



January 4, 2024

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
 Acting as the governing body of Water Environment Services  
 Clackamas County

**Approval of Amendment #1 with McClure and Sons, Inc to award Additive Bid Alternates No. 1 and 2 for the Primary Clarifier Rehabilitation Project at Tri City Water Resource Recovery Facility. Amendment value is \$7,387,672.57, increasing total contract value to \$12,812,402.57 through 2026. Funding through WES’ Sanitary Sewer Construction Fund. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	<ul style="list-style-type: none"> <li>Original contract (7262) presented at Issues – January 17, 2023</li> <li>Presented at Issues – January 3, 2024</li> </ul>		
<b>Performance Clackamas</b>	<ol style="list-style-type: none"> <li>This project supports the County’s Strategic Plan of building a strong infrastructure that delivers services to customers and honors, utilizes, promotes and invests in our natural resources.</li> <li>This project supports the WES Strategic Plan goal to provide properly functioning infrastructure that supports healthy streams and reduces flooding.</li> </ol>		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	Yes
<b>Contact Person</b>	Jeff Stallard	<b>Contact Phone</b>	503-742-4694

**EXECUTIVE SUMMARY:** In January 2023, the Board approved a contract between WES and McClure and Sons, Inc. for a construction project to rehabilitate the Tri-City Water Resource Recovery Facility (WRRF) Primary Clarifier basins. The contract was for the purchase of new mechanical equipment for all six basins, rehabilitation of all concrete surfaces inside Basins 1 and 2, as well as installation of new mechanisms in Basins 1 and 2. At the time of bidding, alternate pricing was secured for concrete rehabilitation and mechanism installation in the remaining four basins, contingent upon demonstration of successful completion of the work in the first two basins. Work on the first two basins was successfully completed as of 11/15/23 and WES has elected to award the bid alternative to complete the work in the Basins 3, 4, 5 and 6 to McClure and Sons, Inc in the form of this planned amendment. The work is scheduled to occur during the dry weather season in 2024 (Basins 3 & 4) and 2025 (Basins 5 & 6).

**RECOMMENDATION:** Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of Water Environment Services,

approve the amendment between WES and McClure and Sons, Inc. for the Tri-City WRRF Primary Clarifier Rehabilitation Project.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Greg L Geist", with a long horizontal flourish extending to the right.

Greg Geist  
Director, WES

Attachment: McClure and Sons, Inc Amendment #1 for Contract #7262

**AMENDMENT #1**  
**TO THE CONTRACT DOCUMENTS WITH MCCLURE AND SONS, INC FOR THE**  
**TRI-CITY WATER RESOURCE RECOVERY FACILITY PRIMARY**  
**CLARIFIER REHABILITATION PROJECT**  
**Contract #7262**

This Amendment #1 is entered into between **McClure and Sons, Inc.** (“Contractor”) and Water Environment Services (“Owner”) and shall become part of the Contract documents entered into between both parties on **December 28, 2022** (“Contract”).

The Purpose of this Amendment #1 is to make the following changes to the Contract:

1. ARTICLE 1- WORK is hereby amended as follows:  
 The Owner authorizes the award of Additive Bid Alternate 1 and 2, as defined in the Bid Form and Contract Documents further described in Exhibit A, hereby attached and incorporated by reference.

2. ARTICLE 4 –CONTRACT TIMES is hereby amended as follows:

*4.04 Milestones*

Milestone 1 changed from September 30, 2023 to November 15, 2023

3. ARTICLE 5- CONTRACT PRICE is hereby amended as follows:


In consideration for Contractor performing the additional Work for the Bid Alternates Number 1 and Number 2 during the extended term of this Contract, Owner shall pay Contractor an amount not to exceed \$7,387,672.57. The total Contract compensation will not exceed \$12,812,402.57.

ORIGINAL CONTRACT	\$ 5,424,730.00
<u>AMENDMENT #1</u>	<u>\$ 7,387,672.57</u>
<b>TOTAL AMENDED CONTRACT</b>	<b>\$ 12,812,402.57</b>

Except as expressly amended above, all other terms and conditions of the Contract shall remain in full force and effect. By signature below, the parties agree to this Amendment #1, effective upon the date of the last signature below.

**McClure and Sons, Inc.**

**Water Environment Services**

  
 \_\_\_\_\_ 12/4/2023  
 Authorized Signature                      Date  
**Les McClure**  
 \_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature                                              Date  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

**Approved as to Form:**

  
 \_\_\_\_\_ 12/6/23  
 County Counsel                                      Date

Exhibit A

**Change Order No. 01**

**To Contractor:** McClure & Sons, Inc.      **Date:** 7 November 2023  
**Contract No.:** 7262  
**Project:** TC WRRF Primary Clarifier Rehab – P700221335

**The following modification(s) to the contract are hereby ordered:**

The change order encompasses the award of Additive Bid Alternate 1 and 2, as defined in the Bid Form and contract documents. The change order also amends the Milestone 1 completion date to November 15, 2023.

**Attachments:**

Notice of Award of Additive Alternates


**Contract Price:**

Original:	\$5,424,730.00
Previous Contract Modification(s):	\$0.00
This Contract Modification:	\$7,387,672.57
Revised Contract Amount:	\$12,812,402.57

**Contract Dates:**

Key Contract Dates	Original	Revised
Milestone 1	September 30, 2023	November 15, 2023
Milestone 2	September 30, 2024	No change
Milestone 3	September 30, 2025	No change
Substantial Completion	March 18, 2026	No change
Final Completion	April 17, 2026	No change

Submitted by Steven Rice Title WES Project Manager Date 11/7/2023

Accepted by  Title President  
Contractor McClure and Sons, Inc. Date 11/7/2023

Mr. Kyle Hansen  
McClure and Sons, Inc  
29765 Town Center Loop W STE 3  
Wilsonville, OR 97070

RE: Notice of Award of Add Alternatives: Project No. 700221323 – Tri-City WRRF Primary Clarifier Rehabilitation

Dear Mr. Hansen:

On January 19, 2023, the governing body of Water Environment Services (“WES”) approved the agreement between WES and McClure and Sons, which provides for McClure and Sons to perform all necessary work to complete the Tri-City WRRF Primary Clarifier Rehabilitation Project for Basins No. 1 and 2, *with Basins No. 3,4,5 & 6 pending award as Additive Bid Alternates.*

This letter is your **Notice of Award of Bid Alternate 1 and Bid Alternate 2 with corresponding Milestones 2 & 3**, in accordance with the Agreement Article 4.04, **of Basins No. 3, 4, 5 & 6** as follows:

Milestone 2: Subject to the award of Bid Alternate 1 as defined in the Bid Form, parts of the Work that occur in 2024 requiring primary clarifiers to be out of service must be substantially complete by September 30, 2024. All primary clarifier basins must be returned to normal service prior to October 1, 2024 and remain in service through May 31, 2025.

Milestone 3: Subject to the award of Bid Alternate 2 as defined in the Bid Form, parts of the Work that occur in 2025 requiring primary clarifiers to be out of service must be substantially complete by September 30, 2025. All primary clarifier basins must be returned to normal service prior to October 1, 2025 and remain in service thereafter.

See Factored Bid Alternate Pricing below:

	October 2022	ENR Index (October 2023 / October 2022)	October 2023
Milestone #1	\$5,424,730	1.0245	N/ A
Milestone #2 / Bid Alt 1	\$3,629,100	1.0245	\$3,718,012.95
Milestone #3/ Bid Alt 2	\$3,581,903	1.0245	\$3,669,659.62

ENR CCI20 data used as basis of adjustment in bid prices, as described on Bid Form, October 2022 (13,174.92) and October 2023 (13,497.97) for a factor of 1.0245. Total delta from original Bid Alts is \$176,669.57.

A preconstruction conference will be scheduled at a mutually agreed to date and time in the Spring of 2024.

If you have any questions, please contact me at 971-284-3710. We look forward to working with McClure and Sons.

Sincerely,

A handwritten signature in black ink, appearing to read "SRi". The letters are stylized and connected, with a small dot above the 'i'.

Steven Rice, PE  
Project Manager, Clackamas County WES