



Legislation Details (With Text)

**File #:** 22-0403      **Version:** 1      **Name:** 4/18/22 Resolution to Amend Professional Services Agreement with Atlas Technical Consultants for Environmental Services at 2000 S. Industrial

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

**File created:** 4/18/2022      **In control:** City Council

**On agenda:** 4/18/2022      **Final action:** 4/18/2022

**Enactment date:** 4/18/2022      **Enactment #:** R-22-100

**Title:** Resolution to Approve Amendment 1 to the Professional Services Agreement with Atlas Technical Consultants LLC for Additional Environmental Services at 2000 S. Industrial Highway and to Appropriate Funding in the Amount of \$100,000.00 from the Water Supply System Fund Balance (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ATC Proposal 020122.pdf, 2. ATC Contract 1221.pdf

Date	Ver.	Action By	Action	Result
4/18/2022	1	City Council	Approved	Pass

Resolution to Approve Amendment 1 to the Professional Services Agreement with Atlas Technical Consultants LLC for Additional Environmental Services at 2000 S. Industrial Highway and to Appropriate Funding in the Amount of \$100,000.00 from the Water Supply System Fund Balance (**8 Votes Required**)

During an excavation for a new electrical service at 2000 S. Industrial Highway, an unknown underground storage tank (UST) was identified. Under an emergency purchase order authorization approved by City Council on June 7, 2021, Atlas Technical Consultants LLC (ATC) was retained to identify and remove the tank and take the required soils samples to determine if a release had occurred. The tank was an orphaned, 1,000-gallon heating oil tank that had leaked and contaminated the surrounding soils. The tank was pumped out, cleaned and removed and the site was covered pending further activity. Heating oil tanks are regulated by the State of Michigan under Part 201.

Based on the soil sample test results, a remedial investigation (RI) was required under Part 201 and City Council approved a Professional Services Agreement, dated December 6, 2021, with ATC for that work. Soil borings, groundwater samples and soil gas samples were taken over a period to determine the scope of contamination from the heating oil.

This RI work has been completed and provided delineation of the soils that need to be removed as part of a remedial action plan. As the contamination is near the building, not all the contaminated soils can be removed without impacting the structural integrity of the building. This also requires additional verification efforts to determine if the contamination has migrated under or to the other side of the building. These efforts include sub-slab penetrations to take soil samples and soil gas samples. Monitoring wells will be placed on the north side of the building as well. All contaminated soils and/or groundwater removed during the excavation will be disposed of at appropriate facilities and clean

backfill installed to restore the site.

Monitoring and testing of the building and areas surrounding the excavation will continue for one year. Based on the results of that oversight, either additional remedial action will be necessary or a final remediation action plan to close the project will be filed with the State of Michigan as required.

Funding requested under this amendment includes the \$90,614.00 proposal from ATC for the remediation work and monitoring in addition to a small contingency in the amount of \$9,386.00. This work was identified after the FY22 budget was adopted so the appropriation from the Water Supply Fund balance is necessary.

ATC is national, qualified environmental consulting firm who can complete the required activities and brings familiarity of the site, project and subsurface conditions. ATC complies with the requirements of the City's Conflict of Interest, Living Wage and Non-Discrimination ordinances.

Budget and Fiscal Impact: Funding for the work is available in the Water Supply System Fund unobligated fund balance.

Prepared by: Matthew J. Kulhanek, Fleet & Facilities Manager

Reviewed by: John Fournier, Assistant City Administrator

Approved by: Milton Dohoney Jr., Interim City Administrator

Whereas, An unknown and abandoned underground heating oil storage tank was recently located at 2000 S. Industrial Highway;

Whereas, Pursuant with State of Michigan Part 201 regulations, the underground tank was properly removed, and City Council approved a Professional Services Agreement, dated December 6, 2021, with Atlas Technical Consultants LLC to complete a remediation investigation to determine the scope of contamination in the surrounding soils;

Whereas, The City has delineated the scope of the contamination through the remedial investigation and must now remove contaminated soils and provide ongoing monitoring and testing as part of a remedial action plan;

Whereas, Atlas Technical Consultants LLC has provided a proposal with an estimated cost of \$90,614.00 to complete the remedial action at the site;

Whereas, Staff has requested an additional authorization for Atlas Technical Consultants LLC in the amount of \$9,386.00 to cover any contingency for the remedial action;

Whereas, Adequate funds for the work in the amount of \$100,000.00 are available in the Water Supply System unobligated fund balance; and

Whereas, Atlas Technical Consultants LLC complies with the requirements of the City's Conflict of Interest, Living Wage and Non-Discrimination ordinances;

RESOLVED, That City Council approve and appropriate \$100,000.00 from the Water Supply Fund unobligated fund balance; thereby, increasing both the Water Supply Fund Operational revenue and expenditure budgets;

RESOLVED, That City Council approve Amendment 1 to the Professional Services Agreement with

Atlas Technical Consultants LLC, in the amount of \$90,614.00 for remedial action work and authorize an additional \$9,836.00 for contingency to cover potential contract change orders;

RESOLVED, That the Appropriated funds be available without regard to fiscal year;

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

RESOLVED, That the City Administrator is authorized to take all necessary actions to implement this resolution including the approval and execution of change orders within the approved contingency amount.