



Legislation Text

File #: 10-1140, **Version:** 2

Resolution to Approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan, Inc. for the Footing Drain Disconnection Program (\$1,384,350.00) and to Appropriate Funds (\$1,275,080.00) **(8 Votes Required)**

Attached for your review and approval is a resolution to approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan, Inc. (CDM) in the amount of \$1,384,350.00 for professional engineering services for the Footing Drain Disconnection (FDD) Program. The funding for this amendment will come from two sources: the FY11 Capital Budget and funds received from the University of Michigan in exchange for transferring 140 footing drain disconnection credits

In response to heavy rains in 1998 and 2000, which resulted in large numbers of sewer back-ups into basements, a citizen task force was established to investigate and make recommendations. The SSO Task Force studied a number of alternatives and made a recommendation that footing drain disconnection was the preferred method of mitigating wet weather sanitary sewer capacity issues. The SSO Task Force based this recommendation on a number of factors. The proposed solution removed flow at its source, did not move the problem downstream, did not require construction in parks and other open areas near schools, restored treatment plant capacity and is cost effective.

On August 20, 2001, City Council approved Ordinance No 32-01 for the implementation of a citywide footing drain disconnection process. An Administrative Consent Order (ACO) was signed with the Michigan Department of Environmental Quality (MDEQ) to work toward the elimination of sanitary sewer overflow and compliance with the Natural Resources and Environmental Protection Act, 1994 PA 451, Part 31.

On December 4, 2006, City Council approved a Professional Services Agreement with CDM for construction management services for the Footing Drain Disconnection Program (R-502-12-06). CDM was initially selected through a competitive process and has consistently proven to be reliable, comprehensive, responsive and able to complete the work efficiently. CDM has managed the Footing Drain Disconnection program with a very high level of customer satisfaction and success.

On August 18, 2003, City Council passed resolution # R-362-8-03 requiring mitigation of new and additional flows to Ann Arbor's sanitary sewer system. As part of the sanitary sewer mitigation process, contributors of new flow to the sanitary sewer system are required to remove 1.2 times the new projected flow from the peak existing flow of the collection system. By removing 120% of their flow, new development holds the system harmless for accepting the new flow and improves the existing conditions.

As part of the Michigan Football Stadium renovations, it was determined that 127 FDDs were required to hold the sanitary sewer system harmless. The University of Michigan purchased the 127 FDDs from the city's FDD program. In addition to monetary compensation, the City received 13 FDDs for the additional burden of providing the FDDs to the University. These 13 FDDs are available for City Council to assign as the Council deem desirable. The most common assignment of credits

has been used to support public projects including the development of affordable housing. For this transaction the value of an FDD was determined to be \$10,040.00 each. This price includes in-home and out-of-home construction, construction management and overheads. Total value of the 140 FDDs purchased by the University is \$1,405,600.00.

This resolution appropriates \$1,275,080.00 from the University of Michigan for Amendment No.3, which continues FDD work within the City. The balance of the funding, \$109,270.00 for Amendment No. 3 is available in the adopted FY11 Capital Budget and funds tasks 4 through 7 listed below. The value of the 13 FDDs provided for City Council assignment is \$130,520.00.00.

The scope of services included in Amendment #3 covers the following tasks:

- Construction and Construction Management Services for Multi-family Properties FDD Work which provides FDD construction services support for 192 equivalent FDDs within multi-family properties located upstream in the Dartmoor sanitary sewer district. This task would disconnect 50% of the recommended Dartmoor multi-family properties. (\$956,570.00)
- Construction Management of curb drain work which provides curb drain construction support services for an additional 147 FDDs within priority Phase 2A areas. A total of 10,000 lineal feet of curb drain is estimated. (\$63,980.00)
- FDD Support which provides construction support services for an additional 147 single family FDDs within priority Phase 2A areas. (\$258,720.00)
- Construction Management of Iroquois curb drain work which provided construction support services for curb drain for an additional 38 FDDs. A total of 2,600 lineal feet of curb drain was needed on Iroquois Place, a priority Phase 1B area, which experienced basement backups as a result of the June 6, 2010 storm event. (\$15,000.00)
- Iroquois FDD Support which provided construction services support for an additional 38 single family FDDs. (\$66,880.00)
- Sanitary Sewer House Lead Televising - This includes scheduling, site support, and review during the televising work, and analysis and summary reporting for a total of up to 50 homes that may have sewer lead issues. (\$17,571.00)
- Storm Event Modeling - This modeling effort will be used to simulate the behavior of the sanitary collection system for the June 6, 2010 event that caused flooding in areas of the city. This task includes procurement of 1 month of radar rainfall data covering the June 6, 2010 event, and reporting of the results of the modeling work. (\$9,819.00)

To date, a total of 1,922 properties have been invited into the program by receiving homeowner information packets. Approximately 1,623 homes have approved funding and approximately 1,547 homes have completed the FDD work through the program.

CDM received Human Rights approval on November 4, 2010, and complies with the living wage ordinance.

Prepared by: Homayoon Pirooz, P.E., Project Management Manager

Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, On August 20, 2001, City Council approved Ordinance No. 32-01 to provide for implementation of a citywide footing drain disconnection process;

Whereas, The City of Ann Arbor is required to remain in conformance with the Michigan Department of Environmental Quality, Natural Resources and Environmental Protection Act, 1994 PA 451, Part 31;

Whereas, Ongoing mitigation of new flows connecting to the system is required by R-362-8-03 and is essential to maintaining performance as noted;

Whereas, The City's adopted FY11 Capital Budget includes the project budget for the Footing Drain Disconnection Program in an amount of \$1,450,000.00;

Whereas, The City of Ann Arbor received \$1,405,600.00 from the University of Michigan in exchange for transferring 140 footing drain disconnection credits at a cost of \$10,040.00 per credit to mitigate the added flow resulting from the Michigan Stadium renovations project;

Whereas, CDM Michigan, Inc. has been providing construction management services for the Footing Drain Disconnection Program since late 2006 and has demonstrated the required experience, qualified professionals, and competitive fee schedule for the additional required services; and

Whereas, CDM Michigan, Inc. received Human Rights approval on November 4, 2010, and complies with the Living Wage Ordinance;

RESOLVED, That City Council appropriate \$1,275,080.00 from the sewer revenue account to the sewer capital budget;

RESOLVED, That City Council increase the project budget for the for the Footing Drain Disconnection Program from \$1,450,000.00 to \$2,725,080.00, to be available without regard to fiscal year;

RESOLVED, That City Council approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan, Inc. in the amount of \$1,384,350.00 with funds to be available until expended without regard to fiscal year;

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 the City make the following declaration for the purpose 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; and

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