



March 14, 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 OTAK, Inc. for engineering services necessary for the design and construction management of Phase 2 of Upper Kellogg Capital Improvements. Amendment value not to exceed \$587,843.20, contract value is increased to \$875,324.78. Funding is through County-allocated ARPA Funds and the Water Environment Services Surface Water Construction Fund. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	<ul style="list-style-type: none"> <li>• Execution of Contract #8125 for OTAK, Inc – September 14, 2023</li> <li>• Presented at Issues – March 12, 2024</li> </ul>		
<b>Performance Clackamas</b>	<ol style="list-style-type: none"> <li>1. This project supports the WES Strategic Plan to provide Enterprise Resiliency, infrastructure Strategy and Performance and Operational Optimization.</li> <li>2. This project supports the County’s Strategic Plan of building a strong infrastructure that delivers services to customers and honors, utilizes, promotes and invest in our natural resources.</li> </ol>		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	Yes
<b>Contact Person</b>	Ron Wierenga	<b>Contact Phone</b>	503-742-4581

**EXECUTIVE SUMMARY:** WES has identified in the Storm System Master Plan opportunities to improve the piped stormwater system and drainage capacity of Upper Kellogg Creek to prevent chronic drainage issues and improve water quality. The Board authorized Phase 1 of the Upper Kellogg Capital Improvements in September 2023 to begin modeling, design, permitting and outreach for four high priority capital improvement projects in Upper Kellogg Creek. WES is requesting authorization of Phase 2 to complete full design and permitting of selected alternatives. WES was allocated three million dollars of American Rescue Plan Act (ARPA) funds for these Upper Kellogg Creek Projects. Per the ARPA requirements, the funds need to be obligated by December 31, 2024. WES anticipates bidding the project in September 2024 to meet the deadline. Awarded funds will need to be spent by December 31, 2026. WES anticipates construction starting in the

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summer of 2025. Project costs that exceed the ARPA funds are anticipated to come from WES surface water construction funds.

**RECOMMENDATION:** Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of Water Environment Services, approve Amendment #1 with OTAK, Inc. for engineering services necessary for the design and construction management of Phase 2 of Upper Kellogg Capital Improvements.

Respectfully submitted,

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

Greg Geist  
Director, WES

**AMENDMENT #1  
TO THE CONTRACT DOCUMENTS WITH OTAK, INC., FOR DESIGN AND  
CONSTRUCTION MANAGEMENT OF THE UPPER KELLOGG CAPITAL  
IMPROVEMENTS.**

**Contract #8215**

This Amendment #1 is entered into between **Otak, Inc.** (“Contractor”) and Water Environment Services (“District”) and shall become part of the Contract documents entered into between both parties on **September 14, 2023** (“Contract”).

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

- ARTICLE I, Section 2. **Scope of Work** is hereby amended as follows:

Phase 1 of the Work has been completed and the District hereby authorizes the Phase 2 work as contemplated in the original RFP and identified more specifically in the Scope of Work for the Contract.

- ARTICLE I, Section 3. **Consideration** is hereby amended as follows:

In consideration for the Contractor performing the Phase 2 Work in accordance with the terms of the Contract, the District hereby authorizes additional compensation for Phase 2 in an amount not to exceed \$587,843.20. The total Contract Consideration shall not exceed \$875,324.78.

ORIGINAL CONTRACT	\$ 287,481.58
<u>AMENDMENT #1</u>	<u>\$ 587,843.20</u>
<b>TOTAL AMENDED CONTRACT</b>	<b>\$ 875,324.78</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.

**Otak, Inc.**

Kevin Timmins

Date: 2024.02.22  
11:28:58-08'00'

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kevin J. Timmins

\_\_\_\_\_  
Printed Name


**Water Environment Services**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recording Secretary

**Approved as to Form**

  
\_\_\_\_\_  
County Counsel

2/26/2024

\_\_\_\_\_  
Date