



DAN JOHNSON
DIRECTOR

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

August 10, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment #4 with Consor North America, Inc. for the Stafford Rd (Pattulo Wy to Rosemont Rd) Improvements Project. Total amendment value is \$99,765.00. Funding through Community Road Funds and Countywide System Development Charges. No County General Funds are involved.

Previous Board Action/Review	Discussed at issues: August 8, 2023 11/12/2020: BCC approval of Contract with Murraysmith, Inc. (now known as Consor North America, Inc.) for the Stafford Road (Pattulo Wy to Rosemont Rd) Improvements Project		
Performance Clackamas	<ol style="list-style-type: none"> 1. Build a strong infrastructure. 2. Ensure safe, healthy and secure communities 3. Grow a vibrant economy 		
Counsel Review	Yes – Andrew Naylor	Procurement Review	Yes
Contact Person	Jonathan Hangartner, PM	Contact Phone	503-742-4649

EXECUTIVE SUMMARY: The County is allocating Community Road Funds to install a roundabout at Childs Road and a southbound left-turn lane at Johnson Road. The intersections at Childs Road and Johnson Road will also be realigned to reduce or eliminate the intersection skew. Stafford Road will be widened to provide paved shoulders between Pattulo Way and Rosemont Road.

Murraysmith, Inc., now known as Consor North America, Inc., was contracted to perform the design of the project for an original contract value of \$1,482,588. Contract amendments #1 through #3, which had a combined total value of \$66,064, were previously implemented to provide additional services required to support the project including expanded topographic survey limits, additional preliminary design effort, and detailed analysis of vertical and horizontal

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alignment along Stafford Road to value engineer the final pavement elevations and the full reconstruction limits. Amendment #4 has a value of \$99,765.00 and is required for additional effort associated with project coordination, additional natural resource assessment coordination and design, additional effort for local county permits, adding arborist services, hydraulic analysis of additional alternatives, additional utility coordination, 90-percent design and plan revisions, and adding centerline descriptions for right of way descriptions and exhibits. This amendment will be paid through Community Road Fund matched by Countywide System Development Charges (36% match at the Stafford Rd/Childs Rd intersection and 35% match outside the intersection).

PROCUREMENT PROCESS: This Amendment is in accordance with LCRB C-047-0800(b) for an unanticipated amendment.

RECOMMENDATION: Staff respectfully recommends that the Board of County Commissioners approve and sign this contract amendment with Consor North America, Inc. for the Stafford Rd (Pattulo Wy to Rosemont Rd) Improvements Project.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

**AMENDMENT #4
TO THE CONTRACT DOCUMENTS WITH CONSOR NORTH AMERICA, INC. FOR
STAFFORD ROAD IMPROVEMENT PROJECT (RFP# 2020-34)
Contract #3047**

This Amendment #4 is entered into between **CONSOR North America, Inc.** (“Contractor” or “Consultant”) and Clackamas County (“County”) and shall become part of the Contract documents entered into between both parties on **November 12, 2020** (“Contract”).

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

1. ARTICLE I, Section 2. **Scope of Work** is hereby amended as follows:
County has requested additional services (“Services”) to be performed by Consultant. The additional services are described in **Exhibit E, Additional Services**, attached and hereby incorporated by reference.

2. ARTICLE I, Section 3. **Consideration** is hereby amended as follows:
In consideration for Consultant performing the additional Services, County will pay Consultant an amount not to exceed \$99,765.00. Consideration for the additional Services are on a time and material basis in accordance with the rates set forth in **Exhibit F**. The total Contract compensation shall not exceed \$1,678,417.00.

ORIGINAL CONTRACT	\$ 1,482,588.00
AMENDMENT #1	\$ 14,996.00
AMENDMENT #2	\$ 51,068.00 and Time Extension
AMENDMENT #3	Name Change
AMENDMENT #4	\$ 99,765.00
TOTAL AMENDED CONTRACT	\$ 1,648,417.00

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.

CONSOR North America, Inc.

Clackamas County

Gabriel E Crop Date: 2023.07.17
07:45:21-07'00'

Authorized Signature Date


Gabriel Crop

Printed Name

Chair

Recording Secretary

Date

Approved as to Form:
 07/18/2023

County Counsel Date

Exhibit E
Additional Services

20-2965

May 31, 2023

Mr. Jon Hangartner, P.E.
Project Manager
Clackamas County Department of Transportation and Development
150 Beaver Creek Road
Oregon City, OR 97045

Re: Stafford Rd (Pattulo Wy to Childs Rd)
Amendment No. 4 - Scope and Fee for Additional Stormwater and 90% Design

Dear Jon,

This letter serves as a Contract Amendment request (No. 4) associated with the above referenced project. This request follows up on our recent conversations regarding additional services beyond our original scope of work for the project through June of 2024 (shortly after the 90% design phase). The following items are addressed under this amendment request.

- **Task 1.2 Project Coordination:** To manage the additional task work described below, approximately five additional internal coordination meetings and several email and phone communications have been required, organized, and led by our PM and Roadway lead with an additional budget of \$6,836 requested.
- **Task 3.2 Natural Resource Assessment and Report:** The original scope described the process to develop and submit the Natural Resource Assessment Report, Stream Buffer Variance Application, and Sensitive Areas Certification Form to WES for review and approval. The current budget of \$12,721 in the original contract plus \$3,582 added through Amendment #2 (\$16,303) included only seven total hours of Consor time assuming design work to support the submittal would be covered by other tasks. However, due to ambiguity in the WES code requirements and impacts to private property, additional coordination and design was needed by Consor to determine the impacts and confirm buffer mitigation needs prior to MB&G developing the submittal documents. Multiple email communications, phone conversations, meetings, and conceptual design graphics have been necessary between the project team and WES staff to understand and apply the code. An additional design iteration for the buffer mitigation areas was also needed based on feedback from the impacted resident (File 15). A total additional budget of \$13,879 is requested for the coordination and design efforts associated with this task.
- **Task 3.8 Local Permits:** The original contract included 36 hours of effort with a budget of \$6,067 to complete up to three straightforward local permit applications beyond the other known permit needs. One additional local permit was ultimately determined as necessary

to address the County Land Use Habitat Conservation Area (HCA). The County's HCA Permit requires three (3) subtasks including Map Verification, Development, and Water Quality Resource Area applications. The original budget was sufficient to coordinate and determine the local permitting requirements. However, additional effort is needed to address the larger than anticipated impacts to the HCA. Additional efforts include identifying and managing hundreds of trees to be removed, coordinating overlapping mitigation with the WES vegetated buffers, and developing landscaping plan graphics to support the permit application. A total additional budget of \$5,555 is requested to develop the content needed to submit the HCA permit application.

- **Task 3.11 Arborist Services:** This is a new task requested by the County to determine tree species and size for the trees located within the Metro property. This information will be utilized and incorporated by the County for the Metro right-of-way application submittal. An arborist will utilize existing survey information and mark a plan sheet with the species and size data. A total budget of \$2,922 is requested for these services.
- **Task 4.3 Hydraulic Analysis:** The 60% designs included a stormwater management approach initially coordinated with WES. However, after seeing the impacts to the vegetated buffer surrounding Pecan Creek, WES rejected the design at that time. The design team invested additional effort to research and explore other stormwater management options including ditch line swales, cartridge media filters, and modular wetlands. This process included consultation with the National Marine Fisheries Service (NMFS) focused on proprietary systems in anticipation of the Joint Permit Application (JPA) permit requirements. The outcome of this coordination was NMFS's requirement for an enhanced treatment requirement involving modular wetlands. Analysis was completed to size the modular wetlands, determine maintenance needs, and determine the anticipated project and future maintenance costs. WES ultimately concluded that modular wetlands were not feasible. The ultimate stormwater design at 90% included a blend of above ground and below ground facilities incorporating prior 60% designs and elements coordinated with WES. WES' input has generally required an additional iteration beyond that budgeted to rerun/recalculate the applicable stormwater rates to address the received comments. \$5,548 was originally budgeted for the hydraulic analysis portion of the stormwater design. To provide one major additional iteration of analysis and several minor iterations, an additional budget of \$5,548 is requested for the added effort to rerun the stormwater calculations, and associated reporting documents. Additional stormwater related design budget is also requested below.
- **Task 5.1 Utility Coordination:** PGE is designing a transmission pole upgrade project within the project limits and on the same timeline. This became known after the original scope and fee were developed. Additional effort is needed to coordinate the project improvements with PGE's project. Additional effort includes an increased emphasis on clear zone analysis given the larger poles, an additional iteration of review due to PGE separating initial transmission pole design and subsequent relocation work, and a higher level of support to direct their new pole placement along the corridor. This is all beyond

the originally assumed level of effort which was focused on relocation coordination only. The requested budget (\$3,981) is to address the past coordination effort and anticipated ongoing coordination needs based on the assumption of the PGE work happening between the two construction seasons for the Stafford Road project.

- **Task 8.7 Design Exceptions:** The original scope assumed five total design exceptions with a total effort of 27 hours and \$4,632 of budget. Three straightforward design exception requests commensurate with the original budget had previously been assessed, drafted, and submitted using a County provided form. Updated design exception forms have been requested in a more comprehensive format to match the latest County standards. Also, there are a total of 15 substandard elements spread between the four roadways (one additional design exception was determined to be needed for Zivney Lane) in the project area. To address this extra effort, an additional budget of \$4,977 is requested.
- **Task 9 Public Involvement/Outreach:** The original scope of work included developing a fly-thru animation and hosting one online open house, both of which have been developed/completed. A second online open house is also needed to solicit feedback from stakeholders. The open house is anticipated to include a title screen, background, project design, public feedback, and contacts. The requested budget (\$4,962) is to address these additional outreach services.
- **Task 10.2 90% Design:** Due to the input/direction from WES mentioned in Task 4.5 above, additional effort is required to appropriately update/revise the stormwater design beyond what was initially assumed. Two (2) additional design concepts were required in addition to the analysis and documentation covered in Task 4. Designs included evaluation of multiple facilities at the Childs Rd and Johnson Rd. intersections including layout and 3-D modeling to confirm feasibility. At Childs Road, interim designs included evaluation of modular wetland including sizing and placement with respect to the roundabout. Once WES rejected use of modular wetlands and accepted a vegetated buffer variance, the design team was able to value engineer a pond facility addressing detention and water quality needs to avoid an underground detention system below the roundabout at a net overall savings to the County while reducing long term maintenance. The interim and 90% design work included significant surface modeling, major ditch line modifications to capture and convey flows, revised piping designs, and customized pond layout and access road designs to fit between the roadway and Pecan Creek. At Johnson Road, modular wetlands were also considered. Once these were rejected, our team developed a unique design to meet NMFS's enhanced treatment requirements using an underground vault followed by a treatment swale. These designs required a significantly updated and customized pipe network and site layout to anticipated regulator requirements. Much of the interim design work between 60% and 90% did not ultimately get published, but was necessary to justify the combined 90% designs. The final outcome included a combination of above and below ground facilities within a constrained footprint that required detailed design and differed significantly from the 60% designs. As a result, the 90% designs for the majority of stormwater infrastructure required some interim design efforts and ultimately

a full redesign effort that was not able to utilize most of the progress made at the 60% design level. The end benefit was an optimized system minimizing cost to the extent possible for the County while meeting WES and NMFS regulatory requirements. The original budget anticipated incremental updates normally expected between 60% and 90%. An additional budget of \$64,953 is requested for this added effort.

- **Task 11.4 Right-of-Way Descriptions, Exhibit Maps, and Impact Maps:** Additional level of effort is needed in addition to that described in the original scope of work to prepare a Resolution of Necessity (RON) deliverable for each roadway centerline alignment requiring right-of-way acquisition. A RON is required for Stafford Rd, Childs Rd, Johnson Rd, and Zivney Ln. Most of the additional effort was focused on Childs Road to respond to County comments. Our surveyor reviewed CAD files provided by the County and determined a monument was held that our surveyor did not use because it didn't match with the original road data. This caused a 1-foot rotation in the County's data. Our surveyor added more detail in the narrative to explain the resolution while keeping the centerline the same. This effort required in-depth review, direct email correspondence between surveyors, one (1) additional coordination group coordination meeting and one (1) additional review iteration to coordinate this activity with the County based on the comments received. A total additional budget of \$5,919 is requested for the added effort to prepare these RON deliverables.
- **Task 11.8 ROW Acquisition:** Credit \$19,766 of budget. ROW acquisition needs are anticipated to be less than originally budgeted due to having five less overall ROW files (17, down from 22).

The additional effort required to complete this work is described in the attached fee estimate. The total additional estimated fee is \$99,765. The additional effort will be conducted in accordance with the original Scope of Work.

Sincerely,



CONSOR North America, Inc
Gabriel Crop, PE
Principal Engineer

Attached: Amendment No. 4 - Fee Estimate

Exhibit F
Fee Schedule

STAFFORD ROAD (PATTULO WAY TO ROSEMONT ROAD) IMPROVEMENTS PROJECT
CLACKAMAS COUNTY
AMENDMENT 4 PROPOSED FEE ESTIMATE

	Estimated Fees													Labor	Subconsultants				Subconsultant Multiplier	Subconsultant Total with Markup	Expenses	Total
	Principal Engineer II	Professional Engineer VII	Professional Engineer III	Engineering Designer II	Professional Engineer VIII	Professional Engineer III	Principal Engineer VI	Professional Engineer III	Professional Engineer VII	Technician II	Technician III	Hours	1-Alliance		KAI	UFS	Todd Prager	0% Markup				
	\$242	\$201	\$165	\$150	\$212	\$165	\$284	\$165	\$201	\$126	\$146											
	Crop	Adams, B	Wiggins	Roberts	McMurtrey	Ebbighausen	Olson	Garth	Karnes	McFaddin	Elgharabli											
Task 1 - Project Management and Project Coordination																						
Task 1.2 - Project Coordination	20	10										30	\$ 6,836					1.0	\$ -	\$ -	\$ -	\$ 6,836
Task 1 Subtotal	20	10	0	0	0	0	0	0	0	0	0	30	\$ 6,836	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,836
Task 2 - Survey, Field Investigations and Mapping																						
Task 2 Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 3 - Environmental Reconnaissance and Permitting																						
Natural Resource Assessment and Report (Additional effort for WES)																						
Task 3.2 - coordination and design	8	6	24		32							70	\$ 13,879					1.0	\$ -	\$ -	\$ -	\$ 13,879
Task 3.8 - Local Permits (additional effort for HCA)	2	4	10		10							26	\$ 5,055					1.0	\$ -	\$ 500	\$ -	\$ 5,555
Task 3.11 - Arborist Services	1	2	2									5	\$ 972			\$ 1,950		1.0	\$ 1,950	\$ -	\$ -	\$ 2,922
Task 3 Subtotal	11	12	36	0	42	0	0	0	0	0	0	101	\$ 19,906	\$ -	\$ -	\$ 1,950	\$ -	\$ 1,950	\$ -	\$ 500	\$ -	\$ 22,356
Task 4 - Stormwater / Hydraulics Related Services																						
Task 4.3 - Hydraulic Analysis (1 additional iteration)				20	12							32	\$ 5,548					1.0	\$ -	\$ -	\$ -	\$ 5,548
Task 4 Subtotal	0	0	0	20	12	0	0	0	0	0	0	32	\$ 5,548	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,548
Task 5 - Utility Coordination																						
Task 5.1 - Utility Coordination (PGE transmission poles)	2	1				20						23	\$ 3,981					1.0	\$ -	\$ -	\$ -	\$ 3,981
Task 5 Subtotal	2	1	0	0	0	20	0	0	0	0	0	23	\$ 3,981	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,981
Task 6 - Geotechnical and Geologic Services																						
Task 6 Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 7 - Traffic Engineering and Alternatives Analysis																						
Task 7 Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 8 - Preliminary Design (30%)																						
Task 8.7 - Design Exceptions	4	20										24	\$ 4,977					1.0	\$ -	\$ -	\$ -	\$ 4,977
Task 8 Subtotal	4	20	0	0	0	0	0	0	0	0	0	24	\$ 4,977	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,977
Task 9 - Public Involvement / Outreach																						
Task 9.1 - Public Involvement / Outreach	1		4									5	\$ 901	\$ 4,061				1.0	\$ 4,061	\$ -	\$ -	\$ 4,962
Task 9 Subtotal	1	0	4	0	0	0	0	0	0	0	0	5	\$ 901	\$ 4,061	\$ -	\$ -	\$ -	\$ 4,061	\$ -	\$ -	\$ -	\$ 4,962
Task 10 - Final Design (60%, 90% and Final Bid Ready) - Plans, Specifications, and Estimate (PS&E)																						
Task 10.2 - 90% Design: Stormwater Design (additional effort)	8	40	80	20	60				120	16		344	\$ 64,953					1.0	\$ -	\$ -	\$ -	\$ 64,953
Task 10 Subtotal	8	40	80	20	60	0	0	0	120	16	0	344	\$ 64,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64,953
Task 11 - Right-of-Way Research, Descriptions, Appraisals and Acquisitions																						
Task 11.4 - Right-of-Way Descriptions & Exhibit Maps (RON)	2	8										10	\$ 2,087	\$ 3,832				1.0	\$ 3,832	\$ -	\$ -	\$ 5,919
Task 11.8 - ROW Acquisition (budget transfer to Task 10.2)												0	\$ -		\$ (19,766)			1.0	\$ (19,766)	\$ -	\$ -	\$ (19,766)
Task 11 Subtotal	2	8	0	0	0	0	0	0	0	0	0	10	\$ 2,087	\$ 3,832	\$ (19,766)	\$ -	\$ -	\$ (15,934)	\$ -	\$ -	\$ -	\$ (13,847)
Task 12 - Bid and Award Assistance																						
Task 12 Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL - ALL TASKS	48	91	120	40	114	20	0	0	120	16	0	569	\$ 109,188	\$ 3,832	\$ 4,061	\$ (19,766)	\$ 1,950	\$ -	\$ (9,923)	\$ 500	\$ -	\$ 99,765