



Gregory L. Geist
Director

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Contract Amendment #4 with James W. Fowler Company for the
Tri-City Water Resource Recovery Facility (WRRF) Solids Handling Improvements Project

Purpose/Outcomes	Execution of the Amendment between Water Environment Services and James W. Fowler Company for the Tri-City WRRF Solids Improvements Project.
Dollar Amount and Fiscal Impact	This contract amendment is for \$661,368.81, making the total amended contract value \$34,407,260.36.
Funding Source	Capital Improvement : 639-01-20100-481020-P632162
Duration	This amendment adds 7 days to the contract bringing the total duration up to 927 days from Notice to Proceed, ending on January 30, 2021.
Previous Board Action	The Board approved the original Contract on July 12, 2018.
Strategic Plan Assignment	1. This project supports the WES Strategic Plan goal to provide properly functioning infrastructure that supports healthy streams and reduces flooding.
County Review	May 12, 2020
Contact Person	Jeff Stallard, 503-742-4694

BACKGROUND:

The Work under this amendment to amend the contract with James W. Fowler to add the necessary cleaning of Digesters #1 and #2 to facilitate the improvements necessary to this existing infrastructure. The original plan for this portion of work was to have WES staff hire and manage the cleaning of the exiting digesters once the new digester #3 was brought online. Based on recent challenges experienced in managing a digester cleaning schedule, it was determined that adding this scope to the contract with James W. Fowler was the best path forward for the solids improvements project. Adding this scope to the contract will make James W. Fowler responsible for managing the digester cleaning sub and take responsibility for any schedule impacts associated with this digester cleaning scope. Per the attached proposal, the contractor will process and dewater the sludge remaining in digester #1 and #2 once they are taken offline. Once dewatered, the contractor will haul it away from the Tri-City WRRF and dispose of it properly.

WES will only be responsible to pay for the actual dry tons (verified via lab analysis) of dewatered sludge hauled away from our site and disposed of properly.

PROCUREMENT PROCESS:

This project was advertised in accordance with ORS and LCRB Rules on April 17, 2018. On May 24, 2018, three (3) bids were received: Slayden, \$37,876,800.00; James W. Fowler Company \$33,473,352.00; and Stellar J, \$35,792,038.00. After review of the bids and all necessary documentation, James W. Fowler Company was determined to be the lowest responsive bidder.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of Water Environment Services, approve and execute the amendment between Water Environment Services and James W. Fowler Company for the Tri-City WRRF Solids Handling Improvements Project. This amendment has a value of \$661,368.81 for a total contract amount not to exceed \$34,407,260.36.

Respectfully submitted,

Greg Geist, Director
Water Environment Services

Placed on the BCC Agenda _____ by Procurement.

AMENDMENT #4

**TO THE CONTRACT DOCUMENTS WITH JAMES W. FOWLER CO. FOR TRI-CITY
WATER RESOURCE RECOVERY FACILITY (WRRF) SOLIDS HANDLING
IMPROVEMENTS PROJECT
CONTRACT # 2423**

This Amendment #4 is entered into between James W. Fowler Co. (“Contractor”) and Water Environment Services (“Owner”) and it shall become part of the Contract documents entered into between both parties on July 12, 2018 (“Contract”).

The Purpose of the Amendment #4 is to make the following changes to the Contract:

- 1. Item 1. Contract Price, Contract Documents and Work** is hereby amended as follows:
The Contract work is amended to include necessary work associated with the cleaning and disposing of dewatered sludge from Digester’s 1 and 2 that was identified in change proposal request 16. The details for the digester cleaning including associated drawings and supporting information for backup are attached as **Exhibit C** and hereby incorporated by reference. The amount for the additional work is approved for **\$661,368.81**. The total contract compensation shall not exceed \$34,407,260.36.

- 2. Item #4. Contract Dates** is hereby amendment as follows:
Milestone No. 3 “Final Completion of Entire Contract” is hereby changed from 920 days from Notice to Proceed (“NTP”) to **927** days from NTP. NTP was issued July 18, 2018. During the process of negotiating these change orders, 7 additional days were necessary to complete the work associated with added scope included in these changes.

Original Contract Amount	\$ 33,473,352.00
Amendment #1	Additional Language
Amendment #2	\$ 101,503.89 + Time Extension
Amendment #3	\$ 171,035.66
<u>Amendment #4</u>	<u>\$ 661,368.81 + Time Extension</u>
TOTAL AMENDED CONTRACT	\$ 34,407,260.36

SIGNATURE PAGE FOLLOWS

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 #4, effective upon the date of the last signature below.

James W. Fowler Co.
12775 Westview Dr.
Dallas, OR 97338

Water Environment Services

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Authorized Signature

Date

Chair

Name / Title (Printed)

Recording Secretary

119368-12 / DBC / Oregon
Oregon Business Registry #

Date

63701 Expires 1/17/2022
Oregon CCB License #

Approved as to Form:

County Counsel

Date

EXHIBIT C
DIGESTER CLEANING AND ASSOCIATED DOCUMENTATION