



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Development Agency Board
Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Amendment #2 to the Contract with Harper Houf Peterson Righellis, Inc., for the Linwood Avenue Improvement Project. Total value is \$343,733.92. Funding through North Clackamas Revitalization Area Urban Renewal District. County General Funds are not involved.

Purpose/Outcome	Execution of Amendment #2 allows the consultant to complete the design for the Linwood Avenue Improvement Project.
Dollar Amount and Fiscal Impact	The original contract was \$1,126,395.02. The first amendment increased the contract amount by \$205,948.88. The second amendment will increase the contract amount by \$343,733.92. Total contract value is \$1,676,077.82.
Funding Source	Clackamas County Development Agency: North Clackamas Revitalization Area Urban Renewal District – no County General Funds are involved.
Duration	This contract amendment will extend the contract with HHPR until December 31, 2023.
Previous Board Action/Review	The Board previously approved a contract with HHPR for A&E services for Linwood on 10/31/19 and an amendment on 7/29/21.
Strategic Plan Alignment	This project helps meet the goal of 85% of the Agency budget going to capital construction. The project aligns with Performance Clackamas goals by building and providing strong infrastructure by significantly expanding the pedestrian and bicycle network, enhancing safety for all modes of transportation and improving stormwater facilities.
Counsel Review	Reviewed and Approved by Counsel August 16, 2022 by AN
Procurement Review	Was this project processed through Procurement? Yes.
Contact Person	Ken Itel, Develop Agency Program Planner, Senior 503-742-4324
Contract No.	2015

Background:

Harper Houf Peterson Righellis, Inc. (HHPR) is under contract to develop design and construction documents for improvements to SE Linwood Avenue between SE Monroe Avenue and SE Johnson Creek Blvd. The original scope of work (SOW) outlined the specific parameters in which the design should follow.

The first amendment to the original contract was necessary after it was determined the amount of work required for Right-of-Way (ROW) appraisals, and negotiations and acquisitions for necessary easements and rights of entry for construction was much greater than initially estimated. It has been necessary to rely on HHPR's ROW consultant to maintain progress due to an extensive list of County projects requiring the attention of County ROW staff.

This requested Amendment #2 addresses several issues. There is a need for additional project management and coordination due to the extension of contract time and increased SOW. Additional surveying and mapping is necessary to identify easements and utility locations, based in part on new information provided by Clackamas River Water and the City of Milwaukie. Supplemental mapping is also needed due to the addition of a right turn lane on SE Johnson Creek Blvd. at the request of DTD, Transportation Engineering, and mitigation requirements along Johnson Creek in the vicinity of Mill Park.

Design modifications requested by Water Environment Services require additional geotech explorations and storm drainage analysis. Further ROW impact mapping, legal descriptions, and meetings with property owners are also necessary to complete appraisals and acquisitions. Continued reliance on HHPR's ROW consultant is required due to the work load of County ROW staff.

Additional design work resulting from the right turn lane on SE Johnson Creek Blvd., stormwater facility modifications requested by WES, and mitigation requirements in the Johnson Creek vicinity, have increased the number of required engineering drawings and plan revisions. Also included in the additional engineering work is a request by WES to construct a sewer main extension and water service relocations required of Clackamas River Water. Work performed for WES and CRW is the subject of previously approved IGAs with each agency and will be reimbursed to the Development Agency in amounts up to \$78,790 and \$15,780, respectively.

In addition, it is necessary to extend the completion date of the contract until December 31, 2023, due to the added design work, as well as delays and complications imposed on all parties by the ongoing COVID-19 pandemic, additional ROW work, and utility relocations.

Procurement Process:

This Amendment is in accordance with LCRB C-047-0800(b) for an unanticipated amendment. Amendment #2 is a 30.5% increase to the original contract.

Recommendation:

Staff respectfully recommends the Board of County Commissioners approve and sign Amendment #2 for the contract with Harper Houf Peterson Righellis, Inc., for the design of the Linwood Avenue Improvements Project.

Sincerely,

Kenneth Itel

Kenneth Itel, Senior Project Planner
Development Agency

AMENDMENT #2
TO THE CONTRACT DOCUMENTS WITH HARPER HOUF PETERSON RIGHELLIS, INC
FOR LINWOOD AVENUE IMPROVEMENTS PROJECT
Contract #2015

This Amendment #2 is entered into between **Harper Houf Peterson Righellis, Inc** (“Contractor” or “Consultant”) and Clackamas County Development Agency (“County”) and shall become part of the Contract documents entered into between both parties on **October 31, 2019** (“Contract”).

The Purpose of this Amendment #2 is to make the following changes to the Contract:

1. ARTICLE I, Section 1. **Effective Date and Duration** is hereby amended as follows:
 The Contract termination date is hereby changed from September 30, 2022 to **December 31, 2023**.

2. ARTICLE I, Section 2. **Scope of Work** is hereby amended as follows:
 Due to staffing issues, additional stormwater facility requirements required by water service districts, including Water and Environment Services, and other unforeseen changes from the original contract, County has requested additional Work to be performed by Contractor. The additional Work is described in greater detail in **Exhibit D**, attached hereto and incorporated by this reference herein.

3. ARTICLE I, Section 3. **Consideration** is hereby amended as follows:
 In consideration for Contractor performing Work during the extended term of this Contract, County will pay Contractor an additional amount not to exceed **\$343,733.92**, as set forth in **Exhibit E**, attached hereto and incorporated by this reference herein. The total Contract compensation will not exceed \$1,676,077.82. Consideration rates are on a time and material basis in accordance with Exhibit E and the Contract.

ORIGINAL CONTRACT	\$ 1,126,395.02
AMENDMENT #1	\$ 205,948.88 + Time
<u>AMENDMENT #2</u>	<u>\$ 343,733.92 + Time</u>
TOTAL AMENDED CONTRACT	\$ 1,676,077.82

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

Harper Houf Peterson Righellis, Inc.

Clackamas County Development Agency

Daniel S Houf  8/16/2022
Digitally signed by Daniel S Houf
 DN: C=US, E=Dan@hhpr.com,
 O=Harper Houf Peterson Righellis Inc,
 OU=Daniel S Houf
 Date: 2022.08.16 09:40:16-0700'

 Authorized Signature Date
 Daniel S. Houf, President

 Printed Name

 Chair Date

 Recording Secretary

APPROVED AS TO FORM


County Counsel

08/16/2022
Date

EXHIBIT D
Additional Statement of Work

Linwood Avenue Improvement Project

Contract Amendment No. 2 for Additional Design and Construction Services

Harper Houf Peterson Righellis Inc.

April 21, 2022

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EXHIBIT D

Project Description

This addendum is adding additional design and construction administration services to facilitate the construction of the Linwood Avenue Improvements Project.

The following services have been or will be provided and completed with the addendum:

Task 1: Project Management and Coordination

Task 1.A Designate and Coordinate Consultant Team

Additional project management and coordination effort for extension of contract and for additional scoping items. Contract originally through September 30, 2021. For purposes of this scope this includes time through September 30, 2022.

Task 4: Field Surveying and Mapping

Task 4.C Identify Existing Easements

Identified a total of 75 Files. Task not included in original fee schedule excel summing total.

Task 4.E Obtain Rights of Entry or Other Permission for Supplemental Survey

Due to Covid-19, individual Right of Entry letters were required to be sent to each property rather than traditional door hangers for additional topographic survey, boundary survey, and right-of-way acquisition staking.

Task 4.F Supplement and Perform Confidence Check of Field Work and Base Map Data

Additional supplemental topographic data collection for project elements including Johnson Creek Right Turn Lane Addition, Johnson Creek and Mill Park, Miscellaneous Driveway and Private Property Connections, and missing elements such as trees not included in the original survey.

Task 4.G Verify Horizontal and Vertical Locations of Utilities

Task not included in original fee schedule excel summing total.

Task 4.H Update Base Map in AutoCAD

Processing and updating topographic base map associated with additional topographic field survey identified in Task 4.F. Base map modifications for Clackamas River Water and City of Milwaukie utilities.

Task 4.K Design Coordination Field Staking (New Task)

Provide survey field staking for ROW Appraisals and design elements for coordination with utilities.

Task 5: Environmental Reconnaissance and Permitting

Task 5.I Assist Agency in Preparation of Local, State, and Federal Environmental Permits

Land Use applications, supporting materials, analysis/modeling, calculations and approval for Flood Plain Permit, Habitat Conservation Area, Construction Management Plan Development Permits, and WES Buffer Variance. This required efforts from planners, scientists, engineers, technicians, and also included mitigation coordination with North Clackamas Parks and Recreation District (NCPRD).

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Task 6: Preliminary Engineering

Task 6.A Storm Drainage Analysis

Redesign and analysis of stormwater system due to comments received from WES. Initial design utilized mechanical treatment and detention pipe. Stormwater planters were utilized in the final design. Additional analysis, stormwater management report rework, plan sheet updates, and plan submittals required to gain WES approval.

Task 6.B Geotechnical Evaluation

Provide additional infiltration testing per WES design request. This includes separate infiltration testing for storm detention design located near SE Alder Place in April 2021 and storm planter design up and down the corridor at specific planter locations scheduled for March 2022.

Task 7: ROW Research, Descriptions, Appraisals, Acquisitions

Task 7.D ROW Impact Maps (3 Files)

Provide 75 ROW Impact Maps to be used for ROW Coordination, POE's, and DTA's.

Task 7.E Legal Descriptions and Exhibit Maps (3 Files)

Provide 22 Legal Descriptions for ROW Acquisition.

Task 7.H Respond to Public and/or Landowner Inquiries

Additional coordination and meetings with increase in ROW files.

Task 8: Final Design PS&E and Bid Assistance

Task 8.D Engineering Drawings for 60%, 90%, 100% milestones

Design modifications to including Johnson Creek Blvd right turn and signal modification addition, pedestrian bridge addition, retaining walls, NCPRD planting plans and revisions, WES stormwater planter detailed grading sheets, and intersection modifications.

Task 8.L Utility Coordination for Relocations

Additional utility coordination, and meetings for PGE pole relocations, Communications, Clackamas River Water, City of Milwaukie, Northwest Natural Gas, and WES.

Task 10: Water Environmental Services (WES) Design Services Construction Services

Water Environmental Services (WES) desires to have HHPR, who is under contract with the Clackamas County Development Agency, provide Engineering Services as required to incorporate various WES elements of work into the overall Linwood Avenue Improvements Plans. Specific elements of WES design work to be incorporated are detailed below:

- Approximately 1800 LF of 12" Sanitary Force Main
 - WES has future plans to construct a 12" sanitary sewer force main in Linwood Avenue for a future pump station on WES owned taxlots 12E29CB04200 and 12E29CB04100

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located near SE Overland St. To eliminate the disturbance of the new roadway improvements in the future, WES would like to install the 12" sanitary sewer force main in Linwood Avenue with the Clackamas County roadway improvements.

- Extension of Existing Sanitary Sewer Laterals (23 Total) and Installation of New Lateral (1 Total)
 - WES has an existing sanitary sewer main located in Linwood Avenue. Many of the adjacent properties are on septic and are setup up to convert in the future. Sanitary stubs exist beyond the existing road footprint but do not extend to the existing ROW. WES would like to extend the sanitary sewer laterals and cleanouts to the existing ROW to reduce impacts to the new roadway improvements for future sanitary connections. WES also has plans to install one new sanitary lateral connection.

The Scope of Services is as follows:

Task 10.A Preparation of Plans

Prepare plans and drawing sheet set up for review and approval by WES. The following sheets are anticipated:

- Up to five (5) new plan and profile sheets for 12" sanitary force main and sanitary lateral extensions.
- Up to two (2) detail sheets.

Task 10.B Design and Review Comments

HHPR will incorporate WES's design into the project drawings and provide a copy of the sheets to WES for review. WES's review will be independent of any % complete review set, as we are currently approaching 100% completion. Upon receipt, WES will provide review comments within 1 week to allow any required revisions to be incorporated into the final plans.

Task 10.C Final Plan Submittal – Bid Document Preparation

Prepare final construction drawings for bidding and construction. Submit final drawings to WES for final review and approval. Make minor corrections as needed (issue changes as addenda if required).

Task 10.D Prepare Project Specifications and Engineer's Estimates

Prepare special provisions for the installation of the water improvements, and other construction elements of the project. Provide a bid schedule for the project, along with an engineer's estimate. Incorporate project specifications in the 2021 APWA/ODOT format for bidding with Clackamas County.

Task 10.E Bidding Assistance

Answer questions from the County Staff during the bidding process. Provide written or verbal clarification of bid items and/or plans as requested.

Task 10.F Construction Support

Provide general engineering support during construction of the installation of the 12" sanitary force main and extension of sanitary laterals. WES will provide primary inspection of WES work and will participate in final walkthrough and generation of punch list items. HHPR will assist WES in review of submittals and RFI's.

Task 10.G As-Built Drawings

Complete as-built drawings of the project to reflect changes made during construction. The as-built drawings will be generated from contractor and inspector notes (new survey will not be completed). Provide digital Autocad and PDF files to WES.

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Task 10.H: Conflict Potholing (Budget Item)

HHPR will coordinate with WES and identify locations for where potholing data will be beneficial to the design to avoid conflicts. HHPR will communicate these locations and have data collected by VacX. Rough estimate provided by VacX indicated it would be \$1,500/pothole. A budget item of \$9,000 is included.

Task 11: Clackamas River Water (CRW) Design Services

Clackamas River Water District (CRW) desires to have HHPR, who is under contract with the Clackamas County Development Agency, provide Engineering Services as required to incorporate various CRW elements of work into the overall SE Linwood Avenue Improvement Project. Specific elements of CRW design work to be incorporated are detailed in Exhibit 1 (attached). The Scope of Services is as follows:

Task 1: Design Drawing Preparation

Prepare design drawing modifications incorporating the water service and fire hydrant replacement locations, notes and details for review and approval by Clackamas River Water District. Project plan and profile sheets will be utilized to note and identify the water improvements.

The following additional sheets are anticipated:

- Up to two (2) detail sheets

Task 2: Design and Review Comments

Preliminary design has been completed by CRW and provided to HHPR. HHPR will incorporate CRW's design into the existing project drawings and the new CRW sheets and provide a copy of modified sheets to CRW for review. CRW's review will be independent of any % complete review set, as we are currently approaching 100% completion. Upon receipt, CRW will provide review comments within 1 week to allow any required revisions to be incorporated into the final plans.

Task 3: Final Plan Submittal – Bid Document Preparation

Prepare final construction drawings for bidding and construction. Submit final drawings to Clackamas River Water District for final review and approval. Make minor corrections as needed (issue changes as addenda if required).

Task 4: Prepare Project Specifications and Engineer's Estimates

Prepare special provisions for the installation of the water improvements, and other construction elements of the project. Provide a bid schedule for the project, along with an engineer's estimate. Incorporate project specifications in the 2021 APWA/ODOT format for bidding with Clackamas County. Bid schedule shall include the elements in Exhibit 1.

Task 5: Bidding Assistance

HHPR will answer questions during the bidding process. With assistance from CRW, provide written or verbal clarification of CRW water related bid items and/or plans as requested.

Task 6: Inspection Services (Contingent on Amendment to Proceed with Construction)

HHPR will provide general inspection services during installation of the water components, concurrent with other inspection tasks. Track quantities for payment. Provide daily inspection notes (provide copies to CRW on a weekly basis). It is assumed that the water improvements will require 4 weeks to

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complete, and that the inspector will be present 10% of this time. CRW will provide primary inspection of CRW work and will participate in final walkthrough and generation of punch list items. CRW will provide review of submittals and RFI's.

Task 7: As-Built Drawings (Contingent on Amendment to Proceed with Construction)

Complete as-built drawings of the project to reflect changes made during construction. The as-built drawings will be generated from contractor and inspector notes (new survey will not be completed). Provide digital Autocad and PDF files to CRW.

Tasks Deleted

The following services were contingency tasks and will not be required:

Task 5: Environmental Reconnaissance and Permitting

Task 5.D Level Two Hazardous Materials Assessment

Task not required.

Task 5.J Record one archeological site with SHPO

Task not required.

Task 5.K Evaluation excavations (2 quarter test units) and reporting

Task not required.

Task 5.L Prepare Inadvertent Discovery and Monitoring Plan

Task not required.

Task 6: Preliminary Engineering

Task 6.H Bike/Pedestrian Facility Design Alternative Design Options

Not required.

Task 9: Construction Assistance

Replace with construction services identified in updated Task 9.

Total to Original Contract: \$442,120.00

Total New Tasks: \$94,570.00

Total of Deleted Tasks: (\$192,956.08)

Amendment #2 Net Change Order: \$343,733.92

EXHIBIT E
Fee Schedule

COVER SHEET

- New Agreement/Contract
- Amendment/Change/Extension to _____
- Other _____

Originating County Department: _____

Other party to contract/agreement: _____

Description:

After recording please return to: X _____

- County Admin
- Procurement

If applicable, complete the following: _____

Board Agenda Date/Item Number: _____