



## Legislation Text

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**File #:** 24-0851, **Version:** 2

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Resolution to Approve Amendment No. 3 to the Professional Services Agreement with NTH Consultants, Ltd. for Barton Dam Right Embankment Remediation (\$227,700.00 Amendment, \$1,170,587.77 Total Contract)

This memorandum and resolution requests approval of Amendment No. 3 to the professional services agreement for professional engineering services with NTH Consultants, Ltd (NTH) for the Barton Dam Right Embankment Remediation Project in the amount of \$227,700.00. Council approved a professional services agreement for \$589,405.30 with NTH in December 2021 as part of Resolution No. 21-452, Amendment No. 1 in October 2022 as part of Resolution 22-332 for \$214,102.47 and Amendment No. 2 in September 2023 as part of Resolution 23-341 for \$140,080.00.

The City is seeking to amend the professional services agreement with NTH to accommodate additional professional engineering services associated with the Barton Dam Right Embankment Remediation Project. Barton Dam is regulated by the Federal Energy Regulatory Commission (FERC) and the embankment is currently listed as "Poor" in the National Inventory of Dams database. 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. FERC is the federal regulator for the dam and City is required to proceed with the construction of this project in order to maintain licensure.

The Amendment No. 3 is necessary to cover the additional work efforts associated with bidding, addressing FERC requirements, addressing EGLE requirements, completing Amtrak permit requirements, and providing additional safety inspections. This includes additional dam surveillance, data review and evaluation, revisions to existing reports and continued project management. 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 has been identified in the Capital Improvements Plan (UT-WS-16-26.) The professional engineering services are to be funded from the approved Water Supply System Fund and General Fund Capital Budgets.

Prepared by: Glen Wiczorek, PE, Senior Utilities Engineer

Reviewed by: Sue F. McCormick, Interim Public Services Area Administrator

Approved by: Milton Dohoney Jr., City Administrator

Whereas, The Water Treatment Services Unit is seeking to amend the Professional Engineering Services Professional Services Agreement with NTH Consultants, Ltd. for additional design, bid and inspection services;

Whereas, Additional professional engineering services are necessary to ensure that the project satisfies the requirements of FERC, EGLE and Amtrak;

Whereas, Additional professional engineering services are necessary to provide safety inspections until the construction phase begins;

Whereas, Funding is available in the approved Water Supply System Fund 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 approve Amendment No. 3 to the Professional Services Agreement with NTH Consultants, Inc. in the amount of \$227,700.00 for engineering services relating to the Barton Dam Right Embankment Remediation project;

RESOLVED, That a contingency in the amount of \$28,000.00 is approved to finance change orders to the contract with NTH Consultants, Inc. to be approved by the City Administrator;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute the amendment 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.