL·FRASCA PARTNERSHIP



320 S.W. Oak Street Suite 500 Portland, Oregon 97204

503/224-3860 Fax: 503/224-2482

July 3, 2002

Mr. Karl Schulz
OCC Expansion Project Office
777 NE MLK Jr. Blvd.
Portland, OR 97232

Subject: Contract Issues (REVISION 1)

Job. No.: 60097.01 – Oregon Convention Center Expansion Phase II

Dear Karl:

We want to thank you and Jeff for your input at the June 24th meeting. I feel we all have a commitment to the success of the project and recognize the importance of resolving issues that could negatively impact our goals. To that end, we have reviewed the items summarized in your spread sheet dated June 27, 2002 and propose adjustments to items in each of the categories listed. With regard to fees requested by Zimmer Gunsul Frasca Partnership, we propose no change as this number reflects the additional level of effort expended.

Fees Requested by ZGF

\$181,150.00

- Two conditional use applications
- Extended permit review labor

Fees Requested by DND

\$0.00

This has been an ongoing issue, which was exacerbated by both the phased nature of adding scope and the operating procedures of the consultant. In this specific case, we propose that this request be voided.

Fees Requested by CBG

~~\$84,020.00~~ **\$80,080**
CONFIRMED
BY ZGF
9/17/02
LP
ZGF

For fees requested by CBG, we propose several changes to the \$179,140 amount. As discussed on Thursday, several items were previously addressed by task authorizations and should be removed from the list. TAB review represents a small level of effort and we propose this item be removed, as well. Added CA services should be adjusted to cover the time spent to date, as well as time spent attending two meetings per month, as ZGF and Hoffman Co. feel their presence is important to the continuity of the project.

- Floor box upgrade \$ 4,500.00
- Revisions to bid packages for CMGC 14,840.00
- Air handler VE 15,500.00
- Added CA services 45,240.00

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Mr. Karl Schulz
July 3, 2002
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The project has experienced cost impacts that were not specifically budgeted. It was anticipated by the project team that this would occur and would be covered by the project construction contingency. We believe that the majority of the cost impact items fell within the contingency category; however, there are several items that do not. These issues will require a detailed assessment on cause, cost vs. value added, schedule impact and cost settlement. Final cost of these items is currently unknown. It is understood that the cost settlement of these items may be resolved through an insurance claim.

Cost Impact Beyond Contingency

- EF 41 & 42
- Mechanical ballroom loading resolution
- Fire/smoke damper

Cost Impact Included in Contingency

- Cherry City document posting
- Door matrix
- Completion of energy study
- Energy study features not determined
- Panel changes
- Telecom, security and AV coordination
- Revise heat exchangers and pumps
- Ground system for telecom system
- Coil design at terminal units

Features added to the projects were valued, added and approved by the project team. Value engineering was employed to mitigate the cost. I doubt there will be any question when the project is completed that these features were essential to the project's success.

We hope you find our proposal acceptable and that we can move forward from here. We appreciate you initiating resolution of these issues.

Sincerely,

ZIMMER GUNSUL FRASCA PARTNERSHIP


Ernest L. Grigsby, AIA, Principal

Cc: Bob Packard
Larry Bruton
Libby Ramirez
Dave Otte
Master File

ELG/lrs