



## Legislation Text

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**File #:** 17-0472, **Version:** 1

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Resolution to Approve Amendment No. 3 to the Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. for the Nixon/Green/Dhu Varren Intersection Improvement Project (\$170,000.00) This is to recommend approval of the attached resolution authorizing an amendment to the Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for construction engineering services for the Nixon/Green/Dhu Varren Intersection Improvement and the Nixon Road Corridor Traffic Study (\$170,000).

### Design Engineering and Public Engagement

On March 10 2015, the City entered into an agreement with OHM for engineering design services for the Nixon/Green/Dhu Varren Intersection Improvement and the Nixon Road Corridor Traffic Study Project (\$538,076 + \$60,000 contingency). A number of scope changes were made to the original contract at the request of the City. Amendment #1 for \$60,000 (contingency) was approved administratively in December 2016 and Amendment #2 for \$95,650 was approved on February 6, 2017. All of this additional work was adequately addressed by OHM.

The Nixon/Green/Dhu Varren Intersection Improvement design and Nixon Road Corridor Study are now complete.

During the design phase of the project, the Michigan Department of Environmental Quality (MDEQ) received various concerns regarding the project at the public hearing, which led them to withhold approval of the MDEQ permit. This led to substantial additional work by OHM to respond to these concerns and obtain permit approval from the MDEQ. OHM also spent additional time responding to a formal complaint that was filed with the Department of Justice regarding compliance with Americans with Disabilities Act (ADA) standards.

Amendment #3 to the agreement with OHM includes additional work performed during the design phase of the project, and allows for additional work that may be needed to respond to a potential third party appeal regarding the MDEQ permit, should one be filed.

### Construction Phase

Construction is scheduled to begin in June 2017 and be substantially complete by the end August 2017. The City typically requires assistance from consultants to manage all of the survey staking and construction layout for all of its construction projects. Because OHM prepared the design and is most familiar with this project, they are best suited to provide these services during construction. OHM will also provide as-needed engineering services throughout the construction phase of the project, should field changes to the design or work be required. Amendment #3 includes these services.

### Budget Impact

Amendment # 3 to the Professional Services Agreement can be summarized as follows:

Additional work on MDEQ Permit Application: \$ 25,000.00

Additional to respond to ADA formal complaint: \$ 5,000.00  
As-needed work for Construction Phase: \$140,000.00  
TOTAL \$170,000.00

Amendment #3 will bring the total amount for the PSA for the Nixon/Green/Dhu Varren Intersection Improvement and the Nixon Road Corridor Traffic Study Project to \$863,726. This amendment will be funded from the previously approved project budget in which sufficient funds exist. Work on this amendment will be performed on an “as-needed” basis; the full amount of this amendment will not be expended unless these services are specifically needed and requested of OHM by the City.

Prepared by: Nick Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The City added additional services to the original contract scope with Orchard, Hiltz & McCliment, Inc. as needed to best address the project goals;

Whereas, As-needed construction engineering and construction surveying services are required for the construction phase of the Nixon/Green/Dhu Varren Intersection Improvement Project;

Whereas, Orchard, Hiltz & McCliment, Inc. was required to perform additional work during the design phase of the project related to obtaining the MDEQ Permit and respond to complaints submitted to the Department of Justice regarding ADA compliance;

Whereas, Orchard, Hiltz & McCliment, Inc. has demonstrated the required experience, personnel, and competitive fees to provide the required construction engineering services for the Nixon/Green/Dhu Varren Intersection Improvement Project;

Whereas, Orchard, Hiltz & McCliment, Inc. (OHM) complies with the requirements of the City’s Non-Discrimination and Living Wage Ordinances; and

Whereas, Funding for this amendment is available in the previously established project budget;

RESOLVED, That the City Council authorizes Amendment No. 3 to the professional services agreement with Orchard, Hiltz & McCliment, Inc. in the amount of \$170,000.00 for additional services during the design phase of the Nixon/Green/Dhu Varren Intersection Improvement Project and for construction engineering services during the construction phase of the project;

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

RESOLVED, That Council authorize the City Administrator to take necessary administrative actions to implement this resolution.