

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	RESOLUTION NO. 98-2652
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. TO INCORPORATE)	)	
ACTIVITIES ASSOCIATED WITH	)	
PRELIMINARY ENGINEERING AND THE	)	
FINAL ENVIRONMENTAL IMPACT	)	
STATEMENT	)	

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 Corridor 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, The original Request for Proposals for this consultant contract anticipated and authorized a contract amendment for the Final Environmental Impact Statement phase of the project; now, therefore,


BE IT RESOLVED:

That Metro's Executive Officer is authorized to execute Amendment No. 2 to Contract No. 904099 to incorporate a revision to the contract's scope of work, substantially similar to Exhibit A, and add \$293,316.00 to the budget with the Larkin Group, Inc. resulting in an amended not-to-exceed total budget of \$720,230.00. and extend the duration of the contract.

ADOPTED by the Metro Council on this 21<sup>st</sup> day of May, 1998.

Approved as to Form:

  
Daniel B. Cooper, General Counsel

  
Jon Kvistad, Presiding Officer

# CHANGE ORDER SUMMARY

CHANGE ORDER NO: 2 INITIATION DATE: 5/6/98

CONTRACT NO: 904099 PROJECT: South/North Transit Corridor Study

CONTRACTOR: The Larkin Group Inc. VENDOR # \_\_\_\_\_

PROPOSED BY: Leon Skiles / Trans HCT  
PROJECT MANAGER/DEPARTMENT

### FINANCIAL IMPACT

BUDGET CODE/TITLE: 5240 140 01230 04800 x 45110  
45350

Original Contract Sum: \$ 274,988

Net Change Orders to Date: \$ 151,926

Contract Sum Prior to this C/O: \$ 426,914

This Change Order Request: \$ 293,314

New Contract Sum, Post C/O: \$ 720,230


Fiscal Year    -     
Appropriation \$ \_\_\_\_\_

Contract, Paid to Date: \$ \_\_\_\_\_

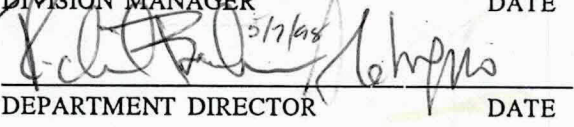
Est. Appropriation Remaining: \$ \_\_\_\_\_

EFFECTIVE DATE(S): 10/16/95 - \_\_\_\_\_

### REVIEW & APPROVAL:

 5/2/98  
DIVISION MANAGER DATE

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

 5/17/98  
DEPARTMENT DIRECTOR DATE

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

\_\_\_\_\_  
DIRECTOR GENERAL SERVICES DATE

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

**CHANGE ORDER NO. 2  
METRO CONTRACT NO 904099**

**AMENDMENT NO. 2 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 1, Duration is hereby amended to read as follows:

The term of the Agreement shall commence on October 16, 1995 and terminate on September 30, 1999 unless terminated earlier under the provision of the Agreement.

2. 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.2), attached hereto as Exhibit A and incorporated by this reference as if set forth in full.

3. 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 TWENTY THOUSAND TWO HUNDRED THIRTY AND NO/100THS DOLLARS (\$720,230.00).

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: \_\_\_\_\_

## Exhibit A

### **The Larkin Group, Inc. Metro Contract No. 904099 Additional Scope of Work - Amendment No. 2**

#### **Background**

The South/North Transit Corridor Study has been structured into two tiers. The purpose of Tier I was to select the locally preferred high capacity transit mode, termini and range of alignment alternatives. Light rail transit (LRT), the locally preferred alternative mode advanced into Tier II to be studied further in the Draft Environmental Impact Statement (DEIS). Tier I was concluded by meeting the requirements of a Major Investment Study (MIS), documented in the *South/North MIS Final Report* (Metro: November 1995).

The purpose of Tier II of the South/North Transit Corridor Study is to conduct the environmental analysis and prepare an Environmental Impact Statement (EIS), select the locally preferred strategy (LPS) for the chosen LRT alternative and complete Preliminary Engineering (PE) and the Final Environmental Impact Statement (FEIS) for the chosen LRT project. These actions will lead to the issuance of a Record of Decision (ROD) by the Federal Transit Administration (FTA) that will allow the region to negotiate a Full Funding Grant Agreement (FFGA) with FTA that will in turn allow the locally selected project to advance into final design and construction.

Tier II has been divided into two steps. The first step included the preparation and publication of the DEIS, selection of the LPS and the initiation of PE. The second step includes preparation and publication of the FEIS, including defining mitigation commitments, and completion of PE.

As PE advances, the need for several additional work elements for this contract has emerged. Also, following publication of the DEIS in February 1998, additional work elements relating to development and publication of the FEIS have been clarified and defined. The budget modifications required to support these new work elements is attached as Exhibit B. Following are the additional work elements to be added to the original scope of work for the South/North Technical Assistance Contract.

#### **Additional Work Tasks**

##### **1. Final Environmental Impact Statement Tasks**

- A. Issue Identification and Resolution.
- B. Review and Comment on FEIS materials.
- C. Consolidate Final Review and Comments.
- D. Special Issue Areas.
- E. Respond to Public Comments.
- F. Finance Plan Revisions.

- G. Revisions to EIS Chapters.
- H. Review and Comment on FEIS Chapters
- I. Participate in PMG, Steering Committee and Other Meetings
- J. Technical and Policy Review

2. Preliminary Engineering Tasks

- A. Issue Identification and Resolution.
- B. Assist with PE/FEIS Management and Coordination.
- C. PE Design Review and Approvals.
- D. Assist in Management of the Schedule.
- E. Coordination with PE Activities.
- F. Capital Cost Coordination
- G. Cost Cutting and Project Redefinition
- H. Design Review
- I. Engineering Services
- J. Project Redefinition and Evaluation

3. Record of Decision and Full Funding Grant Agreement Tasks

- A. ROD/FFGA Issue Identification and Resolution
- B. Financing Plan Revisions During ROD/FFGA Activities

4. Other Tasks

- A. Contract Management and Administration



**The Larkin Group Inc. - Metro Contract No. 904099**  
**Contract Budget - Amendment No. 2**

Work Element: By Firm	Current Budget	Budget Amendment No. 2	New Total Budget
<b>The Larkin Group Incorporated</b>			
<b>DEIS Tasks</b>			
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
<b>FEIS Tasks</b>			
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
<b>PE Tasks</b>			
PE Issue Identification & Resolution	\$ 42,361	\$ 21,276	\$ 63,637
PE Design Review	\$ 11,590	\$ 28,368	\$ 39,958
PE/DEIS Coordination	\$ 11,780	\$ -	\$ 11,780
PE/FEIS Management and Coordination	\$ -	\$ 22,163	\$ 22,163
Schedule Management Assistance	\$ -	\$ 14,184	\$ 14,184
Sub-Total	\$ 65,731	\$ 85,991	\$ 151,722
<b>Other</b>			
Record of Decision/Full Funding Grant Agreement	\$ -	\$ 22,163	\$ 22,163
Contract Management & Administration	\$ 10,640	\$ 3,546	\$ 14,186
Sub-Total	\$ 10,640	\$ 25,709	\$ 36,349
<b>The Larkin Group Incorporated - Total</b>			<b>\$ 412,264</b>
<b>Steven Siegel &amp; Associates</b>			
<b>DEIS Tasks</b>			
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
<b>FEIS Tasks</b>			
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

Work Element: By Firm	Current Budget	Budget Amendment No. 2	New Total Budget
<b>PE Tasks</b>			
Property Donation Options	\$ 9,500	\$ -	\$ 9,500
Coordinate with PE Activities	\$ -	\$ 4,925	\$ 4,925
Sub-Total	\$ 9,500	\$ 4,925	\$ 14,425
<b>Other</b>			
Finance Plan Revisions During ROD/FFGA	\$ -	\$ 4,925	\$ 4,925
Issue Identification and Assistance	\$ -	\$ 35,460	\$ 35,460
Sub-Total	\$ -	\$ 40,385	\$ 40,385
<b>Steven Siegel &amp; Associates - Total</b>			\$ 246,805
<b>Kato &amp; Warren Inc.</b>			
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
<b>Kato &amp; Warren Inc. - Total</b>			\$ 12,555
<b>Underhill Company</b>			
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
Sub-Total	\$ 10,308	\$ 19,500	\$ 29,808
<b>Underhill Company - Total</b>			\$ 29,808
<b>Andrew Janssen Transportation Consulting</b>			
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
Sub-Total	\$ -	\$ 18,800	\$ 18,800
<b>Andrew Janssen Transportation Consulting - Total</b>			\$ 18,800
<b>Contract Total</b>	\$ 426,914	\$ 293,316	\$ 720,230

## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2652 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. TO INCORPORATE ACTIVITIES ASSOCIATED WITH PRELIMINARY ENGINEERING AND THE FINAL ENVIRONMENTAL IMPACT STATEMENT

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Date: May 7, 1998

Presented by: Richard Brandman

## PROPOSED ACTION

This resolution would authorize Metro's Executive Officer to execute an amendment of \$293,316.00 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 not-to-exceed budget of approximately \$720,230.50. The proposed amendment would incorporate activities associated with Preliminary Engineering into the consultant services scope of work and would provide for the provision of financial analysis, technical assistance and intergovernmental coordination associated with the Final Environmental Impact Statement phase of the South/North Project. A provision for this extension was included within the Request for Proposals and the original contract as authorized by the Metro Council.

## 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 and

assist in coordinating work efforts and issue resolution with participating jurisdictions. The Request for Proposals incorporated a provision which anticipated a revision to the successful contractors' scope and budget, pending approval from the Metro Council, for tasks related to the Final Environmental Impact Statement because the issues and budget could not effectively be defined in advance of publishing the Draft Environmental Impact Statement.

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.

After the November 1996 election, the South/North Steering Committee evaluated the election results and proposed next steps for the South/North Transit Corridor Study. In response to the election results and analysis, the Steering Committee and the Metro Council called upon project staff to develop a range of options and design changes to significantly reduce the cost of the proposed light rail project.

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.

Metro project staff have 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. This amendment does not include engineering work which is being performed by Tri-Met and its consultants.

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 \$293,315.00, resulting in a not-to-exceed budget of \$720,230.00. The proposed Amendment No. 2 to the scope of work and budget are included in

Exhibit A. Resolution No. 98-2652 would therefore authorize the Metro Executive Officer to execute Amendment No. 2.

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 1997/98 Metro budget and the proposed Fiscal Year 1998/99 Metro budget.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 98-2652.

SK:lmk  
98-2652.RES  
5-7-98