



Legislation Details (With Text)

**File #:** 22-1609      **Version:** 2      **Name:** 10/17/22 NTH Consultants PSA - Amendment No. 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/17/2022      **In control:** City Council  
**On agenda:** 10/17/2022      **Final action:** 10/17/2022  
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**Title:** Resolution to Approve Amendment No. 1 to the Professional Services Agreement with NTH Consultants, Ltd. for Barton Dam Right Embankment Remediation (\$214,102.47, contract total \$803,507.77)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment\_No\_1\_PSA\_NTH\_Oct 2022.pdf, 2. NTH R-21-452 (2).pdf, 3. CONTRACT - 0 for NTH CONSULTANTS, LTD - WATER TREATMENT 1-26-202 (1).pdf

Date	Ver.	Action By	Action	Result
10/17/2022	2	City Council	Approved	Pass

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with NTH Consultants, Ltd. for Barton Dam Right Embankment Remediation (\$214,102.47, contract total \$803,507.77)

This memorandum and resolution requests approval of Amendment No. 1 to the professional services agreement for Barton Dam Right Embankment Remediation with NTH Consultants, Ltd (NTH) for \$214,102.47. Council approved a professional services agreement for \$589,405.30 with NTH in December 2021 by Resolution R-21-452.

The City is seeking to amend the professional services agreement with NTH to accommodate additional professional engineering service needs that have arisen since the start of NTH’s work. Throughout various meetings held as part of the original project scope, the Federal Energy Regulatory Commission (FERC) requested additional engineering efforts, including additional test borings and stability analyses than what was in NTH’s original scope. FERC is the federal regulator for the dam and City is required to satisfy FERC requests in order to maintain licensure.

During other base project meetings, Michigan Department of Environment, Great Lakes and Energy (EGLE) requested stream condition analysis on the embankment collector ditch and a floodway hydraulic analysis. EGLE indicated a specific tool to be used to determine what mitigation may be required. These additional analyses were not in the original scope.

In addition, during the preliminary design, it was determined that the Michigan Department of Transportation (MDOT) and Amtrak railroad will not allow a crossing for construction access required to complete the work. Therefore, alternate access must be obtained by widening the existing pathway under the train bridge. This requires the City to complete an unanticipated hydraulic analysis and additional coordination with outside agencies.

Based upon the remaining project needs and direction from FERC, it is recommended that City

Council approve Amendment No. 1 to the professional services agreement with NTH, to provide additional Professional Engineering Services for the remaining life of the contract.

NTH complies with the requirements of the City's Conflict of Interest, Non-Discrimination and Living Wage ordinance.

Budget/Fiscal Impact: The Barton Dam Embankment Rehabilitation (UT-WS-16-26) is in the Capital Improvements Plan, funding is available in the Water Supply System Fund and General Fund Capital Budgets, funding for future fiscal years will be available if so, approved by Council.

Prepared by: Paul Malocha - Stantec

Reviewed by: Brian Steglitz, PE, Interim Public Services Area Administrator

Approved by: Milton Dohoney Jr., City Administrator

Whereas, The Water Treatment Services Unit is seeking to amend the Professional Engineering Services Professional Services Agreement with NTH Consultants, Ltd. to incorporate unplanned for project requirements;

Whereas, Additional professional engineering services are necessary to perform additional analyses as mandated by FERC to address the stability and safety of the dam's earthen embankment;

Whereas, Additional professional engineering services are necessary to perform additional analyses as requested by EGLE;

Whereas, Additional professional engineering services are necessary to design an alternate access based on MDOT and Amtrak directives;

Whereas, Additional funds are necessary to complete design of the Right Embankment Remediation;

Whereas, Funding is available in the approved Water Supply System Fund and General Fund Capital budgets and will be available in future budget if so, approved by Council; and

Whereas, NTH Consultants, Inc. complies with the requirements of the City's Conflict of Interest, Non-Discrimination and Living Wage ordinances.

RESOLVED, That City Council approve Amendment No. 1 to the Professional Services Agreement with NTH Consultants, Inc. in the amount of \$214,102.47;

RESOLVED, That the Professional Services are to be funded from the Water Supply System and General Fund Capital Budgets;

RESOLVED, That the funds be available for the life of the project(s) without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute Amendment No. 1 to the Professional Services Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the City makes the following declaration for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, that the City reasonably expects to reimburse itself for expenditures for the costs of the Project with proceeds of Bonds; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.