



Legislation Details (With Text)

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**Title:** Resolution to Approve an Amendment to the Professional Services Agreement with Bergmann Associates for Construction Support Services for the Allen Creek Railroad Berm Opening Project (\$34,920.00)

**Sponsors:**

**Indexes:**

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**Attachments:** 1. site\_plan\_010419.pdf, 2. Executed PSA Bergmann.pdf, 3. Bergmann Amd 1.pdf, 4. Bergmann Amd 2.pdf

Date	Ver.	Action By	Action	Result
7/15/2019	1	City Council	Approved	Pass

Resolution to Approve an Amendment to the Professional Services Agreement with Bergmann Associates for Construction Support Services for the Allen Creek Railroad Berm Opening Project (\$34,920.00)

Attached for your approval, please find a resolution to approve Amendment No. 2 to the Professional Services Agreement (PSA) with Bergmann Associates (“Bergmann”) in the amount of \$34,920.00 for Construction Support Services for the Allen Creek Railroad Berm Opening Project.

Background

This Project will lower the floodplain depth at the railroad berm near the mouth of the Allen Creek, in the vicinity of Depot Street and Main Street, just west of the Ann Arbor Amtrak Station. The project will also install a large culvert beneath the railroad that will provide safe and legal access from the downtown area to the Border to Border Trail.

In November 2018, Michigan State Police-Emergency Management Division (MSP-EM) notified the City that it received a FEMA Hazard Mitigation Grant for the stormwater portion of the Project. The City has also been awarded a TAP Grant, a Michigan DNR Trust Fund Grant, and a MDOT STP Urban Grant to fund a portion of the non-motorized elements of the Allen Creek Berm Opening Project.

To assist City staff in development and preparing plans, the City issued an RFP for professional engineering services (RFP 984) in September 2016. Staff reviewed the proposals and selected Bergmann based on its qualifications, experience, plan, interview, and fee quote.

Bergmann prepared the plans and specifications for the Project, which went to MDOT for bidding. The Project is expected to be let in July. MDOT will award a contract to the qualified low bidder and administer the contract. The contract documents have an August 2020 substantial completion date.

Construction Engineering

Council previously awarded a professional services agreement to Fishbeck, Thompson, Carr, and Huber, Inc. ("FTC&H") for construction engineering for this project (R-19-105). However, the Project is large enough to require broad civil engineering and project management expertise. Thus, the City needs the services of a team, including experts in structural engineering, and underground utility and roadway construction, and members who know the requirements of Amtrak and MDOT. Staff believes that FTC&H's team will seamlessly provide the critical construction engineering and project management services when augmented with the expertise from Bergmann.

Bergmann is familiar with the project, its requirements, has the competitive fee schedule, and the institutional memory to quickly provide the needed information and resources. Bergmann will perform shop drawing review, will be available to attend project meetings if requested by the City, will be available to assist with resolving technical challenges in the field should they arise, and will address design changes as needed due to unexpected field conditions.

Budget/Fiscal Impact

To date, City Council has approved \$612,656.50 for engineering consulting services plus up to \$62,000.00 in contingency, for a total of \$674,656.50 with Bergmann for this project. Amendment No. 1 authorized \$59,400.00 of the \$62,000 in contingency funds previously approved by City Council to finalize the design engineering phase of this project. After this amendment, the new total contract with Bergmann will be \$706,976.50.

This project is included in the 2018-2023 Capital Improvement Plan. Funding for this project is available from various grants and the Stormwater and Alternative transportation approved Capital Budgets. 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	<u>\$342,000.00</u>
TOTAL	\$7,361,821.00

Estimated Revenue

MDOT TAP	\$971,250.00
WATS STP Urban	\$315,000.00
FEMA Funding (Design & Construction)	\$3,712,332.00
DNR Trust Fund Grant	<u>\$300,000.00</u>
Outside Funding sub-total	\$5,298,582.00
City Share Storm	\$1,410,239.00
City Share Alt. Transportation	<u>\$653,000.00</u>
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 City wants 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, As part of this Project, on January 3, 2017 (R-17-004), City Council awarded a professional services agreement to Bergmann Associates (“Bergmann”) in the amount of \$612,656.50;

Whereas, City Council approved an up to \$62,000 in contingency, for a total contract amount of \$674,656.50;

Whereas, Additional services were required of Bergmann to finalize the plans and specifications for the Project, and Amendment No. 1 to the Bergmann PSA was issued in an amount of up to \$62,000.00 (\$59,400.00 of which Bergmann “used”);

Whereas, Bergmann ultimately completed the design engineering for this project;

Whereas, the City would like to use Bergmann for construction support for the Project, which will require a second amendment to Bergmann’s PSA in the amount of \$34,920.00;

Whereas, Funding is available for these services in the existing approved Allen Creek Berm Opening Project;

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

Whereas, Bergmann has demonstrated the required experience, professional qualifications, and competitive fee schedule for the required services;

Whereas, Bergmann complies with the City’s Non-Discrimination and Living Wage ordinances.

RESOLVED, That Amendment No. 2 to the Professional Services Agreement be approved with Bergmann in the amount of \$34,920.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Amendment No. 2, 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 take the necessary administrative actions to implement this resolution.