



Legislation Details (With Text)

**File #:** 19-0246      **Version:** 2      **Name:** 3/18/19 PSA to FTC&H for the Allen Creek Railroad Berm Opening

**Type:** Resolution      **Status:** Passed

**File created:** 3/18/2019      **In control:** City Council

**On agenda:** 3/18/2019      **Final action:** 3/18/2019

**Enactment date:** 3/18/2019      **Enactment #:** R-19-105

**Title:** Resolution to Approve a Professional Services Agreement with Fishbeck, Thompson, Carr and Huber, Inc. for Construction Engineering Services for the Allen Creek Railroad Berm Opening Project (\$600,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. site\_plan\_010419, 2. PSA\_FTCH

Date	Ver.	Action By	Action	Result
3/18/2019	2	City Council	Approved	Pass

Resolution to Approve a Professional Services Agreement with Fishbeck, Thompson, Carr and Huber, Inc. for Construction Engineering Services for the Allen Creek Railroad Berm Opening Project (\$600,000.00)

Attached for your approval is a resolution to approve a Professional Services Agreement (PSA) with Fishbeck, Thompson, Carr and Huber, Inc. (FTC&H) in the amount of \$551,458 for Construction Engineering Services for the Allen Creek Berm Opening Project. The resolution also approves a contingency of \$48,542.00 for additional services.

The railroad berm near the mouth of Allen Creek and Depot and Main Streets, just west of the Amtrak Station, runs perpendicular to the overland drainage flow pattern and causes the nearby floodplain depth to be as much as 10 feet during heavy storms. Upstream, flood depths are more typically in the 3 to 5 foot range. There is also a known trespassing hazard near the project. The lack of a convenient and reasonable pedestrian access linking the downtown area to the B2B Trail leads to the dangerous and illegal trespassing behavior.

The project this contract contemplates will include a large culvert beneath the railroad that will provide safe and legal access to the B2B trail from the population center and eliminate this hazard. Construction is expected to begin in the summer of 2019.

In November of 2018, Michigan State Police-Emergency Management Division (MSP-EM) notified the City Staff that the City has received a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant for the construction of the stormwater portion of the Allen Creek Berm Opening Project. The City has also been awarded a Transportation Alternatives Program (TAP) Grant to fund a portion of the non-motorized elements of the project. Finally, the City has also received a Michigan Department of Natural Resources Trust Fund Grant to fund a portion of the non-motorized elements of the project.

Due to the size and complexity of this unique project, staff sought proposals from engineering consulting firms to provide construction engineering services for the project. These services include construction engineering, construction staking and survey, construction material testing, fabrication plant inspections, on-site construction inspection, as-built documentation, coordination with Amtrak, and project management and administration during the construction phase of the project.

The City posted a request for proposals (RFP) to the Michigan Inter-governmental Trade Network (MITN) BidNet® website. In January of 2019, the City received proposals from 3 firms. A selection committee reviewed the proposals and determined the most qualified firms based on several criteria:

- Professional Qualifications (15%)
- Past Involvement with Similar Projects (30%)
- Proposed Work Plan (45%)
- Fee Proposal (10%)

The RFP selection process requires an initial evaluation, after which the fee proposals are only opened for the top proposals. The selection committee completed the initial scoring based on qualifications, past projects, and the proposed work plan.

Based on the results, the selection committee determined that two of the three firms (FTC&H and Alfred Benesch) were qualified, and fee proposals were opened from those two firms. Staff then interviewed these remaining two firms to discuss their work plan, qualifications, and fee proposal in more detail.

Following the interviews, staff reviewed and rescored the proposals of the firms interviewed. The final rank of the responding firms was as follows:

1. Fishbeck, Thompson, Carr and Huber, Inc.
2. Alfred Benesch & Company
3. Stantec Consulting Michigan, Inc.

Fishbeck, Thompson, Carr and Huber, Inc. complies the City's Non-Discrimination and Living Wage ordinances.

#### Budget/Fiscal Impact

After selecting FTC&H the city staff further negotiated the scope of services and fees in preparation of the final PSA.

Funding for this work is available from various grants and City funds, and is included in the 2018-2023 Capital Improvement Plan (UT-ST-16-02). The breakdown of estimated project costs and revenues for this project are as follows:

#### Estimated Project Cost

Construction Costs	\$5,308,521.00
Design Costs & Easements	\$ 811,300.00
Construction Engineering	\$ 700,000.00
Fiber Optic Force Account Costs	\$ 200,000.00

Estimated Amtrak Engineering & Force Account	\$ 342,000.00
TOTAL	\$7,361,821.00

Estimated Revenue

MDOT TAP	\$ 971,250.00
STP Urban	\$ 315,000.00
FEMA Funding (Design & Construction)	\$3,712,332.00
DNR Trust Fund Grant	\$ 300,000.00
Outside Funding sub-total	\$5,298,582.00
City Share Storm	\$1,410,239.00
City Share Alt. Transportation	\$ 653,000.00
City Funding sub-total	\$2,063,239.00
TOTAL	\$7,361,821.00

Prepared by: Nicholas S. Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Allen Creek Railroad Berm Opening Project is included in the 2018-2023 Capital Improvements Plan (UT-ST-16-02);

Whereas, Funding for the City share of the project is available in the approved capital budgets;

Whereas, The Project involves creation of openings in the railroad berm to accommodate passage of floodwaters and to allow pedestrians to cross safely under the railroad to access the park facilities to the north;

Whereas, It is appropriate to retain the services of a professional engineering firm to perform the construction engineering services for this complex and unique project;

Whereas, Fishbeck, Thompson, Carr and Huber, Inc. has demonstrated the required experience, professional qualifications, and competitive fee schedule for the required services;

Whereas, Fishbeck, Thompson, Carr and Huber, Inc. submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm, and the payments to be made by the City, all of which are agreeable to the City; and

Whereas, Fishbeck, Thompson, Carr and Huber, Inc. is in compliance with the requirements of the City's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That a professional services agreement be approved with Fishbeck, Thompson, Carr and Huber, Inc. in the amount of \$551,458.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said agreement, after approval as to form by the City Attorney and approval as to substance by the City Administrator;

RESOLVED, That the City Administrator be authorized to approve amendments to Fishbeck, Thompson, Carr and Huber, Inc. professional services agreement up to \$600,000.00 in order to

satisfactorily complete the project; and

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