



Legislation Text

File #: 24-1418, **Version:** 2

Resolution to Approve Amendment No. 4 to the Professional Services Agreement with NTH Consultants, Ltd. for the Barton Dam Right Embankment Remediation (Amendment Amount \$1,700,000.00; Total Contract Amount \$2,871,287.77)

This memorandum and resolution requests approval of Amendment No. 4 to the Professional Services Agreement with NTH Consultants, Ltd (NTH) for engineering services the Barton Dam Right Embankment Remediation Project in the amount of \$1,700,000.00. Council approved a Professional Services Agreement with NTH for \$589,405.30 in December 2021 as part of Resolution 21-452; Amendment No. 1 in October 2022 as part of Resolution 22-332 for \$214,102.47; Amendment No. 2 in September 2023 as part of Resolution 23-341 for \$140,080.00; and Amendment No. 3 in June 2024 as part of Resolution 24-191 for \$227,700.00.

The City is seeking to amend the Professional Services Agreement with NTH to accommodate professional construction 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 the City is required to proceed with the construction of this project in order to maintain licensure.

Amendment No. 4 is necessary to cover the construction phase work efforts including construction engineering, construction administration, construction oversight and testing services, and related activities. NTH was the engineer of record for the Barton Dam Right Embankment Remediation Project and is fully qualified to perform the professional construction engineering services. It is recommended that City Council approve Amendment No. 4 to the Professional Services Agreement with NTH to provide professional construction engineering services for the construction phase.

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 FY 2025 Water Supply System 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.

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 Water Treatment Services Unit is seeking to amend the Professional Services Agreement with NTH Consultants, Ltd. for the Barton Dam Right Embankment Remediation Project construction phase services;

Whereas, Professional construction engineering services are necessary to ensure that the project is constructed in accordance with the contract documents and satisfy the requirements of FERC, EGLE and Amtrak;

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

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

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

RESOLVED, That City Council approve Amendment No. 4 to the Professional Services Agreement with NTH Consultants, Ltd. in the amount of \$1,700,000.00 for construction engineering services relating to the Barton Dam Right Embankment Remediation project;

RESOLVED, That a contingency in the amount of \$170,000.00 be approved to fund additional necessary services as 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 all necessary administrative actions to implement this resolution including execution of any changes or amendments that do not exceed the contingency amount.