



Legislation Text

File #: 23-1406, **Version:** 2

Resolution to Approve Amendment No. 2 to the Professional Services Agreement with NTH Consultants, Ltd. for the Barton Dam Right Embankment Remediation Project (\$140,080.00, total contract \$943,587.77)

This memorandum and resolution requests approval of Amendment No. 2 (\$140,080.00) to the professional services agreement for professional engineering services with NTH Consultants, Ltd (NTH). Council approved a professional services agreement for \$589,405.30 with NTH in December 2021 as part of Resolution No. 21-452 and Amendment No. 1 in October 2022 as part of Resolution 22-332 for \$214,102.47.

NTH is the City's geotechnical engineering consultant working on the Barton Dam Embankment Rehabilitation Project. The City is seeking to amend their professional services agreement to accommodate additional professional engineering service needs that have arisen since the start of NTH's work to address the stability and safety of the dam's earthen embankment. Throughout various meetings held as part of the original project scope, the Federal Energy Regulatory Commission (FERC) revised multiple design soil parameters and requested additional engineering efforts, including preparation of a drilling program plan, revisions to the Barton Pond Drawdown Evaluation submitted to FERC in January 2023, and additional computer-based seepage and stability modeling. These additional analyses will result in revisions to the design. Because Barton dam generates hydroelectric power, it is regulated by FERC and must comply with all FERC requirements in order to maintain operational licensure.

NTH complies with the requirements of the City's Conflict of Interest, Non-Discrimination and Living Wage ordinance.

Budget/Fiscal Impact: The Barton Dam Embankment Rehabilitation Project (UT-WS-16-26) is included in the Capital Improvements Plan and funding for the additional engineering services are available in the approved Water Supply System Capital and General Fund Capital Budgets.

Prepared by: Glen Wiczorek, Senior Utilities Engineer

Reviewed by: Brian Steglitz, PE, Public Services Area Administrator

Approved by: Milton Dohoney Jr., City Administrator

Whereas, The Water Treatment Services Unit is seeking to amend the Professional Services Agreement with NTH Consultants, Ltd. for the Barton Dam Embankment Rehabilitation project due to additional project regulatory requirements;

Whereas, Additional professional engineering services are necessary to perform additional analyses as mandated by FERC to address the stability and safety of the dam's earthen embankment using the revised soil design parameters provided by FERC;

Whereas, Additional funds are necessary to complete these requirements and the design of the Right Embankment Remediation project;

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

Whereas, NTH Consultants, Inc. complies with the requirements of the City's Conflict of Interest, Non-Discrimination and Living Wage ordinances;

RESOLVED, That City Council approves Amendment No. 2 to the Professional Services Agreement with NTH Consultants, Inc. for the Barton Dam Right Embankment Remediation project in the amount of \$140,080.00;

RESOLVED, That a contingency in the amount of \$50,000.00 be approved to finance change orders to the Professional Services Agreement to be approved by the City Administrator;

RESOLVED, That the Professional Services are to be funded from the Water Supply System Capital Budget and the General Fund Capital Budget;

RESOLVED, That the funds be available for the life of the project(s) without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute Amendment No. 2 to the Professional Services Agreement 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 Project with proceeds of Bonds; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.