

RESOLUTION NO. 2405

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING THE AWARD OF A SOLE SOURCE CONTRACT FOR ROAD CONSTRUCTION TO POLYGON NORTHWEST COMPANY, L.L.C.

WHEREAS, the City of Wilsonville (“City”), Villebois LLC (“Villebois”) and Polygon Northwest Company L.L.C, a Washington limited liability company (“Polygon”), entered into Contract Addendum No. 2 on September 8, 2011 (“Addendum 2”) to the Development Agreement, dated May 24, 2004 (“Development Agreement”), relating to the development of certain property (“Property”) located within the residential community commonly known as Villebois; and

WHEREAS, a City imposed Conditions of Approval for the development of the Property is the obligation to make certain road improvements to Graham’s Ferry Road (“Road Improvements”) and although some of those Road Improvements were commenced by Villebois, using its contractor NEI, they were never completed due to lack of funds; and

WHEREAS because the Road Improvements were designed to serve other properties in the area, the City agreed to pay a proportionate share of the Road Improvements, as more particularly set forth in the Development Agreement; and

WHEREAS, Villebois has now sold the Property to Polygon, who now wishes to develop the Property, and as a condition of the sale, Villebois, the City and Polygon entered into Addendum No. 2 which, among other things, sets forth the continuing obligations of Villebois, Polygon and the City with respect to completion of the Graham’s Ferry Road Improvements and land dedication for public right-of-way for the Road Improvements; and

WHEREAS, pursuant to the Development Agreement Polygon is obligated to complete the Phase 2 Road Improvements, as described in Addendum 2, as soon as it has pulled twenty-five percent (25 percent) of the building permits for PDP-IN, Phase 2, or twenty-four (24) months from the date the first building permit is issued for PDP-IN, Phase 2, whichever shall first occur. Construction must thereafter be completed within twelve (12) months; and

WHEREAS, Polygon has formed an entity, Polygon At Villebois II, LLC (Polygon II) and has transferred Polygon’s interest and obligations to Polygon II as its successor in interest to

develop the aforementioned property, together with the Grahams Ferry Road project, and to be obligated under the Development Agreement; and

WHEREAS, the total construction cost is estimated at TWO HUNDRED NINETY FIVE THOUSAND SEVEN HUNDRED FIFTY ONE DOLLARS AND TEN CENTS (\$295,751.10), including the bid estimate from the contractor but not including costs for engineering design, construction management and testing; and,

WHEREAS, pursuant to Addendum 2 and the March 25, 2013 Bid Proposal provided by Northwest Earthmovers Inc. to Polygon, the City and Polygon estimate that Polygon II's share of the construction cost of the Road Improvements will be ONE HUNDRED SEVENTY SEVEN THOUSAND ONE HUNDRED THREE DOLLARS AND EIGHTY CENTS (\$177,103.80) and the City's share of the construction cost of the Road Improvements will be ONE HUNDRED EIGHTEEN THOUSAND SIX HUNDRED FORTY SEVEN DOLLARS AND THIRTY CENTS (\$118,647.30), subject to true-up, based on actual reasonable cost, which Polygon II has agreed to manage and control, together with the standard 17 percent reimbursement for soft costs and 7 percent reimbursement for the Public Works Permit the total estimated SDC credits to Polygon II are ONE HUNDRED FORTY SEVEN THOUSAND FIVE HUNDRED FORTY SIX DOLLARS AND SEVENTEEN CENTS (\$147,546.17); and

WHEREAS, there is sufficient budget authority in fiscal year 2013-14 for the expected reimbursements from the City to Polygon II; and,

WHEREAS, because NEI has already built a significant portion of the Road Improvements and is familiar with the plans and designs for the Road Improvements, Polygon and Polygon II believe it is most cost effective and time efficient to continue to retain NEI as Polygon II's contractor; and

WHEREAS, Polygon II is on a tight time frame to complete the Road Improvements and because the City and Polygon believe that Polygon II is in the best position to negotiate, enter into and manage the contract and construction, and that there will be substantially less cost and substantially less potential for lack of coordination issues to use one contractor, retained by Polygon II, rather than trying to mobilize and coordinate between a City retained contractor for the City's portion of the work and Polygon II's contractor for Polygon II's portion of the work; and

WHEREAS, Polygon and Polygon II have agreed that Polygon II's contract with NEI will require NEI to pay prevailing wages on the entire contract in order to satisfy public contracting laws.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Incorporating all of the above Recitals, the City Council hereby approves a sole source contract Polygon II as the successor in interest with Polygon Northwest Company, L.L.C. for the completion of construction of the Graham's Ferry Road Improvements, including the City's share, with Polygon II using NEI as its contractor, for the reasons articulated in the Recitals; and
2. City Council finds that it is unlikely that making this sole source exemption, under these unique facts and circumstances, will encourage favoritism in the awarding of other public contracts, nor will it substantially diminish competition for public improvement contracts; and
3. City Council finds that the award of this contract to Polygon II will likely result in substantial cost savings to the City based upon the justification and information described in ORS 279C.330, and as more particularly set forth in the Recitals above; and
4. City Council authorizes the SDC credits in the amount of \$147,546.17 to Polygon II from Street, Water and Storm System Development Charges as budgeted in FY 2013-14 from projects #4106, #1071 and #7032.
5. This Resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6th day of May, 2013, and filed with the Wilsonville City Recorder on this date.

ATTEST:

Tim Knapp, Mayor

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Abstain

Council President Starr - Excused

Councilor Goddard - No

Councilor Fitzgerald - Yes

Councilor Stevens - Yes

COST SHARING ANALYSIS PDP-1N

Attachment A

Project: **Villebois Grahams Ferry Road Improvements**
 Owner: **Polygon At Villebois II, LLC**
 Engineer: **Pacific Community Design**

Cost split done by: Steve Adams & Mike Kwaski, 2009
 Initial Estimates Update: 8/3/2011
 Revised with NEI Bid: 3/28/2013 Steve Adams

ITEM #	DESCRIPTION	UNIT	Grahams Ferry Road - Phase 2 NEI Bid 3/25/2013			WILSONVILLE - SDC Credit split on remaining work	Wilsonville SDC Credits
			Qty	Bid Unit	Bid Total	%	Based on NEI Bid 3/25/2013
GENERAL REQUIREMENTS¹							
A-5	Silt Fence	LF	780	\$2.00	\$1,560.00	64%	\$998.40
A-6	Inlet Protection	EA	9	\$22.30	\$200.70	45%	\$91.23
A-7	Bio Bag Check Dam	EA	15	\$26.80	\$402.00	0%	\$0.00
A-9	Tree Protection Fence-Temp Chainlink	LF	150	\$4.50	\$675.00	100%	\$675.00
	SUBTOTAL				\$2,837.70		\$1,764.63
ROAD AND SITE CONSTRUCTION¹							
B-1	Clearing and Grubbing ²	LS	1	\$649.00	\$649.00	13%	\$83.72
B-2	Mill Existing Asphalt Surfacing In Place	SY	1902	\$2.70	\$5,135.40	0%	\$0.00
B-3	Excavation, Cut to Fill ²	CY	634	\$10.40	\$6,593.60	13%	\$850.27
B-4	Embankment from onsite materials	CY	1500	\$3.10	\$4,650.00	34%	\$1,563.15
B-5	Fine Grade Ditches	LF	360	\$3.40	\$1,224.00	0%	\$0.00
B-6	6" depth Wet Weather Section	SY	843	\$2.40	\$2,023.20	0%	\$0.00
B-7	12" Depth 1-1/2"-0 Aggregate Base ⁴	SY	3195	\$9.50	\$30,352.50	27%	\$8,271.87
B-8	2" Depth 3/4" -0 Leveling Course ⁵	SY	2785	\$2.30	\$6,405.50	7%	\$458.47
B-9	19" Depth Shoulder Rock	SY	125	\$22.40	\$2,800.00	48%	\$1,337.21
B-10	5" Depth Level 2 Asphalt Pavement ⁹	SY	2785	\$20.60	\$57,371.00	23%	\$13,478.95
B-11	3" Depth Asphalt Driveway Connections	SY	224	\$20.00	\$4,480.00	100%	\$4,480.00
B-12	Gravel Driveway Connections	SY	85	\$12.50	\$1,062.50	100%	\$1,062.50
B-13	Curb and Gutter ⁶	LF	975	\$9.70	\$9,457.50	41%	\$3,895.56
B-14	Vertical Curb ⁷	LF	290	\$11.70	\$3,393.00	100%	\$3,393.00
B-15	24" Vertical Curb at Roundabout ⁷	LF	126	\$20.10	\$2,532.60	100%	\$2,532.60
B-16	Truck Apron Curb at Roundabout ⁷	LF	230	\$16.60	\$3,818.00	100%	\$3,818.00
B-17	6" Depth Stamped Colored Concrete Truck Apron ⁷	SF	2490	\$7.80	\$19,422.00	100%	\$19,422.00
B-18	6" Depth Handicap Ramps, Sidewalks, Islands	SF	1520	\$5.30	\$8,056.00	50%	\$4,028.00
B-19	Extra for Truncated Domes	EA	8	\$221.00	\$1,768.00	50%	\$884.00
B-20	4" Depth Sidewalks	SF	6641	\$3.60	\$23,907.60	50%	\$11,953.80
B-21	Topsoil Placement in Islands and Roundabout ⁷	CY	125	\$9.30	\$1,162.50	100%	\$1,162.50
B-22	Striping (Thermoplastic) ⁷	LS	1	\$6,740.00	\$6,740.00	11%	\$721.18
B-23	Sidewalk Barricades	EA	1	\$563.00	\$563.00	0%	\$0.00
B-24	Signage per approved plans	LS	1	\$7,230.00	\$7,230.00	88%	\$6,362.40
B-25	Centerline Monument Boxes	EA	1	\$257.00	\$257.00	0%	\$0.00
B-26	Segmental Landscape Wall ⁷	SF	Excluded - No Details			26%	\$0.00
	SUBTOTAL				\$211,053.90		\$89,759.19
STORM SEWER							
C-1	12" C900 PVC Storm Sewer with Granular Backfill	LF	125	\$45.10	\$5,637.50	0%	\$0.00
C-2	10" C900 PVC Storm Sewer with Granular Backfill	LF	200	\$26.10	\$5,220.00	76%	\$3,976.89
C-3	CG-30 Inlets	EA	3	\$1,120.00	\$3,360.00	100%	\$3,360.00
C-4	CG-48 Inlets	EA	3	\$1,533.00	\$4,599.00	40%	\$1,839.60
C-5	Ditch Inlets	EA	2	\$1,268.00	\$2,536.00	0%	\$0.00
C-6	RipRap Outfall Pads	EA	3	\$691.00	\$2,073.00	22%	\$460.67
C-7	Remove previously installed storm		209	\$15.50	\$3,239.50	0%	\$0.00
	SUBTOTAL				\$26,665.00		\$9,637.15
WATER SYSTEM⁸							
D-1	1" Irrigation Service	EA	1	\$1,305.00	\$1,305.00	0%	\$0.00
D-2	Fire Hydrant Assembly complete w/ 12x6 tee	EA	1	\$3,606.00	\$3,606.00	100%	\$3,606.00
	SUBTOTAL				\$4,911.00		\$3,606.00
DRY UTILITIES AND STREET LIGHTING							
E-1	Street Lights - 200 Watt 35' Aluminum Cobra	EA	7	\$2,250.50	\$15,753.50	11%	\$1,658.26
	SUBTOTAL				\$15,753.50		\$1,658.26
	TOTAL Hard Costs				\$258,383.40		\$104,660.60 40.5% of total hard cost
GENERAL REQUIREMENTS							
A-1	Mobilization ²	LS	1	\$18,390.00	\$18,390.00	40.5%	\$7,449.04
A-2	Traffic Control ²	LS	1	\$4,390.00	\$4,390.00	40.5%	\$1,778.21
A-3	Message Boards	MO	4	\$2,025.00	\$8,100.00	40.5%	\$3,280.98
A-4	Flaggers	HR	100	\$36.50	\$3,650.00	40.5%	\$1,478.47
G-1	Performance Bond	LS				40.5%	\$0.00
	SUBTOTAL				\$34,530.00		\$13,986.70
	TOTAL HARD COSTS				\$295,751.10		\$118,647.30
	Polygon's Share				\$177,103.80		
SOFT COSTS							
					\$226,807.40	Street hard costs	\$91,417.45
					\$32,801.14	General costs	\$13,758.24
						17% Soft costs	\$17,879.87
						TTL Street SDC	\$123,055.56
						7% PW Permit	\$7,362.30
					\$4,911.00	Water hard costs	\$3,606.00
					\$710.23	General costs	\$542.70
						17% Soft costs	\$705.28
						TTL Water SDC	\$4,853.98
						7% PW Permit	\$290.41
					\$26,665.00	Storm hard costs	\$9,637.15

Attachment A

ITEM #	Grahams Ferry Road - Phase 2 NEI Bid 3/25/2013				WILSONVILLE - SDC Credit split on remaining work	Wilsonville SDC Credits	
	DESCRIPTION	UNIT	Qty	Bid Unit	Bid Total	%	Based on NEI Bid 3/25/2013
					\$3,856.32	General costs	\$1,450.38
						17% Soft costs	\$1,884.88
						TTL Storm SDC	\$12,972.42
						7% PW Permit	\$776.13
	TOTAL SOFT COSTS					Soft Costs =	\$20,470.03
						PW Permit =	\$8,428.84
	TOTAL HARD & SOFT COSTS					Total SDC =	\$147,546.17

Notes:

- 1 Unless otherwise noted, City quantities include items west of proposed asphalt concrete street.
- 2 City of Wilsonville percentages include the additional area of work required by roundabout construction (vs. standard tee intersection) in addition to items specified by note 1 (as a percentage of
- 3 no longer valid
- 4 City of Wilsonville base rock percentages include additional rock required by roundabout construction (vs. standard tee intersection) and an additional 2-inches of rock required for the higher
- 5 City of Wilsonville percentages include additional material required by roundabout construction (vs. standard tee intersection) in addition to items specified by note 1.
- 6 City of Wilsonville percentages only include curb and gutter along the west side of roundabout and transition areas.
- 7 City of Wilsonville quantities include all items installed solely for the purpose of the roundabout design (vs. standard tee intersection).
- 8 City of Wilsonville quantities will include all items associated with the installation of the public water lines.
- 9 City of Wilsonville asphalt percentages include an additional 1-inch of asphalt concrete required for the higher classification of road in addition to items specified by note 5.
- 10 City of Wilsonville storm outfall pipe percentages reflect the percentage of storm water runoff conveyed from Grahams Ferry Road vs. the percentage conveyed from the Villebois development.