

RESOLUTION NO. 2141

A RESOLUTION OF THE CITY OF WILSONVILLE ACTING IN ITS CAPACITY AS ITS LOCAL CONTRACT REVIEW BOARD WAIVING COMPETITIVE SELECTION AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MACKAY AND SPOSITO, INC TO PROVIDE PROFESSIONAL (ENGINEERING) SERVICES (OWNERS REPRESENTATIVE) FOR THE WILSONVILLE ROAD INTERCHANGE RECONSTRUCTION (PROJECT # 4002), AND AUTHORIZING THE CITY ENGINEER TO SIGN SUCH AGREEMENT.

WHEREAS, in June 2008, the Wilsonville City Council adopted a Capital Improvement Program for the City that includes a FY 2008-09 appropriation to fund the construction of the Wilsonville Road Interchange reconstruction (Project No. 4002) the Project; and

WHEREAS, The City and the Oregon Department of Transportation (ODOT) entered into an Intergovernmental Agreement (IGA) June 3, 2008 agreeing to upgrade the Wilsonville Road/I5 Interchange which project will contain and complete various studies and improvements associated with the Project; and

WHEREAS, the IGA contains various responsibilities to be performed by the City and ODOT to meet with the property owners within the Project area, prepare construction/detour plans, acquire right-of-way/easements as necessary from impacted property owners and specifications in compliance with all necessary municipal, state and federal requirements; and

WHEREAS, ODOT, with the assistance of City Staff, has selected OTAK, Inc. to prepare the actual plans and specifications for the Project; and

WHEREAS, ODOT requested and City Staff concurred that as a means to facilitate completion of the Project as quickly and as expeditiously as possible so as to not impact the anticipated construction schedule, it would be in the best interests of both the City and ODOT for the City to hire an Owners Representative to cooperatively work with OTAK on issues associated with the Project; and

WHEREAS, the City Engineer proposes to utilize the experience and expertise of MacKay and Sposito, Inc. to act as the Owners Representative for the City, due to their

past experience in acting as the City's Owners Representative on other equally complicated projects; and

WHEREAS, the Owners Representative will act along with City Staff in order to assure a timely completion of the improvements currently under design by the Oregon Department of Transportation (ODOT) at the I5/Wilsonville Road Interchange as a means to facilitate the movement of traffic, pedestrians, and bicycles along as quickly and as expeditiously as possible so as to not impact the anticipated construction schedule of the Project or the construction of Fred Meyer; and

WHEREAS, W.C. 2.315(9) provides that procurement of personal service contracts involving an anticipated fee of more than \$150,000 per annum involve competitive solicitation. However, WC 2.315 (7)(3) provides that the selection procedures may be waived by the Contracting Agency where follow on work by an alternative contractor would clearly result in increased costs or increased time; and,

WHEREAS, pursuant to WC 2.315 personal service contracts for professional services contracts include contracts for architectural and/or engineering services; and

WHEREAS, the City Engineer proposes to select MacKay and Sposito, Inc. in the preparation of the preliminary design for the Project due to and their long involvement and particularized experience with Wilsonville Road design and that the proposed design work essentially is follow on work and their selection meets the waiver provision of under WC 2.315 (7) 3) as follows:

- Since 1992, MacKay and Sposito has prepared the plans and specifications for various roadway construction/reconstruction projects within the City and is very familiar with the City's road and public works standards, including more recently, the decision of Wilsonville Road Phases 1, 2a 2b, 3a, 3b and 4 of the reconstruction of Wilsonville Road inclusive of its intersection with Boones Ferry Road, analysis of the Wilsonville lane configuration involving the I-5 Interchange with Wilsonville Road, and survey work for Wilsonville Road lane widening along the Fred Meyer frontage Adjacent to I-5 Interchange with Wilsonville Road.

- MacKay and Sposito has the experience and staffing to complete the preparation of the plans and specifications for the Project in such a manner as to not impact the schedule for the completion of the Project.

- The learning curve required of an alternative firm to develop the same level of information currently available for cost, schedule and new survey/CAD information would likely add hundred of thousands of dollars and an unacceptable six months to the schedule; and

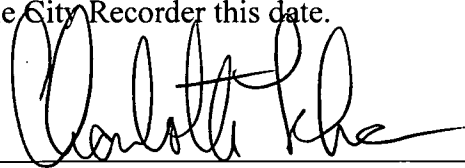
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Based upon the findings above recited which are incorporated herein as findings of the Board, the City Council acting as the local Contract Review Board, exempts/waives from competitive solicitation the Professional Services Agreement with MacKay and Sposito, Inc. to provide professional engineering services for the Wilsonville Road interchange reconstruction (Project #4002) in the amount of \$450,000, a copy of the Scope of Work is attached as Exhibit A and incorporated by reference herein. The City Attorney shall approve the form of contract for the approved Scope of Work.
2. The Council authorizes the City Engineer to sign the Professional Services Agreement.
3. The Council authorizes expenditure for this contract amount from the FY 2008/09 budget:

<u>Account</u>	<u>Budget Amount</u>
540.950.45030.00000. 4002	\$ 4,200,000

4. This resolution is effective upon the date of adoption.

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



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Excused</u>
Councilor Kirk	<u>Yes</u>
Councilor Núñez	<u>Excused</u>

Attachments: Exhibit A. Professional Services Agreement.

(EXHIBIT "A")
PROPOSED SCOPE OF WORK
WILSONVILLE ROAD (6) LANE ENHANCEMENT- OWNERS
REPRESENTATIVE (PROJECT #4002)

MacKay & Sposito, Inc. will provide Owner's Representative services for the public infrastructure improvements necessary for the Wilsonville Road/I-5 Interchange Project. The services will be provided for the following proposed improvements:

1. Owner's Representative of the project through completion and the final submittal of documentation.

SERVICES

MacKay & Sposito, Inc. will provide the following services for the items listed above.

- 1.0 Owner's Representative:
 - 1.1 Services During ODOT Design Acceptance and Permitting Process
 - 1.1.a Design Kickoff Meeting (ODOT). Attend and participate as City's Representative in ODOT design kickoff meeting. Answer and address any questions or concerns posed by ODOT and ODOT's consulting team. Discuss City's roles and responsibilities as needed. Document meeting notes and questions concerning all items that may impact the City. Update ODOT and ODOT's consulting team on the status of the adjacent City of Wilsonville projects and provide contact information of appropriate contact personnel.
 - 1.1.b Post Design Kickoff Meeting with City of Wilsonville. Update the City with meeting notes from design kickoff meeting. Discuss with the City and address ODOT's questions and concerns. Prepare questions, concerns, and notes posed by City staff to take back to the next ODOT and/or ODOT's consulting team meetings.
 - 1.1.c Design Progress Meetings (ODOT). Consultant will participate in additional meetings during the design and permitting process with ODOT and ODOT's consulting team as necessary.
 - 1.1.d City of Wilsonville Progress Meetings. Consultant will provide staff with technical expertise and will participate in additional meetings during the design and permitting process as necessary. Consultant will provide monthly status reports to the City's project manager.
 - 1.1.e Design Plan Review Process. Consultant will assist the City in reviewing ODOT's design plans. In the process the Consultant will also provide technical expertise and redline comments to all

phases of the design plans. ODOT's plans will be reviewed to make sure any proposed design will match into existing City's infrastructure. Consultant will assist in design issues and resolutions.

- 1.1.f ODOT Specification Process. Consultant will review project specifications and provide input, comments and/or recommendations to ODOT's final specifications. Review project specifications with City of Wilsonville specifications and standards if applicable.
 - 1.1.g Permitting Process. Assist City with review and recommendation of any permit applications submitted by ODOT and/or ODOT's consulting team as needed.
 - 1.1.h Review Submittals. Consultant will review documentation submitted on project progress, schedules and design materials.
 - 1.1.i Coordination. Consultant will provide coordination via electronic mails, written letters, telephone calls, and/or in person to correspond with staff, ODOT, and ODOT's consulting team during design and permitting process. Consultant will also coordinate with other concurrent project's design team adjacent to the ODOT's improvements project.
 - 1.1.j Site Visits. Consultant will conduct site visits on an as needed basis. During site visits the Consultant will take notes, take photos (if deemed necessary), and/or identify potential issues that may affect the design plans.
- 1.2 Contractor Selection Process
- 1.2.a Contractor Selection Process and Meetings with ODOT. Consultant will participate in any contractor selection process and/or meetings held by ODOT, and provide input as needed.
 - 1.2.b ODOT's Request for Qualifications (RFQ). Consultant will coordinate with ODOT in the RFQ process to address any concerns and/or comments that City may have with the RFQ. Consultant will review the RFQ for any timeline issues that may impact the City, city's businesses, and concurrent city projects adjacent to the ODOT improvements.
 - 1.2.c City of Wilsonville Progress Meetings. Consultant will participate and update staff in progress meetings and provide staff with technical expertise if needed. Consultant will provide monthly status reports to the City's project manager.
 - 1.2.d Coordination. Consultant will provide coordination via electronic mails, written letters, telephone calls, and/or in person to correspond with staff, ODOT, and ODOT's consulting team during contractor's selection process.
- 1.3 Services During Construction
- 1.3.a Construction Kickoff Meeting. Consultant will attend the pre-construction meeting and to provide any input requested by staff.

- 1.3.b ODOT Construction Progress Meetings. Consultant will attend and participate in ODOT weekly progress meetings. During these meetings, Consultant will be available to answer direct questions and concerns from ODOT. Consultant will also bring up any questions or concerns posed by staff from previous City of Wilsonville progress meeting.
- 1.3.c City of Wilsonville Progress Meetings. Consultant will participate and update staff in progress meetings on the construction progress and timeline. Identify all construction related issues that may impact adjoining neighbors, businesses, and the City. Consultant will provide monthly status reports to the City's project manager.
- 1.3.d Review Submittals. Consultant will review documentation submitted on project progress, and schedules.
- 1.3.e Coordination. Consultant will provide coordination via electronic mails, written letters, telephone calls, and/or in person to correspond with staff, ODOT, ODOT's consulting team, and ODOT's selected general contractor during the construction phase. Consultant will assist in construction issues and resolutions.
- 1.3.f Site Visits. Consultant will conduct site visit on an as needed basis. During site visit the Consultant will take notes, take photos (if deemed necessary), and/or identify potential issues.
- 1.4 Services After Construction
 - 1.4.a Review Record Drawings. Consultant will review project consultant record drawings submitted.
 - 1.4.b Coordination. Consultant will provide coordination via electronic mails, written letters, telephone calls, and/or in person to correspond with staff, ODOT, and ODOT's consulting team after the construction phase. Consultant will assist in construction issues and resolutions.
 - 1.4.c Site Visits. Consultant will conduct site visit after construction is completed to verify asbuilt conditions if necessary. During site visit consultants will take notes, take photos (if deemed necessary), and/or identify any unresolved issues brought up during construction. Consultant will provide final walk thru at the end of the project construction and assist in the compilation of punch list items.
- 1.5 Administration
 - 1.5.a Coordination. Consultant will provide coordination via electronic mails, written letters, telephone calls, and/or in person to correspond with staff, and ODOT on administrative related issues.
 - 1.5.b Review Project Budget. Consultant will request documentation from ODOT on project costs. Consultant will provide documentation of cost paid with City and state/federal funds to staff.

- 1.5.c City of Wilsonville Punch List. Consultant will provide City's punch list items to be considered and incorporated with ODOT's final punch list items.
- 1.5.d MacKay & Sposito (M&S) General Administrative Tasks. Consultant general administrative tasks include M&S coordination, M&S meetings, and preparing and reviewing monthly billing & invoicing.
- 1.5.e Research. Consultant will provide necessary research relating to any unresolved items posed during design and permitting process, contractor's selection process, services during construction, and services after construction.

2.0 Expenses – Mileage, printing, etc.

3.0 Contingency – 15%

4.0 Markup – 10%

SCHEDULE

MacKay & Sposito, Inc. will provide these services from design through completion of construction of the Wilsonville Road/I-5 Interchange project in accordance with the IGA construction schedule (prior to December 2012).