City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **March 6, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Paul T. O'Meara, City Engineer**

SUBJECT: **Quarton Lake Maintenance Dredging Contract #12-12(M)**

In 2012, the Engineering Dept. bid a five year maintenance contract for Quarton Lake. Using the recently built staging area on Oak St., the contract asked contractors to commit to removing about 500 cu.yd. of dredged material from the north end of the lake each summer for the period of 2013-2017. The low bidder was Restoration Dredging, with a price of $55,194.50 per year.

Restoration Dredging is a small two partner firm. They contracted out the work for the first two years successfully, and to date, the effort is deemed a success in keeping siltation out of the lake with minimal disruption to the neighborhood. The two partners in the company have decided that this is the time to retire and shut down their operation. They are hopeful to reassign the remaining three years of the contract to a new contractor that would operate under the same terms.

The reassignment was offered to Inland Lakes Landscaping Corp. Inland Lakes has successfully completed other lake related work for the City, such as the large scope dredging project conducted at Quarton Lake in 2011, and the stream bank slope restoration of the Rouge River north of Maple Rd. and east of Baldwin Ave. in 2010. The Engineering Dept. has always found Inland Lakes good to work with, and we support the suggestion that they will be a good substitute for this work. Inland Lakes has indicated in writing that they are willing to take this work on and honor the bid prices and terms originally submitted by Restoration Dredging (attached). Further, we believe that this reassignment represents the best chance for the City to be able to continue in this effort of maintaining the lake bed through small dredging efforts each year through the end of 2017, at the costs previously anticipated.

Both contractors have signed the attached amendment to the contract, a document that was prepared by the City Attorney's office to address this unique situation. It is recommended that the City of Birmingham approve the reassignment of the Quarton Lake Maintenance Dredging Project, Contract #12-12(M), to Inland Lakes Landscaping Corp., with the terms and prices matching those found in the original contract.

SUGGESTED RESOLUTION:

To authorize the Mayor and Clerk to sign the amendment to the Quarton Lake Maintenance Dredging Project, Contract #12-12(M), reassigning the contract to Inland Lakes Landscaping Corp. at the previously agreed upon terms and prices.

(the original agreement is currently being passed among staff for signatures (as of 1:40 PM Friday, March 6)

INLAND LAKES
LANDSCAPING CORPORATION

560 South Telegraph Road, Pontiac, Michigan 48341 (248) 338-8088 Fax: (248) 338-6705

01/14/2015

City of Birmingham
Attn: Paul T. O'Meara
City Engineer
151 Martin Street
Birmingham, MI 48012

RE: Re-assignment of Contract, Quarton Lake Annual Maintenance Dredging, Years 3-5

Dear Mr. O'Meara,

The purpose of this letter is to inform you and The City of Birmingham, that Inland Lakes Landscaping Corporation, accepts the re-assignment of this contract which is currently contracted with Restoration Dredging, Inc., beginning with the 2015 phase through the balance of the contract, December 31, 2017.

Also, Inland Lakes will accept the original contract unit prices for the balance of the contract.

Sincerely,

Roger Cantelon
President

"Building Green since 1977"

AMENDMENT TO THE QUARTON LAKE ANNUAL MAINTENANCE DREDGING PROJECT, 2013-2017, CONTRACT #12-12(M)

THIS AMENDMENT TO THE QUARTON LAKE ANNUAL MAINTENANCE DREDGING PROJECT, 2013-2017, CONTRACT #12-12(M), entered into between the **CITY OF BIRMINGHAM,** a Michigan Municipal Corporation, 151 Martin Street, Birmingham, MI, 48009, hereinafter referred to as "CITY" and **RESTORATION DREDGING, INC.,** a Michigan Corporation, 837 Foxhall Road, Bloomfield Hills, MI 48304, hereinafter referred to as "CONTRACTOR", and **INLAND LAKES LANDSCAPING CORPORATION,** a Michigan Corporation, 560 South Telegraph Road, Pontiac, MI 48341, hereinafter referred to as "ASSIGNEE".

WITNESSETH:

WHEREAS, the City of Birmingham entered into a contract with Restoration Dredging, Inc. for a five year maintenance contract for Quarton Lake (Contract #12-12(M)) that was intended to cover the summers from 2013-2017; and,

WHEREAS, Restoration Dredging, Inc. has successfully completed the first two years of work pursuant to the maintenance contract; and,

WHEREAS, the City of Birmingham has been informed by Restoration Dredging, Inc. that it has decided to terminate its business in the midst of a multi-year contract with the City of Birmingham for the Quarton Lake annual maintenance dredging; and,

WHEREAS, Inland Lakes Landscaping Corporation has agreed to accept an assignment of that contract for the remaining years of 2015-2017; and,

WHEREAS, Inland Lakes Landscaping Corporation is willing to accept the original contract unit prices and all of the terms and conditions of the contact for the balance of the term.

NOW, THEREFORE, IT IS HEREBY AGREED TO BY THE PARTIES AS FOLLOWS:

1. CITY shall permit the assignment of its contract from CONTRACTOR for the Quarton Lake Annual Maintenance Dredging to Inland Lakes Landscaping Corporation for the 2015-2017 remaining contract years.

2. CONTRACTOR does hereby release CITY from any and all claims with respect to payment with regard to the Quarton Lake Annual Maintenance Dredging Project Contract #12-12(M).

3. ASSIGNEE does hereby accept all of the original contract terms and conditions and unit prices for the balance of the contract.

4. ASSIGNEE will provide all of the insurance coverages required in said contract as a condition of this Assignment.

5. CITY does hereby accept the assignment of the Quarton Lake Annual Maintenance Dredging Project Contract #12-12(M) to Assignee effective immediately for the 2015-2017 remaining contract years.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____day of _____2015.

WITNESS:

Sharon L. Walker

_____

RESTORATION DREDGING, INC., a Michigan Corporation,

By: William M. Walker III

WILLIAM M. WALKER III

Its: VICE PRESIDENT

INLAND LAKES LANDSCAPING CORPORATION, a Michigan Corporation

By: _____

Its: PRES.

_____

CITY OF BIRMINGHAM, A Michigan Municipal Corporation

By: _____

Stuart Sherman

Its: Mayor

By: _____

Laura Pierce

Its: Clerk

Approved:

Paul O'Meara, City Engineer
As to Substance

Joseph A. Valentine, City Manager
As to Substance

Mark Gerber, Director of Finance
As to Financial Obligation

Timothy J. Currier, City Attorney
As to Form

City of Birmingham
A Walkable Community

MEMORANDUM

ENGINEERING DEPARTMENT

DATE: **October 8, 2012**

TO: **Robert J. Bruner, Jr., City Manager**

FROM: **Brendan Cousino, Assistant City Engineer**

SUBJECT: **Quarton Lake Annual Maintenance Dredging Project, 2013-2017**
Contract #12-12(M)
Contract Award

On September 17, 2012, the Engineering Department opened bids on the above referenced project. Attached are the bid results.

Two companies submitted a bid for this project. The low bidder was Restoration Dredging, Inc. of Bloomfield Hills, MI, with their bid of $55,194.50. Restoration Dredging was hired by the City on the 2002 Quarton Lake dredging project, as well as a private streambank restoration project within the City in 2010. We are confident that they are qualified to perform satisfactorily on this contract. The engineer's estimate for this project was $60,000. The second bidder on the project was Inland Lakes Landscaping of Pontiac, MI with a bid of $59,768.00.

Contract #12-12(M) represents the second part of a two part process to begin an annual dredging routine for Quarton Lake. In August the City awarded a contract to D & E Landscaping and Grading to construct a drying bed area located on the north side of Oak St., between Lakepark Dr. and the river. A copy of the staff report on that project is attached, along with a drawing of the drying bed area for your reference. Construction work on the drying bed has started, and it is expected to be completed by the end of October. The drying bed will be accessed by a concrete drive from Oak St. This area will also be screened by extending an existing split rail fence along the Oak St. frontage, and supplementing existing trees with several new evergreens. The drying bed area will be used by the dredging contractor to place the dredged sediment from the lake in geotextile tubes, allow them to dry, and then load the sediment onto trucks and haul offsite for disposal.

Assuming this contract is awarded, our proposed timetable is as follows:

1. October, 2012 – Finish construction work on the drying bed area, allowing the grass to begin to be established prior to winter weather. Install all fencing and landscaping as planned.
2. Spring, 2013 – The new drying bed area will be maintained as it is today, as public park land.
3. July or August, 2013 – The dredging contractor would arrive on site, install plastic sheeting over the reinforced grass pavers, setting up two 30 foot by 60 foot sedimentation bags. A small dredge would be operated on the river and the mouth of the lake, removing an estimated 500 cubic yards of material (as needed).

4. August and September, 2013 – The sediment bags would dry in the hot, summer weather in a relatively short time.
5. September or October, 2013 – The dredging contractor would begin removing the sediment. An excavator would be set up at the west edge of the reinforced grass area, and trucks would be backed up into the loading area, using the new concrete driveway. Once all material is hauled away, the contractor would remove any remaining debris, and install a newly seeded lawn in the damaged area, allowing it to be at least partially stabilized again prior to winter.

The above dredging process will repeat itself each year for the next four years with annual approval by the City Commission.

The bid price for this work is for one year only, and the money for the subsequent years' dredging will be requested in the City's budget on an annual basis. Each year the amount of the contract will need to be approved by the City Commission before the dredging work commences. The contract on this project will allow the City to decide to not proceed with the dredging work in any of the following years (2014-2017) without additional costs. The contract does allow for an adjustment in the unit prices for the following years (2014-2017) based on the rate of inflation. The unit prices for geotextile dewatering bags and hauling the sediment away may be adjusted annually based on the actual cost of the bags from suppliers, and by a portion of the gasoline price as reported by AAA Michigan, since both of those work items are dependent upon potentially volatile oil prices.

The Engineering Dept. recommends the award of the Quarton Lake Annual Maintenance Dredging Project, 2013-2017, Contract #12-12(M), to Restoration Dredging, Inc., of Bloomfield Hills, MI, at a cost of $55,194.50. Funds for this work are budgeted under parks maintenance for the current fiscal year.

SUGGESTED RESOLUTION:

To award Contract #12-12(M), Quarton Lake Annual Maintenance Dredging Project, 2013-2017, to Restoration Dredging, Inc., of Bloomfield Hills, MI, in the amount of $55,194.50, charged to account number 101-751.0000-935.0000.

CITY OF BIRMINGHAM

QUARTON LAKE ANNUAL MAINTENANCE DREDGING PROJECT
CONTRACT #12-12(M)

BID SUMMARY

September 17, 2012 - 2:00 PM

Company Name	Addendum No. 1	5% Bid Security	Bid
RESTORATION DREDGING, INC	X	X	$55,194.50 *
INLAND LAKES LANDSCAPING	X	X	$59,768.00
* Note: Math Error Corrected by Engineering Dept.			