



DAN JOHNSON
DIRECTOR

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

November 30, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Sitting/Acting as Development Agency Board
Clackamas County

Approval of Contract Amendment #1 with Elder Demo LLC, for the demolition of the former Miles Fiberglass building. Amendment value is \$407,534, contract value is increased to \$673,427. Funding is through the Clackamas Town Center Urban Renewal Plan area. No County General Funds are involved.

Previous Board Action/Review	Contract approval on June 1, 2023 Request for Consent: November 28, 2023		
Performance Clackamas	This project aligns with the strategic priorities to ensure safe, healthy, and secure communities and to grow a vibrant economy.		
Counsel Review	Yes- 11/20/23 AN	Procurement Review	Yes
Contact Person	David Queener, Development Agency Program Supervisor	Contact Phone	503-742-4322

EXECUTIVE SUMMARY:

The Development Agency is under contract with Elder Demo, LLC to demolish the former Miles Fiberglass building located on Agency owned property at 8855 SE Otty Road. Prior to commencing work, a hazardous materials assessment was necessary to determine if any special remediation was required. The report indicated several areas that contained asbestos, which requires specialized handling by qualified contractors. Just prior to commencement of the work, the building was set on fire and significantly damaged. An emergency authorization was issued in order to more rapidly complete the demolition. This contract amendment in the amount of \$407,534.00 reflects the total cost necessary to remediate hazardous material and demolish the building.

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PROCUREMENT PROCESS:

This Amendment #1 is due to the emergency authorization in accordance to LCRB C-047-0280 for Emergency Procurements and in accordance with LCRB C-047-0910 for an amendment to a Contract for Public Improvement.

RECOMMENDATION:

Staff respectfully recommends that the Board approve and sign this contract amendment with Elder Demo, LLC for the demolition of the former Miles Fiberglass building that is located on Agency-owned property.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

AMENDMENT #1
TO THE CONTRACT DOCUMENTS WITH ELDER DEMO LLC, FOR DEMOLITION OF
MILES FIBERGLASS BUILDING
Contract #7785

This Amendment #1 is entered into between **Elder Demo LLC** ("Contractor") and Clackamas County ("County") and shall become part of the Contract documents entered into between both parties on **June 1, 2023** ("Contract").

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

1. **The Project, as described in Section 1. Contract Documents**, is hereby amended as follows:
County has authorized an addition to the Project to include removal and disposal of all hazardous material at the Miles Fiberglass Building. The additional removal and disposal work is included in Change Order #01, attached hereto as Exhibit "D" and hereby incorporated by reference.
2. **Section 2. Contract Price**, is hereby amended as follows:
County authorizes an additional compensation in the amount of \$407,534.00 due to the unforeseen building fire and additional cleanup needs. Work is inclusive of the removal and disposal work described above and in Exhibit D. The maximum compensation authorized under this Contract shall not exceed Six Hundred Seventy Three Thousand Four Hundred Twenty Seven Dollars (\$673,427.00).
3. **Section 5. Contract Dates** is hereby amended as follows:
The final Completion Date is hereby changed from 60 days after the Notice to Proceed (NTP) to **December 31, 2023**.
4. **Section 8. Insurance Certificates and Required Performance and Payment Bonds**, is hereby amended as follows:

Contractor shall furnish amended performance and payment bonds equal to the amended Contract price of \$673,427.00.

In addition to any existing insurance required under the Contract, Contractor shall further secure, at its own expense, and keep in effect during the term of this Contract, Pollution Liability Insurance in the amounts described below:

Pollution liability insurance with at least \$2,000,000 per occurrence and an aggregate limit of \$4,000,000. Coverage may be provided in separate policy form or by endorsement to Contractors CGL or RPL. Any form coverage must be equivalent to that provided in ISO form CG 24 15 "Limited Pollution Liability Extension Endorsement" or CG 28 31 "Pollution Exclusion Amendment" with limits of at least \$2,000,000 per occurrence and an aggregate limit of \$4,000,000.

ORIGINAL CONTRACT	\$ 265,893.00
<u>AMENDMENT #1</u>	<u>\$ 407,534.00</u>
TOTAL AMENDED CONTRACT	\$ 673,427.00

Signature Page to Follow

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.

Elder Demo LLC

Clackamas County

Justin S. Arrand 11/20/2023
Authorized Signature Date

Chair Date

Justin Arrand
Printed Name

Recording Secretary

Approved as to Form:

Amanda Wells 11/21/23
County Counsel Date

Exhibit D
Change Order #01



Miles Fiberglass Post Fire Demolition and Remediation Change Order #1

This Change Order is necessary to reflect the actual costs for the remediation and demolition of the Miles Fiberglass building following the fire on the property on 9-15-23. Due to the fire, the remediation/abatement costs increased, the the building demolition costs decreased. This change in work resulted in a net change of \$407,534.00. Please see the following breakdown for final pricing.

Original Contract Amount	\$265,893.00
Demolition Cost Decrease	(\$32,296.44)
Hazardous Materials Remediation	\$439,830.44
Total Project Cost	\$673,427.00

Therefore, the amount of this Change Order is:

Total Project Cost	\$673,427.00
Minus Original Demolition Contract Amount	(\$265,893.00)
Remediation/Abatement Change Order	\$407,534.00