



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

January 23, 2025

BCC Agenda Date/Item: _____

Development Agency Board
Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Amendment to an Intergovernmental Agreement with Clackamas River Water for reimbursements for the Linwood Avenue Improvement Project. Amendment Value is no fiscal impact for 5 months. Total Agreement Value is \$146,610. Funding is through Clackamas River Water. No County General Funds are involved.

Previous Board Action/Review	10/31/19- Approval of a design contract for Linwood 07/28/22- IGA with Clackamas River Water for Linwood improvements 08/04/22- IGA with Water Environment Services for sewer main installation. 08/18/22- Approval of construction management services contract. 03/23/23- Approval of first amendment to IGA with Clackamas River Water for Linwood improvements. 03/23/23- Approval of construction contract with Moore Excavation.		
Performance Clackamas	This project aligns with "Ensure safe, healthy and secure communities" and "Build a strong infrastructure" by adding bicycle and pedestrian facilities, upgrading curb ramps, adding landscaping strips and stormwater system improvements, repairing the road base and installing a mini roundabout thereby ensuring safer vehicle and pedestrian travel.		
Counsel Review	Yes- 12/17/24, HH	Procurement Review	No- NA
Contact Person	Ken Itel	Contact Phone	503-742-4324

EXECUTIVE SUMMARY:

The Linwood Avenue Improvement Project is substantially complete and the parties are closing out the project and processing final billings and payments. The Intergovernmental Agreement (IGA) committed CRW to reimburse the Agency for costs associated with design and construction. The total amount was not to exceed \$15,780 for design work and \$130,830 for construction of improvements. The first amendment to the IGA was made to include

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construction bid items and the actual cost of construction of CRW facilities as part of the overall project, with reimbursement of those costs by CRW.

With a project of this scale, there are instances where conflicts cannot be avoided and delays occur due to utility conflicts, weather, project change orders and construction management issues with the contractor. Due to unexpected delays, caused in part by the contractor suddenly replacing the project foreman, substantial completion of construction was delayed, and completion of punch list items was also extended. Considerable difficulty was encountered in getting the contractor to submit payment requests in a timely manner. Further delays occurred due to the contractor failing to submit sufficient documentation for progress payments, resulting in extended processing timelines for payment approvals and reimbursement requests.

Unfortunately, during the push to complete the project, none of the parties to the IGA realized the expiration date had passed. The second amendment is necessary to extend the expiration date of the IGA to April 30, 2025, such that CRW can make the final reimbursement payment \$18,975 to the Agency for construction of CRW facilities and to allow for the processing and completion of remaining paperwork and closeout items. CRW has completed payment of all prior reimbursement requests.

RECOMMENDATION:

Staff respectfully recommends the Board approve Amendment #2 to the Intergovernmental Agreement with Clackamas River Water relating to the Linwood Avenue Improvement Project.

Respectfully submitted,

Dan Johnson

Dan Johnson
Department of Transportation & Development

**SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
CLACKAMAS RIVER WATER AND THE CLACKAMAS COUNTY DEVELOPMENT
AGENCY RELATED TO THE SE LINWOOD AVE. IMPROVEMENT PROJECT**

THIS SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS RIVER WATER AND THE CLACKAMAS COUNTY DEVELOPMENT AGENCY RELATED TO THE SE LINWOOD AVE. IMPROVEMENT PROJECT (“Amendment”) is entered into effective as of _____, 2025, between the **CLACKAMAS COUNTY DEVELOPMENT AGENCY**, the urban renewal agency of Clackamas County (“Agency”), and **CLACKAMAS RIVER WATER (“CRW”)**, a domestic water district organized under ORS chapter 264.

RECITALS

- A. Agency and CRW are parties to that certain Intergovernmental Agreement dated effective as of July 28, 2022, (the “**Intergovernmental Agreement**”), and amended March 23, 2023, related to certain improvements within the SE Linwood Ave. roadway more particularly described in the Intergovernmental Agreement.
- B. CRW and the Agency have determined it is in the public interest to extend the expiration date and wish to amend the terms of the Intergovernmental Agreement to complete final billings and payments and closeout of the Project.

AGREEMENT

1. Amendment to Section 1. Section 1 of the Intergovernmental Agreement which reads:

Term. This Agreement becomes effective as of the last date of signature by a Party indicated below. Unless terminated earlier pursuant to Section 5 of this Agreement, this Agreement will expire upon the completion of each and every obligation of the Parties set forth in this Agreement, or by March 31, 2024, whichever is sooner.

Is hereby deleted in its entirety and is replaced with the following:

Term. This Agreement becomes effective as of the last date of signature by a Party indicated below. Unless terminated earlier pursuant to Section 5 of this Agreement, this Agreement will expire upon the completion of each and every obligation of the Parties set forth in this Agreement, or by April 30, 2025, whichever is sooner.

2. Counterpart; Email. This Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment. Facsimile or email transmission of any signed original of this Amendment, and retransmission of any signed facsimile or email transmission, shall be the same as delivery of an original. At the request of either party, the parties shall confirm transmitted signatures by signing an original document.

3. **Confirmation.** The Intergovernmental Agreement is hereby amended and modified in accordance with the terms of this Amendment. Except as expressly modified by this Amendment, the Intergovernmental Agreement and all its terms and provisions are hereby acknowledged, approved, ratified and confirmed and shall be and remain in full force and effect.

IN WITNESS HEREOF, the parties have executed this Amendment effective as of the date first written above.

Clackamas County Development Agency

Clackamas River Water

Chair: Craig Roberts

Name: Sherry French

Title: CRW Board of Commissioners President

Date

Date