

**Council Convention Center Committee Minutes**

September 27, 1988

Noon

Metro, Convention Center Project Office

Attending: Councilors Kelley, Knowles, Waker, Van Bergen

Staff: Neil McFarlane, Sandy Stallcup, Berit Younie

Guests: Ray Phelps, Don Rocks, Dan Cooper, Don Carlson, Jessica Marlitt, Glenn Taylor, Lee Fehrenkamp, Dominic Buffetta, Mark Hunter, Nancy Meyers, Cathie Shelton, Richard Ares, Ben Middleton, Mitzi Scott

Councilor Knowles, Chairman, called the meeting to order at 12:05 p.m.

Agenda Item 1. Convention Center Project Office Organization

Ray Phelps introduced Glenn Taylor, newly appointed Construction Coordinator for the Convention Center Project. Taylor is a civil engineer and was hired to be the Metro representative on the job site. Phelps responded to an inquiry by Councilor Waker that the Taylor position was budgeted; that the budgeted position was previously held by Kim Duncan and that Taylor was aware that the position terminated upon completion of the project.

Phelps also told the committee that the search for a project director was continuing after being temporarily sidetracked due to the increased activity involved in the selection of the General Contractor. Two prospective directors are currently being considered for the position. Informal discussions will proceed between the executive office and Metro councilors in regards to the selection process.

Councilor Waker requested a weekly construction report be generated by Taylor who responded that this would be forthcoming. Councilor Van Bergen concurred.

Councilor Waker also inquired as to the status on change order procedures. He indicated a necessity for flexibility and timeliness and review by a representative of the committee, specifically Chairman Knowles. Taylor responded that this and other "paperwork" procedures were currently

being reviewed and that a report would be completed within a week to ten days.

Agenda Item 2. Replacement of Jim Durham

Chairman Knowles asked for a report on the replacement of Jim Durham who was the Metro representative on the consolidation effort. Durham has taken a job out of state and will no longer be able to continue his services. Don Rocks reported that Durham will be out of town until September 30. Upon return, Durham is expected to prepare a final report of his efforts to date along with his recommendations for future action. Rocks expects that this position will be filled and indicated that the committee will be kept informed of the situation.

Agenda Item 3. Review of Metro ERC Personnel Policy.

Councilor Van Bergen prefaced his task force committee report by recognizing that the review was "unnegotiated" and that comments/response had not been solicited from MERC; that the MERC Purchasing Policies have not yet been adopted; and that the purpose of this review was to identify inconsistencies and to initiate dialogue which in turn could result in the adoption of a consistent policy. No action is required from this committee.

The report comprises six points that have been identified as being inconsistent with Metro Purchasing Code:

- 1) MERC's policies do not include a provision disallowing the award to a single contractor of certain aggregate contract amount. Metro Code does contain such a provision which is designed to prevent the circumvention of the competitive bid process.
- 2) MERC's policies do not include provisions for contract extensions and amendments and their approval process. Such provision are included in Metro Code.
- 3) MERC's policies, unlike the Metro Code, do not provide for contract documentation requirements or for contract reporting to MERC Commission, Metro or the Council.
- 4) MERC's policies contain three competitive bid exemptions, two of which are consistent with the Metro Code, but one which is based on the City E-R Commission and is inconsistent with Metro procedure. This exemption would allow contracts of up to \$31,000 to avoid the competitive bid process and

would adjust annually the 31,000 figure via the Portland Metro area Consumer Price Index.

5) MERC's policies adopt, but do not enumerate Metro's D/WBE Program.

Councilor Van Bergen then discussed his recommendation, contained on Exhibit A, that language in MERC's policies enabling ordinance be amended to conform with the Metro Code. Dan Cooper concurred on this proposed amendment.

Councilor Van Bergen recognized the efforts of Jessica Marlitt in preparing the report.

Councilor Knowles suggested that Councilor Van Bergen function as a liaison between Metro and MERC and initiate discussion concerning the proposed MERC Purchasing Policies. Councilor Van Bergen agreed to do such and expected that many of the identified inconsistencies would be easily resolved through discussion. He anticipated reporting the results of these discussions back to this committee at the next meeting.

Copies of the Van Bergen report will be forwarded to all MERC Commissioners by Lee Fehrenkamp, General Manager of the E-R Commission.

Agenda Item No. 4. Metro E-R Commission Intergovernmental Agreement with the City E-R Commission Relating to Events Spacing.

Dan Cooper reported on this item. He indicated that he was of the opinion that the Intergovernmental Agreement relating to event spacing which was designed to deal with the simultaneous competing event issue necessitated approval by both governing bodies (Metro and the City). His reasoning was based on his interpretation of federal and state anti-trust legislation. He emphasized that the basis for the Intergovernmental Agreement was sound business judgment; that allowing two simultaneous competing events could result in long term loss of business as the two competitors impair their long term market.

MOTION: Councilor Waker moved to recommend approval of the Intergovernmental Agreement.

VOTE: The motion was approved by a unanimous vote.

Agenda Item No. 5 Recommendation to Council Internal Affairs Committee on Resolution No. 88-990, DeWitt Change Order

Neil McFarlane reported that the DeWitt change order was for approximately \$27,000 and resulted from additional unit price work performed by DeWitt (over excavation). The work was necessitated by the higher than expected quantity of underground footings, concrete basements etc. which were present on the site. All costs associated with the change order have been approved by Turner Construction Company.

MOTION: Councilor Waker made a motion to recommend approval.

VOTE: The motion was approved by a unanimous vote.

Agenda Item No. 6. Recommendation to Council for Resolution No. 88-992, Approving an Amendment to the Intergovernmental Agreement with the City of Portland Water Bureau.

Neil McFarlane reported on this item, noting that, due to delay in the negotiation and paperwork processes, this item required no action, was currently informational only. McFarlane stated the bids had been received by the Water Bureau for the relocation of a water line currently located in Irving Street to an off site location along Glisan Street. The low bid was \$110,136, not including additional necessary expenses which bring the total to \$141,563. Credit for future "hook-ups" have been negotiated, resulting in an actual cost of \$125,486. The current budgeted amount for this work is \$100,000, making an cost increase amendment necessary. The final amount of the amendment has not determined.

Discussion then turned to the railroad right-of-way issue and its possible negative impact on the construction schedule until it is resolved. The two principal parties negotiating the cost of the right-of-way are ODOT and Union Pacific. The committee will be kept abreast of the situation.

Agenda Item No. 7, Construction Progress Update

Glenn Taylor gave the committee a brief report on the on-site activities. He stated that the Hoffman (Oregon) - Marmolejo Joint Venture has been on-site since Friday, September 9, 1988. Their activities to date have been:

- 1) Mobilization of two trailers and temporary utilities;

- 2) Pouring Foundations/Pile Caps (11 poured on 9/23 and 11 to 16 expected to be poured 9/27);
- 3) Putting in temporary access roads.

He stated that the construction schedule was being met.

Agenda Item No. 8, Construction Contracting Update

Neil McFarlane reported on this item. He indicated that this would be a regular agenda item designed to keep the committee apprised of evolving construction issues such as change orders, claims, etc. McFarlane described it as an "early warning" device.

McFarlane reported on a \$13,000 delay claim made by DeWitt which had been initially rejected by Turner, but may be raised in the future by DeWitt. Delay was due to DeWitt's value engineering proposal and therefore has been determined by Turner Construction Company to be attributed to DeWitt.

Secondly, a change order initiated by Cannon and currently being processed by Hoffman - Marmolejo as General Contractor, has been reviewed and modified by Turner. Turner rejected nearly half of the claimed amount, but has acknowledged \$81,700 of the claim as legitimate.

Councilor Waker inquired as to the status of the ZGF amendment for design fee associated with shrinking the building. McFarlane responded that that item was returned for consideration to ACDC Committee.

The meeting was adjourned at 1:35 p.m.

Respectfully submitted,

  
Sandy Stallcup



# METRO

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Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

*M. Nelson*

# *A g e n d a*

**Executive Officer**  
Rena Cusma

**Metro Council**

Mike Ragsdale  
*Presiding Officer*  
District 1

Corky Kirkpatrick  
*ty Presiding*  
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District 4

Richard Waker  
District 2

Jim Gardner  
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DeJardin  
District 5

George Van Bergen  
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Sharron Kelley  
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Mike Bonner  
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Tanya Collier  
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Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

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**Oregon Convention Center  
Convention Center Project Office**

**Tuesday, September 27, 1988**

**Noon at Convention Center Project Office**

1. **Convention Center Project Office Organization**
2. **Replacement of Jim Durham**
3. **Review of Metro E-R Commission Purchasing Policies**
4. **Metro E-R Commission Intergovernmental Agreement with the City E-R Commission Relating to Events Spacing.**
5. **Recommendation to Council Internal Affairs Committee on Resolution No. 88-990 DeWitt Change Order (Attachment included herewith)**
6. **Recommendation to Council for Resolution No. 88-992. Approving an Amendment to the Intergovernmental Agreement with the City of Portland Water Bureau (Attachment included herewith)**
7. **Construction Progress Update**
8. **Construction Contracting Update**



# METRO

2000 SW First Avenue  
 Portland, OR 97201 5398  
 (503) 221-1646  
 Fax 241 7417

September 21, 1988

The Honorable Mike Ragsdale  
 Presiding Officer  
 Metropolitan Service District  
 2000 S. W. First Avenue  
 Portland, OR 97201-5398

Executive Officer  
 Rena Cusma

Metro Council

Mike Ragsdale  
 Presiding Officer  
 District 1

Corky Kirkpatrick  
 Deputy Presiding  
 Officer  
 District 4

Richard Waker  
 District 2

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in DeJardin  
 District 5

George Van Bergen  
 District 6

Sharon Kelley  
 District 7

Mike Bonner  
 District 8

Tanya Collier  
 District 9

Larry Cooper  
 District 10

David Knowles  
 District 11

Gary Hansen  
 District 12

Dear Presiding Officer Ragsdale:

Re: Metropolitan Exposition-Recreation Commission  
 Resolution No. 10/Intergovernmental Agreement with  
 the City Exposition-Recreation Commission Relating to  
 Events Spacing.

At its meeting held on September 13, 1988, the Metro E-R Commission authorized the execution of an Intergovernmental Agreement with the City E-R Commission relating to events spacing. A copy of Resolution No. 10 and the Intergovernmental Agreement are attached. The action taken by the Metro E-R Commission on September 13, 1988, specifically requires the prior approval of the Metro Council, the Executive Officer and the Portland City Council before the proposed Agreement goes into effect.

The reason that the approval of Metro and the Portland City Council is required for this Agreement is detailed in a legal opinion that I furnished to the Metro E-R Commission prior to their action (a copy of which is attached). Basically the problem is that in order to allow this action to occur the approval of Metro and the City is required in order to demonstrate that the purpose of this Agreement is to carry out preliminary steps toward eventual consolidation of the facilities and not to engage in any activity that would otherwise be prohibited by state and federal antitrust laws. Accordingly, I am requesting that the appropriate resolution be prepared by Council staff and referred to the appropriate committee so

The Honorable Mike Ragsdale  
September 21, 1988  
Page 2

that this matter may be considered and a recommendation  
forwarded to the full Council for approval.

Yours very truly,

Daniel B. Cooper  
General Counsel

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Attachments

cc: Lee Fehrenkamp  
Don Carlson



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN	)	
INTERGOVERNMENTAL AGREEMENT BETWEEN	)	RESOLUTION NO. 88-993
THE METROPOLITAN EXPOSITION-RECREATION	)	
COMMISSION AND THE CITY OF PORTLAND	)	Introduced by the
EXPOSITION-RECREATION COMMISSION	)	Council Convention Center
RELATING TO EVENTS SPACING	)	Committee

WHEREAS, On October 22, 1987 by Ordinance No. 87-225, the Metropolitan Service District established the Metropolitan Exposition-Recreation Commission to operate Regional Convention, Trade and Spectator Facilities, including the Oregon Convention Center; and

WHEREAS, The above Commission has authorized by their Resolution No. 10 the Commission Chairman and Secretary/Treasurer to execute an Intergovernmental Agreement with the City of Portland Exposition-Recreation Commission, wherein the Commissions adopt an event spacing booking policy between the Memorial Coliseum and the Oregon Convention Center; and

WHEREAS, The Council of the Metropolitan Service District has reviewed the above Intergovernmental Agreement and agrees that it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission; and

WHEREAS, The Council finds that this Intergovernmental Agreement is consistent with and advances the approved concept of consolidating the operations of the Metropolitan Exposition-Recreation Commission and the City Exposition-Recreation Commission to promote more efficient operation of the respective facilities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports and approves the Intergovernmental Agreement between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

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Mike Ragsdale, Presiding Officer

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# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
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Fax 241-7417

# COPY

July 26, 1988

**Metropolitan Exposition-Recreation Commission  
2000 S. W. First Avenue  
Portland, OR 97201-5398**

**Re: Proposed Agreement Between Metro E-R Commission and  
City of Portland E-R Commission Regarding Agreement  
to Protect Similar Shows from Competition at the  
Other Facility**

**Executive Officer  
Rena Cosma**

**Metro Council**

**Mike Ragsdale  
Presiding Officer  
District 1**

**Corky Kirkpatrick  
Presiding**

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**Richard Waker  
District 2**

**Jim Gardner  
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**Gary Hansen  
District 12**

As I have discussed with the Commission, I have concerns that the proposed agreement between the Metro E-R Commission and the City of Portland E-R Commission referred to above would possibly be in conflict with both state and federal antitrust laws.

I have now had the opportunity to research this matter further and for the reasons stated below recommend that in the event the Metro E-R Commission determines that it is advisable to enter into this agreement, that the agreement be made effective only upon the subsequent approval of the Metro Council and the City Council of the City of Portland.

Federal antitrust law prohibits every contract combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce and applies to all interstate commerce. ORS 646.705 to 646.805 provides for similar prohibitions against antitrust activity in intrastate commerce.

The question of whether the activities of both the Metro E-R Commission and the City of Portland E-R Commission regarding the leasing or renting of space to conventions, trade or consumer constitutes interstate or intrastate commerce depends on the nature of the event. Some are clearly interstate, some are probably intrastate, thus this agreement would be subject to the federal antitrust laws as well as Oregon antitrust laws.

Federal law in general allows for an oulright exemption from the antitrust laws for "state action" activities. (In this letter I won't cite cases or statutes, but they are available to any commission member who wants to discuss them.) In general any antitrust activity authorized by a State Legislature requires active state supervision

in order to be protected from antitrust law. Under a recent decision of the United States Supreme Court, the requirement for active supervision by the state government is not a requirement for local governments if local governments (municipalities) can establish that the behavior complained of is expressly authorized by state law. In addition, Oregon antitrust law exempts actions specifically authorized by state or local ordinance.

ORS 268.310(6) specifically authorizes Metro to acquire major cultural, convention, exhibition, sports and entertainment facilities presently operated by other local governments pursuant to intergovernmental agreements. (See also ORS 268.345.) Given this explicit authorization by the State Legislature, the consolidation of the City of Portland Memorial Coliseum and other facilities operated by the E-R Commission with the Oregon Convention Center operated by the Metro E-R Commission would not be a violation of either Oregon or federal antitrust law because of the specific exemptions provided for above, even though prior to the acquisition or consolidation the Oregon Convention Center and the Memorial Coliseum facility are clearly in competition with each other and any agreement between them or merger of the facilities would otherwise possibly be considered to be in restraint of trade or providing for the creation of a monopoly.

I find no authority in the state law that would directly authorize an agreement not to compete between the two separately operated facilities. Further, Metro Code Chapter 6.01.040, while authorizing the Commission to enter into intergovernmental agreements for the transfer of convention, trade or spectator buildings and facilities to the District, or for the transfer of operating and administrative responsibilities for such buildings and facilities to the Commission requires Metro Council approval of a transfer. This section does not directly authorize the entering into of an agreement not to compete. Likewise, Portland City Charter Section 14-103, prescribing the powers and duties of the City E-R Commission, does not authorize the Commission to enter into intergovernmental agreements to either transfer facilities or to restrict competition.

Because Oregon law only exempts activities that are authorized by state law or local ordinance and federal law exempts activities specifically authorized by state law, I believe that if the proposed agreement between the City E-R Commission and the Metro E-R Commission were to be

Metro E-R Commission  
July 26, 1988  
Page 3

approved by the Metro Council and City Council as the first step toward the eventual transfer or acquisition or consolidation of the City E-R facilities with the Oregon Convention Center to be managed by the Metro E-R Commission that the possibility of a successful challenge by an affected party under the antitrust laws would be greatly diminished. Without such approval and authorization by the City Council and the Metro Council, I believe that the agreement would be much more vulnerable to a successful challenge on the grounds that it is a violation of the antitrust laws because it would go beyond the express authority granted to Metro by state law and, thus, be non-exempt from federal antitrust laws, and further, also not be non-exempt from state antitrust laws because of the lack of specific authorization by a local ordinance.

I will be happy to work with Lee Fehrenkamp to develop a revised agreement that could appropriately be approved by the Metro E-R Commission, the City E-R Commission, the Metro Council and the City Council in order to effect the purpose of the agreement that is now in front of the Commission.

Yours very truly,

Daniel B. Cooper ✓  
General Counsel

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9852C/D2

cc: Lee Fehrenkamp  
Don Rocks

## METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 10

Authorizing the Chairman and Secretary/Treasurer to execute an Intergovernmental Agreement with the Exposition-Recreation Commission wherein the Commissions adopt an event spacing booking policy between the Memorial Coliseum and the Oregon Convention Center.

The Metropolitan Exposition-Recreation Commission finds:

1. The Metropolitan Service District has established the Metro Exposition-Recreation Commission to operate the Oregon Convention Center.
2. The Charter of the City of Portland establishes the Exposition-Recreation Commission for the purpose of operating the Memorial Coliseum and other facilities.
3. Both Metro and the City have approved the concept of consolidating the operations of the Metro ERC and the City ERC in order to promote more efficient operation of the respective facilities. Such consolidation is expressly authorized and contemplated by Oregon Law.
4. Prior to the completion of agreements to formally consolidate these facilities it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the ERC.
5. That it is apparent that the Commission will be facing situations where we have two different permittees with similar shows competing for the same exhibitors and market, one permittee booking the event at the Oregon Convention Center and the other booking the event at the same time at the Memorial Coliseum.
6. That both the Convention Center and the Coliseum have event spacing clauses in their scheduling policies.
7. That since both facilities, the Oregon Convention Center and the Memorial Coliseum, will be operated with the same management team, an event spacing clause between facilities is in order.
8. That this agreement shall not be effective until approved by the Portland City Council and the Metro Council and Executive.

RECEIVED SEP 19 1988  
by Metro Council Clerk  
A. Marie Nelson

COPY

INTERGOVERNMENTAL AGREEMENT

This Agreement, dated this 13<sup>th</sup> day of September, 1988, is between the Metropolitan Exposition-Recreation Commission (Metro ERC) of the Metropolitan Service District and the Exposition-Recreation Commission (ERC) of the City of Portland.

RECITALS

1. The Metropolitan Service District has established the Metro Exposition-Recreation Commission to operate the Oregon Convention Center.

2. The Charter of the City of Portland establishes the Exposition-Recreation Commission for the purpose of operating the Memorial Coliseum and other facilities.

3. Both Metro and the City have approved the concept of consolidating the operations of the Metro ERC and the City ERC in order to promote more efficient operation of the respective facilities. Such consolidation is expressly authorized and contemplated by Oregon Law.

4. Prior to the completion of agreements to formally consolidate these facilities it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the ERC.

5. Both ERC and Metro ERC have adopted policies relating to the spacing of events in their respective facilities. The purposes of these policies are (1) to assure that events of a similar character are not scheduled so closely together that the reasonable business expectations of exhibitors are frustrated, and (2) to encourage as diverse a range of entertainment and recreational opportunities to the public as possible.

6. The ERC and Metro ERC event spacing policies will achieve their purpose more effectively if ERC and Metro ERC facilities are considered together and the policies are applied to prevent scheduling of similar events in both organizations' facilities during the same time period.

7. ERC and Metro ERC have previously entered into an agreement to consolidate the management of the facility scheduling activities.

STAFF REPORT

Agenda Item No. 5

Meeting Date: October 13, 1988

CONSIDERATION OF CHANGE ORDER FOR BID PACKAGE #2, SITE WORK FOR  
OREGON CONVENTION CENTER: CONTRACT WITH DEWITT CONSTRUCTION

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Date: September 27, 1988

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

On May 5, DeWitt Construction Company was awarded the site work contract for the Oregon Convention Center. Five requests for changes were approved by the Council on August 11. Change order No.6 requests a net increase of \$27,422.50 for removal of unforeseen buried concrete obstructions and for removal and treatment of certain contaminated soil. Turner Construction Company, the construction managers, and Rittenhouse-Zeman and Associates, the geotechnical engineers of record, have monitored this work.

The site work was substantially complete on September 9, 1988.

The total amount of the contract, including this change order, is \$1,134,937.70.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of change order 6 to the contract with DeWitt Construction for site work for the Oregon Convention Center project.



BEFORE THE INTERNAL AFFAIRS COMMITTEE  
OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 88 - 990  
CHANGE ORDER NO. 6 TO THE CONTRACT )  
WITH DEWITT CONSTRUCTION COMPANY FOR ) Introduced by  
BID PACKAGE #2, SITE WORK, FOR ) Executive Officer Rena Cusma  
THE OREGON CONVENTION CENTER )

WHEREAS, Metro Code Chapter 2.04.045, Public Contract Extensions and Amendments, provides for amending any contract for additional work, including change orders; and

WHEREAS, Subsection 2.04.045 (a) (1), provides that contract change orders, and other changes in the original specifications which increase the original contract price may be made with the contractor without competitive bidding if the original contract was let by competitive bidding and unit prices or bid alternates were included that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work; and

WHEREAS, On May 5, 1988, Metro entered into a contract with DeWitt Construction Company for \$971,984 for Bid Package #2, Site Work for the Oregon Convention Center; and

WHEREAS, On August 11, 1988, Metro approved five change orders to the original contract, and

WHEREAS, Contractor has submitted a change order for removal of unforeseen buried concrete obstructions and for removal and treatment of contaminated soil; and

WHEREAS, The change order has been reviewed by Turner Construction Company and the Convention Center Project staff and recommended for Council approval by the Council Convention Center Committee; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes Change Order No. 6, (Attachment A to this resolution) to Bid Package #2, Site Work for the Oregon Convention Center, dated May 5, 1988.

ADOPTED by the Council of the Metropolitan Service District this 13th day of October, 1988.

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Mike Ragsdale, Presiding Officer

ATTACHMENT A

CHANGE ORDER

PROJECT: Oregon Convention Center PROJECT NO. 88-4-609 CC
Bid Package No. 2
Site Preparation

OWNER: Metropolitan Service District CHANGE ORDER NO: SIX (6)

CONTRACTOR: DeWitt Construction Inc. INITIATION DATE: 9/12/88
P.O. Box 20938
Portland, Oregon 97720

THE CONTRACT IS HEREBY CHANGED AS FOLLOWS:

Modify the work in accordance with adjusted Unit Price work for removal of non-hazardous waste (classified as oil) and Unit Price work for removal of unforeseen buried concrete as detailed in DeWitt's letter of September 8, 1988 and as adjusted in Turner's letter of September 12, 1988 (attached).

Except as provided herein all terms and conditions of the contract as heretofore modified remain unchanged. The terms and conditions of this Change Order constitute a full accord and satisfaction for all costs, overhead, time and profit related to the actions described or referenced herein. Not valid until signed by both the Owner and C.M. Signature of Contractor indicates agreement herewith including any adjustments in the Contract Sum or Contract Time.

Table with 2 columns: Description and Amount. Rows include: The original Contract Sum (\$ 971,984.00), Net change by previously authorized Change Orders (\$ 133,531.20), The Contract Sum prior to this Change Order (\$ 1,107,515.20), The Contract Sum will be (increased) (decreased) (unchanged) by (\$ 27,422.50), The new Contract Sum, including this Change Order will be (\$ 1,134,937.70), Percent (Increase) (Decrease) of Original Contract Sum (12.2%), The Contract Time will be (increased) (decreased) (unchanged) by (0 days), The Date of Substantial Completion, as of this date, is (September 9, 1988).

PREPARED/RECOMMENDED:

Turner Construction Company

Signature: David A. Wachob Date: 9/12/88

APPROVED FOR PROCESSING:

Turner Construction Company

Signature: David A. Wachob Date: 9/12/88

ACCEPTED:

DeWitt Construction, Inc. Contractor

Signature: Brian Langdon Date: 9/19/88

AUTHORIZED:

Owner


Signature Date



# METRO

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Portland, OR 97201-5398  
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## Memorandum

Date September 22, 1988  
 To Council Convention Center Committee  
 From Neil McFarlane   
 Subject Water Bureau Contract Amendment

Executive Officer  
Rena Cusma

Metro Council

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Don DeJardin  
District 5

George Van Bergen  
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Sharron Kelley  
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Mike Bonner  
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Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

On Tuesday, September 20, bids were received by the Water Bureau for the relocation of the 16 inch water line now in Irving Street to a new alignment off the convention center site along Glisan Street. This bid amount allows us to reconcile the final budget for the water bureau activities related to demolition and relocation activities:

Water Line Relocation Low Bid	\$110,136.00*
Engineering	22,000.00**
Disconnection of Water Services	7,500.00
Disconnection of Water Mains	18,200.00
Potholes (for engineering of new line)	3,700.00
<b>Sub-Total</b>	<b>\$161,536.00</b>
<b>Less Costs Allocated to ODOT</b>	<b>\$20,000.00***</b>
<b>TOTAL Cost to Metro</b>	<b>\$141,536.00</b>

From this, we have negotiated some "credit" for our future hook-up charges, in the amount of \$16,050.00 -- so the real cost of the work will be \$125,486. The project budget review at the time of general contract award allocated \$150,000 for this contract.

Our current agreement with the Water Bureau tops out at \$100,000 -- so an amendment will be necessary. We will begin preparing the paperwork, and will have this amendment ready for review at your meeting on September 27, 1988.

### Notes:

\* Three bids were received: (1) Copenhagen Utilities: \$110,136; (2) EastWind: \$134,649; (3) System: \$166,064. Engineers estimate was \$95,000. The work must be started ASAP or this construction season will pass us by -- and the line in Irving Street would be required to remain active -- which may in turn impact activities on the site. Final upper-end budget may be increased to 105% of the bid price -- to allow for contingencies -- so total numbers will go up slightly.

**\*\*Engineering costs actually exceed \$28,000 -- but I requested and they agreed to hold our bill to the original estimate, which is shown.**

**\*\*\*I have asked ODOT, and they agreed, to fund part (\$20,000) of the cost of this project. They will benefit by having this work performed prior to their construction of the new Glisan-Steel Bridge and location of the line away from freeway piers.**

**Also -- ODOT is negotiating for the right-of-way from the railroads, with Bruce Boyd as a sub to Turner assisting. Currently ODOT and the Railroads are far apart on value -- and the railroads have not yet issued a permit of entry for the water line work. Schedule could slip if this continues to be a problem.**

**cc: Sandy Bradley**