



Legislation Details (With Text)

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Title: Resolution to Approve a Construction Contract with Michels Construction, Inc. (Michels) in the amount of \$9,355,700.00 for the Barton Dam Right Embankment Remediation Project (RFP 24-03) and to Appropriate \$500,000.00 from the General Capital Fund Balance (8 Votes Required)

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Attachments: 1. Michels Construction Inc - Construction Agreement rev.pdf, 2. Construction Proposal Evaluation Results_Michels_20240322_Legistar.pdf, 3. RFP_24-03_ProposalTab.pdf, 4. Michels Construction, Inc. - RFP No. 24-03 -Barton Dam Right Embankment Remediation Proposal.pdf

Date	Ver.	Action By	Action	Result
8/19/2024	2	City Council		

Resolution to Approve a Construction Contract with Michels Construction, Inc. (Michels) in the amount of \$9,355,700.00 for the Barton Dam Right Embankment Remediation Project (RFP 24-03) and to Appropriate \$500,000.00 from the General Capital Fund Balance **(8 Votes Required)**

This memorandum and resolution requests approval of a construction contract with Michels Construction, Inc. (Michels) in the amount of \$9,355,700.00 for the Barton Dam Right Embankment Remediation Project (RFP 24-03).

The Barton Dam was originally constructed in 1913. The dam produces hydroelectric power and serves to impound Barton Pond which is the primary source of the City's drinking water. Barton Dam is a high hazard dam regulated by the Federal Energy Regulatory Commission (FERC). Seepage is occurring along the base of the embankment which constitutes an elevated risk for the City and has caused the embankment to be derated as "Poor" in the National Dam Inventory. As such, the City must repair the embankment.

The project will consist of the construction of a stabilizing berm on the downstream slope of the right embankment to address seepage and stability concerns as well as other ancillary work to develop site staging, improve site access, and remediate other critical items at the dam such as removing the existing reverse filter and filling the existing toe ditch pond as required by FERC. The proposed improvements are necessary to ensure operational reliability of the City's infrastructure and satisfy FERC compliance. This project is programmed in the City's Capital Improvements Plan (UT-WS-16-26) and recently received a commitment of funds in the amount of \$2,000,000.00 via the American Rescue Plan Act (ARPA) at the July 1, 2024 Council Meeting, Resolution Enactment #R-24-280.

Solicitation of Proposals

Water Treatment Services Unit (WTSU) staff supervised the development of plans and contract

documents and solicited proposals for construction of the project through the City's Procurement Unit. On March 7, 2024, the City received four (4) proposals for this work. A selection committee was comprised of four individuals: one from the Water Treatment Services Unit; one from the City's dam consultant at Stantec; and two from the Engineer-of-Record at NTH Consultants, Ltd. The proposals were reviewed by the selection committee and evaluated pursuant to the best value procurement criteria provided in ORD-21-41, adopted by Council on January 3, 2022. The best value procurement process meets ARPA requirements for this project.

The qualifications and experience of the firms played a critical role in the evaluation of the proposals. Qualifications and experience included an evaluation of dam safety considerations, risk management considerations, dam experience, quality control, staffing of project, approach, schedule, FERC experience and Amtrak experience. Interviews were conducted with the two highest scoring proposals. After evaluation of the bids and interviews, the selection committee has determined that Michels's bid provides the best value, is a responsible bid, and is in line with the construction cost estimation. A scoring summary for Michels is attached. The Michels team provides strong dam experience, proactive dam safety and risk mitigation efforts, and possesses experience with FERC projects. The Michels bid meets ARPA requirements. Therefore, WTSU recommends approving the Contract for these services to Michels.

Budget/Fiscal Impact: The Barton Dam Embankment Rehabilitation Project has been identified in the Capital Improvements Plan (UT-WS-16-26.) This project is to be funded from the FY 2025 approved Water Supply System Fund, General Fund and General Capital Fund budgets. Funding in the amount of \$2,000,000.00 is also committed to this project through the American Rescue Plan Act (ARPA) via Council Resolution R-24-280 on July 1, 2024. Additional project funding that will be needed shall be available in future year budgets, if so approved by City Council.

The total estimated construction costs are \$12,000,000.00 with a funding breakdown as follows.

ARPA	\$2,000,000.00
General Fund	\$4,000,000.00
Water Fund	\$6,000,000.00

Michels submitted all required Non-Discrimination, Prevailing Wage, Living Wage, and Conflict of Interest Disclosure forms and complies with the requirements of the City's Non-Discrimination and Living Wage ordinances.

Prepared by: Glen Wiczorek, PE, Water Treatment Services Engineer
Reviewed by: Sue F. McCormick, Interim Public Services Area Administrator
Approved by: Milton Dohoney Jr., City Administrator

Whereas, The Barton Dam is critical infrastructure as it is critical to safety and to the City's water supply system;

Whereas, There is slowly progressing seepage along a portion of the embankment which poses an increased risk of failure;

Whereas, FERC is requiring the remediation of the deficiencies;

Whereas, The Barton Dam Right Embankment Remediation Project will improve the stability and

reliability of the dam, and includes work to meet compliance with FERC regulations;

Whereas, The City recognizes the benefits of improvements to its critical water system infrastructure;

Whereas, Competitive bids were solicited by Procurement on March 7, 2024 (RFP 24-03) and the bid received from Michels Construction, Inc. (Michels) has been evaluated as the best value bid in the amount of \$9,355,700.00;

Whereas, The Barton Dam Right Embankment Remediation Project is included as a project in the Capital Improvement Plan;

Whereas, Funding is available in the FY 2025 approved Water Supply System Capital Budget and General Fund Capital Budget;

Whereas, The General Fund contributed \$500,000.00 in FY 2024 to the General Capital Fund for this project;

Whereas, Funding has been committed for this work via the American Rescue Plan Act (ARPA); and

Whereas, Michels has submitted all required Non-Discrimination, Prevailing Wage, Living Wage, and Conflict of Interest Disclosure forms and complies with the requirements of the City's Non-Discrimination and Living Wage ordinances;

RESOLVED, That City Council approve a Construction Contract with Michels Construction, Inc. for the Barton Dam Right Embankment Remediation Project in the amount of \$9,355,700.00;

RESOLVED, That a contingency amount of \$935,000.00 be established and that the City Administrator be authorized to approve change orders to the Construction Contract not to exceed that amount to satisfactorily complete this project;

RESOLVED, That \$500,000.00 is appropriated from the General Capital Fund fund balance to the FY 2025 General Capital Fund expenditure budget for this project thereby increasing the expense and revenue budget in Fund 00CP;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Construction Contract 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 Barton Dam Right Embankment Remediation Project with proceeds of Bonds; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution including execution of any authorized renewals and any changes or amendments that do not exceed the contingency amount.