

RESOLUTION NO. 3103

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN & CALDWELL, INC. FOR ENGINEERING CONSULTING SERVICES FOR THE BOECKMAN CREEK FLOW MITIGATION PROJECT (CAPITAL IMPROVEMENT PROJECT NO. 7068).

WHEREAS, the City has planned and budgeted for engineering consulting for Capital Improvement Project (CIP) No. 7068 known as the Boeckman Creek Flow Mitigation project (the Project); and,

WHEREAS, Brown and Caldwell was selected to provide engineering consulting services for CIP No. 7068 using the Direct Appointment Procedure provided by OAR 137-048-0200(1)(d) that duly followed State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, CIP No. 7068 includes two elements:

1. Boeckman Creek stream restoration work to provide fish passage which includes removing the existing culvert and flow control structure and associated massive grading
2. Mitigation for the resulting Boeckman Creek flow differential after removing the flow control structure, and

WHEREAS, Council approved Resolution No. 3114 on February 22, 2024 that authorized engineering consulting services for element #2 above, and

WHEREAS, the City conducted contract negotiations with Brown and Caldwell to develop the Scope and Fee for element #1 above that are found to be acceptable and appropriate for the services to be provided, which requires a first amendment to the agreement authorized by Resolution No. 3114.

WHEREAS, Resolution No. 3103 authorizes this first amendment.

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

Section 1. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, the First Amendment

to the Professional Services Agreement with Brown and Caldwell for a not-to-exceed amount of \$282,911 which is substantially similar to that presented in **Exhibit A** attached hereto.

Section 2. In order to allow future minor contract amendments, if needed, to occur without having to come back to City Council, the authorized Professional Services Agreement contract total is hereby adjusted up to \$1,362,277, allowing for continued Contracting Agency approval of contract amendments that exceed this adjusted amount by twenty-five percent (25%) in accordance with City Code requirements.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of August 2024 and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. First Amendment to Contract No. 242210, Professional Services Agreement for Ash Meadows Flow Mitigation Project, CIP No. 7068