



JOINT MEETING
of the
PAINT CREEK TRAILWAYS COMMISSION
and the
OAKLAND TOWNSHIP PARKS & RECREATION
COMMISSION



Oakland Township Municipal Offices
4393 Collins Rd., Rochester, Michigan 48306

CALL TO ORDER: The Tuesday, August 15, 2017 Joint Meeting was called to order by acting Chairperson Becker at 7:00 p.m.

PLEDGE OF ALLEGIANCE: All rose and recited the pledge.

ROLL CALL FOR EACH GOVERNMENTAL BODY:

Oakland Township Parks & Recreation Commission:

Present: Emily Barkham, Craig Blust, Daniel Bukowski (*enter 6:07 p.m.*), Colin Choi, Hank Van Agen

Absent: Cathy Rooney, Dan Simon

Quorum present

Paint Creek Trailways Commission:

Voting Members Present: Rock Blanchard, Susan Bowyer, Frank Ferriolo, Kim Russell, Hank Van Agen

Voting Alternates Present: David Becker, Donni Steele (*enter 6:03 p.m.*)

Non-Voting Alternates Present: Robin Buxar, Martha Olijnyk

Village of Lake Orion Non-Voting Member Present: Brad Mathisen

Voting Members Absent: Brian Birney, Linda Gamage, Jeff Stout

Alternates Absent: Ben Giovanelli, Chris Hagen, Jim Kubicina, Lynn Loeb, Richard Schultz

Village of Lake Orion Non-Voting Alternate Absent: Shauna Brown

Quorum present

Others Present:

Kristen Myers, Trail Manager, Chris Gray, Assistant Trail Manager, Mindy Milos-Dale, Oakland Township Parks Director, Sandi DiSipio, Recording Secretary

APPROVAL OF AUGUST 15, 2017 AGENDA BY EACH GOVERNMENTAL BODY:

Paint Creek Trailways Commission:

MOTION by Blanchard, seconded by Ferriolo, *Moved*, to approve the August 15, 2017 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

Oakland Township Parks & Recreation:

MOTION by Van Agen, seconded by Choi, *Moved*, to approve the August 15, 2017 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: No public comment was heard.

FOR APPROVAL: Chairmanship of OTPRC-PCTC Joint Meetings: The floor was opened for nominations of the Chairperson. Mr. Ferriolo nominated Mr. Becker to serve as the Chairperson of the Joint Meetings because of his experience in chairing meetings. No other nominations were heard. Nominations were closed. Vote on Mr. Becker to serve as Chairperson of the Joint Meetings.

Ayes: All Nays: None

MOTION CARRIED.

The floor was opened for nominations of Vice-Chairperson. Mr. Blust nominated Mr. Van Agen to serve as the Vice-Chairperson of the Joint Meetings as he represents both Oakland Township and Paint Creek Trailways. No other nominations were heard. Nominations were closed. Vote on Mr. Van Agen to serve as Vice-Chairperson of the Joint Meetings.

Ayes: All Nays: None

MOTION CARRIED.

BACKGROUND ON RFP PROCESS TO OBTAIN ENGINEERING DESIGN SERVICES FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION: Ms. Milos-Dale, Parks and Recreation Director, Oakland Township:

Ms. Milos-Dale indicated a description of the process up to the point of evaluating finalists, was included in the packet. Ms. Milos-Dale summarized the background of the project. In 2013, Oakland Township contracted with an engineering firm to inspect this bridge. It was noted during this inspection that there were several issues with the bridge; the supports were not as stable as they should be, the southerly abutment was having problems with material falling away, and the creek has changed course over the last 100 years. As a result, the engineering firm recommended the Township consider a long term replacement of the bridge. In 2014, the same engineering firm did the scoping report consisting of a more detailed analysis, and came back with several alternative recommendations to remedy the problems. As a result, the Parks Commission and the Trailways Commission worked together to select an alternative that was used to apply for several grants to match Parks Commission dollars to fund the project. These reports and the grants were used for the RFP to gain engineering services for the work. The RFP was posted on the websites and mailed to engineering firms. There was a mandatory pre-bid meeting where nine firms attended. In July, six proposals were received from well qualified firms. There is a subcommittee consisting of members of the Parks Commission, Trailways Commission and staff which met on July 27th to review and compare the proposals based on criteria. A synopsis of the six proposals was included in the packet. The subcommittee recommended that the three finalists be interviewed at a subsequent meeting of the subcommittee. The finalists were Mannik & Smith Group, Wade Trim Associates and Spalding DeDecker. In preparation for that meeting, specific questions were sent to these firms asking for further information. Included in the packet are the initial proposals and the answers to the additional questions. A lot of questions were asked during the interviews.

Ms. Myers thanked everyone involved and the subcommittee for their time. In the interviews, each of the groups was asked to give a presentation about why they felt they were the best candidate. Any one of the finalists would do a great job on this project. Ultimately, the subcommittee unanimously recommend that Mannik & Smith Group receive the contract. The reasons they were selected were that they proposed five design alternatives, all services would be provided with in-house staff, they have a very strong team concept that the subcommittee felt was important, they are the only firm out of the three that is both pre-qualified by the Michigan Department of Transportation and the Road Commission for Oakland County, they have extensive experience with bridge rehabilitation/replacement projects, they look for ways to be more economical while being environmentally sensitive, they have experience with projects that were both TAP and MNRTF funded and have a clear understanding of the grant program

requirements, they have experience with projects that need to be adjusted to meet the requirements of the Michigan State Historic Preservation Office and they were able to make design adjustments in previous projects to satisfy SHPO and the municipality, they have clear understanding of the need for the bridge to last at least 75 years and provided ideas to address future scouring and potential course changes with the creek, they have experience and qualifications as well as the proper management oversight to ensure a successful project, and their cost proposal is \$53,917, which is much lower than the initial cost estimate for engineering design services. If both groups agree with the subcommittee's recommendation, there is a motion for consideration in the packet.

Ms. Steele would like to make a motion for sake of discussion. The Chair indicated discussion is the next item on the agenda. Ms. Steele agreed to withhold her motion at this time.

DISCUSSION: OTPRC/PCTC Joint Subcommittee Recommendation: The Chair asked if there are any questions about the project. Mr. Ferriolo asked if the alternatives would come first before the subcommittee, and then the Joint Committee would ultimately vote on one of the alternatives, as opposed to what was originally proposed, which is the concrete replacement. He asked if one of the future meetings will be the unanimous decision by both bodies on the final design. Chair Becker explained that the subcommittee that is recommending Mannik & Smith Group was not by each agency, but by the single subcommittee. The recommendation before the Boards tonight was made by both Parks & Recreation and the Trailways Commission meeting as a single entity. The final proposal is not set in stone at this time. Ms. Milos-Dale explained when the grant was applied for, a concept design was submitted and she clarified with the grant coordinator that a change in design was permissible. Both Boards will approve the final design.

Ms. Olijnyk was impressed with the Mannik & Smith Group proposal, but suggested a few things the subcommittee should be aware of if this is the company that is awarded the bid. In the conditions, there are terms that may need to be negotiated, e.g., if we have to go into litigation with them, they have an Ohio choice of law, and they have 30 day payment terms. She is not sure how this works with all the payment timing issues between the entities. It was suggested to have a 45-60 day payment term, or a 60 day term. Ms. Milos-Dale indicated there is language about non-payment beyond 70 calendar days shall be cause for termination. Mr. Bukowski is leaning toward a 90 day termination. They also have a lien rights provision that may need to be addressed. Ms. Milos-Dale added they have in the conditions that they own the information they put together for the project, where as the RFP states the Park Commission and Trailways Commission would be the owner. There are a number of things that the respective attorneys for both Boards needs to review. The question was asked if the designer is selected tonight, will it be pending attorney review or will it be with conditions. Ms. Milos-Dale indicated approval tonight could be conditional upon approval by both attorneys. The conditions needing review should also be listed in the motion. She indicated the Parks Commission attorney is very familiar with the trust fund grants, but not as much with the TAP grants. The indemnification part of the contract is also important. Ms. Russell would like to see language about any conflict of the TAP grant or the trust fund grant would make it null and void in the conditions. She commented recycling was talked about on the site visit. There is a lot of money to be recycled from the bridge if it has to be reconstructed, and she would like to know where the material is going. There is a lot of history in the bridge. Ms. Milos-Dale said this was not specifically asked, but the firm has used material in the past. This issue should be looked into for the salvage value as well as the re-use value and the information should be given to the subcommittee.

**FOR APPROVAL BY OAKLAND TOWNSHIP PARKS AND RECREATION
COMMISSION: Awarding of Contract for Engineering Design Services for Paint Creek
Trail Bridge 33.7 Renovation:**

MOTION by Choi, seconded by Van Agen, *Moved*, to approve the selection of the Mannik & Smith Group for Engineering Design Services for the Paint Creek Trail Bridge 33.7 Renovation, for a not-to-exceed cost of \$53,917, contingent upon the Paint Creek Trailways Commission approving the project agreement with the Michigan Natural Resources Trust Fund (MNRTF), for grant number TF16-0008, and conditioned upon legal review by Oakland Township Parks and Recreation Commission (OTPRC) and Paint Creek Trailways Commission (PCTC) attorneys, of the standard contract Terms and Conditions provided by Mannik & Smith Group. Legal review will include, but not be limited to the following items: assuring dual ownership (OTPRC & PCTC) of documents prepared by Mannik & Smith Group for this project, adjustment of payment terms, verification of the indemnification clause, adjustment of the venue for dispute resolution, elimination of lien rights, and the addition of language that states non-compliance with MNRTF and Transportation Alternatives Program (TAP) grant requirements shall be just cause for termination of the contract by the Paint Creek Trailways Commission.

Ayes: Barkham, Blust, Bukowski, Choi, Van Agen

Nays: None

Absent: Rooney, Simon

MOTION CARRIED.

FOR APPROVAL BY PAINT CREEK TRAILWAYS COMMISSION: Awarding of Contract for Engineering Design Services for Paint Creek Trail Bridge 33.7 Renovation:

MOTION by Steele, seconded by Blanchard, *Moved*, to approve the selection of the Mannik & Smith Group for Engineering Design Services for the Paint Creek Trail Bridge 33.7 Renovation, for a not-to-exceed cost of \$53,917, contingent upon the Paint Creek Trailways Commission approving the project agreement with the Michigan Natural Resources Trust Fund (MNRTF), for grant number TF16-0008, and conditioned upon legal review by Oakland Township Parks and Recreation Commission (OTPRC) and Paint Creek Trailways Commission (PCTC) attorneys, of the standard contract Terms and Conditions provided by Mannik & Smith Group. Legal review will include, but not be limited to the following items: assuring dual ownership (OTPRC & PCTC) of documents prepared by Mannik & Smith Group for this project, adjustment of payment terms, verification of the indemnification clause, adjustment of the venue for dispute resolution, elimination of lien rights, and the addition of language that states non-compliance with MNRTF and Transportation Alternatives Program (TAP) grant requirements shall be just cause for termination of the contract by the Paint Creek Trailways Commission, and as approved by Oakland Township Parks & Recreation Commission.

Ayes: Becker, Blanchard, Bowyer, Ferriolo, Steele, Russell, Van Agen

Nays: None

Absent: Stout

MOTION CARRIED.

Chairman Becker asked if the contract with changes needs to be brought back for review. Mr. Blust stated he is fine with not bringing the contract back because of time constraints if the requested conditions are agreed to. This project needs to be brought forward. If there are any disagreements with changes in the conditions, then it needs to come back for discussion and approval by both Boards.

FOR REVIEW: Next Steps in the Engineering Design Process for Paint Creek Trail Bridge 33.7 Renovation:

Ms. Milos-Dale said hoping the contract is fine, and all insurance paperwork is received, the next thing is the kick-off meeting, where all of the stake-holders would be participating. This would be led by Mannik & Smith. This has been a combination of staff as well as Commissioners that have participated in these meetings. The group should consider the existing subcommittee as the representatives for these groups. The kick-off meeting isn't going to be making any decisions, they will be just talking about how the process will roll out. It would

make sense to have the subcommittee and support staff to attend the meeting, which will be held a couple weeks out. The actual construction will take 2-3 months, and there is no viable detour at this time. Hopefully the construction will be completed prior to October 1, 2018. Communication to the public will come at a later date. A major PR push to the community will be made later in the process. As a deliverable of the subcommittee, it was suggested they develop a specific communication plan.

ADJOURNMENT BY EACH GOVERNMENTAL BODY:

Paint Creek Trailways Commission:

MOTION by Steele, supported by Blanchard, *Moved*, to adjourn the meeting at 7:01 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

Oakland Township Parks & Recreation Commission:

MOTION by Blust, seconded by Choi, *Moved*, to adjourn the meeting at 7:01 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

Respectfully submitted,

EMILY BARKHAM, Secretary
Oakland Township Parks & Recreation Commission

HANK VAN AGEN, Secretary
Paint Creek Trailways Commission