

**Amendment No. 2 to Intergovernmental Agreement
Between Multnomah County and the City of Portland for
Coordination of Activities Related to Construction and
Operation of the Portland Streetcar Loop Project (“The Agreement”)**

**County Agreement No. 4600008288
City Agreement No. 30001389**

This Second Amendment to the Agreement is made and entered into as of the _____ day of _____, 2011, by and between Multnomah County (“the County”) and the City of Portland (“the City”), collectively referred to as “the Parties.”

The Parties agree to amend the Agreement as follows:

A. Amended Terms and Conditions:

1. At Section II, “PROJECT CONSTRUCTION PHASE.” Subsection D, “RESPONSIBILITIES OF COUNTY DURING CONSTRUCTION PHASE,” the following paragraph “D. 4.” is added:

“As of July 2011, the Parties recognize that while the characteristics of the work to be provided by the County has not changed, the amount of work has increased due to the complexities of the Project.”

2. At Section II, “PROJECT CONSTRUCTION PHASE,” Subsection E, “COMPENSATION,” the following sentence in Amendment No. 1 the first paragraph is deleted:

“Such compensation shall not exceed \$775,000 without the prior consent of the City.”

And shall be replaced with the following sentence:

“Such compensation shall not exceed \$916,000 without the prior consent of the City.”

B. Remainder of Agreement

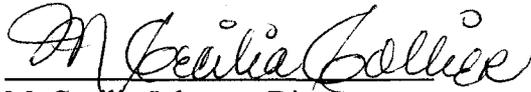
Except as expressly provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

APPROVALS:

**MULTNOMAH COUNTY, OREGON
BOARD OF COUNTY COMMISSIONERS**

Jeff Cogen, Chair

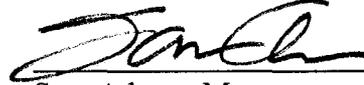
Date: _____



M. Cecilia Johnson, Director
Department of Community Services

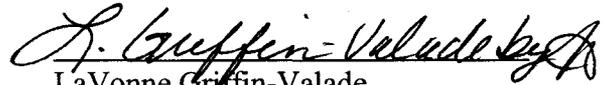
Date: 8/30/2011

CITY OF PORTLAND



Sam Adams, Mayor

Date: 7/21/11



LaVonne Griffin-Valade
City Auditor

Date: 7/25/11

Reviewed:

HENRY H. LAZENBY, JR., COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

/s/ Matthew O. Ryan
Matthew O. Ryan
Assistant County Attorney

Date: August 24, 2011

Approved as to Form:


Mark Moline
Sr. Deputy City Attorney

Date: 7/6/11

ORDINANCE No. 184753

*Amend the Intergovernmental Agreement with Multnomah County for services related to County bridges and the Portland Streetcar Loop Project (Ordinance; amend Contract No. 30001389)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) is the lead agency for the design and construction of the Portland Streetcar Loop Project (Project), which will run from the Pearl District in N.W. Portland to the Oregon Museum of Science and Industry in S.E. Portland.
2. The streetcar will operate across the Broadway Bridge and its east and west approach ramps and under the east viaducts of the Morrison and Hawthorne Bridges on Martin Luther King Jr. Boulevard requiring modifications and/or attachments to each structure.
3. With respect to the bridges identified above, ORS 382.305 to ORS 382.330 imposes obligations on Multnomah County (County) to “maintain, keep in good condition and repair and operate the bridges and their approaches”.
4. ORS 382.325 provides that the City may “lay and maintain upon the bridges and their approaches constructed by the City of Portland all rails and tracks necessary, desirable or convenient for the operation of streetcars”.
5. On May 19, 2010, the City Council passed Ordinance No. 183766 authorizing Intergovernmental Agreement No. 30001389 with Multnomah County for services related to County Bridges and the Portland Streetcar Loop Project (the IGA); and amended the IGA on March 9, 2011 to recognize and compensate for additional services required from the County.
6. The City and the County have been working cooperatively to fulfill their respective responsibilities, as set forth in the IGA and the first amendment.
8. The necessary inspection and other services provided by the County again are anticipated to exceed the compensation called for in the IGA and the City concurs that the additional compensation is warranted.
9. The City and County desire to amend the IGA to provide an increase in compensation to the County. Resources are available within the contingency for the Portland Streetcar Loop Project.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the City Auditor are hereby authorized to enter into Amendment No. 2 to Intergovernmental Agreement No. 30001389 with Multnomah County, substantially in

accordance with the Amendment attached to the original of this Ordinance and, by reference, made a part hereof.

- b. The Mayor and the Auditor are hereby authorized to draw and deliver checks to Multnomah County, chargeable to the Transportation Operating Fund, Fund 200000, Business Area TR00.
- c. The City's Project Manager is hereby authorized to agree to and execute, on behalf of the City, any amendment that does not increase the maximum compensation amount.

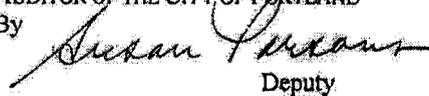
Section 2. The Council directs an emergency exists because the schedule for the remaining work on the County bridges and approaches has a direct bearing on the Project budget; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUL 20 2011

Mayor Sam Adams
Prepared by: Vicky Diede:lg
Date Prepared: July 5, 2011

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND

By


Deputy