



# CITY OF TUALATIN

## Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Dustin Schull, Parks and Recreation Director  
Kira Hein, Project Manager

**DATE:** March 9, 2026

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**SUBJECT:**

Consideration of **Resolution No. 5943-26** Increasing Nyberg Creek Trail Construction Project Change Order Authorization Amount with Nutter Corporation

**RECOMMENDATION:**

Staff recommends approval of Resolution No. 5943-26

**EXECUTIVE SUMMARY:**

The City advertised the trail project on June 23<sup>rd</sup>, 2025, in the *Daily Journal of Commerce* and the City requested competitive sealed bids. Seven bids were received prior to the closing of the bid period on July 15<sup>th</sup>, 2025. On August 11, 2025, Council Resolution 5898-25 authorized the City Manager to execute a contract with Nutter Corporation in the amount of \$1,643,531, and to execute change orders in the amount of up to 15% of the total contract price.

During construction, significantly different subsurface soil conditions were encountered along portions of the trail. The material encountered is unsuitable for supporting the trail structure and does not meet compaction or drainage requirements.

While potholing and geotechnical review were conducted during design to proactively identify such risks, site conditions have changed since the initial investigation. As a result, additional unsuitable soil must be removed and replaced with clean infill to ensure long-term structural integrity and avoid premature settlement or surface failure.

To validate the scope and cost implications of the additional soil removal, the City's asked the hired construction management consultant to:

- Confirm the revised quantity calculations
- Verify that removal depths are consistent with field conditions
- Review of contractor unit pricing against contract rates

- Ensure the additional work aligns with contractual provisions for differing site conditions
- The additional work is necessary to meet design and safety standards.

This additional work exceeds the original change order authority, so staff is asking Council to authorize an increase to cover the additional scope of work caused by the unknown soil conditions.

**OUTCOMES OF DECISION:**

Adopting the resolution authorizing the change order authorization amount would allow construction of this work to be completed on schedule as part of the existing contract.

**FINANCIAL IMPLICATIONS:**

Funds for this project are available in the Parks Project Fund.

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**ATTACHMENTS:**

Resolution No. 5943-26