



DAN JOHNSON
DIRECTOR

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

September 07, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment #3 with Kittelson & Associates, Inc. for the South Ivy Street Pedestrian Intersection Improvements Project
Total amendment value is \$150,244.57 for a total contract value of 1,062,469.90. Funding through County Road Fund, State Funded Local Project Funds, and City of Canby.
No County General Funds are involved.

Previous Board Action/Review	1/24/19: BCC Approval of a Supplemental Project Agreement No. 32756 with Oregon Department of Transportation for the South Ivy Street (Canby) Project. 1/24/19: BCC Approval of an Intergovernmental Agreement with City of Canby related to the South Ivy Street Sidewalk Improvement Project. 09/26/19: BCC approved the Contract with Kittelson & Associates, Inc. for Design Services for the South Ivy Street Pedestrian Intersection Improvements. 11/04/21: BCC approval of Amendment #2 with Kittelson & Associates, Inc. for Design Services the South Ivy Street Pedestrian Intersection Improvements. 09/05/23: Request for consent		
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: Clackamas County obtained State Funded Local Project funds through an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation to provide bicycle lanes and sidewalk improvements on South Ivy St from OR99E to Lee Elementary School. Additionally, a traffic signal will be constructed at the intersection of South Ivy St and SE Township

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Rd. Through an IGA with the City of Canby, after the completion of the project, the County will transfer jurisdiction of the street to the City of Canby.

Kittelson & Associates, Inc. was contracted to perform the design of the project for an original contract value of \$539,855.79. Contract Amendment No. 1 was a no-cost amendment to reflect a change in the sub consultant surveyor's company name. Contract Amendment No. 2 had a value of \$372,369.54 and provided additional design services to support the expanded scope of work, as requested and funded by the City of Canby. The expanded scope included additional right-of-way files for acquisition, underground power design, illumination design, and additional traffic analysis related to a roundabout alternative analysis.

Contract Amendment No. 3 will extend the contract through the end of the construction phase work and provide construction engineering support and construction survey support services. Amendment #3 adds \$150,244.57 for a total contract value of \$1,062,469.90. This amendment will be paid through County Road Fund, State Funded Local Project Funds, and City of Canby.

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 Kittelson & Associates, Inc. for the South Ivy Street Pedestrian Intersection Improvements Project.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

AMENDMENT #3
TO THE CONTRACT DOCUMENTS WITH KITTELSON & ASSOCIATES, INC. FOR DESIGN SERVICES FOR SOUTH IVY STREET PEDESTRIAN INTERSECTION (2019-19)
Contract #1856

This Amendment #3 is entered into between **Kittelson & Associates, Inc.** (“Contractor” or “Consultant”) and Clackamas County (“County”) and shall become part of the Contract documents entered into between both parties on **September 26, 2019** (“Contract”).

The Purpose of this Amendment #3 is to make the following changes to the Contract:

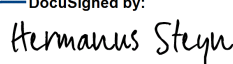
1. ARTICLE I, Section 1. **Effective Date and Duration** is hereby amended as follows:
The Contract termination date is hereby changed from June 30, 2023 to **December 31, 2025**.
2. ARTICLE I, Section 2. **Scope of Work** is hereby amended as follows:
Contractor will perform additional Work described generally as follows: Pre-Construction meetings, construction site visits, construction document revisions, review of contractor’s request for information, design clarifications, consultation during construction, as-built plan preparation, and post construction record of survey. The additional Work is further described in **Exhibit D** to this Amendment #3, attached hereto and incorporated by reference herein.
3. ARTICLE I, Section 3. **Consideration** is hereby amended as follows:
County will pay Contractor an additional **\$150,244.57** to complete the additional Work. Compensation for the additional Work will be in accordance with the fee schedule set forth in **Exhibit E** to this Amendment #3, attached hereto and incorporated by this reference herein, and the terms and conditions of the Contract. The total Contract compensation shall not exceed \$1,062,469.90.

ORIGINAL CONTRACT	\$ 539,855.79
AMENDMENT #1	Update Scope of Work
AMENDMENT #2	\$ 372,369.54
<u>AMENDMENT #3</u>	<u>\$ 150,244.57</u>
TOTAL AMENDED CONTRACT	\$ 1,062,469.90

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

Kittelson & Associates, Inc.

Clackamas County

DocuSigned by:
 8/4/2023

 Authorized Signature Date


Hermanus Steyn

Printed Name

Chair

Recording Secretary

Approved as to Form

 08/07/2023

 County Counsel Date

EXHIBIT D
UPDATED SCOPE OF WORK

**Scope for Civil Engineering Services – Time Extension and Construction Engineering Support
Ivy Street Improvements
Clackamas County Project: 2019-25 (22239)
May 25, 2023**

This scope of work supplements the scope of work already authorized by Clackamas County under agreement 2019-25 for project 22239. Please refer to the scope of work within those amendments for information regarding the project background and understanding.

The original schedule is amended as follows.

Schedule:

NTP: September 2019
Underground Power Design: 10/31/2021-12/15/2021
ROW Acquisition: 12/4/2021 – ~~8/30/2022~~ 7/31/2023
Final PS&E (Bid Ready) Submittal: September ~~2022~~ 2023
Final PS&E Obligation: January ~~2023~~ 2024
Advertise for Construction: February ~~2023~~ 2024
Project Close-out: September 2025

DESIGN AND ENGINEERING TASKS

Task 1: Contract Administration

Modify the following sections:

- 1.1 Project Management:** Increase project management duration from 29 months to 50 months. (Extend design and ROW completion date from January 2022 to September 2025)
- 1.2 Project Coordination:** Additional monthly coordination with City and Consultant during the PS&E development & ROW acquisition (30-month extension).

ADD THE FOLLOWING TASK

TASK 7 - Construction Engineering Support

The scope of construction support is limited to the hours shown in the attached budget. Consultant further assumes all material testing and compaction testing will be completed by others under a separate contract.

7.1 Construction Meetings & Site Visits

7.1.1 Construction Handoff Meeting

Prepare an agenda and attend a three-hour Construction Handoff Meeting to review Right-of-Way obligations, design elements, and previously identified risks. Assumes 3 staff attending the meeting, to be held at County office.

7.1.2 Pre-construction Meeting

Attend pre-construction meeting as requested. Assume two (2) Kittelson staff members for 2 hours plus one hour for travel time. Assumption is that this meeting will be held at Clackamas County's Red Soils Campus Facility. County will prepare Pre-Construction agenda.

7.1.3 Attend Construction Meetings

It is anticipated that weekly construction meetings will be held and attended primarily by the County and Contractor. There may be requests to attend meetings to discuss specific items. Work in this task includes attending construction meetings as requested to address specific design issues. A total of ten (10) 1hr meetings with an additional hour of travel time have been included.

7.1.4 Project Site Visits

Construction observation and inspection are being performed by County staff. There may be design issues or unanticipated construction conflicts to resolve requiring site visits and review of site conditions. This task includes periodic site visits to address these issues. Periodic site visits will also be conducted to monitor the status of roadway and utility construction or assist with contractor discussions. A total of ten (10) periodic site visits (2hr per visit) with an additional hour of travel time have been assumed. Each site visit includes:

- 1 hour travel time
- Up to 2 hours on-site
- Documentation of any field discussions and design changes in email communications.

Task 7.1 Deliverables:

- *Agenda for Construction Handoff Meeting*
- *Design change or field discussion email communication*
- *Daily report for site visits*

7.2 Construction Engineering and Support

7.2.1 Bid Document Revisions [CONTINGENCY]:

Prepare design changes and addenda to the bid documents. Two (2) addenda are assumed. Revise plans and specifications to incorporate any bid addendum into the contract documents. Assist the County with the preparation of addendum(s) requiring technical information. Work is limited to the hours shown.

7.2.2 Review Contractor Submittals

- Review contractor submittals and requests for information and provide responses to County construction staff.
- Review contractor shop drawings and provide comments or approval to County construction staff.

For budgeting purposes, assume up to 30 submittal reviews at 2hr per submittal. This time includes review and contractor discussion as needed for clarification, response, and documentation.

7.2.3 Review RFI's [CONTINGENCY]

A. Roadway

- Review RFIs related to the roadway grading and design.
- Review ADA Curb ramp modification/field fit requests
- Respond to design and construction questions regarding roadway clearing, grading, curbs, sidewalks, driveways, and all other associated roadway plan elements.

B. Storm Drainage

- Respond to design and construction questions regarding the storm sewer and water quality system. This includes storm sewer piping, grades, structures, and location. Revise and submit affected roadway plans and necessary details.
- Validate all design changes will meet Stormwater Management Manual requirements and is hydraulically sufficient. Amend the calculations and/or drainage report if required.

C. Traffic Signal, Signing and Striping and Illumination

- Respond to design and construction questions related to the traffic signal, interconnect, illumination systems and signing and striping improvements.

For Budgeting we have assumed 20 RFI reviews at 2hr per submittal and 10 ADA Ramp Reviews at 4 hours each. This time includes review; contractor discussion as needed for clarification, response, and documentation.

7.2.4 Design Clarifications [CONTINGENCY]

At the County's request, respond to the County or Construction Contractor initiated requests for clarification of documents within five (5) working days from the date the of the request. Clarifications shall be responded to in writing with one of the following responses:

- a) Contract Documents are clear, no clarification is required.
- b) Clarification is provided as requested. (4-hours each)
- c) Clarification is needed, but additional time is required to research the clarification. (budgeted for 12 hours each)

All clarifications shall be provided to the County Project Manager within ten (10) working days of the initial request, unless required from a source other than the Engineer or subcontractors which causes a delay beyond the control of the Engineer.

Task 7.2.4 Assumptions:

- 10 minor (type "a" or "b") clarification reviews,
- 5 major (type "c") clarification reviews

7.2.5 Consultation During Construction

Consultant shall provide consultation and technical services regarding design issues raised during construction of the Project. The design consultation will occur only as required and may be ongoing throughout the construction of the project. If design modifications are necessary, Consultant shall discuss the changes with the County prior to verbally agreeing on changes with the Construction Contractor or preparing the appropriate change order documents, depending upon the type of work (changed work, extra work, or force account work). Upon request of the County, Consultant shall prepare detailed engineering design revisions necessitated by conditions encountered during construction. These design revisions will be accompanied by the necessary change order documents (CCO, EWO, or SFO) to make them part of the construction contract. This work is limited to the budget included in the amendment.

7.2.6 As-Built Plan Preparation & Project Closeout

- Prepare as-constructed plans in AutoCAD based on County or Contractor supplied redlines. Provide County with 11" x 17" as-constructed plans and electronic files of as-built plans.

Task 7.2 Deliverables:

- *Bid Document revisions*
- *Responses to contractor submittals*
- *Responses to RFI's including preparing supplemental drawings*
- *Design Clarifications (10 minor, 5 major)*
- *Design modifications & change order documents (.pdf)*
- *As-built plans (paper, .pdf, and .DWG)*

7.3 Construction Survey Support

Construction staking will be provided by the construction contractor. This task is to provide survey control and conduct as-needed verification of construction work.

7.3.1 Survey Control (Contingency Task, requires Project Manager written authorization)

A. Set control

- Set temporary construction control outside the construction limits for use in verification survey and contractor construction survey.

B. Roadway and utilities

- Survey the staking for the center of storm at various locations throughout the project site.
- Survey the staking for various curb line points, utility structures, signs, signal and power poles and light poles as requested by the County.
- Provide summary reports of the results of each survey check.

7.3.2 Post Construction Record of Survey

- Perform control and boundary recovery survey
- Reduce field re-survey data and prepare a report summarizing the as-built location and elevation of all tied points
- Provide the County with the report showing the as-built horizontal position and elevation of the tied points compared to the design position and elevation of the points.
- File a post construction record of survey to the County Surveyor according to ORS 209.155 and County standards. This will include:
 - Document numbers from the right-of-way acquisition agreements.
 - Right-of-way acquired by the project.
 - Right-of-way monuments at PC's, PT's and 1000 feet maximum spacing.
 - Reset monuments removed inside construction limits and outside or on the new right-of-way.
 - File the post-construction record of survey with the Clackamas County Surveyor's office

Task 7.3 Deliverables

- *Copies of field notes, sketches, and computations*
- *Drawings of surveyed points relative to as-bid drawings as required.*
- *Survey verification summary report*
- *Field staking and replacing of survey monuments*
- *Post construction Record of Survey*

EXHIBIT E
FEE SCHEDULE

Ivy Street Improvements
Clackamas County
 PROFESSIONAL SERVICES - HOURLY BREAKDOWN
June 9, 2023

Kittelson & Associates

Fee Summary - Amendment 3

		\$ 233.86	\$ 233.86	\$ 164.90	\$ 164.90	\$ 128.39	\$ 110.05	\$ 111.64	\$ 90.52					
Task	SL5 - Project Manager	SL5 - Principal Engineer	SL3 - Sr. Eng	SL3 - Sr. Eng	SL2 - Eng	SL1 - Analyst	Tech II	Tech 1	KAI Totals	S&F See attached breakdown	Reimbursables	Total	Contingency Total	
	AMR	WES	CEC	SJP	DEC	DZS	BSC	KLS	TOTALS					
Task 1.0 Project Management, Project Coordination, and Project Scheduling														
1.1	Project Management	24.00						30.00	\$8,328.24	\$2,320.00		\$10,648.24		
1.2	Project Coordination	30.00		30.00					\$11,962.80	\$670.00		\$12,632.80		
	Total Hours	54.00	0.00	30.00	0.00	0.00	0.00	30.00	114.00	\$18.00		132.00		
	Labor Cost	\$12,628.44	\$0.00	\$4,947.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,715.60	\$20,291.04	\$2,990.00	\$0.00	\$23,281.04	
	Total Cost This Task								\$20,291.04	\$2,990.00	\$0.00	\$23,281.04		
Task 7.0 Construction Support														
7.1	Construction Meetings & Site Visits								\$0.00			\$0.00		
7.1.1	Construction Handoff Meeting	4.00	4.00	6.00					\$2,860.28		\$108.08	\$2,968.36		
7.1.2	Pre-Construction Meeting	3.00		3.00					\$1,196.28		\$72.05	\$1,268.33		
7.1.3	Project Site Visits	12.00		18.00					\$5,774.52		\$343.22	\$6,117.74		
7.2	Construction Engineering & Support								\$0.00					
7.2.1	Bid Document Revisions [CONTINGENCY]	4.00		8.00		16.00	8.00		\$4,908.56				\$4,908.56	
7.2.2	Review Contractor Submittals	14.00	12.00	48.00	16.00	8.00			\$17,661.08			\$17,661.08		
7.2.3	Review RFI's [CONTINGENCY]													
A	Roadway	12.00		60.00					\$12,700.32				\$12,700.32	
B	Storm	6.00		12.00		16.00			\$5,436.20				\$5,436.20	
C	Traffic Signal, Signing, Striping		10.00		16.00				\$4,977.00				\$4,977.00	
7.2.4	Design Clarifications [CONTINGENCY]													
B	Minor (10)	8.00		32.00		6.00			\$7,918.02				\$7,918.02	
C	Major (5)	20.00		60.00		16.00			\$16,625.44				\$16,625.44	
7.2.5	Consultation During Construction	24.00	16.00	60.00	16.00	16.00			\$23,941.04			\$23,941.04		
7.2.6	As-Built Plan Preparation & Project Closeout	4.00		16.00		8.00	12.00		\$5,793.92			\$5,793.92		
7.3	Post Construction Record of Survey	2.00		2.00					\$797.52	\$15,400.00	\$450.00	\$16,647.52		
	Total Hours	113.00	42.00	325.00	48.00	62.00	24.00	20.00	634.00	96.00				
	Total Cost This Task								\$110,590.18	\$15,400.00	\$973.35	\$74,397.99	\$52,565.54	
PROJECT SUMMARY														
	Total Project Hours	167.0	42.0	355.0	48.0	62.0	24.0	20.0	30.0	748.0	114.0			
	Total Fee	\$39,054.62	\$9,822.12	\$58,539.50	\$7,915.20	\$7,960.18	\$2,641.20	\$2,232.80	\$2,715.60	\$130,881.22	\$18,390.00	\$973.35	\$97,679.03	\$52,565.54
PROJECT TOTAL											Total Contract	\$150,244.57		
* Rates shown above are for budgeting purposes only. Additional staff may be added at the contract negotiated billing rates at the time services are performed.										Kittelson Subtotal	S&F	Reimbursables	Total	Contingency

Ivy Street Improvements Clackamas County PROFESSIONAL SERVICES - HOURLY BREAKDOWN June 9, 2023 S&F Land Services Summary - Amendment 3					
	\$ 180.00	\$ 155.00	\$ 200.00	\$ 115.00	
Task	Project Manager	Project Surveyor	Field Crew	CAD Technician	S&F
	Jered	Arrin	Shane	Travis	TOTALS
Task 1.0 Project Management, Project Coordination, and Project Scheduling					
1.1	Project Management	6.00	8.00		\$2,320.00
1.2	Project Coordination	2.00	2.00		\$670.00
	Total Hours	8.00	10.00	0.00	18.00
	Labor Cost	\$1,440.00	\$1,550.00	\$0.00	\$2,990.00
	Total Cost This Task				\$2,990.00
Task 7.0 Construction Support					
7.3	Construction Survey Support	16.00	32.00	24.00	\$15,400.00
	Total Hours	16.00	32.00	24.00	96.00
	Labor Cost	\$2,880.00	\$4,960.00	\$4,800.00	\$15,400.00
PROJECT SUMMARY					
	Total Project Hours	24.0	42.0	24.0	114.0
	Total Salary Cost	\$4,320.00	\$6,510.00	\$4,800.00	\$18,390.00
	Reimbursables Subtotal				\$450.00
	Total Fee	\$4,320.00	\$6,510.00	\$4,800.00	\$18,840.00
PROJE (Bid Document Revisions [CONTINGENCY])					
					S&F Total