



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

July 17, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners

Approval of an Amendment to a Contract with Emery & Sons Construction Company Group for a pavement overlay on Jennings Ave from OR99E to Oatfield Road. Amendment Value is \$759,695.02 for 5 months. Total Agreement Value is \$6,075,399.77 for 2 years. Funding is through County Road Funds. No County General Funds are involved.

Previous Board Action/Review	05/02/2024: Approval of Amendment #6 to a Contract with CONSOR North America Inc. for the Jennings Ave: OR99E to Oatfield Rd Project 02/22/2024: Approval of a Public Improvement Contract with Emery & Son's Construction Company Group, LLC for the Jennings Ave: OR99E to Oatfield Rd Project 4/20/2023: Approval of Amendment # 2 of a Supplemental Project Agreement No. 31035 with Oregon Department of Transportation for the Jennings Ave: OR99E to Oatfield Rd Project 11/23/2022: Approval of Amendment #5 to a Contract with CONSOR North America Inc. (formerly Murraysmith, Inc.) for the Jennings Ave: OR99E to Oatfield Rd Project 06/24/21: Approval of Amendment #1 of a Supplemental Project Agreement #31035 with Oregon Department of Transportation for the Jennings Ave: OR99E to Oatfield Rd Project 01/28/21: Approval of a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the Jennings Ave: OR99E to Oatfield Rd and Authorizing Good Faith Negotiations and Condemnation Actions 01/21/21: Approval of Amendment #1 to Contract #1831 with Murraysmith, Inc. for the Jennings Ave: OR99E to Oatfield Rd Project 10/17/19: Approval of a Contract with Murraysmith, Inc. for the Jennings Ave: OR99E to Oatfield Rd Project 10/11/18: Approval of an Intergovernmental Agreement for Right-of-Way Services with Oregon Department of Transportation for the Jennings Ave: OR99E to Oatfield Rd Project
-------------------------------------	--

For Filing Use Only

	06/29/17: Approval of Supplemental Project Agreement No. 31035 with Oregon Department of Transportation for the Jennings Ave: OR99E to Oatfield Rd Project 01/05/17: Approval of an Intergovernmental Agreement with Oregon Department of Transportation for the Local Agency Certification Program		
Performance Clackamas	The project will build a strong infrastructure.		
Counsel Review	Yes	Procurement Review	Yes
Contact Person	Stan Monte	Contact Phone	503-742-4678

EXECUTIVE SUMMARY: The County obtained Federal Surface Transportation Program funds through an Intergovernmental Agreement with the Oregon Department of Transportation to construct improvements along Jennings Avenue from OR99E (McCloughlin Blvd) to Oatfield Road. The improvements include constructing a curb tight sidewalk on the north side of the road and constructing bike lanes on both sides of the road for enhanced bicycle and pedestrian connectivity.

A public improvement contract was awarded to Emery & Sons Construction Group, LLC and construction is approximately 80 percent complete. During construction, much of the existing asphalt pavement on Jennings Avenue between OR99E and Addie Street was failing due to the very poor conditions of the pavement, which occurred prior to construction. Department of Transportation (DTD) staff negotiated Amendment #1 to the contract, which included cold-plane pavement removal, a complete asphalt concrete pavement overlay, adjustment of utility structures within the road surface and all required traffic control to perform this additional work between OR99E and Addie Street. This work recently was successfully completed.

A pavement overlay for this section of Jennings Avenue is included within the 2025/26 fiscal year budget utilizing County Road Funds. With a similar scope as Amendment #1, DTD staff negotiated Amendment #2 for a pavement overlay between Addie Street and Oatfield Road at a cost of \$759,695.02. The pavement overlay is expected to occur in two phases with the first phase between Scrutton Lane and Oatfield Road being completed in early August and the second phase between Addie Street and Scrutton Lane being completed in September. This schedule is subject to change and is dependent on the progress of work within each phase.

PROCUREMENT PROCESS: This Amendment is in accordance with LCRB C-049-0910(2) in order to add components or phases of work specified or reasonably related to the scope of the original procurement. The result of this Amendment #2 is a 14.4 percent increase to the original construction contract.

RECOMMENDATION: Staff recommends that the Board approve and sign Amendment #2 to the contract with Emery & Sons Construction Group, LLC. for the Jennings Ave: OR99E to Oatfield Rd Project.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

AMENDMENT #2
TO THE CONTRACT DOCUMENTS WITH EMERY & SONS CONSTRUCTION COMPANY GROUP, LLC
FOR THE JENNINGS AVE: OR99E TO OATFIELD RD PROJECT
Contract #9037

This Amendment #2 is entered into between **Emery & Sons Construction Company Group, LLC** (“Contractor”) and Clackamas County (“Owner”) and shall become part of the Contract documents entered into between both parties on **February 22, 2024** (“Contract”).

The Purpose of this Amendment #2 is to make the following changes to the Contract:

1. Section 1. Contract Price, Contract Documents and Work is hereby amended as follows:

a. Owner requests an amendment for Contractor to include the addition of substantial cold plane pavement removal and a complete asphalt pavement overlay between Oatfield Road and Addie Street, further described in Change Order #002, attached hereto as Exhibit “A” to this Amendment #2 and hereby incorporated by reference.

b. In consideration for the additional asphalt grinding and for the complete full-width asphalt pavement overlay work described in Exhibit “A” to this Amendment #2, Owner authorizes additional compensation in the amount not to exceed \$759,695.02. Consideration is in accordance with the terms and conditions of the Contract. The maximum compensation authorized under this Contract shall not exceed \$6,075,399.77.

2. Section 4. Contract Dates is hereby amended as follows:


CONTRACT COMPLETION DATE is hereby changed from November 7, 2024 to **January 2, 2025**.

ORIGINAL CONTRACT	\$ 5,253,884.75
AMENDMENT #1	\$ 61,820.00
AMENDMENT #2	\$ 759,695.02
TOTAL AMENDED CONTRACT	\$ 6,075,399.77

Except as expressly amended above, all other terms and conditions of the Contract shall remain in full force and effect. By signature below, the parties agree to this Amendment #2, effective upon the date of the last signature below.

Emery & Sons Construction Group, LLC

Clackamas County


Dan Johnston
Authorized Signature
6/26/25
Date

Signature Date

Dan Johnston
Printed Name

Name: _____

Title: _____

Approved as to Form:

County Counsel Date

Exhibit A
Change Order #002

CONTRACT CHANGE ORDER ("CCO" or "Order") (Page 1)

PROJECT NAME (SECTION) Jennings Ave: OR99E to Oatfield Rd. project		HIGHWAY Jennings Ave -County Rd. Rd	CONTRACT NO. 5266
CONTRACTOR REPRESENTATIVE Nick Hill	NON-AGENCY REPRESENTATIVE	AGENCY REPRESENTATIVE Stan Monte	CCO NO. 002
CONTRACTOR ADDRESS Emery & Son's Construction Group, LLC PO Box 13069 Salem OR 97309	NON-AGENCY REPRESENTATIVE ADDRESS	AGENCY REPRESENTATIVE ADDRESS 150 Beavercreek Rd Oregon City, OR 970450	FA PROJECT NO. N/A
CONTRACTOR PHONE # 503-793-8313	NON-AGENCY REPRESENTATIVE PHONE #	AGENCY REPRESENTATIVE PHONE # 503-742-46780	KEY NO. 19276
CONTRACTOR EMAIL ADDRESS dan.johnston@emeryandsons.com	NON-AGENCY REPRESENTATIVE EMAIL ADDRESS	AGENCY REPRESENTATIVE EMAIL ADDRESS stanmon@clackamas.us	REGION 1
EA (CON NO.)			
THIS CONTRACT IS HEREBY MODIFIED AS FOLLOWS BY THIS CCO (DESCRIPTION AND LOCATION OF WORK COVERED BY THIS ORDER):			
<p>This negotiated change order is in response to the County's request for a change in scope to the original project. This change is the addition of substantial cold plane pavement removal to remove failed asphalt, and a complete asphalt pavement overlay extending from Addie Street to Oatfield Road. This work also includes the associated adjustment of structures and any required traffic control to perform the work. In addition, 30 contract working days will be added to the contract in Section 00180.50(h)(1).</p> <p>As described below and 'Page 2' of this contract change order, is a list of six (6) separate bid items to be deleted from the contract's 'Schedule of Prices' and a list of fifteen (15) bid items, including quantities and prices, to be added to the contract's 'Schedule of Prices'. Specifications for administering and payment of these added bid items are described in the original contract special provisions and in the 2024 Oregon Standard Specifications for Construction.</p>			
SPECIFICATIONS AND PROVISIONS - THE WORK TO BE DONE UNDER THIS CCO IS TO BE PERFORMED, MEASURED, AND PAID FOR IN ACCORDANCE WITH THE TERMS FOR THE ABOVE CONTRACT EXCEPT AS MODIFIED AS FOLLOWS:			
<p>*The following bid items are deleted from the contract 'Projects Schedule of Prices':</p> <p>Bid Item #58 Trench Resurfacing Bid Item #71 Cold Plane Pavement Removal, 0-2 inches Deep Bid Item #72 Cold Plane Pavement Removal, 2 inches Deep Bid Item #74 Level 2, 1/2 Inch ACP Mixture Bid Item #75 Level 3, 1/2 Inch ACP Mixture Bid Item #76 Extra for Asphalt Approaches</p> <p>*The following bid items are added to the contract, including specification, quantities and unit prices as listed on 'Page 2':</p> <p>#4010 Cold Plane Pavement Removal, 0-3 inches Deep (as shown) #4120 Extra for Asphalt Approaches #4020 Cold Plane Pavement Removal, 0-2 inches Deep (Travel Lanes) #4170 Additional Minor Adjustment of Manholes #4030 Cold Plane Pavement Removal, 4-6 inches Deep (22 ft Wide) #4180 Additional Minor Adjustment of Manholes after #4060 Level 2, ½ in ACP Mixture Wearing - 2.5 inches Deep, Curb to Curb Paving #4070 Level 2, ½ in ACP Mixture Inlay - 2 inches Deep, 22 ft Wide #4190 Additional Temporary Work Zone Traffic Control #4080 Level 2, ½ in ACP Mixture Patch - 5 inches Deep Wide & Trench #4200 Additional Flagging Days #4090 Level 2, ½ in ACP Mixture Intersection - 2.5-7 inches Deep #4210 Additional Subcontractor Mobilization #4110 Level 2, ½ in ACP Mixture - 0-4 inches Deep, Drv.Wys. & Apprchs. #4220 Additional Materials Testing</p> <p>*Part B,11 – Change Special Provisions <i>Section 00180.50(h)-Contract Time, (1)</i> "The Contractor shall complete all Work to be done under the Contract, except for seeding establishment, not later October 31, 2024." to "The Contractor shall complete all Work to be done under the Contract, except for seeding establishment, not later December 19, 2024."</p>			
ESTIMATED NET COST EFFECT OF THIS CCO ON THE CONTRACT:			\$759,695.02
CONTRACTOR SIGNATURE MAKES THIS CCO A SUPPLEMENTAL AGREEMENT AND IS: Required			
FOR SUPPLEMENTAL AGREEMENTS ONLY: Contractor: Confirm your agreement by signing, dating and returning the original to the Resident Engineer. Work shall not begin until you are notified that the agreement has either been approved or that work may commence under advance approval. Your signature further confirms agreement that payments in accordance with the agreement constitute full and complete compensation for all costs, both direct and indirect, arising out of the described work covered by this agreement, and releases and discharges the State from other costs except as provided herein.			
AGREED TO BY CONTRACTOR	DATE	AGENCY REPRESENTATIVE	DATE
Print Dan Johnston	6/26/25	Print	
Sign Dan Johnston		Sign	
RECOMMENDED BY LOCAL AGENCY	DATE	AGENCY MANAGER	DATE
Print		Print	
Sign		Sign	
RECOMMENDED BY NON-AGENCY REPRESENTATIVE	DATE	CONSTRUCTION	DATE
Print		Print	
Sign		Sign	



CONTRACT CHANGE ORDER (Page 2)

PROJECT NAME (SECTION) Jennings Ave: OR99E to Oatfield Rd Project			CONTRACT NO. 9037		CONTINUATION OF CCO NO.: 002	
PAY ITEM	SPEC	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	AMOUNT
DEDUCTED BID ITEMS						
71	00620	Cold Plane Pavement Removal 0-2 inches Deep	4,920	SY	\$6.00	-\$29,520.00
72	00620	Cold Plane Pavement Removal 2in Deep	175	SY	\$26.00	-\$4,550.00
58	00459	Trench Resurfacing	42	Sy	\$175.00	-\$7,350.00
74	00744	Level 2 1/2 Inch ACP Mixture	3,200	TN	\$130.00	-\$416,000.00
75	00744	Level 3 1/2 Inch ACP Mixture	30	TN	\$280.00	-\$8,400.00
76	00459	Extra for Asphalt Approaches	25	EA	\$1,200.00	-\$30,000.00
ADDED BID ITEMS						
4010	00620	Cold Plane Pavement Removal, 0-3 inches Deep (as shown)	1,100	SY	\$6.20	\$6,820.00
4020	00620	Cold Plane Pavement Removal, 0-2 inches Deep (Travel Lanes)	4,100	SY	\$5.29	\$21,689.00
4030	00620	Cold Plane Pavement Removal, 4-6 inches Deep (22 ft Wide)	9,500	SY	\$11.78	\$111,910.00
4060	00744	Level 2, ½ in ACP Mixture Wearing 2.5 inch Deep Curb to Curb	2,600	TON	\$131.53	\$341,978.00
4070	00744	Level 2, ½ in ACP Mixture Inlay 2 inches Deep 22 ft Wide	1,265	TON	\$129.32	\$163,589.00
4080	00744	Level 2, ½ in ACP Mixture Patch 5 inches Deep Wide & Trench	2,025	TON	\$161.37	\$326,774.25
4090	00744	Level 2, ½ in ACP Mixture Intersection 2.5-7 inches Deep	750	TON	\$153.64	\$115,230.00
4110	00744	Level 2, ½ in ACP Mixture 0-4 inches Deep Driveways & Approaches	350	TON	\$221.06	\$77,371.00
4120	00749	Extra for Asphalt Approaches	26	EA	\$354.88	\$9,226.88
4170	00490	Additional Minor Adjustment of Manholes	32	EA	\$849.84	\$27,194.88
4180	00490	Additional Minor Adjustment of Manholes after Pave	3	EA	\$2,680.52	\$8,041.56
4190	00221	Additional Temporary Work Zone Traffic Control	13	DAY	\$290.66	\$3,778.58
4200	00223	Additional Flagging Days	13	Day	\$2,089.03	\$27,157.39
4210		Additional Subcontractor Mobilization	1	LS	\$7,737.13	\$7,737.13
4220		Additional Materials Testing	1	LS	\$7,016.35	\$7,016.35
ADDED CONTRACT VALUE						\$759,695.02
CONTRACTOR SIGNATURE			DATE	PROJECT MANAGER OR LOCAL AGENCY LIAISON SIGNATURE		DATE
Dan Johnston <small>Digitally signed by Dan Johnston DN: cn=US, ou=Dan Johnston@EmeryandSons.com, c=US, email=Dan Johnston, Date: 2025.06.26 09:23:43-0700</small>			6/26/25			