

**CITY OF WILSONVILLE
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

Charbonneau Lift Station Rehabilitation

This First Amendment to Professional Services Agreement (“First Amendment”) is effective the ____ day of September 2022 (“Effective Date”), by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **Conсор North America, Inc.**, an Oregon corporation, doing business as **Murraysmith** (“Consultant”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into a Professional Services Agreement (“Agreement”) with Murraysmith, Inc. on December 21, 2021, relating to the Charbonneau Lift Station Rehabilitation Project (“Project”); and

WHEREAS, Murraysmith, Inc. changed its name to an assumed business name (“Murraysmith”) under Conсор North America, Inc.;

WHEREAS, the City requires additional services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, the City and Consultant anticipate that additional time is needed to complete the Services stated in the Agreement and the Additional Services described in this First Amendment; and

WHEREAS, Consultant represents that Consultant is qualified to perform the Additional Services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such Additional Services as the City does hereinafter require;

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Agreement is amended as follows:

Section 1. Term

The term of the Agreement is hereby extended to December 31, 2024.

Section 2. Additional Services To Be Provided

Consultant will perform the Additional Services more particularly described in **Exhibit A**, attached hereto and incorporated by reference herein, for the Project pursuant to all original terms of the Agreement, except as modified herein.

Section 3. Time for Completion of Additional Services

The Additional Services provided by Consultant pursuant to this First Amendment shall be completed by no later than December 31, 2024.

Section 4. Compensation

The City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed FOUR HUNDRED FIFTY-THREE THOUSAND FIVE HUNDRED NINE DOLLARS (\$453,509), for performance of the Additional Services (“Additional Compensation Amount”) which, when totaled with the Compensation Amount, equals a total not-to-exceed amount of SIX HUNDRED SIXTEEN THOUSAND SEVEN HUNDRED SIX DOLLARS (\$616,706) for the performance of the Services and Additional Services (“Total Compensation Amount”). Consultant’s estimate of time and materials is attached hereto as **Exhibit B**, and incorporated herein by reference.

Section 5. All Other Terms

All of the other terms and conditions of the Agreement shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Agreement shall apply to this First Amendment.

The Consultant and the City hereby agree to all provisions of this First Amendment.

CONSULTANT:

CITY:

CONSOR NORTH AMERICA, INC.,
dba Murraysmith

CITY OF WILSONVILLE

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

EIN/Tax I.D. No.: _____

APPROVED AS TO FORM:

Ryan Adams, Assistant City Attorney
City of Wilsonville, Oregon

EXHIBIT A

SCOPE OF WORK CHARBONNEAU LIFT STATION UPGRADE CITY OF WILSONVILLE

Project Overview and Understanding

The Charbonneau Lift Station was originally built in 1972 and consisted of duplex pumps in a buried steel shell dry pit and a concrete wet well. In 1996, the lift station was replaced with two (2) self-priming pumps housed in a new CMU building that sits over the wet well. The lift station equipment is now at the end of its useful life and the station has been subject to control system failure that recently caused sewage to overflow.

The lift station is located in the Charbonneau District on the south side of the Willamette River, adjacent to Interstate 5 (I-5). The site is constrained with existing underground utilities, sloping topography, and adjacent trees that will all need to be considered in locating the wet well and other site upgrades.

The station pumps to the City's treatment plant on the north side of the river through a force main (FM) that includes a section mounted on the underside of the I-5 Boone Bridge over the river. The inside diameter of the force main varies between 9 and 12 inches due to multiple changes in pipe diameter and materials.

The City reports force main clogging occurring periodically, leading to the need to bring in a larger capacity pump to help release the clog. The City's pump station operator, Jacobs, recently began dosing the wastewater with caustic solution to dissolve grease, which has reduced the need for the additional pumps.

ODOT is planning upgrades or replacement of the Boone Bridge. The State of Oregon intends to initiate the project design next year and program the project for construction in 2026. This project could impact the existing force main, but also presents an opportunity to repair or replace the force main as part of the bridge project.

The Consultant recently completed preliminary design services which included topographic surveying, geotechnical explorations and report, condition evaluations of the force main and pump station, and development of site plans and a preliminary design memorandum. The City now desires the Consultant to provide final design and construction phase services for the project.

The proposed project elements, as identified in the preliminary design memo, include the following upgrades:

- Precast wet well and submersible pumps
- Buried valve vault and flow meter
- Bypass pumping connection
- Demolition and removal of existing pumps and piping equipment from control building
- New electrical power service and control systems
- Variable speed drives
- HVAC upgrades to include air conditioning
- Extend site to the north and replace fencing
- Paved driveway and wet well and valve vault access areas
- Tree removal
- Force main installation from pump station site to the south side of the I-5 bridge
 - Connection will be made to the existing buried force main approximately 20 feet east of the bridge.
- Rehabilitation and/or replacement of discharge manhole and manhole downstream
- Peregrine falcon monitoring and reporting during construction

Design of the force main mounted to the bridge is not included and the buried force main located north of the bridge is also not included in this scope of services.

Scope of Services

The scope of services has been separated into seven (7) different tasks listed below. A detailed scope of work for each task is described below.

- Task 1 – Project Management
- Task 2 – Data Gathering Service
- Task 3 – Design Document Development
- Task 4 – Final Construction Documents and Permit Assistance
- Task 5 – Bidding and Award Services
- Task 6 – Construction Phase Services

The Consultant will perform the following services.

Task 1 - Project Management

Objectives

In this task the Consultant's project manager will provide overall leadership and team strategic guidance aligned with the City of Wilsonville staff objectives. In addition, the Consultant will coordinate, monitor, and control the project resources to meet the technical, communication, and contractual obligations required for developing and implementing the project scope.

Activities

1.1 Invoices/Status Reports

Consultant will prepare monthly invoices, including expenditures by task, hours worked by project personnel, and other direct expenses with the associated backup documentation. Monthly status reports will accompany each invoice.

1.2 Coordination with the Owner

Consultant will maintain communication with the City through phone and email communication. Follow-up all decision-making phone conversations with a recap via email. Consultant will manage and coordinate the technical and scope issues of the overall project.

1.3 Staff and Subconsultant Management

Consultant's Project Manager will manage the project staff and subconsultants to comply with the project scope, schedule and budget.

1.4 Quality Assurance and Quality Control

Consultants QA/QC manager will provide in-house reviews and checking of the 30%, 60%, 90% and final design deliverables. QA/QC manager will also provide technical assistance throughout the project.

1.5 Project Coordination Meetings

This scope includes three project coordination meetings with City staff and key team members to be used as requested by the City. These meetings will be in addition to project review meetings noted specifically within separate tasks below. Meeting agendas and summaries will be provided.

Deliverables

- Monthly invoicing and progress reports
- Meeting agendas and summaries (three (3) included in this task)

Assumptions

- Consultant assumes a Notice to Proceed date by September 1, 2022
- Project duration is assumed to be 24 months and therefore up to 24 progress payments/status reports
- Project coordination meetings will be held remotely using a virtual meeting format acceptable to the City. It is assumed that up to three (3) members of the Consultant will participate in the coordination meetings.

Task 2 –Data Gathering Services

Objectives

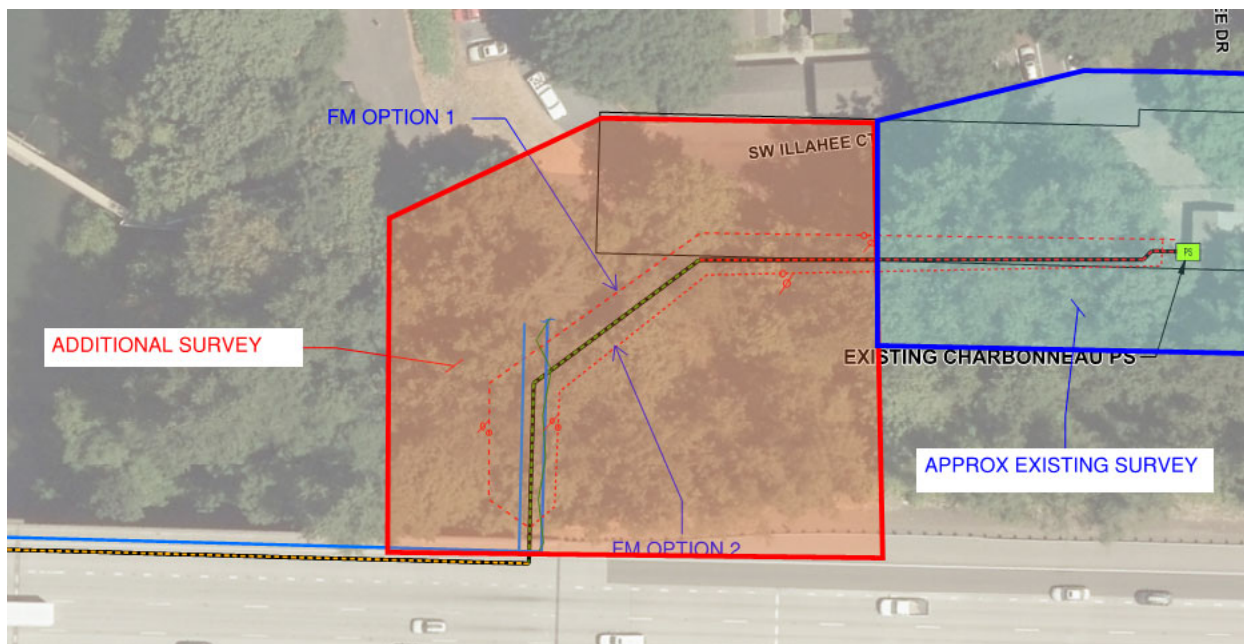
In this task the Consultant will provide data gathering services that include topographical surveying services to develop a base map of the force main alignment, coordination with the City’s arborist on tree surveying, buried utility potholing, and provide natural resource consulting services to monitor Peregrine Falcon nesting at the Boone Bridge and provide reporting to meet Migratory Bird Treaty Act (MBTA) requirements.

Activities

2.1 Topographic Survey

Topographic survey of surface features and marked utilities will be collected as follows.

- The topographic survey will include field survey of all existing above ground features (i.e., edge of pavement, curbs, sidewalks, buildings, trees, utilities, etc.) as well as elevations with one-foot contour intervals. Trees will be tagged for the City’s arborist use in conducting their tree assessment survey.
- The survey limits will include an area approximately 200 feet by 200 feet as shown below.



- Locate visible utility surface features and underground utility locate paint marks using the Oregon One-Call Utility Location services. Private locates will also be called in areas where the public on-call service does not cover.
- Locate invert elevations (IEs) on sewer manholes and catch basins.

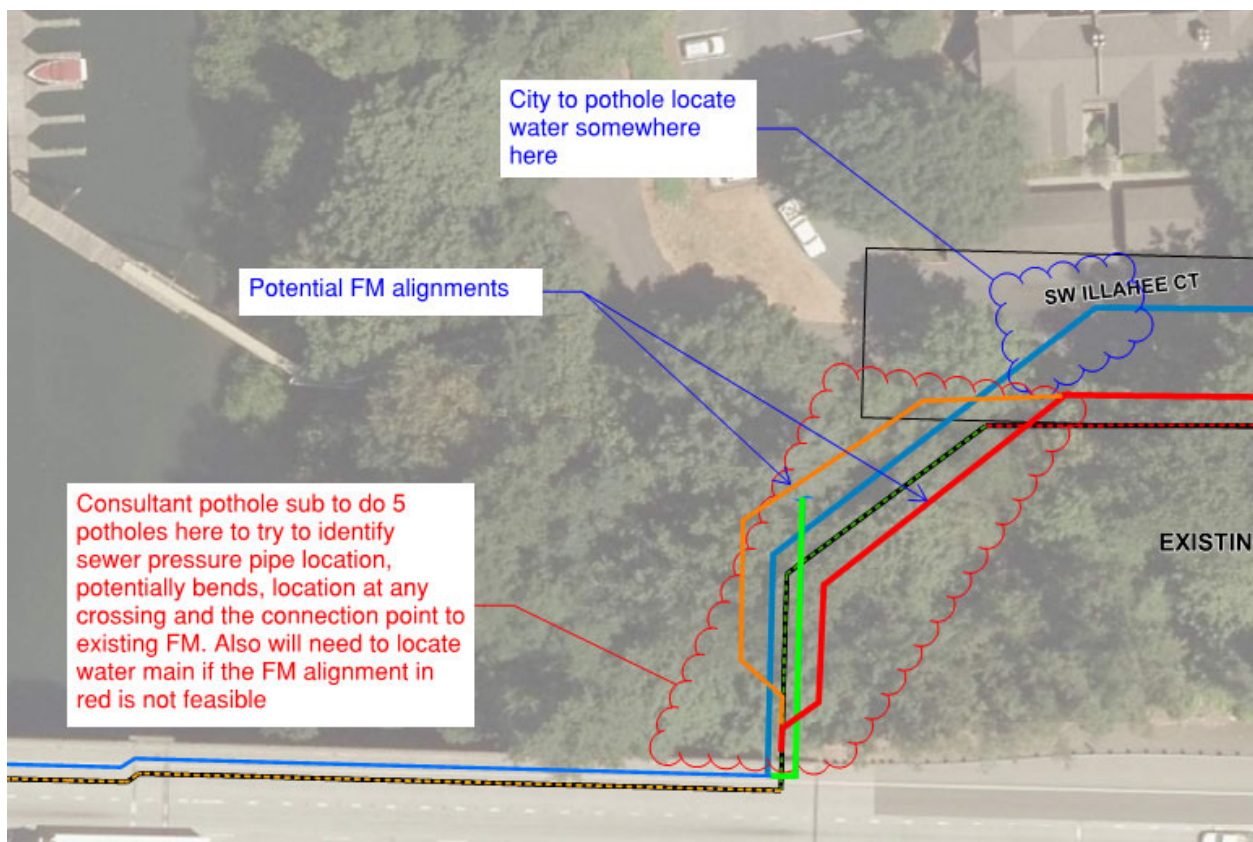
- Locate vegetation improvements and features including, but not limited to, shrubs, bushes, hedges, and trees 6-inch or greater in diameter.
- Reference control and mapping to the horizontal datum of the Oregon Coordinate System of 1983, North Zone.

2.2 Tree Assessment Survey Coordination

Coordinate with the City’s arborist to conduct tree assessment survey after the topographic survey is completed and trees are tagged. Review City’s arborist tree assessment report and incorporate findings into force main alignment development.

2.3 Buried Utility Potholing

Consultant will provide up to 5 utility potholes within the forested area, clouded below in red, to determine the location and depth of the City’s sewer force main and water main. Full data reports will be provided that include photos of the utility, depth to top of utility and the diameter and material type of the utility.



2.4 Peregrine Falcon ODOT Coordination

The Boone Bridge is a known nesting location for the peregrine falcon (*Falco peregrinus*), a species protected by the federal Migratory Bird Treaty Act (MBTA). ODOT manages activities on occupied bridges to avoid or reduce impacts to peregrine falcons. Consultant shall coordinate with ODOT Biologist regarding peregrine falcon issues on the Boone Bridge associated with the Project. Consultant shall evaluate potential Project-related impacts to nesting falcons and recommend avoidance measures to City and Prime, if warranted. Consultant shall coordinate with and keep the ODOT Biologist informed of proposed measures.

Deliverables

- Topographic survey map and CAD file
- Consultant shall provide an email record of correspondence with the City and ODOT, including any recommended avoidance measures for the Project.

Assumptions

- No peregrine nest manipulation will be required for the Project.
- City to locate all City-Owned utilities within the topographic survey area to a reasonable accuracy within 2-feet each direction
- Utility depths will be 8-feet or less
- No hazardous material will be encounter during utility potholing
- Potholing will include up to 24 hours onsite
- City will locate the water main within Illahee court

Task 3 – Design Document Development

Objectives

In this task the Consultant will utilize the design criteria, concepts and preliminary site plans developed in the preliminary design phase and develop detailed design to the 60% and 90% levels.

Activities

3.1 60% Design PS&E Deliverable and Design Workshop

Prepare draft construction documents to the 60% design level for City review. Provide 60% engineer's cost estimate. Prepare an agenda and attend a 2-hour review workshop with City staff and key stakeholders. Provide meeting notes to the City within five (5) days following the design workshop.

3.2 90% Design PS&E Deliverable and Design Workshop

Prepare draft bidding and construction documents to the 90% design level for City review. Comments from the 60% design review will be addressed and incorporated into the 90% submittal, as appropriate. Provide 90% engineer's cost estimate. Prepare an agenda and attend a 2-hour review workshop with City staff and key stakeholders. Provide meeting notes to the City within five (5) days following the design workshop.

3.3 DEQ Engineering Report and Plan Review Submittal

A draft Engineering Report and 90% PS&E package will be submitted to DEQ for review and comment. Coordinate with DEQ for review comments. A final Engineering Report and final PS&E package addressing and incorporating DEQ review comments as appropriate will be resubmitted to DEQ.

Deliverables

- 60% plans, 60% technical specifications and 60% engineers cost estimate in pdf.
- 90% plans, 90% bid documents and technical specifications and 90% engineers cost estimate in pdf.
- Draft Engineering Report
- Design review workshop agendas and meeting notes (two (2) total).

Assumptions

- Plans will be prepared on full-sized sheets and printed to half-size sheets for pdf electronic submittal (via email, FTP or cloud-based file transfer).
- Hard copies of design submittals and final design will not be required for City.
- City to provide special provisions and front-end bidding documents for inclusion in the 90% deliverable set. It is assumed that these will be provided in the same format as the Memorial Park Lift Station Project (City front end bidding documents and City of Wilsonville Special Provisions to the Oregon Standard Specifications)
- Structural details for the generator pad will be provided at the 90% design level.
- City will provide written design submittal review comments.
- Technical Specs for project materials, equipment, and performance will be formatted following the Construction Standards Institute (CSI).

- Design deliverable workshops will be held remotely using a virtual meeting format acceptable to the City. It is assumed that up to three (3) members of the Consultant will participate in the workshops and they will be up to two (2) hours each.
- Design will incorporate the assumption that Contractor will clear all vegetation and conduct tree removal outside of the nesting window (March 1 through September 1) to avoid other potential MBTA species conflicts.
- Mitigation tree planting will be required for all removed trees and mitigation trees will be planted on the City's property that extends north and south of the pump station site. Land use permitting and design review board acceptance will not be required.
- Anticipated final plans sheets to be included are as follows:

General

Cover and Title Sheet, General Notes and Legend Sheet, Abbreviations Sheet, and Design Data Table and System Head Curve Sheet (four (4) sheets)

Erosion and Sediment Control (ESC)

Erosion Control Notes, Erosion Control Plan-Pump Station, Erosion Control Plan-Force Main, Erosion Control Details-1, Erosion Control Details-2 (four (4) sheets)

Civil

Pump Station Existing Conditions and Demolition Plan, Pump Station Site Plan, Pump Station Piping Plan, Pump Station Grading Plan, Civil Details-1, Civil Details -2 (six (6) sheets)

Force Main

Force Main Plan and Profile, Force Main Connection Details, Force Main Details-1, Force Main Details-2 (four (4) sheets)

Architectural

Control Building-Interior Demolition Plan (one (1) sheet)

Structural

Generator Foundation Details and Notes (one (1) sheet)

Process

Wet Well and Vault Plan, Wet Well and Vault Sections, Process Details-1, Process Details-2 (four (4) sheets)

Mechanical

Control Building-HVAC Plan, HVAC Details (two (2) sheets)

Electrical and Instrumentation

Electrical Legend and Abbreviations, Electrical One-Line Diagram, Electrical Site Plan, Electrical Building Plan, Wet Well Plan, Motor Control Schematic, Disconnect Enclosure

Details, Control Panel Details, Control Panel Electrical Schematic, Circuit Schedules, Panel Schedules, PLC I/O List (12 Sheets)

Landscape

Pump Station Landscaping Plan, Tree Removal and Mitigation Plan, Landscaping Details-1, landscape Details-2 (four (4) sheets)

Task 4 – Final Construction Documents and Permit Assistance

Objective

In this task the Consultant will provide final construction documents to the City and assist the City in acquiring project permits.

Activities

4.1 Prepare Final Contract Documents

Comments from 90% design review will be addressed and incorporated into the final contract documents ready for bidding. Contract documents will include bidding requirements, contract forms, conditions of the contract, general requirements, technical specifications, and final stamped plans. The technical specifications and plans will be electronically signed by the Engineer.

4.2 City Permitting Assistance

Provide the City with final structural calculations for inclusion in the building permit application. Incorporate building permit or plan review comments into final building permit approved plan set.

Deliverables

- Final signed bid documents in pdf.
- Final permit set plans in pdf, as necessary.

Assumptions

- Final plans, technical specifications and bidding documents will be provided following assumptions as listed in Task 3.
- City will prepare applications and submit for all required permits. Anticipate permits are as follows: erosion and sediment control permit, building permit, and grading permit.
- Trade permits (electrical, mechanical, plumbing, etc.) will be obtained by the City and/or the Contractor.

Task 5 – Bidding Phase Services

Objective

In this task the Consultant will provide professional engineering services during bidding.

Activities

5.1 Pre-Bid Conference

Conduct a pre-bid conference, if deemed appropriate and beneficial. Provide written summary from conference.

5.2 Respond to Bidder Inquiries

Provide written responses to bidder inquiries during the bidding phase. Issue contract clarifications via addenda.

Deliverables

- Pre-bid Conference Meeting Agenda and Summary
- Bidder Responses and Addenda

Assumptions

- City will print and distribute bidding documents, responses to bidder inquiries, addenda, and maintain a plan holders list.
- City will publish the Intent to Bid and pay advertising fees and costs.
- City to conduct bid opening.
- One addendum will be issued, as required.

Task 6 – Construction Phase Services

Objective

In this task the Consultant will provide engineering services during construction of the project so that the project is constructed in accordance with the approved plans and specifications.

Activities

6.1 Pre-Construction Meeting

Coordinate and conduct pre-construction conference, prepare a meeting agenda, and prepare and distribute meeting minutes.

6.2 Submittal Review

Review contractor submittals and shop drawings for conformance to the design requirements of the project. Consult with and advise City as to the acceptability of substitute and “or-equal” items proposed for use by contractor. The prime consultant will coordinate with its subconsultants to review submittals under their respective disciplines.

6.3 Construction Engineering

Respond to Contractor Requests for Information and issue necessary clarifications or interpretations of the contract documents and assist the City with preparing change orders.

6.4 Periodic Construction Observation and Weekly Meetings

A project representative will be provided to periodically monitor the progress and quality of the executed work up through final testing and acceptance. Provide observation reports of the executed work to the City. Attend weekly construction meetings during active construction or as requested by the City.

6.5 Submit Draft Operations and Maintenance Manual

Prepare a draft O&M manual following DEQ guidelines and submit to the City and DEQ for review and comments at the 50% completion stage during construction.

6.6 Start Up and Training

Attend the pump station start-up and verify pump and operational performance. Facilitate the training of City O&M staff regarding operation and maintenance of the new pump station.

6.7 Review Contractors O&M Manual

Review and provide comment on O&M manual compiled by the Contractor for all newly installed equipment.

6.8 PLC Programming and SCADA Integration

Consultant will provide the following services.

1. Project Coordination and Meetings as related to integration services.

2. PLC programming and local OIT programming.
3. Telemetry coordination and startup between site and MTU. Cellular and radio telemetry testing and configuration.
4. Onsite startup and testing.
 - a. I/O checkout (in support of Contractor's Required Services).
 - b. Functional Testing (in support of Contractor's Required Services).
 - c. Startup in coordination with Owner, WWTP Operator and Contractor.
5. Master telemetry PLC programming.
6. WWTP HMI (Wonderware) site control and communication application modification.
7. Operator Training on OIT, HMI and controls.
8. Provide user manual with screen captures and description of operator controls.

6.9 Final DEQ Documentation and O&M Manual

Provide to the City and DEQ documentation required by OAR 340-052-0040 including the final O&M manual and certification that the final construction was reviewed by the consultant and found to be in accordance with the plans and specifications.

6.10 Prepare Record Drawings

Prepare and provide to City one set of permanent record drawings representative of the "as constructed" work based on contractor-supplied redlines of changes during construction and information obtained during site visits. Record drawings will also be provided to the City in digital format.

6.11 Peregrine Falcon Monitoring and Reporting

The Boone Bridge is a known nesting location for the peregrine falcon (*Falco peregrinus*), a species protected by the federal Migratory Bird Treaty Act (MBTA). ODOT manages activities on occupied bridges to avoid or reduce impacts to peregrine falcons. Consultant proposes the following monitoring and reporting activities during the construction phase to support the project in the vicinity of the known peregrine falcon nesting location on the Boone Bridge.

- Nest Site Selection (January 1 - March 31) The Boone Bridge has more than one documented peregrine falcon nest location. Nest site selection monitoring is done to determine occupancy and active nest site location on the Boone Bridge.
- Determination of Nesting Chronology (March 16 – July 1) Nesting chronology visits are conducted as needed to determine the chronology of the nesting attempt and can extend

until nesting is determined to be complete (nest failure, nest recycle is no longer possible, or eyases have fledged). Visits are typically four (4) hours in duration and follow a standard monitoring protocol (Pagel 1992).

- Field Visit Reporting Consultant shall complete field data monitoring forms for each visit and prepare a summary of the results. Monitoring data forms must include date, weather, time, falcon activity observed (such as perching, hunting, flying, consuming prey, territorial defense, courtship, copulation, incubation, breeding, etc.), location, disturbances, falcon responses to disturbances, general anthropogenic and natural activities in the area, coordinates of observation location and other wildlife species observed. The Field Monitoring Summary will include the field forms and a conclusion statement as well as any example photographs collected during the visit.
- Annual Report Consultant shall prepare an annual monitoring report that summarizes the results of all monitoring activities conducted at the Boone Bridge during the nesting season as it overlaps with the Project. The report must include a description of the nest location, and if applicable, nesting chronology, a summary of project-related activities that may have adversely impacted nesting peregrine falcons, any recommendations made to the project team, and any disturbances observed. Copies of field data sheets must be submitted with the annual report.

Deliverables

- Pre-construction meeting agenda and summary
- Submittal review comments and submittal log
- Responses to Contractor Requests for Information (RFIs) and provide clarifications or interpretations of the Contract Documents
- Change Orders and RFI responses
- Record Drawings, full-sized pdf file
- OIT screen review documents
- Alarm and Control tag lists developed from Murraysmith supplied control narratives
- Startup testing documentation
- Draft and Final Operations Manual
- Control Panel Operation Manual
- Field monitoring summary submitted to City PM and ODOT Biologist

- Annual report submitted to City PM and ODOT Biologist

Assumptions

- City will provide a project manager that will be the primary contact for the contractor and coordinate with Murraysmith for work under this task.
- Up to 40 submittals and 20 resubmittals (for a total of 60 submittals) will be reviewed. Budget assumes three (3) hours per submittal and one (1) hour for each resubmittal.
- Up to one change order request is included in the budget that will incorporate up to four (4) change proposal requests.
- Up to 20 RFI responses are included in the budget. RFI responses are assumed at three (3) hours per RFI response.
- City will coordinate and review contractor BOLI submittals.
- City will provide all special inspections and testing as required.
- Construction staking locations will be included in the Plans and the Contractor will provide construction survey.
- Up to 12 construction observations as listed below will be performed by the consultant. The budget assumes five (5) hours for each visit to account for travel time, on-site time, and reporting.
 - Wet well excavation and shoring
 - Wet well foundation inspection
 - Site piping installation
 - Force main installation
 - Force main connections and bypassing
 - Electrical conduit layout (pre-cover)
 - Generator foundation form work
 - Wet well and valve vault piping complete prior to coating
 - Landscaping layout review
 - Electrical cabinet installation review
 - Substantial completeness inspection
 - Final inspection of corrective work

In addition to the above construction observations, the consultant will provide two (2) construction observations per week during the assumed 30-week active construction period. In addition to the five (5) hours assumed for each visit, one (1) hour per week is assumed for documentation quality control and quality assurance.

- Up to eight (8) weekly meetings will be attended via conference call or digital meeting format. The budget assumes two (2) hours for each weekly meeting to include meeting preparation and review of meeting materials prepared by the City.
- No peregrine nest manipulation will be required for the Project.
- Up to eight (8) monitoring visits at Boone Bridge will be completed for the Project.
- Each monitoring visit shall not exceed five (5) hours in length, including travel to/from observation location.
- Consultant will be able to obtain permission to access an appropriate observation location (e.g. boat dock managed by Charbonneau Country Club).

Budget

Payment will be made at the Billing rates for personnel working directly on the project, which will be made at the Consultant’s Hourly Rates. 2022 Billing rates, direct expenses and outside service rates are as provided in the attached Exhibit B.

Project Schedule

The consultant will work with the City’s project manager to develop a more specific schedule of deliverables. The general anticipated project schedule is as follows:

Consultant Notice to Proceed.....	October 2022
Final Design Complete	July 2023
Construction Complete.....	August 2024
Project Complete	September 2024

