



**DAN JOHNSON**  
DIRECTOR

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

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of Amendment #1 to Contract #1831 with Murraysmith, Inc. for the  
Jennings Ave: OR99E to Oatfield Rd Project

<b>Purpose/Outcomes</b>	Execution of Contract #1831 Amendment #1 allows Clackamas County and Murraysmith, Inc. to continue with the design of sidewalk and bicycle improvements to Jennings Avenue between OR99E and Oatfield Rd.
<b>Dollar Amount and Fiscal Impact</b>	The original contract amount was \$848,665.07. Amendment #1 adds \$150,927.63 for a total not to exceed \$999,592.70.
<b>Funding Source</b>	Federal Surface Transportation Program (STP) and County Road Funds.
<b>Duration</b>	Project is anticipated to be completed by June 30, 2022.
<b>Previous Board Action</b>	10/17/19: BCC Approval of a Contract with Murraysmith, Inc. for the Jennings Ave: OR 99E to Oatfield Rd Project. 06/29/17: BCC Approval of Supplemental Project Agreement No. 31035 with Oregon Department of Transportation for the Jennings Ave. OR 99E to Oatfield Road Project. 01/01/17: BCC Approval of Master Certification Agreement No. 30923 for County implementation of federally funded projects.
<b>Strategic Plan Alignment</b>	1. This item supports the DTD Strategic Focus on Safe Roads and Strategic Result of providing safe roads for the “users of the transportation system so they can travel safely and efficiently in Clackamas County.” 2. This item aligns with “Build a Strong Infrastructure” and “Ensure safe, healthy and secure communities” by constructing bicycle lanes and sidewalks.
<b>Procurement Review</b>	1. Was this item processed through Procurement? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no 2. If no, provide a brief explanation:
<b>Counsel Review</b>	Reviewed Date: 12/16/2020; ARN
<b>Contact Person</b>	Robert Knorr, Project Manager 503-742-4680

**Background:**

The County obtained Federal Surface Transportation Program funding to construct improvements along Jennings Avenue from OR99E (McLoughlin Blvd) to Oatfield Road. The improvements include constructing a curb tight sidewalk on the north side of the road and constructing bike lanes on both sides of the road for enhanced bicycle and pedestrian connectivity. The total length of improvements is approximately three quarters (3/4) of a mile (approximately 3860 feet).

The design of the project is 60 percent complete and additional work is needed to finalize the design and complete the right of way phase. DTD staff negotiated with Murraysmith, Inc. an amended scope of work and fee estimate for the additional effort. The additional effort includes project management, cultural resources, geotechnical pavement explorations, wetland/waters environmental research, illumination analysis, added traffic speed and safety devices, design exceptions, right-of-way maps & descriptions, programming estimate, preliminary activities, right of entries and the appraisal and acquisition processes, and completion of the PS&E process.

**Procurement Process:**

This Amendment is in accordance with LCRB C-047-0800(b) for an unanticipated amendment. Amendment #1 is a 17.8% increase to the original contract.

**Recommendation:**

Staff respectfully recommends that the Board approve and execute Amendment #1 for the contract with Murraysmith, Inc. for the Jennings Ave: OR 99E to Oatfield Rd Project.

Sincerely,

**Robert E. Knorr**

Digitally signed by Robert E. Knorr  
DN: cn=Robert E. Knorr, o=Clackamas County DTD,  
ou=Transportation Engineering Division,  
email=rknorr@clackamas.us, c=US  
Date: 2020.12.23 14:00:11 -08'00'

Robert Knorr,  
Project Manager

Placed on the BCC Agenda January 7, 2021 by Procurement and Contract Services

**AMENDMENT #1  
TO THE CONTRACT DOCUMENTS WITH MURRAYSMITH, INC. FOR JENNINGS AVE.  
OR99E TO OATFIELD ROAD (RFP 2019-14)  
Contract #1831**

This Amendment #1 is entered into between **Murraysmith, Inc.** ("Contractor" or "Consultant") and Clackamas County ("County") and shall become part of the Contract documents entered into between both parties on **October 17, 2019** ("Contract").

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

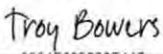
1. Item 2. **Statement of Work, Exhibit A** is hereby amended as follows:  
County has requested additional work to be performed by Contractor. The additional Work is attached as **Exhibit A, Supplement to Statement of Work**, and hereby incorporated by reference.
2. Item 3. **Compensation** is hereby amended as follows:  
The associated fees to complete the additional Work is summarized at the end of Exhibit A, and approved for up to **\$150,927.63**. The total Contract Compensation shall not exceed \$999,592.70.

ORIGINAL CONTRACT	\$ 848,665.07
<u>AMENDMENT #1</u>	<u>\$ 150,927.63</u>
<b>TOTAL AMENDED CONTRACT</b>	<b>\$ 999,592.70</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.

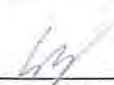
**Murraysmith, Inc.**

**Clackamas County**

DocuSigned by:  
 12/15/2020  
 Authorized Signature Date  
 Troy Bowers  
 Printed Name

\_\_\_\_\_  
 Chair  
 \_\_\_\_\_  
 Recording Secretary  
 \_\_\_\_\_  
 Date

**Approved as to form:**

 12/16/2020  
 County Counsel Date

**SUPPLEMENT TO EXHIBIT A  
ADDITIONAL WORK**

## **SUPPLEMENT TO EXHIBIT A STATEMENT OF WORK**

### **1.1 Administration & Record Keeping – Additional Effort**

Consultant shall:

- Prepare invoices and progress reports according to the Invoice Requirements Guide referenced in the Contract under Section H.5 - Invoices. Each progress report must:
  - Break out profit from cost based on percent complete

For budgeting purposes, it is assumed that up to an additional 11 reports for a total of 33 progress reports will be necessary.

### **1.2 Coordination – Additional Effort**

Consultant shall:

- Support County's management of right-of-entry acquisition

### **3.2.1 Literature Review/Field Reconnaissance/Baseline Report - Deleted Task**

This task is deleted in its entirety.

### **3.2.2 Phase I Archaeological Investigation with Technical Report – New Task**

The purpose of this task is for Consultant to establish the presence or absence of archaeological sites in, or eligible for the National Register of Historic Places (“NRHP”), which may be in the APE for the Project. Investigations under this task must comply with Guidelines for Conducting Field Archaeology in Oregon, The Phase I investigation must comply with the latest updated SHPO guidelines and the latest updated SHPO guidelines for Reporting on Archaeological Investigations. These investigations must include a pedestrian survey and/or subsurface exploratory probing. Subsurface probing must be conducted in areas where ground visibility is low and in areas of high probability for archaeological resources, unless documented proof of previous fill is available i.e. as-builts/geomorphological work.

Consultant shall conduct record searches and literature review for the APE provided by Agency and a one-mile radius, prior to any fieldwork. Consultant shall, at a minimum, examine the following databases and documents:

- the SHPO database in Salem, OR;
- appropriate Tribal Historic Preservation Office (“THPO”) database if APE is within a recognized reservation boundary;
- General Land Office maps;
- historic topographic maps;
- Sanborn Fire Insurance Maps;

- other records archives (i.e. historical societies; tribal archives) for known/potential prehistoric and historic archaeological resources within a one mile radius of the APE.

Consultant shall conduct pedestrian field surveys within the APE and must include areas where ground will be disturbed by Project construction including temporary access roads, as well as staging areas, material sources, disposal sites, detours, etc. Consultant shall provide the Agency Archaeologist with a minimum of 5 business days advance notice prior to conducting a pedestrian survey. Pedestrian survey methods must be consistent with the latest updated SHPO guidelines. The recommended maximum spacing of transects will be 20 meters apart and no more than 30 meters apart; and may be as close as 10 meters apart vary depending on terrain features and/or ground visibility. Consultant shall determine transect spacing based on professional judgment to ensure that all probable sites are discovered. All cultural resources observable on the surface and in exposed subsurface profiles during the inventory must be identified and recorded. Consultant shall mobilize up to three (3) times to facilitate right-of-entry timelines.

Consultant shall obtain all required excavation permits and conduct subsurface exploratory probing in the APE. Copies of the draft excavation permits must be provided to the Agency Archaeologist prior to submittal to SHPO. Consultant shall provide the Agency Archaeologist with a minimum of 5 business days advance notice of exploratory probing. Subsurface Exploratory Probing field methodology must be consistent with the latest updated SHPO guidelines.

Probing must be based on an established research design. Probes must be at least 30 cm in diameter and dug to sterile (at least two levels void of cultural material) or to 50 cm and two sterile levels where possible, or as appropriate based on varying field conditions. Materials must be screened with a 1/8-inch mesh screen (1/4-inch as needed, see SHPO guidelines). Up to 15 discovery probes will be excavated under this task.

Auguring may be used, to establish soil stratigraphy or depth of archeological deposits and may be incorporated into the research design, if approved by Agency Archaeologist. Materials must be screened with a 1/8-inch mesh screen.

Consultant shall prepare Phase I Archaeological Investigation Report. The Report must include:

- A purpose statement and full Project description including:
  1. Agency Key Number and Federal Aid Number
  2. Location and legal description
  3. General environmental description
  4. Historic context
  5. Proposed construction activities
  6. Defined APE and APE map
  7. Total acreage of impact
  8. Anticipated direct, indirect and cumulative impacts
- Results of SHPO/THPO data base searches including:
  1. Brief summary of previous archaeological research completed within one mile of APE with eligibility description if available.
  2. Brief summary of recorded archaeological features within one mile of APE with an eligibility description if available.

- Results of GLO and Sanborn map review including:
  1. Brief summary of features (trails, buildings, etc.) depicted on maps and within APE
- Discussion of ethno-historic information and historic context of APE and surrounding environment
- Description of pedestrian survey methods including date(s) of survey, types of transects used, and names and duties of personnel conducting the survey
- Results of pedestrian survey including ground conditions (percent visibility) and difficulties encountered, if any; descriptions of any archaeological artifacts encountered and other pertinent information
- Description of subsurface exploratory probing methodology including date(s) of probing, and names and duties of personnel completing probes
- Results of subsurface exploratory probing, including descriptions of soil conditions and any archaeological artifacts encountered and other pertinent information. Negative findings must be reported also
- Summary of Tribal consultation(s), to be provided by Agency
- A summary with recommendations that must include a discussion of the site(s) identified and whether or not they meet NRHP criteria and maintain integrity
- List of references cited
- Location map at 1:24,000 scale; aerial image (Google map acceptable) showing APE; and representative digital images of current conditions within APE
- Site forms and isolate forms (hard copies) for newly discovered archaeological sites and isolates. Consultant shall also complete the SHPO Online Site Form
- Site update forms for previously identified archaeological sites
- A modified [Determination of Eligibility \(DOE\)](#), a maximum of 2-3 pages long, must be included in the Appendix for historic sites with no subsurface component. This Appendix must include a short discussion on Boundaries (vertical and horizontal), Integrity as well as Statement of Significance and discussion of the NRHP Criteria. Consultant shall provide enough information to write a detailed DOE.
- Maps, photos and an artifact catalogue

Establishing eligibility without testing for prehistoric sites may be difficult; however, this is possible with historic sites if sufficient historic documentation is provided. Please refer to SHPO guidelines.

Consultant shall provide final Phase I Technical Report and site forms in PDF format; digital images of each photo and illustration; raw GPS files (\*.ssf and \*.cor), and edited GIS files (\*.shp, \*.shx, and \*.dbf).

### **3.2.2 Consultant Deliverables and Schedule**

Consultant shall prepare and submit:

- One electronic copy (in WORD format) of the Draft Phase I Technical Report with site forms and/or isolate forms to APM for review per Task 1 Project Design Schedule.
- One electronic copy (in PDF format) of the Final Phase I Technical Report with site forms and/or isolate forms to APM 2 weeks following receipt of draft review comments.

### **3.3.1 Historic Resources Baseline Report – Additional Effort**

It is anticipated there will be an additional 44 resources for a total of 59 historic resources identified in the baseline report.

### **3.3.2 Section 106 Determination of Eligibility (DOE) (CONTINGENCY – See Section F) – Additional Effort**

A DOE will be prepared for up to an additional 4 resources for a total of 6 resources. An ODOT Cultural/Historic Resource Specialist will transmit the final DOE(s) to SHPO and will obtain the necessary concurrence documentation from SHPO.

### **3.3.3 Section 106 Finding of Effect (“FOE”) (CONTINGENCY – See Section F) – Additional Effort**

FOEs will be prepared for up to an additional 4 resources for a total of 6 resources. An ODOT Historic Resource Specialist will transmit the final FOEs to SHPO and will obtain the necessary concurrence documentation from SHPO.

### **Task 3.4.2 Geotechnical Drilling Support (CONTINGENCY – See Section F) – Deleted Task**

This task is deleted in its entirety.

#### **Task 3.4.2.1 Work Plan and Health and Safety Plan (CONTINGENCY – See Section F) – Deleted Task**

This task is deleted in its entirety.

#### **Task 3.4.2.2 Sample Collection and Reporting (CONTINGENCY – See Section F) – Deleted Task**

This task is deleted in its entirety.

### **3.6.1 Wetland/Waters of the U.S./State Determination – Additional Effort**

Consultant shall:

- Mobilize up to two (2) times to facilitate right-of-entry timelines.

### **6.3 Geotechnical and Pavement Explorations**

Consultant shall perform subsurface explorations to estimate and characterize the in situ soils for the purposes of addressing foundation support and other geotechnical or geological considerations for the following:

- Retaining wall design and construction where an additional 2 explorations for a total of 3 geotechnical explorations.



Consultant shall perform the exploration work while following additional requirements as follows:

- Mobilize up to two (2) times to facilitate sight-specific right-of-entry timelines at File 61.

### **8.3 Illumination Analysis and Design – Additional Effort**

Consultant shall complete a lighting analysis for the project corridor using AGI32 Lighting Analysis software. The analysis will be conducted to determine the appropriate spacing, luminaire wattage, and mounting height necessary to obtain the required average maintained light levels and uniformity, assuming PGE final pole locations. Consultant shall coordinate with PGE to refine lighting analysis based on preliminary results. Plans will be developed only after coordination with PGE is completed and lighting analysis results are approved. The results of the lighting analysis shall be summarized in an email to PGE, a technical memorandum is excluded from this task. Illumination plans shall include pole locations and luminaire information only Conduit and circuitry design to be completed by PGE.

This task excludes an evaluation of illumination alternatives and field verified light meter readings.

### **8.3 Consultant Deliverables and Schedule**

Consultant shall provide:

- Advance Illumination plans, specifications, and cost estimate included in Advance PS&E submittal (Task 15.2) contingent on final pole locations from PGE.
- Final Illumination plans, specifications, and cost estimate included in Final PS&E Package submittal (Task 15.3)

### **8.9 Rectangular Rapid Flashing Beacon (RRFB) - New Task**

Consultant shall prepare plans, specifications and construction cost estimate (“PS&E”) for the construction of a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of SE Jennings Avenue and SE Portland Avenue. Plans and specifications shall conform to the County and MUTCD standards. Consultant shall coordinate with utility for service connection, as necessary.

### **8.9 Consultant Deliverables and Schedule**

Consultant shall provide:

- RRFB plans, specifications, and cost estimate included in Preliminary PS&E submittal (Task 15.1)
- Advance RRFB plans, specifications, and cost estimate included in Advance PS&E submittal (Task 15.2)
- Final RRFB plans, specifications, and cost estimate included in Final PS&E Package submittal (Task 15.3)

### **8.10 Driver Speed Feedback Signs - New Task**

Consultant shall prepare plans, specifications and construction cost estimate (“PS&E”) for the construction of two Driver Speed Feedback Signs on SE Jennings Avenue, west of Oatfield Road.

Plans and specifications shall conform to the County and MUTCD standards. Consultant shall coordinate with utility for service connection, as necessary.

### **8.10 Consultant Deliverables and Schedule**

Consultant shall provide:

- Driver speed feedback plans, specifications, and cost estimate included in Preliminary PS&E submittal (Task 15.1)
- Advance driver speed feedback plans, specifications, and cost estimate included in Advance PS&E submittal (Task 15.2)
- Final driver speed feedback plans, specifications, and cost estimate included in Final PS&E Package submittal (Task 15.3)

### **10.3 Roadway Design Exceptions – Modified Effort**

#### **10.3 Consultant Deliverables and Schedule:**

Consultant shall provide:

- Up to a total of one (1) multi-disciplined design exception request with multiple sub-requests and greater complexity than originally scoped.

County shall provide:

- ADA related design exception requests

### **TASK 14 RIGHT OF WAY (ROW)**

For estimating purposes, an additional 7 files for a total of 46 parcel files are anticipated for this project on the north side of Jennings Avenue. The additional files creates additional effort for the following tasks:

#### **14.3 Right of Way Engineering, Maps & Descriptions – Additional Effort**

Consultant shall develop an additional 7 ROW Engineering, Maps & Descriptions.

#### **14.4 Right of Way Programming Estimate – Additional Effort**

Consultant shall revise the ROW Programming Estimate to include the additional files.

**PLEASE NOTE: Consultant shall not perform any services described in Tasks 14.5 through 14.10 below until Agency issues NTP for the ROW phase of the Project.**

**14.5 Preliminary Activities – Additional Effort**

Consultant shall develop GINs for the additional 7 ROW files.

**14.6 Appraisal and Appraisal Review – Additional Effort**

Consultant shall provide:

- Up to an additional 3 appraisals for a total of eight (8) appraisals.

**14.7 Acquisition Services – Additional Effort****TASK 15 - PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E) – Additional Effort**

Consultants shall prepare additional or modified plan sheets according to the following table:

Table 15

<b>Name of Sheet</b>	<b>Estimated # of Sheets</b>	<b>60% PS&amp;E Submittal</b>	<b>Advanced Submittal</b>	<b>Final Submittal</b>
Sheet index	(1)	X	X	X
Typical sections	(5)	X	X	X
Civil details	(6)	X	X	X
Roadway plan and profiles (1"=30')	(15)	X	X	X
ADA ramp/intersection details	(28)	X	X	X
<del>Drainage/stormwater plan/profile</del>	(0)			
<del>Drainage &amp; water quality details</del>	(0)			
Driveway Details	(6)	X	X	X
<del>Erosion Control Details</del>	(0)			
Illumination legend	(1)		X	X
Illumination plans (rural version)	(7)		X	X
Retaining wall #1 plan and profile	(9)	X	X	X
<del>Retaining wall details</del>	(0)			
Signal plans	(5)	X	X	X
Signal details	(2)	X	X	X
Rectangular Rapid Flashing Beacon (RRFB)	(2)	X	X	X
Driver Speed Feedback Sign	(3)	X	X	X

**SUMMARY FEE SCHEDULE:**

**Summary Breakdown of Costs**

**PA/ATA or Contract Number: 1831; Amd Number: 1**  
**WOC Number: ##; Amd Number: ##**  
**PROJECT NAME: Jennings Avenue: OR 99E to Oatfield Road**

Total Non-Contingency Hours	1198
Total Non-Contingency Labor Costs	\$ 114,942.27
Total Non-Contingency Direct Expenses	\$ 12,539.00
Total Non-Contingency Costs	\$ 127,481.27
Total Non-Contingency Profit	\$ 10,207.96
<b>Total Non-Contingency Cost + Profit</b>	<b>\$ 137,689.23</b>

Total Contingency Hours	193
Total Contingency Labor Costs	\$ 12,437.49
Total Contingency Direct Expenses	\$ (1,027.00)
Total Contingency Costs	\$ 11,410.49
Total Contingency Profit	\$ 1,827.91
<b>Total Contingency Cost + Profit</b>	<b>\$ 13,238.40</b>

**Total For Amendment #1 \$ 150,927.63**