

**RESOLUTION NO. 1291**

**A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING A MODIFICATION TO THE PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS & ASSOCIATES, INC. TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE AMENDED LOCAL IMPROVEMENT DISTRICT NO. 12-95-ST CANYON CREEK ROAD NORTH**

WHEREAS, on December 18, 1995, the City Council adopted Resolution No. 1233 which authorized execution of a professional services agreement between the City and David Evans and Associates, Inc. to provide Phase 1 engineering services for the public improvements associated with Local Improvement District No. 12-95-ST; and

WHEREAS, Exhibit "A" of Resolution No. 1233 contains and outlines specific professional services to be completed by David Evans and Associates, Inc., which professional services include provisions for survey, geotechnical investigation, arborist services, traffic analysis, wetland permitting services, real property appraisals and acquisitions; and

WHEREAS, at the request of City Staff and due to circumstances beyond the control of the City or David Evans and Associates, David Evans and Associates, Inc. provided redesign of the project sanitary sewer system in excess of the original scope of the professional services agreement (Exhibit "A"); and

WHEREAS, these Oregon Revised Statutes 279.011(5), Section 2.310(1)(a) of the Wilsonville Code define public contracts as being other than agreements for professional services. The contract to be amended for engineering services is for professional services; and

WHEREAS, Section 2.312 of the Wilsonville Code states that the Council is hereby designated as a local Contract Review Board and relative to contract concerns for the City, shall have the powers granted to the State Contract Review Board; and

WHEREAS, Section 2.314(1) states that "all contracts shall be based upon competitive bid with certain exceptions," which the city interprets to mean "public contracts, but in the event it is construed to apply to any contract, the City recites and finds as set forth below"; and

WHEREAS, additionally, Section 2.314(2) states that the Board may, by Resolution, exempt other contracts from competitive bidding if it finds;

a. The lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and

b. The exemption will result in substantial cost savings. In making such a finding the Board may consider the type, cost amount of the contract, number of persons available to bid and such other factors as the Board may deem appropriate; and

WHEREAS, Oregon Revised Statutes 279.105 competitive bidding exemptions will also allow exemptions as stated in the City Code; and

WHEREAS, if David Evans and Associates, Inc. provides the additional professional services for the above referenced project, the City realize additional cost savings and a timely completion of the project improvements; and

WHEREAS, these fees are not to exceed \$59,600.

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

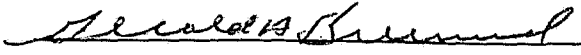
1. That the City Council, serving in its role as local Contract Review Board will hereby exempt the award of additional professional services for LID No. 12-95-ST from competitive bidding and further concludes this award will not diminish competition and will result in substantial cost savings.

2. That the City Council, serving as the local Contract Review Board, does hereby approve and authorize the increase in the Professional Services Agreement by and between the City and David Evans and Associates, Inc., by Resolution No. 1233 as approved December 18, 1995, to provide additional professional services recited above for the referenced project.

3. Authorize the expenditures for this contract amendment not to exceed budget amount from:

Account	Amount
540 49130 5000 437	\$59,600

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of June, 1996, and filed with the Wilsonville City Recorder this date.

  
GERALD A KRUMMEL, Mayor

ATTEST:

  
SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Leahy	Yes
Councilor Hawkins	Yes
Councilor MacDonald	Yes

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DAVID EVANS AND ASSOCIATES, INC.

May 10, 1996

2828 SW Corbett Avenue

EXHIBIT A

Portland, Oregon 97201

Ms. C.J. Sylvester  
Project Manager  
City of Wilsonville  
30000 S.W. Town Center Loop E  
Wilsonville, OR 97070

Tel: 503.223.6663

Fax: 503.223.2701

**SUBJECT: CANYON CREEK ROAD NORTH, CHANGE ORDER NO. 5  
(CITY'S PURCHASE ORDER NO. 101-318)**

Dear C.J.:

This change order specifically addresses the major changes to the sanitary sewer system design. The contract documents will include a new pump station, a force main to the gravity main in Boeckman Road, a new gravity main in Canyon Creek Road North immediately north of Boeckman Road, and a relocated gravity main within the Venture Properties' Site. The original system design for this area of the project was terminated due to geological concerns along the westerly slopes of Boeckman Creek.

This work is not in our current scope of services outlined in our professional services agreement, dated December 19, 1995. Please consider this letter as Change Order No. 5 to our agreement.

This change order is presented separately from the miscellaneous design services outlined in Change Order No. 4 because the value of this change order will exceed the value of the ten percent contingencies in our professional services agreement, as approved by City Council.

**SCOPE OF WORK**

1. Additional topographic survey work within the Venture Properties' Site and in the vicinity of the new pump station site.
2. Plan and profile drawings for the new gravity main in Canyon Creek Road North.
3. Plan and profile drawings for the relocated gravity main through the Venture Properties' Site.
4. Design of the pump station and appurtenant features, including supportive calculations.
5. Plan and profile drawings of the force main extending to Boeckman Road.
6. Property acquisition services for the pump station site, to include the 25-foot strip of land owned by TEK and a parcel of land owned by Madrid.
7. Submittal and coordination of approval of the pump station design through DEQ.



DAVID EVANS AND ASSOCIATES, INC.

- 8. Preparation and coordination of application to City Design Review Board for a Condition Use Permit to construct a pump station within a residential zone.
- 9. Additional geotechnical engineering support to ratify concerns along the westerly slopes of Boeckman Creek. Geotechnical Resources, Inc. (GRI) provided a site review and prepared a detailed report of their findings.

FEES

We propose to be compensated for the scope of work in this Change Order No. 4 on a fixed fee basis, the total fee to be \$ 59,600. In accordance with our agreement, I have added 10% (rounded down) any proposed subconsultant increases.

CONTRACT SUMMARY

Base Contract:	Final design services	\$414,600
Change Order No. 1:	Inundation area survey work	\$ 9,500
Change Order No. 2:	Canyon Creek Road South, environmental analysis	\$ 1,500
Change Order No. 3:	Additional traffic analysis & treatment of White Oak Tree #593	\$ 5,200
Change Order No. 4:	Miscellaneous Services	\$ 17,600
Change Order No. 5:	Sanitary sewer system redesign	\$ 59,600
	New Contract Value:	\$508,000

C.J., if this change order is acceptable to you, please return a signed copy to me for our records.

Please call me if you have any questions.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.



Bruce L. Magnuson  
Senior Associate



DAVID EVANS AND ASSOCIATES, INC.

ACCEPTED BY:

CITY OF WILSONVILLE

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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