



## Legislation Text

**File #:** 16-1582, **Version:** 1

Resolution to Authorize Professional Services Agreements with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) for \$674,656.50 for the design of the Allen Creek Railroad Berm Opening Project

Attached for your review and consideration for approval is a resolution authorizing a Professional Services Agreements with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) for \$674,656.50 for the design of the Allen Creek Railroad Berm Opening Project.

### Budget/Fiscal Impact

Matching funds for a FEMA Hazard Mitigation Grant have been established in the approved City of Ann Arbor Capital Improvement Plan (split between design FY 2017 and construction FY 2018) Stormwater Utility Capital Budget. The cost of the non-motorized/pedestrian tunnel is not included in the FEMA grant. Funding for the non-motorized/pedestrian portion of phase one has been programmed in the Alternative Transportation Fund Capital budget (0061). The breakdown of the design costs among the various funding sources is as follows:

FEMA Grant	\$360,393.66
Stormwater Fund	\$120,130.89
ALT Transportation Funds	<u>\$194,131.95</u>
 TOTAL for Engineering Design	 \$674,656.50

In 2007, City Council approved a Flood Mitigation Plan, which included a recommendation to study the Allen Creek railroad berm. The railroad berm is oriented perpendicular to the overland drainage flow pattern of Allen Creek and causes the floodplain depth in this area of the City to be as deep as 10 feet.

In December of 2013, the City and its consultant, OHM Advisors, completed a feasibility study to determine if it was possible to create openings in the railroad berm to accommodate passage of floodwaters, as well as to allow pedestrians to cross safely under the railroad to get to the park facilities to the north. The study determined that such a dual opening would be feasible and a preferred concept was selected.

The feasibility study indicated that it is possible to lower the floodplain elevation in the area by as much as 6.5 feet as well as to accommodate non-motorized access under the railroad. One of the options, which includes pedestrian access, was determined to be acceptable to the Michigan Department of Transportation (MDOT), the owner of the railroad, and was selected as the preferred option.

On June 27, 2016 the Michigan State Police-Emergency Management Division (MSP-EM) provided City Staff with a FEMA Hazard Mitigation Assistance Grant agreement for the first phase of a two

phase project to create openings in the railroad berm. Phase one will consist of the engineering design, development of construction plans, and preparation of the phase two hazard mitigation grant application. Phase one is estimated to take one year to complete. Phase two is the construction phase, and is expected to occur in the summer of 2018.

In order to assist staff in developing and preparing the construction plans and the phase two hazard mitigation grant application, a request for proposal for Professional Engineering Services (RFP 984) was issued in September 2016. Proposals from three consultants were received on October 17, 2016. A team of staff members reviewed the proposals and selected Bergmann based on their professional qualifications, past experience, work plan, interview, and fee quotation. Bergmann complies with the requirements of the non-discrimination and living wage ordinances.

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

Reviewed by: Craig Hupy, P.E., Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Allen Creek Railroad Berm Opening is included in the 2017-2022 Capital Improvements Plan (CIP);

Whereas, It is desired to create 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 necessary to retain the services of a professional engineering firm to assist the City with the engineering design and Phase 2 of the FEMA Grant Application;

Whereas, Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann), has demonstrated the required experience, professional qualifications, and competitive fee schedule for the required services; and

Whereas, Bergmann complies with the City's Living Wage and Non-Discrimination Ordinances.

RESOLVED, That City Council approves a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) in the amount of \$612,656.50 for the engineering consulting services for the Allen Creek Railroad Berm Opening Project;

RESOLVED, That the City Administrator be authorized to approve change orders to the contract with Bergmann up to \$62,000.00 in order to satisfactorily complete the project;

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

RESOLVED, That City Council authorizes the City Administrator to take necessary administrative actions to implement this resolution; and

RESOLVED, That the City makes the following declaration for the purposes of complying with the reimbursement rules of Treasury Regulations 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.