

RESOLUTION NO. 1914

A RESOLUTION OF THE CITY OF WILSONVILLE ACTING IN ITS CAPACITY AS ITS LOCAL CONTRACT REVIEW BOARD EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS OF ORS 279.005 AND THE WILSONVILLE CODE, AUTHORIZING THE CITY ENGINEER TO MODIFY A PROFESSIONAL SERVICES AGREEMENT WITH MACKAY & SPOSITO, INC. TO PROVIDE ADDITIONAL PROFESSIONAL (ENGINEERING) SERVICES FOR THE WILSONVILLE ROAD PROJECT - PHASE 3.

WHEREAS, the City entered into a Professional Services Agreement with MacKay and Sposito, Inc. on February 3, 2003 (Resolution No. 1813) for professional services associated with the design and construction of the Wilsonville Road Phase 3 Project; and

WHEREAS, on June 7, 2004, the Wilsonville City Council adopted a Capital Improvement Program for the City that includes a FY 2004/05 appropriation of \$1,550,000 to fund the design and construction of the Wilsonville Road Phase 2B & 3B Project (Project No. 900.950.45030.00000.4052); and

WHEREAS, the City Engineer desires additional professional services from MacKay and Sposito, Inc. to design, perform construction management, and inspection services for Wilsonville Road Phases 2B and 3B as outlined in a memorandum from MacKay & Sposito, marked Exhibit 'A', attached hereto and incorporated by reference herein; and

WHEREAS, Ordinance No. 511 finding (3), paragraph (14) states: "Unless otherwise provided in WC 2.310-2.314 all personal services contracts for which the fee is anticipated to exceed \$50,000 will be awarded on a competitive selection process except for the following:

...Subparagraph (c) Follow on work where a change in consultants would clearly result in increased costs or increased time; and

WHEREAS, the additional professional services that need to be completed are considered follow on work that falls into the above category; and

WHEREAS, the cost for MacKay and Sposito, Inc. to provide the additional professional services is estimated at \$250,000; and

WHEREAS, after reviewing the fees associated with providing the requested services, the City Engineer has determined that the fees are fair and equitable; and

WHEREAS, the City Engineer desires to modify the Professional Services Agreement to allow performance of the additional work in a timely manner.

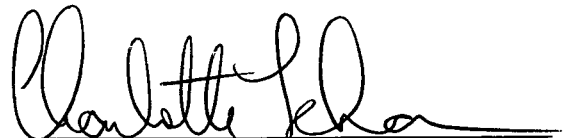
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council, acting as the Local Contract Review Board, does hereby authorize the City Engineer to modify the Professional Services Agreement between the City of Wilsonville and MacKay & Sposito, Inc., to provide additional professional services in an amount not to exceed \$250,000.
2. Authorize the expenditures for this contract not to exceed the total FY 2004/05 budget amounts from:

<u>Account</u>	<u>Budget Amount</u>
900.950.45030.00000.4052	\$1,550,000
Supplemental Budget	<u>\$1,500,000</u>
Total Phase 2B & 3B Budget	\$3,050,000

3. This resolution is effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a special meeting thereof this 22nd day of February 2005, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder, CMC

SUMMARY OF VOTES:

Mayor Charlotte Lehán	<u>Yes</u>
Council President Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Excused</u>
Councilor Knapp	<u>Yes</u>

ENGINEERING DEPARTMENT
STAFF REPORT & RECOMMENDATION

DATE: February 16, 2005

TO: Honorable Mayor and City Councilors

FROM: Laurel Byer, PE
Assistant City Engineer

SUBJECT: Modification of the Professional Services Agreement with
MacKay & Sposito, Inc. for Wilsonville Road Phase 3 (Project
No. 4052)

SUMMARY

On February 3, 2003 the City Council adopted Resolution No. 1813, authorizing the City Engineer to enter into a Professional Services Agreement with MacKay & Sposito, Inc. to design and provide construction management for the Wilsonville Road Phase 3 project. Since that time, several factors have impacted the project as originally approved, requiring a modification to the Professional Services Agreement with MacKay & Sposito, Inc.

RECOMMENDATION

Staff respectfully recommends that the City Council adopt Resolution No.1914, thereby authorizing the City Engineer to modify the professional services agreement with MacKay & Sposito, Inc. in an amount not to exceed \$250,000.

DISCUSSION

In order to start construction as soon as possible in 2003, engineering design and construction was expedited. The original contract with MacKay & Sposito included design and construction management for the improvements from Arrowhead Creek to the railroad tracks (all phases) and was in the amount of \$995,000. The initial plan was to complete construction of all phases within the 2003 construction season. However, due to permitting and timing issues at the Seely Ditch crossing, Council chose to break the project into two phases and the project was built over two construction seasons. Two separate construction seasons (Brown Road Intersection-2003 and east to the railroad tracks-2004), as well as associated design changes with the project, increased the costs beyond initial estimates in the following areas:

- Phase 3A construction was inspected by City staff, but due to City workload, phases 2B and 3B were inspected by the consultant staff;
- Design of a signal interconnect system from Boones Ferry Road to Kinsman Road;
- Obtaining a railroad surface permit and utility boring permit;
- Additional Landscape Architect and Geotechnical Engineering services;

- The contractor performed weekend work which required additional inspection time; and
- The final lift of asphalt will not be placed until spring of 2005.

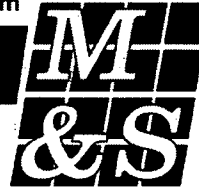
Please see the attached memo from MacKay & Sposito for a more detailed cost breakdown.

The City Engineer has reviewed the proposed costs and feels that they are reasonable and in-line with the tasks the City asked the consultant to perform. The total design and construction contract amount with approval of this modification will be \$1,245,000.

The amount allotted in the adopted FY2004-05 budget for the Wilsonville Road Phase 3 Project is \$1,550,000 with an estimated expenditure of \$2,200,000 in FY 2003-04. However, construction did not commence as early as was anticipated and only \$700,000 was expended in FY 2003-04. Therefore funds in the amount of \$1,500,000 were rolled over in a supplemental budget to cover the construction and consultant expenses. The portion of the design contract allotted to Phases 2B and 3B is estimated at \$500,000 and construction is estimated at \$2,550,000 for a total project expense of \$3,050,000 which correlates with the above budgeted amounts. The original budget was estimated at \$7,100,000 for the construction of Phases 3A, 2B, and 3B. Once construction is complete in the spring of 2005, total design, right-of-way acquisition, and construction costs will be approximately \$6,950,000.

MacKay & Sposito, Inc.

ENGINEERS SURVEYORS PLANNERS
VANCOUVER KENNEWICK



1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-6726 PTLD (360) 695-0833 FAX

Wilsonville Road Phase 2B & 3B Supplemental Contract

To: Mike Stone, City Engineer
Laurel Byer, Assistant City Engineer
Subject: *Wilsonville Road Phase 2B & 3B Extras to Contract*
Date: Revised February 9, 2005

The splitting of the Wilsonville Road Phase 3 project into the two separate projects, weather delays for the final lift of asphalt and other additional items have required additional project management, construction inspection and subconsultant services for the subject project.

These items included but were not limited to:

- A) Signal interconnect system from the P & W RR tracks to Boones Ferry Road.
Approx. \$8,500
- This extra work involved extra traffic engineering, drafting, geotechnical testing and inspection and extra inspection time of one week.
- B) Obtaining a railroad surface permit and utility boring permit. Approx. \$15,000
- Filing surface application, bore application, and associated design and drafting work.
- C) Additional Geotechnical engineering services. Approx. \$26,500
- Splitting of paving schedule on each project due to weather.
 - Extra geotechnical work at Seely Ditch for Crown Span footings.
 - Splitting of projects into 2 phases of construction
- D) Additional Landscape Architect services. Approx. \$12,000
- The additional work associated with the landscaping walls, and integration of the private landscaping repairs and additional landscaping.
- E) Additional inspection time due to weekend work. Approx. \$109,000
- 15 Saturdays, also overtime hours since the contractor was working more than 40 hours per week.
 - Additional construction management and inspection time due to delays by weather and water surges in Seely Ditch.
- F) Restaking of improvements to be constructed. Approx. \$38,000
- Grading, curb, crown span, utilities. Sometimes due to close proximity of other work to the stakes, sometimes due to pedestrian and/or vehicles.
- G) The addition of replacing trees in the Phase 1 project area. Approx. \$8,000
- Extra landscaping design, and research on the existing materials and available materials that will work with the rest of the Wilsonville Road landscaping.

- H) Bidding two projects and associated contract administration time. Approx. \$31,000
- Extra design and drafting time spent in separating the phases of construction.
 - Plotting and printing costs.
 - Bidding processes of advertisement, questions, bid opening, bid tabulations, contract administration, project documentation setup, and pre-construction meeting.
- I) The addition of flashing school zone speed signs. Approx. \$2,000
- Design location and coordination with the contractor and traffic engineer.

Please see the attached breakdown of the extra costs to provide these services.

We would like to request a supplemental contract for the amount of \$250,000.00 for these items. If you have any questions, please feel free to contact me.

Thank you,

Patrick E. Carroll, P.E.
Special Projects Manager