

BEFORE THE CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 98-2618A
CONTRACT BETWEEN METRO AND DAVID	)	
EVANS AND ASSOCIATES (CONTRACT NO.	)	Introduced by
904969) FOR DESIGN AND CONSTRUCTION	)	
MANAGEMENT SERVICES FOR THE	)	Mike Burton,
PENINSULA CROSSING TRAIL IN NORTH	)	Executive Officer
PORTLAND	)	

WHEREAS, Metro executed Contract No. 904969 with David Evans and Associates (DEA) in the amount of \$133,339.60 to design the Peninsula Crossing Trail in December 1996; and

WHEREAS, Metro amended Contract No. 904969 with DEA in May 1997 by increasing the amount by \$90,000 to carry out federally required tasks, inspections and reporting, and other tasks due to Metro's acceptance of U.S. Department of Transportation CMAQ funds (Congestion Mitigation Air Quality); and

WHEREAS, additional design and construction management services, inspection services, coordination and review of public art on the trail, coordination and obtaining permits from the city of Portland and Oregon Department of Transportation, coordination and obtaining permits from the Burlington Northern Santa Fe Railroad are necessary; and

WHEREAS, financial resources are budgeted and available; and

WHEREAS, Metro Regional Parks and Greenspaces has established that David Evans and Associates (DEA) has performed the work as specified and satisfactorily within the terms of the contact and provides these services in a cost effective and efficient manner; and

WHEREAS, per Metro Code 2.04.046 (b) such an amendment requires Metro Council approval; and

WHEREAS, the resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore

BE IT RESOLVED,

That the Metro Contract Review Board authorizes the execution of Change Order #2 to the David Evans and Associates contract no. 904969 for the Peninsula Crossing Trail, attached as Exhibit A, which increases the contract amount by \$33,500.

ADOPTED by the Metro Contract Review Board this 26<sup>th</sup> day of

March, 1998.

  
\_\_\_\_\_  
Jon Kvistad, Presiding Officer

Approved as to form:

\_\_\_\_\_  
Daniel B. Cooper  
General Counsel

EXHIBIT A

AMENDMENT NO. 2  
CONTRACT NO. 904969

This Agreement hereby amends the above titled contract between Metro, a metropolitan service district, and David Evans and Associates (DEA), hereinafter referred to as "Contractor."

This amendment is a change order to the original Scope of Work as follows:

Maximum contract amount is increased by \$33,500 pursuant to scope of work as listed in "Attachment A." The contract termination date is extended from 12-31-98 to 6-30-99.

Except for the above, all other conditions and covenants remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

**David Evans and Associates (DEA)**

**Metro**

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
Charles Ciecko

\_\_\_\_\_  
NAME

\_\_\_\_\_  
Director, Regional Parks & Greenspaces

\_\_\_\_\_  
TITLE

EXHIBIT A

**CHANGE ORDER SUMMARY**

CHANGE ORDER NO: 2 INITIATION DATE: \_\_\_\_\_

CONTRACT NO: 904969 PROJECT: Peninsula Crossing Trail Design and Construction Management Services

CONTRACTOR: David Evans and Associates (DEA)  
Project Manager: James Seeley, 223-6663

PROPOSED BY: Mel Huie, Regional Parks & Greenspaces  
Project Manager / Department

**FINANCIAL IMPACT**

BUDGET CODE/TITLE: 350-219110-574110-53150

Original Contract Sum: \$ 133,339.60

Net Change Orders to Date: \$ 90,000.00

Contract Sum Prior to this C/O: \$ 223,339.60

This Change Order Request: \$ 33,500.00

New Contract Sum, Post C/O: \$ 256,839.60

Fiscal Year 97-98

Appropriation: \$

Contract, Paid to Date: \$

Est. Appropriation Remaining: \$

EFFECTIVE DATE(S): Date Signed to 6-30-99

**REVIEW & APPROVAL:**

\_\_\_\_\_  
DIVISION MANAGER DATE

\_\_\_\_\_  
FISCAL DATE

\_\_\_\_\_  
DEPARTMENT DIRECTOR DATE

\_\_\_\_\_  
BUDGET (MULTI-YEAR ONLY) DATE

\_\_\_\_\_  
DIRECTOR, ADMIN. SERVICES DATE

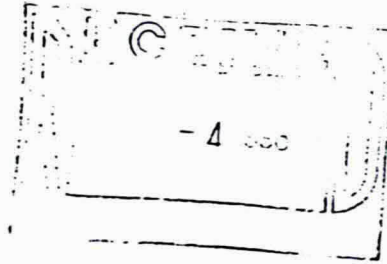
\_\_\_\_\_  
LEGAL DATE



DAVID EVANS AND ASSOCIATES, INC.

February 2, 1998

Mr. Mel Huie  
Metro  
Regional Parks and Greenspaces  
600 NE Grand Avenue  
Portland, Oregon 97232



2525 SW Corbett Avenue  
Portland, Oregon 97201  
Tel: 503.221.6663  
Fax: 503.223.2701

**SUBJECT: ADDITIONAL SERVICES FOR COMPLETING THE PENINSULA CROSSING TRAIL PROJECT**

Dear Mel:

On November 3, 1997 we proposed that, based on changes to the scope of work, it was necessary for DEA to request additional fees to complete the Peninsula Crossing Trail. Since that letter, additional items have been discovered. In order for DEA to provide Metro with the best possible service the following items are being requested because of the change to the original scope of work. The letter of November 3rd is reiterated along with additional items we have discovered.

Our original contract and the extra services DEA received for designing and managing the Peninsula Crossing Trail has not kept pace with the cost of completing this project. There are a number of reasons for this additional work. Briefly the reasons are: the engineering work for Carey Blvd., Columbia Court, and BES engineering and coordination with drawings; permitting for the EC Zone and Burlington Northern; artist coordination and selection; unanticipated expenses; and additional construction services.

**ROADWAY DESIGN**

Roadway design was originally estimated to be \$19,500.00. To date, this has cost \$29,000.00 including \$2,500.00 for geotechnical services (geotechnical work was required to determine drainage at Columbia Court and North Portland Road).

Reasons for this overrun can be attributed to the requirements and coordination needed to obtain a public works permit (for drainage) and drawing sign-off from the Bureau of Environmental Services (BES) for the first phase of the trail. DEA assumed BES participation in agency coordination meetings, and there were representatives from BES at the meetings. However, it appears these were not the review people for BES. Consequently, new drawings and a change in design for the drainage are now required. This includes a pre-application meeting and drawings to BES standards which are somewhat different than that which is already completed. The permitting requirements for BES have been completed at a fee cost to DEA of \$6,500. This time was not budgeted in our original fee or fees estimated to do the road design. The permit application costs have been billed to the PDOT agreement with Metro. The revised storm drainage plans were completed December 19, 1997. The drawings are presently being reviewed by BES.



Time spent on these items is \$9,500.00 for roadway design and engineering and \$6,500 for BES engineering, coordination, and revision to drawings.

#### PERMITTING

During the development of construction documents it was discovered that a portion of Carey Blvd. and the Hill property purchased by Metro are within a EC-Zone (this did not show up at the all-agency meeting prior to construction documents). This conservation zone required drawings, pre-application meetings and site visits to develop the application and submittals. This was not budgeted. Mary Dorman's time was shifted from public input to permitting. However, the graphics and meeting were not covered. Time spent on the C-Zone is \$2,550.00.

Burlington Northern Santa Fe railroad permits. Again Mary Dorman's time has been shifted to permitting, but again this did not cover all fee costs associated with developing the applications.

Time spent on the Railroad permits is \$900.00.

A grading permit and the development permit for the EC-Zone have required DEA to spend four additional hours at the permit center, and to pay the permit fees of \$195.00 and anticipated additional fees of approximately \$400.00. Fee expended and estimated for this phase is \$900.00.

#### ~~ARTIST SELECTION~~

*not included*

~~Selecting an artist for Peninsula Crossing Trail is an important part of the project. This was anticipated in DEA's original budget, but was not budgeted for in the final budget. To date DEA has used \$900.00 in fees for meetings and review of artist work. Coordination of the artist will continue through next spring and into construction. It is estimated that \$3,600.00 in additional fees will be needed to provide the coordination that is necessary to develop the artist concept and coordinate with the selected contractor.~~

#### ~~UNANTICIPATED EXPENSES~~

~~Printing of mylars for the construction documents was done by Willamette Blueprint for DEA.~~

*not included*

~~For the final drawings, ODOT supplied sets of half size drawings and specifications, but did not provide full size drawings. PDOT requested that a mylar set be given to them prior to sending the drawings to Salem-ODOT. Since ODOT does not release drawings once submitted, DEA also made a set of mylars for Metro's records. The cost of this printing is \$1,032.76. This additional expense was not anticipated in the original fee estimate.~~



**ADDITIONAL CONSTRUCTION SERVICES**

Based on the additional work done for BES and increased responsibilities taken on by DEA, construction services are anticipated to increase. Additional inspections will need to be done by our engineers to install the drainage per BES requirements. Additional coordination will be required between DEA and the contractor to insure the developments requested by BES are constructed as planned. The estimate to complete this work is \$5,950.00.

Administering the ODOT contract requires a tremendous amount of documentation. This was not entirely anticipated and may result in 2-4 hours weekly for the duration of the contract. The estimated fee for this work is \$7,200.00.

*Total fees and expenses for the additional services is estimated to be ~~\$38,132.76~~ <sup>33,500.00</sup> JAS (4n)*

Please let me know if you have any questions regarding this proposal for additional fees. If you approve, please send a memo referring to this letter.

Sincerely,

**DAVID EVANS AND ASSOCIATES, INC.**

A handwritten signature in black ink that reads 'Mel Stout'.

Mel J. Stout ASLA  
Client Manager

A handwritten signature in black ink that reads 'James A. Seeley'.

James A. Seeley, ASLA  
Project Manager

JASE:dmt

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**REGIONAL FACILITIES COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 98-2618, FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND DAVID EVANS AND ASSOCIATES (CONTRACT NO. 904969) FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE PENINSULA CROSSING TRAIL IN NORTH PORTLAND

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Date: March 19, 1998

Presented by: Councilor McCaig

**Committee Action:** At its March 18, 1998 meeting, the Regional Facilities Committee unanimously recommended Council adoption of Resolution 98-2618. Voting in favor: Councilors McCaig, Naito and McFarland.

**Council Issues/Discussion:** Mel Huie of the Regional Parks and Greenspaces Department made the staff presentation. This resolution supports a change order to an existing contract with David Evans and Associates. The change order increases the contract amount by \$38,132.76, and extends the termination date of the contract by six months, to 6-30-1999. The new contract total will be \$261,472.36.

Mr. Huie went on to explain in response to several counselor's questions, that this change order, and one before it, was due to several unforeseen federal and state requirements and permits. For example, when federal funds (not originally planned for) were accepted to assist with this project, it created several significant oversight, permit, and staffing requirements, not originally foreseen. In addition, additional city and state transportation-related permit requirements became apparent only as permits were actually requested.

Mr. Huie said he did not expect additional change orders, but conceded that for a project of this scope, it was possible that unforeseen circumstances would require one. The committee agreed that was possible and would deal with any future requests on a case-by case basis.

The committee expressed satisfaction with the progress and ultimate completion of the project.



## **Staff Report**

### **CONSIDERATION OF RESOLUTION NO. 98-2618A FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND DAVID EVANS AND ASSOCIATES (CONTRACT NO. 904969) FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE PENINSULA CROSSING TRAIL IN NORTH PORTLAND**

---

**Date: March 4, 1998**

**Presented by:**

**Charles Ciecko  
Jim Desmond**

#### **PROPOSED ACTION**

Resolution No. 98-2618A requests amendment of the existing contract between Metro and David Evans and Associates (Contract No. 904969) for design and construction management services of the Peninsula Crossing Trail in north Portland. Approving this resolution would increase the contract by \$33,500 because of additional services, design requirements and permits mandated by government agencies.

#### **FACTUAL BACKGROUND**

New tasks include additional design services to meet government drainage standards, obtaining permits from the city of Portland and Burlington Northern Santa Fe Railroad, coordination of public art along the trail, construction management services, inspection of construction work and materials, written reports to Oregon Department of Transportation (ODOT), and review and approval of time sheets of construction workers. The contract will end no later than June 30, 1999.

Acceptance of federal transportation funds -- CMAQ (Congestion Mitigation Air Quality) -- to build the trail increased construction oversight, reporting and inspection services.

#### **BUDGET IMPACT**

The additional fees of \$33,500 are within the available budget for contracted professional services in the Open Spaces Acquisition Division.

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 98-2618A.

## **Staff Report**

### **CONSIDERATION OF RESOLUTION NO. 98-2618 FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND DAVID EVANS AND ASSOCIATES (CONTRACT NO. 904969) FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE PENINSULA CROSSING TRAIL IN NORTH PORTLAND**

---

**Date: March 4, 1998**

**Presented by:**

**Charles Ciecko  
Jim Desmond**

#### **PROPOSED ACTION**

Resolution No. 98-2618 requests amendment of the existing contract between Metro and David Evans and Associates (Contract No. 904969) for design and construction management services of the Peninsula Crossing Trail in north Portland. Approving this resolution would increase the contract by \$38,132.76 because of additional services, design requirements and permits mandated by government agencies.

#### **FACTUAL BACKGROUND**

New tasks include additional design services to meet government drainage standards, obtaining permits from the city of Portland and Burlington Northern Santa Fe Railroad, coordination of public art along the trail, construction management services, inspection of construction work and materials, written reports to Oregon Department of Transportation (ODOT), and review and approval of time sheets of construction workers. The contract will end no later than June 30, 1999.

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#### **BUDGET IMPACT**

The additional fees of \$38,132.76 are within the available budget for contracted professional services in the Open Spaces Acquisition Division.

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 98-2618.

BEFORE THE CONTRACT REVIEW BOARD

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CONTRACT BETWEEN METRO AND DAVID	)	
EVANS AND ASSOCIATES (CONTRACT NO.	)	Introduced by
904969) FOR DESIGN AND CONSTRUCTION	)	
MANAGEMENT SERVICES FOR THE	)	Mike Burton,
PENINSULA CROSSING TRAIL IN NORTH	)	Executive Officer
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March, 1998.

  
\_\_\_\_\_  
Jon Kvistad, Presiding Officer

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\_\_\_\_\_  
Daniel B. Cooper  
General Counsel



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CONTRACTOR: David Evans and Associates (DEA)  
Project Manager: James Seeley, 223-6663

PROPOSED BY: Mel Huie, Regional Parks & Greenspaces  
Project Manager / Department

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This Change Order Request: \$ 38,132.76

New Contract Sum, Post C/O: \$ 261,472.36

Fiscal Year 97-98

Appropriation: \$

Contract, Paid to Date: \$

Est. Appropriation Remaining: \$

EFFECTIVE DATE(S): Date Signed to 6-30-99

**REVIEW & APPROVAL:**

\_\_\_\_\_  
DIVISION MANAGER DATE

\_\_\_\_\_  
FISCAL DATE

\_\_\_\_\_  
DEPARTMENT DIRECTOR DATE

\_\_\_\_\_  
BUDGET (MULTI-YEAR ONLY) DATE

\_\_\_\_\_  
DIRECTOR, ADMIN. SERVICES DATE

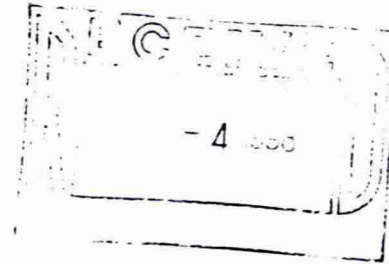
\_\_\_\_\_  
LEGAL DATE



DAVID EVANS AND ASSOCIATES, INC.

February 2, 1998

Mr. Mel Huie  
Metro  
Regional Parks and Greenspaces  
600 NE Grand Avenue  
Portland, Oregon 97232



2828 SW Corbett Avenue  
Portland, Oregon 97201  
Tel: 503.223.6063  
Fax: 503.223.2701

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Please let me know if you have any questions regarding this proposal for additional fees. If you approve, please send a memo referring to this letter.

Sincerely,

**DAVID EVANS AND ASSOCIATES, INC.**

A handwritten signature in black ink that reads 'Mel Stout'.

Mel J. Stout ASLA  
Client Manager

A handwritten signature in black ink that reads 'James A. Seeley'.

James A. Seeley, ASLA  
Project Manager

JASE:dmt

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