



RESOLUTION NO. 2024-08-21-025

AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT AMENDMENT WITH FORTIS CONSTRUCTION, INC. FOR THE PURPOSE OF ESTABLISHING THE GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR THE OPERATIONS COMMAND CENTER (OCC) PROJECT

WHEREAS, Lane Transit District (“LTD”) initiated a request for proposals (RFP) #2022-25, to select and award a contractor for CM/GC construction services, pursuant to the requirements of the Oregon Public Contracting Code, Oregon Administrative Rules Ch. 137, Divisions 46-49, and LTD’s Procurement Policy, as well as any Federal Transit Administration requirements, as applicable, on June, 20, 2022, resulting in Contract #2022-25, for the OCC Project CM/GC Construction Services;

WHEREAS, Resolution No. 2022-09-21-052 authorized the Chief Executive Officer to enter into a contract with Fortis Construction, Inc. for preconstruction services of \$65,000 with an estimated target for construction of \$8,200,000, pending design and development towards the final GMP, for a Not-to-Exceed (“NTE”) amount of \$8,265,000 and with \$249,999 in amendment authority;

WHEREAS, the project progressed through several design iterations to prepare drawings and specifications package for the LTD CM/GC to bid, additional programming items were identified through this process to align with the project's goals and budget. Three of these added alterations reflect an increase of the target GMP, from the initial concept estimate amount shown above, by more than \$249,999 and meet the requirement to seek updated authorization before proceeding. In total, this updated amount falls within the Project budget. Including a responsible project contingency to address unforeseen conditions that may arise during the renovation of the existing occupied building;

WHEREAS, OAR 137-049-0690 (5)(b) authorizes setting the GMP consistent with industry practice and project conditions and after supporting information reasonably considered necessary to its use has been developed; and as defined per ORS279C.33, (4), (a) and (b) for what comprises these costs and the total agreed amount for the work; and

WHEREAS, pursuant to LTD resolution No. 2021-09-15-048, the LTD Board of Directors is the LTD Contract Review Board and delegated to the Chief Executive Officer the authority and responsibility to approve and execute contract amendments and change orders that do not exceed \$250,000 or ten percent (10%) of the initial contract, whichever is less.

NOW, THEREFORE, BE IT RESOLVED by the LTD Board of Directors, acting as the LTD Contract Review Board, that the Chief Executive Officer, or designee, is hereby authorized to: (a) negotiate and enter into a contract amendment with Fortis Construction in an amount not to exceed \$10,548,299.00, for the GMP, and for up to the total project budget, including owner contingency of \$210,966.00, in the maximum total NTE amount of \$10,759,265.00; and (b) as needed, execute further amendments to the contract not to exceed a cumulative total of \$250,000 prescribed by LTD Policy.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21ST DAY OF AUGUST, 2024.

Gino Grimaldi
Gino Grimaldi (Sep 5, 2024 07:43 PDT)

Sep 5, 2024

Gino Grimaldi, Board President


2024-08-21 Resolution No. 2024-08-21-025 contract amendment with fortis construction

Final Audit Report

2024-09-05

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