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# Paint Creek Trailways Commission Meeting

Tuesday, June 20, 2017 at 7:00 PM

City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307

## MEETING AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment**
5. **Consent Agenda:**
  - a. Minutes: Regular Meeting, May 16, 2017
  - b. Treasurers Report – May 2017
6. **Approval of Invoices**
7. **Temporary Permit Request:** Orion Fire Fighters Association 5K – October 7, 2017
8. **Update & Approval:** 2016 Audit
9. **Update:** Village of Lake Orion membership on Paint Creek Trailways Commission
10. **Discussion:** RFP Engineering Design Services – Paint Creek Trail Bridge 33.7 Renovation
11. **Update:** RFP – Design Build – Observation Deck
12. **Manager's Report**
13. **Commissioner Reports**
14. **Adjournment of Meeting**
15. **Site Visit – Bridge 33.7 between Dutton and Silver Bell Roads\***

\*The Paint Creek Trailways Commission will be conducting a site visit to Bridge 33.7 in Oakland Township, on the Paint Creek Trail between Dutton and Silver Bell Roads, after the meeting is adjourned, for a brief overview of the Bridge 33.7 Renovation Project. Commissioners and staff will meet at the Dutton Road Parking Lot, located on the north side of Dutton, west of Orion Road, and will walk (or drive) to the bridge. A quorum will be present, but no votes or action will be taken. The site visit is open to the public.

Next Regular Meeting: **July 18, 2017 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307**

Enclosures:    Agenda Summary  
                  May 16, 2017 Draft Minutes  
                  May 2017 Treasurer's Report  
                  Temporary Permit Application – Orion Fire Fighters Association 5K  
                  Memo: 2016 Audit Corrections Follow-up  
                  Memo & Draft RFP Engineering Design Services – Paint Creek Trail Bridge 33.7 Renovation  
                  Memo: Update on RFP Design Build for Observation Deck  
                  June Manager's Report

## Agenda Summary

June 20, 2017

1. Call To Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. **Consent Agenda:**
  - a. **Minutes: Regular Meeting, May 16, 2017**
  - b. **Treasurer's Report – May 2017**
6. **Approval of Invoices**
7. **Temporary Permit Request: Orion Fire Fighters Association 5K – October 7, 2017**

**Summary:** Chris Hagen will be present to discuss their event. The application has been included in your packet. I am recommend waiving the \$10 application fee, as Orion Township is a member agency.

**Desired Action:** Approval, contingent upon receiving proof of insurance prior to the event and waiving the \$10 application fee.

**Budget Impact:** None
8. **Update & Approval: 2016 Audit**

**Summary:** I contacted Joe Verlin and Neal Hammerbacher from Gabridge & Company to request an explanation of the errors in our 2016 Audit. Their response has been included in a memo your packet. Corrected hard copies are being sent, but will not be received until after meeting packets are distributed. I am hopeful that an electronic copy will be received and posted for your review.

**Desired Action:** Receive and file, send to State treasury for acceptance.

**Budget Impact:** None
9. **Update: Village of Lake Orion membership on the Paint Creek Trailways Commission**

**Summary:** The Ad-Hoc Committee will be meeting on June 15, 2017. Chairman Becker and will have a verbal update at the meeting.

**Desired Action:** Receipt of report

**Budget Impact:** None
10. **Discussion: RFP Engineering Design Services – Paint Creek Trail Bridge 33.7**

**Summary:** Mindy and I have been working on the draft RFP. A memo and the RFP are in your packet for review.

**Desired Action:** Approval

**Budget Impact:** None
11. **Update: RFP- Design Build- Observation Deck**

**Summary:** We received one proposal by the deadline. I have contacted the three vendors who attended the site visit, but did not submit a proposal, to get feedback on why they didn't submit a bid. See memo in your packet for more information

**Desired Action:** Discussion/Direction

**Budget Impact:** Unknown.

14. **Manager's Report** - included in your packet.
15. **Commissioner Reports**
16. **Adjournment of Meeting**
17. **Site Visit – Bridge 33.7 between Dutton and Silver Bell Roads**

**Next meeting July 18, 2017 – City of Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307**

***NOTE: We are having a site visit on the trail after the meeting is adjourned, for a brief overview and presentation by Cheryl Gregory, engineer at Spalding DeDecker. Commissioners will meet at the Dutton road parking lot and walk to the bridge. A vehicle will be available if anyone would like assistance traveling to the site. No action will be taken during the site visit, and it is posted and open to the public, adhering to Open Meetings Act laws.***



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## REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

City of Rochester Municipal Offices  
400 Sixth Street, Rochester, Michigan 48307

**CALL TO ORDER:** The Tuesday, May 16, 2017 meeting was called to order by Chairperson Becker at 7:00 p.m.

**Voting Members Present:** Brian Birney (*enter 7:06 p.m.*), Rock Blanchard, Frank Ferriolo, Linda Gamage, Kim Russell, Hank Van Agen, Alice Young

**Voting Alternates Present:** Jim Kubicina

**Non-Voting Alternates Present:** David Becker, Donni Steele (*enter 7:05 p.m.*)

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

**Voting Members Absent:** Susan Bowyer

**Alternates Absent:** Robin Buxar, Ben Giovanelli, Lynn Loeb, Martha Olijnyk, Lisa Sokol, Richard Schultz

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

**Others Present:** Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

**PLEDGE OF ALLEGIANCE:** All rose and recited the Pledge.

### **APPROVAL OF AGENDA:**

**MOTION** by Young, seconded by Kubicina, *Moved*, to approve the May 16, 2017 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** None

### **CONSENT AGENDA:**

a. Minutes – April 18, 2017 Regular Meeting, approve and file

b. Treasurers Report – April 2017, receive and file

**MOTION** by Blanchard, seconded by Russell, *Moved*, to approve the Consent Agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Gray presented the invoices in the amount of \$3,434.83.

This amount includes the recorder's monthly fee, attorney services for the Joint Agreement with Oakland Township Parks Commission, final billing for the 2016 audit, vault restroom cleaning for April, 2017 and a reorder of pet waste bags. Estimated unrestricted fund balance is estimated at \$97,000.

**MOTION** by Young, supported by Gamage, *Moved*, that the invoices presented for payment are approved in the amount of \$3,434.83 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**UPDATE & RECOGNITION: Girl Scout Adopt-A-Trail Program:** Girl Scouts Taylor Brooks and Chrissie Stephens gave a report of their project and thanked the Commission for the opportunity. The Commission thanked them for their great project, and presented them with a Certificate of Appreciation and a Paint Creek Trail Ambassador patch for their sash. Since the April kick-off of this project, four sections of the trail have been adopted, and there is a waiting list of other people who want to adopt a section of the trail.

**APPROVAL: 2016 Audit:** Ms. Gray stated Neal Hammerbacher completed the 2016 Audit, and said two small items were flagged as over budget – the mounted patrol budget was over by \$229 due to a clerical error and Trail Saleable Items is listed as \$894 over budget due to zeroing out old merchandise that was still on the books. Ms. Young pointed mathematical errors she found in the report and stated this is unacceptable. These errors need to be corrected before the audit is approved and sent to the State. It was requested the audit be corrected and a written letter be provided to the Commission explaining how/why these errors occurred. The Chair reminded the members that there is the option of not continuing the contract if either party chooses to cancel. The corrected audit will be on next month's agenda for approval.

**DISCUSSION: Oakland County Local Government Investment Pool:** Ms. Gray indicated information was provided in the packet. Ms. Steele has been working with Oakland County to see if the Commission is eligible to become part of the county's investment pool. It would be an opportunity for the Commission to use part or all of the fund balance to gain additional revenue. The average interest rate is 1.312 and can be liquid in 24 hours. It appears to be a very safe investment. Oakland Township invests in this pool. It was pointed out the paperwork indicates the initial investment must be \$100,000 – the fund balance is only at \$97,000. Ms. Steele indicated the initial investment can be \$75,000, and that the pool contains 1.3 billion dollars that the county invests. Their average return is about 1.1%. A small management fee is charged. She feels this is a way to make additional revenue. Orion Township also invests in this pool. Any gained revenue just rolls over and is reinvested until the owner chooses to take it out. Ms. Steele was thanked for her research.

**MOTION** by Young, seconded by Kubicina, *Moved*, to make an initial investment of \$75,000 into the investment pool.

Discussion – Ms. Russell suggested that someone who knows about investments review this option. Mr. Ferriolo feels this is a solid opportunity, and two municipalities are already involved in it. Ms. Gamage doesn't feel right about investing 75% of the fund balance into one place, and suggested bringing this item back next month after the members have had time to review the option. It was suggested that a history of the fund pool be researched. Most members are concerned about investing such a high percentage of the fund balance. It was suggested to see if all member communities are involved in this investment pool. It was agreed that this is a good idea, but the Commission's budget is very small. The other municipalities that are invested have much larger budgets are likely are only investing 10 – 15% of their funds; this should be researched before the next meeting. It was suggested that Rochester's Treasurer be asked for their opinion.

Ms. Young withdrew her Motion; Mr. Kubicina concurred.

**UPDATE: Tails for Trails – National Trails Day, June 3, 2017:** Ms. Gray indicated three sponsors have been secured and nine vendors have signed up. The tentative schedule of events is outlined in a memo included in the packet. Interest on social media has been high and registration is provided on the website. This event will be promoted, and hopefully the weather

will be good. It was suggested the event be promoted on each member's website and on their cable networks. The event will take place at the Cider Mill and on the trail, and parking will likely be an issue, but staff is working on this. It was suggested that Oakland Township and the Sheriff's Department be made aware of the event. People could park at Oakland Township's offices.

**UPDATE: RFP Design Build, Observation Deck:** Ms. Gray indicated the RFP was distributed on 4/25/17. A site visit was held on 5/9/17 and three contractors attended. Submissions are due 6/6/17. Questions were posed and answered. One of the contractors indicated the budget was very low. It was suggested that if interested, this contractor should submit a bid so the Commission can have a better idea of the cost. Relative to the question if the Diamond Pier Foundation Footings need to be set in stone – isn't this how the designer indicated the deck should be anchored? Is this a manufacturer or a style? This is important to the design, and it was suggested to ask Mr. Nunez what he thinks about this, if there are any other anchoring options available, and the reasons for requiring the Diamond Pier Foundation Footings. Are there other options for the balusters than the powdered coated aluminum? If there are other options, the Commission may be open to them. These questions will be posed to Mr. Nunez and answers will be provided at the next meeting.

**AD-HOC COMMITTEE UPDATE: Village of Lake Orion membership on PCTC:** Chairperson Becker commented the committee consists of Mr. Van Agen, Mr. Blanchard, Ms. Steele and himself from the Commission, and Mr. Mathisen, Mr. Young, the Village Manager, and Ms. LaLone from the DDA are assisting. Ms. Myers and Ms. Gray attend meetings when possible. The committee met on April 28<sup>th</sup> for a site visit to talk about the proposed addition to the trail. Another meeting will be held this Thursday. The next stage will be to discuss whether the committee wants to recommend that the Village be a member of the Commission, and to recommend an additional mile to the trail as suggested by the Village, from Atwater to the Kroger store on Lapeer. Mr. Ferriolo suggested the committee should discuss the "should we" before the "how". What resources is the committee using to determine the "should we"? There should be substance outside of opinions. Mr. Becker indicated the committee is open to any Commission suggestions, as the Commission will have to act on any recommendations. Mr. Ferriolo suggests looking at the situation from the legal standpoint, and to get input from however the original property was sold and bought. Is there anything in the contract that precludes the trail becoming diversified in its nature? Does the legal document allow such a change in purpose? The Village will own the extension, not the Commission. The trail will be extended anyway, so the only thing that will change is whether it's called the Paint Creek Trail or the Village of Lake Orion Trail. He's happy to see this extension happen, but feels it should be called something else and the Commission shouldn't be tied into it as an entity. This extension also needs to have agreement from the four member communities to move forward. Mr. Becker stated he doesn't recall the extension would take a unanimous vote of the members. The committee would not recommend an extension of the trail or the admission of another member unless it was thought to be a mutual benefit to the Commission and users. Mr. Blanchard feels it is important to find out what the Village is expecting, as Orion Township is already a member. The committee will provide a list of the pros and cons of Lake Orion's membership on the Commission.

**REPORT: Trail Maintenance Meeting:** A Trail Maintenance Meeting was held on May 3, 2017 and a summary was provided in the packet. Ms. Gray indicated the meeting was very productive and a great opportunity for the four municipalities to provide input and share ideas. It was a great way to bring up the funds necessary for resurfacing and reminding the members of the in-kind services. There was a suggestion to add an ordinance regarding graffiti. It was

suggested these meetings be held annually. Lake Orion is working to remove the remnants of the dam which is where most of the graffiti occurs.

**MANAGER'S REPORT:** In addition to the written report, Ms. Gray reported there was a report of vandalism at Clarkston/Kern – unfortunately the photos were taken at night. A police report is filed on every incident. The logo contest started 4/22/17 and two entries have been received so far. It was suggested that information about the contest be provided to the local high schools' art departments.

**COMMISSIONER REPORTS:** Commissioner's reports were heard.

**ADJOURNMENT:**

Upon motion by Young, seconded by Gamage, the Chairperson adjourned the Regular Meeting at 8:25 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT MEETING: June 20, 2017 at 7:00 p.m. – City of Rochester Municipal Offices**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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HANK VAN AGEN, Secretary

# Paint Creek Trailways Commission

## Treasurer's Report - Flagstar Bank

### May 2017

<b>Balance:</b>	1-May-17		
	Checking Balance	\$ 164,845.18	
	Outstanding Checks (3149)	<u>\$ 230.00</u>	
			<b>\$ 164,615.18</b>
<b>Revenues:</b>			
	Deposit - Interest Income	<u>\$ 34.88</u>	
	<b>Total Revenues</b>	<b>\$ 34.88</b>	
			<b>\$ 164,650.06</b>
<b>Expenditures:</b>			
	3150 - Chase Card Services	\$ 41.33	
	3151 - Foster Swift Collins & Smith PC - Legal Services	\$ 1,087.50	
	3152 - Gabridge & Company - 2016 Audit Fee	\$ 1,670.00	
	3153 - Sandi DiSipio - Recorders Fee	\$ 230.00	
	3154 - Turner Sanitation - Restroom Cleaning	\$ 208.00	
	3155 - Zero Waste USA - Dog Waste Bags	<u>\$ 198.00</u>	
	<b>Total Expenditures</b>	<b>\$3,434.83</b>	
			<b>\$ 161,215.23</b>
<b>Balance:</b>	31-May-17		
	Checking Balance	\$ 163,115.23	
	Outstanding Checks (3152,3153)	<u>\$ 1,900.00</u>	
			<b>\$ 161,215.23</b>

### TRAILWAYS COMMISSION BALANCE

**\$ 161,215.23**

Signed By: \_\_\_\_\_  
 Trailways Commission Treasurer                      Trail Manager

Date: \_\_\_\_\_





Paint Creek Trailways Commission
Application for Temporary Use Permit

Name of Applicant/Organization: Orion Fire Fighters Association
Address: 2525 Joslyn Rd.
City/State/Zip: Orion Township, MI. 48360
Phone: (248) 765-9306 Fax: ( )

Type of Organization:
[ ] For-Profit [X] Non-Profit with 501(c)(3) status [ ] Unofficial Non-Profit or Informal Fundraising Group

Contact Person Name: Brian Hearn
Address: 800 Merritt Ave.
City / State / Zip Code: Lake Orion, MI. 48362
Phone: (248) 765-9306 Fax: ( )

Email Address: acghearns@gmail.com

1. Name of Event or Project: Run with Fire 5K
2. Is this the first time your event will be held on the Trail? [X] Yes [ ] No
If not, when was the last time your event was held on the Trail?

3. Describe intended use: 5K

4. Date of Event: October 7, 2017

5. Rain Date (if any):
Start Time: 9:00 AM End Time: 11:00 AM

6. Onsite Contact, Day of the Event: Brian Hearn, (248) 765-9306

7. Is entire Trail (from Rochester to Lake Orion) to be used for event or project? If not, specify nearest cross streets to start and end points.
No, Atwater to Clarkston Rd back to Atwater

Specific Detail on Route or Locations: If attaching map or drawing, check this box: [ ]
Starting at 960 South Anderson

8. How many participants are expected? unknown

9. Signs/Banners/Advertising on the Trail? [X] Yes [ ] No
(All trail signage and locations must be approved by the Trailways Commission)

10. Applicant is required to complete and return the "Paint Creek Trail Temporary Use Permit Report Form" to the Commission within 30 days after the approved event.
11. The Paint Creek Trail is a non-motorized trail. If motorized access is absolutely required, please contact the Trail Manager.

**TERMS of the PERMIT**

1. The permit is issued for the dates and times listed above and for the purposes authorized and for no others. THE PERMIT CAN BE TERMINATED BY REPRESENTATIVES OF THE TRAILWAYS COMMISSION AT ANY TIME, WITHOUT NOTICE AND WITHOUT CAUSE. The permit holder agrees that in the event his/her permit is terminated, he/she will leave the Trail property and will have no claim against the Commission or any of its representatives.
2. The permit holder agrees and understands that this permit is not and shall not create a lease, easement, or other rights not specifically identified in this document. No changes are allowed unless submitted and approved in writing. THE PERMIT HOLDER CANNOT ASSIGN THIS PERMIT TO ANY ONE ELSE.
3. The Commission shall not be liable to the permit holder or anyone authorized under the permit for any loss, injury, or damage to persons or property while they are on or around trail property. All motor vehicles approved for use must be insured. The permit holder agrees to hold the Commission, governments, and representatives harmless and shall indemnify and defend them from all losses, injury, damage, or claims by anyone for any reason caused by or growing out of the use of this permit or activities authorized by this permit.
4. The permit holder must conform to all federal, state, and local laws, ordinances, rules and regulations. The permit holder may be required to obtain other governmental permits, or authorization of neighboring property owners, and if so, must do so at his/her own expense.
5. Notices, if any are needed, shall be sufficient if mailed by ordinary mail to the permit holder at the address above.
6. Permit holder or organization representative shall show identification and copy of the permit if requested to do so by a law enforcement officer, community representative, or commission representative.

**THE UNDERSIGNED AGREES TO THE ABOVE TERMS:**

Signature of Applicant/Contact: Brian Hearn

Print or Type Name: Brian Hearn Date: 5/31/17

**Return Completed Application and supporting documents to:**

**Paint Creek Trailways Commission  
Attn: Temporary Permit Processing  
4393 Collins Road  
Rochester, MI 48306**

*For Internal Use Only*

Date Application Received: 6/5/17 Amount Received: waived  
Date Insurance Received: \_\_\_\_\_  
Commission Approval Date: \_\_\_\_\_ or Administrative Approval Date: \_\_\_\_\_



## **MEMO**

To: Commissioners, Alternates & Staff  
From: Kristen Myers, Trail Manager  
Subject: 2016 Audit Corrections Follow Up  
Date: June 14, 2017

After the last meeting, Chris contacted Joe Verlin and Neil Hammerbacher regarding the errors in our 2016 Audit Report, and requested a written response at their earliest convenience. Their responses below are in red. I requested additional clarification after receiving these responses, and have included it later in this memo:

From Page 4 of Management Discussion and Analysis:

### *Financial Highlights*

- The assets of the Commission exceeded its liabilities at the close of the most recent fiscal year by \$697,516 (net position). Of this amount, \$96,430 represents unrestricted net position, which may be used to meet the Commission's ongoing obligations to citizens and creditors.
- At the close of the current fiscal year, the Commission's general fund reported fund balance of \$96,430, an increase of \$5,532 in comparison with the prior year. Approximately 98% of this amount (\$93,965) is available for spending at the Commission's discretion (*unassigned fund balance*).
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$96,430 or approximately 103% of total general fund expenditures.

From Page 6 of Management Discussion and Analysis:

The remaining balance of \$96,430 is unrestricted and may be used to meet the government's ongoing obligations to its citizens and creditors.

From page 7 of Management Discussion and Analysis:

The general fund is the chief operating fund of the Commission. At the end of the current fiscal year, fund balance of the general fund was \$96,430, an increase of \$5,532 from the prior year. Fund balance, of which \$2,465 is assigned for particular purposes and \$93,965 is unassigned, represents approximately 103 percent of total general fund expenditures.

**RESPONSE:** On the government-wide (accrual) financial statements, equity is referred to as net position. The unrestricted net position as of December 31, 2016 was \$96,430. Later in the basic financial statements fund financial statements are prepared (on the modified accrual basis of accounting) and equity is referred to as fund balance. There was \$2,465 of assigned fund balance and another \$93,965 of unassigned fund balance (total fund balance of \$96,430, which is the same amount as unrestricted net position) as of December 31, 2016.

Does this answer the question about the first inconsistency?

Additionally, please clarify the following:

Page 10- Cash and Accounts Receivable do not equal Total Current Assets:

**Paint Creek Trailways Commission**  
**Statement of Net Position**  
**December 31, 2016**

	<u>Primary Government Governmental Activities</u>
<b>ASSETS</b>	
<i>Current Assets</i>	
Cash	\$ 97,073
Accounts Receivable	587
<b>Total Current Assets</b>	<u>97,600</u>
<i>Noncurrent Assets</i>	
Capital Assets not being Depreciated	452,950
Capital Assets being Depreciated	148,136
<b>Total Assets</b>	<u>698,746</u>
<b>LIABILITIES</b>	
<i>Current Liabilities</i>	
Accounts Payable	1,230
<b>Total Current Liabilities</b>	<u>1,230</u>
<b>NET POSITION</b>	
Net Investment in Capital Assets	601,086
Unrestricted	96,430
<b>Total Net Position</b>	<u>\$ 697,516</u>

RESPONSE: On the draft audit report that we submitted for review total current assets were properly reported as \$97,660. The amount below is an error. We posted edits to the draft version of the audit report prior to printing the final version of the audit report. We must have inadvertently "grouped" multiple pages when we posted the edits which affected the total current assets formula – leading to the footing error. It went undetected as this was the final step before going final – we had already completed our final review. We greatly apologize for this.

Page 12- The Accounts Receivable figure appears to be in error:

**Paint Creek Trailways Commission  
Balance Sheet  
Governmental Funds  
December 31, 2016**

	<u>General</u>
<b>ASSETS</b>	
Cash	\$ 97,073
Accounts Receivable	12,852
<i>Total Assets</i>	<u>\$ 97,660</u>
<b>LIABILITIES</b>	
Accounts Payable	\$ 1,230
<i>Total Liabilities</i>	<u>1,230</u>
<b>FUND BALANCE</b>	
Assigned	2,465
Unassigned	93,965
<i>Total Fund Balance</i>	<u>96,430</u>
<i>Total Liabilities and Fund Balance</i>	<u>\$ 97,660</u>

**RESPONSE:** On the draft audit report that we submitted for review total accounts receivable were properly reported as \$587. The amount below is an error – same as above. We posted edits to the draft version of the audit report prior to printing the final version of the audit report. We must have inadvertently “grouped” multiple pages when we posted the edits which affected the accounts receivable formula – leading to the error. It went undetected as this was the final step before going final – we had already completed our final review. We greatly apologize for this.

On May 30, I asked for the following clarifications:

Joe,

We’d like a little more clarification. Why is the \$2,465 called ASSIGNED, and not RESTRICTED on page 7? Why on page 6 is it considered available for general use by the Commission if it is either assigned or restricted? The funds were given for specific purposes by the donor, and are not to be used for anything else.

I think the confusion lies with the inconsistent use of the terms “unassigned fund balance” and “unrestricted”, as well as “unrestricted net position” and “unassigned fund balance”.

On Page 6, 2<sup>nd</sup> paragraph under the table, it says “The remaining balance of \$96,430 is unrestricted, and may be used to meet the government’s ongoing obligations to its citizens and creditors. Should it say “the remaining balance of \$96,430 is unrestricted NET POSITION, and may be used...”

And yes, we would like updated bound copies of the report.  
Thank you!

Kristen Myers, Trail Manager  
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I received the following response on June 6, 2017:

Good Afternoon Kristen,

Neil and I spoke about this earlier today and it initially was our understanding that the funds were originally restricted, however, over time the restriction lapsed. If that is not the case then we would agree that the amount should be restricted.

Please let me know if the restriction is still in place and then we can update and send the new reports right away.

Thank you!

Joe Verlin, CPA, CGFM

Gabridge & Company  
3940 Peninsular Drive SE Suite 130 / Grand Rapids, MI 49546

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F 616-538-2441

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I advised him that the funds were still restricted, and he advised they would make the corrections and send the new reports.

As of this writing, I have not received the corrected copies. I will post a copy on the website for review and advise when it is available, and bring hard copies to the meeting.



## **MEMO**

To: Commissioners, Alternates & Staff  
From: Kristen Myers, Trail Manager  
Subject: RFP Engineering Design Services – Bridge 33.7 Renovation  
Date: June 13, 2017

### **Project Status Report**

- **Joint Agreement:** Oakland Township Parks and Recreation signed the final joint agreement between Oakland Township and the Paint Creek Trail Commission for Bridge 33.7.
- **Status of Appropriation of MNRTF Grant Funds:** PCTC/OTPRC are waiting for the appropriation by the Michigan Legislature of these grant funds. This is typically accomplished in the spring of the year following the grant recommendation. This year, bills that were initially sponsored by legislators representing communities in the NW Lower Peninsula are delaying this appropriation. Occasionally, there have been similar delays with past MNRTF grant appropriations and we believe our grant will be appropriated this summer. Thus far, the grant appropriation was approved by the Michigan Senate on May 24. It must still be approved by the Michigan House and be signed by the Governor before the MDNR can issue the grant project agreement with the Paint Creek Trailways Commission.

In the meantime, our MNRTF grant recommendation letter does indicate that prior to the signing of the project agreement, we can incur engineering costs associated with the preparation of plans, specifications and bid documents for our project and that we should select our project engineer as soon as possible. Mindy and I are hopeful that the PCTC/OTPRC will separately approve the project agreement at approximately the same time the PCTC/OTPRC jointly selects an engineer.

### **For Approval: RFP Engineering Design Services**

The draft RFP in your packet was written by Mindy and me. We would appreciate your review and comment on this draft which will be reviewed concurrently by our counterparts at Road Commission of Oakland County and the Michigan Department of Transportation. I am asking the Trailways Commission for your review/comment at the meeting. If we can issue the RFP soon after the meeting, we would be able to receive proposals and interview finalists with the intention of awarding the contract at a joint meeting in August. At the end of July, Mindy and I suggest that a committee composed of OTRPC and PCTC representatives interview the finalists and make a joint recommendation to both boards. Mindy is recommending that three members of her Capital Improvements Committee represent the OTRPC. I recommend that Chairman Becker, Vice-Chairman Blanchard, and Treasurer Steele represent the PCTC. Mr. Van Agen will likely be representing OTRPC.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



The Paint Creek Trailways Commission, in partnership with the Oakland Township Parks and Recreation Commission, is seeking proposals from experienced and qualified firms to provide engineering design services for Paint Creek Trail Bridge 33.7. This project's engineering design services must meet all the requirements of the Transportation Alternatives Program and the Michigan Natural Resources Trust Fund grants that are matching local funding to finance this project. Sealed proposals must be received at the Oakland Township Offices at 4393 Collins Road, Rochester, MI 48306 by **XXXXXXXXXX, 2017 at 3:00 P.M., Local Time**, when the names of proposers will be announced.

The Oakland Township Parks and Recreation Commission, in partnership with the Paint Creek Trailways Commission, officially distributes bid documents from the Charter Township of Oakland Clerk's Office, 4393 Collins Road, Rochester, MI 48306; the Oakland Township website [www.oaklandtownship.org](http://www.oaklandtownship.org); the Paint Creek Trailways Commission office, 4480 Orion Road, Rochester, MI 48306; the Paint Creek Trail website [www.paintcreektrail.org](http://www.paintcreektrail.org); or through the Michigan Intergovernmental Trade Network (MITN) at [www.mitn.info](http://www.mitn.info). Copies of bid documents obtained from any other source are not considered official copies. Only those vendors who obtain bid documents from either Charter Township of Oakland Clerk's Office or website, the Paint Creek Trailways Commission office or website, or the MITN System are guaranteed access to receive addendum information, if such information is issued.

The Paint Creek Trailways Commission, in partnership with the Oakland Township Parks and Recreation Commission, reserve the right to reject any and all proposals. Any deviation from the specifications must be noted on the proposal.

**SUBMIT SEALED PROPOSAL ON OR BEFORE DATE & TIME GIVEN ABOVE TO:  
OAKLAND TOWNSHIP CLERK  
CHARTER TOWNSHIP OF OAKLAND  
4393 COLLINS ROAD  
ROCHESTER, MICHIGAN 48306**

All proposals (including 8 copies) must be marked "**RFP – ENGINEERING DESIGN SERVICES PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION**" and submitted in a Sealed Envelope **TO THE PHYSICAL ADDRESS** LISTED ABOVE BY XXX Local Time on XXX, XXX, 2017. Proposals returned after this time will be returned unopened.

All correspondence or inquiries from interested firms regarding this proposal shall be directed to the attention of Kristen Myers, Trail Manager, 4393 Collins Road, Rochester, Michigan 48306, 248-651-9260, [manager@paintcreektrail.org](mailto:manager@paintcreektrail.org)

**Mandatory Pre-Proposal Meeting**

A mandatory pre-proposal meeting, including a site visit to Bridge 33.7, will be held starting at 10:00 a.m. at the Paint Creek Cider Mill on XXXXXXXX, 2017. Contractors will have an opportunity to observe the project location for bid purposes. Bids will not be accepted from firms who fail to attend this meeting.





**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



## **Overview**

The Paint Creek Trailways Commission is seeking engineering design services for Paint Creek Trail Bridge 33.7. The Commission's objective is to replace a 93 year old timber railroad bridge that is 61' long, and less than 9' wide, with a universal design bridge to greatly improve accessibility for both trail users as well as emergency and maintenance vehicles. We are interested in designs and structure options that require almost no maintenance during the life of the bridge, and are aesthetically appropriate for the Paint Creek Trail. The proposed bridge designs shall also satisfy the following conditions:

1. Minimum clear bike/multi-use path width of 14 feet
2. Bicycle speed of 20mph
3. The structure shall be designed for 90 psf pedestrian live load and a 10-ton (20,000 pound) emergency vehicle loading
4. The live load deflection shall not exceed 1/500 of the span length

In addition, the proposed bridge designs shall be designed in accordance with the current AASHTO Specifications for Highway Bridges, the AASHTO Guide for the Development of Bicycle Facilities, and the Americans with Disabilities Act (ADA).

## **Background**

The Paint Creek Trailways Commission is an intergovernmental agency comprised of Rochester, Rochester Hills, Oakland Township, and Orion Township in Oakland County, Michigan. It owns and manages the 8.9 mile Paint Creek Trail, and two additional undeveloped parcels in the City of Rochester. The Paint Creek Trail is located approximately located 30 miles north of Detroit. General information regarding the Paint Creek Trail and the Paint Creek Trailways Commission is available at [www.paintcreektrail.org](http://www.paintcreektrail.org).

The Paint Creek Trailways Commission owns Bridge 33.7 and the parcel in which it is located in Oakland Township. The bridge is located on the Paint Creek Trail between Dutton and Silver Bell Roads. The bridge crosses the Paint Creek, southeast Michigan's premier cold-water trout stream. Through an intergovernmental and maintenance agreement, Oakland Township Parks and Recreation maintains the surface, Right-of-Way, and bridges in the Oakland Township section of the Paint Creek Trail

Funding for the Paint Creek Trail Bridge Renovation will be through a Michigan Natural Resources Trust Fund (MNRTF) grant, a Transportation Alternatives Program (TAP) grant, and Oakland Township Parks and Recreation. The Road Commission for Oakland County (RCOC) will be acting as the Act 51 Agency for the TAP grant. All MDOT submittals will be initially reviewed and approved by the RCOC prior to submittal to MDOT. Services provided under this proposal must follow the Code of Federal Regulations Title 23 and Michigan Department of Transportation Local Agency Programs Instructions for Preparing Federal Aid Projects to Bid through MDOT, dated May 2007.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Scope of Work**

Services sought by this Request for Proposal generally include, but are not limited to:

1. **Document Existing Conditions:** After review of existing engineering data, field investigations, surveys and environmental studies, recommend and obtain any additional necessary site information including but not limited to topography, hydrology including water levels, creek bed/floodplain delineation, scour analysis, and geotech study (soil borings).

Document Paint Creek Trailways Commission Right-of-Way and adjacent property ownership near the project site. This information should identify public/private ownership and any existing easements or restrictions on affected property. Map Right-of-Way information. The Paint Creek Trailways Commission completed an Act 132 property survey in 2008; this information is available for use, if requested.

Existing conditions to be noted are property ownership, topography, natural resource constraints, utilities, historic and archaeological constraints, Right-of- Way, construction access constraints, and any other potential constraints as determined by the consultant.

2. **Identify Right-of-Way Issues:** This project may require temporary grading permits/easements, temporary construction permits/easements, and permanent easements. The consultant will identify the type, location and scope of any required permits or easements and map that information.
3. **Identify Utility Conflicts:** Identify and discuss all public and private underground and overhead utilities. Include a preliminary assessment of whether any relocation will be required. The assessment should include identification of owners potentially impacted by utilities.
4. **Identify Natural and Cultural Resource Constraints and Permitting Requirements:** Review natural and cultural resource issues including wetlands, surface waters, flora/fauna, endangered species, storm water, hazardous material sites, forest land, historic, archaeological and architectural resources and agricultural lands. Identify potential impacts on these resources and permitting requirements. When possible documentation from appropriate state and federal agencies should be included to summarize the extent to which resources may or may not be impacted. The consultant will identify any permits that will likely be needed for the project.
5. **Develop Conceptual Alternatives:** The consultant will be responsible for identifying potential alternatives for the renovation of Bridge 33.7. Design(s) shall be compatible with the existing trail and natural environment.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



6. **Develop Preliminary Cost Estimates:** The consultant will develop preliminary cost estimates for further planning, design, construction and maintenance of the project. Cost estimates should include preliminary bid item quantities. Per foot or lump sum costs will not be acceptable. The estimates should be based on the assumption that the project will be constructed using a combination of grant and local funding and will be managed by the local community. The cost estimates should include amounts for construction, engineering, and inspection.
7. **Project Time Line:** The consultant will provide a project development timeline that takes the project through design, permitting, and construction, including all tasks required to meet Project Planning Deadlines for Submittals to MDOT Local Agency Programs (LAP) (RCOC submittal must occur 4 weeks prior) :

October 2017:	Type, Size and Location Submittal
December 2017:	Grade Inspection Package Submittal to MDOT LAP including Preliminary Plans, Cost Estimate and indication of ROW needed
February 2018:	ROW Certification, Final Plans, Proposal and Estimate Submittal to MDOT LAP
May 2018:	Advertisement Start Date
June 2018:	Construction Letting Date
July 2018:	Construction Start Date
October 2018:	Construction End Date

8. **Presentation of Alternatives:** All of the proposed alternatives will be evaluated. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission will evaluate and consider each alternative based on, but not limited to, impact to natural resources, need for additional right of way, utility impacts, compatibility with trail aesthetics, impact to trail users, as well as estimated cost. Consultant will present different alternatives to both the Oakland Township Parks and Recreation Commission and the Paint Creek Trailways Commission, or a joint meeting of both agencies. A public information meeting may be required. The outcome of this meeting(s) should be an alternative selected by both agencies for further development.
9. **Preliminary Report:** Using information scope of work above, and site visits, the consultant shall submit a draft and final report outlining the findings of the study. A public informational meeting will be held to review the draft report before completion of the final report. The consultant is expected to include all of the elements listed in the RFP.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



10. **Deliverables:** All documents should be provided in both hard copy (paper) and digital format per MDOT guidelines. All copies of draft and final reports shall be printed double sided. The consultant will provide four copies of the draft and final reports and an electronic version of both. Reports must be submitted a minimum of one full week prior to meetings at which they will be discussed, to be included in meeting packets.

The engineering design services may include, but not be limited to:

**Phase I**

- **Preliminary Design (Feasibility Study):**
  - Review all studies, constraints and parameters as may be applicable to the design of the project.
  - Conduct all meetings with Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission staff and communicate with affected Federal, State and other regulatory agencies to obtain information and to coordinate or resolve design matters, including historical, cultural and Threatened and Endangered species reviews.
  - Evaluate and review existing and proposed systems and facilities, including engineering data, field investigations, surveys and environmental studies, as required for Preliminary Design.
  - Recommend design alternatives and meet with Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission staff to determine design direction.
  - Prepare necessary evaluation reports and recommendations.
  - Prepare preliminary plan and timeline inclusive of design, obtaining construction easement(s) (if required) and construction.
  - Prepare preliminary cost estimates for construction, obtaining construction easement(s) (if required) and annual maintenance costs related to the bridge renovation.
  - Present the Phase I results at a joint meeting with the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.
  - Submit Type, Size and Location Information to RCOC/MDOT

**Phase II**

- **Final Design:**
  - Participate in public hearings conducted by Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission to assist in answering questions.
  - Prepare final plans, specifications, and cost estimates based on the preliminary plan approval and applicable Federal, State and Local regulations and requirements.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



- Adhere to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission published design standards and standard bidding format.
  - Prepare documents and submit to the MNRTF and TAP Programs (Submittal to RCOC/MDOT LAP of Grade Inspection Package including Plans when 60 – 80% complete, Cost Estimate, and indication of ROW needed)
  - Provide six (6) copies of engineering drawings and final contract specifications and two (2) complete copies on CD in format meeting MDOT requirements
  - Specifications shall be prepared in Microsoft Word format.
  - Submit and obtain all applicable permit approvals necessary for construction of the facilities. Permit review fees shall be covered by the Paint Creek Trailways Commission.
  - Attendance at joint meeting to present the final design to Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.
  - Submit ROW Certification, Final Completed Plans, Proposal and Cost Estimate to MNRTF and TAP Programs (RCOC/MDOT LAP)
- Bidding:  
MDOT LAP will oversee the advertisement for bids and the bidding process.
  - Construction Engineering/Administration Services:  
There will be the potential for the engineering firm that is awarded the contract for design engineering to also assume responsibility for the Construction Engineering/Administration Services.

To assist the engineering design firm, the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission will do the following:

- Provide the engineering design firm all information, as legally possible, in possession of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, which are relevant to the project.
- Examine all studies, test results, reports, sketches, drawings, specifications proposals and other documents presented/forwarded by the engineering design firm.
- Pay all advertising costs necessary to obtain bids from contractors
- Pay all special permit fees, plan review fees, code review fees and engineering review fees.
- Pay for and/or arrange for reproduction and related costs associated with this project, such as blueprinting, photocopying, photographs, printing, binding, plans and specifications, etc. The engineering design firm shall provide estimated costs at the time of submitting a project cost estimate to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Deliverables:**

**Phase I**

- Evaluation Reports and Recommendations including geotech investigation (soil borings)
- Preliminary Plan and Timelines
- Construction, Grading, or other Permit/Easement Recommendations, if applicable
- Concept Plan and preliminary cost estimates and savings, including projected annual maintenance costs
- Type, Size and Location Submittal

**Phase II**

- Grade Inspection Package Submittal to MDOT LAP including Preliminary Plans, Cost Estimate, and indication of ROW needed
- Submittal of ROW Certification, Final Plans, Proposal and Cost Estimate to MDOT LAP
- Final Construction Schedule
- Final Plans, Construction Documents and Specifications (6 sets copy-ready hard copy and electronic .PDF, Microsoft Word files, and formats meeting MDOT requirements) to advertise for bids
- List of obtained applicable permit approvals and/or clearance letters concerning historical, cultural and Threatened and Endangered species reviews, MDEQ/USACE permit and RCOC Temporary Road Closure Permit

Included in this Request for Proposals are the following documents to assist firms in the submission of a proposal:

- Attachment A  
Bridge Inspection Report from 2013
- Attachment B  
Bridge Scoping Report from 2014
- Attachment C – Maps
  - a. Site Development Plan
  - b. Parcel Boundary Map
  - c. Topography Map
  - d. Project Location Map

Please also see the following link to the MNRTF grant application:  
<http://paintcreektrail.org/wordpress/mnrft-grant-application>



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Mandatory Requirements**

These guidelines are provided to assist participating firms in formulating a thorough response. The successful firm shall ensure/understand that:

1. They will work closely with Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission staff during all phases of the work. The successful firm will be considered a key part of the project team. A strong, positive working relationship must be maintained.
2. All licenses required for a discipline by the State of Michigan shall be maintained during the course of the contract.
3. The firm will provide a single point of contact for the duration of the contract.
4. The firm will ensure a timely completion of plans and specifications.
5. The firm will comply with administrative procedures related to the project such as change orders, shop drawings, contract pay requests, etc.
6. The firm will utilize construction contract documents that have been approved by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.
7. The firm will meet with applicable Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission committees, Board of Trustees, and applicable municipal commissions to review project status, project budget and project planning, as required.

**Contract Period and Payment Terms**

A contractual period will begin following Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission approval of Phase I - Preliminary Design (Feasibility Study). Phase II work will commence following subsequent Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission authorization to proceed with Phase II.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



Payment will be remitted net 30 days following receipt and authorization of an accurate monthly invoice that includes the following detailed project information:

Information for each discipline on each individual project:

- Itemization of all services performed
- Number of hours spent on each project
- Number of hours spent on project estimating
- Number of hours spent on miscellaneous services
- Fees associated with these hours
- Balance of costs remaining
- Reimbursable Expenses

**Qualifications and Minimum Evaluation Factors**

The following represents the principal selection criteria, which will be considered during the evaluation process.

1. Experience and Qualifications

Engineering design firm shall have personnel who have experience with similar projects as described herein as well as experience in working with municipal government. Provide information on technical training and education of staff to be assigned to this project.

2. Capacity.

Enumeration of the firm's capability to accomplish the project with its present work force. Firms should clearly identify all disciplines available within the firm and those which will be subcontracted to others. State firm's availability, based on current and anticipated workload.

List of outside firms that will be involved in the design process. Provide for each firm the scope of responsibility and staff experience and qualifications.

3. Comparable Projects.

Provide a list of comparable projects that have been successfully completed by your firm. Include name, location and brief description of project, date of project, dollar value, name of company, contact name, address, and telephone number. List should include public sector (governmental) clients.

4. Methodology.

Provide the engineering design firm's method of approach or work plan summary to meet the Paint Creek Trailways Commission and Oakland Township Parks and





**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



Recreation Commission's needs for this project. Include a proposed time frame for each phase of the project (A proposed construction date has not been established).

5. Cost Proposal.

Submit a description of how your firm proposes to charge the Paint Creek Trailways Commission for its services. Provide a not-to-exceed cost proposal for each project phase, including an hourly fee schedule for all personnel, number of hours proposed and reimbursable costs for this project. Submit the same information for all consulting firms affiliated with the project. Explain the Paint Creek Trailways Commission's responsibility for reimbursables and list all reimbursable expenses.

**General Conditions**

All proposals will be evaluated and ranked. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to reject any and all

proposals or to make an award based directly on the proposals. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to negotiate separately with any proposer, when such action is considered in its best interest. Subsequent negotiations may be conducted, but such negotiations will not constitute acceptance, rejection or a counter-offer on the part of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission. The firm selected for the award will be chosen on the basis of the apparent greatest benefit to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to interview any number of qualifying providers as part of the evaluation process. The decision of which provider to contact (if any) will be based on the selection criteria outlined in this document and as determined in the evaluation process. Meetings with shortlisted proposers will provide additional information and criteria upon which the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission will base its selection decision. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserves the right to select, and subsequently recommend for award, the proposed services which best meets its required needs, quality levels and budget constraints.

All proposals shall be in accordance with requirements of this notice in order to be deemed "responsive."

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission are not required to accept the lowest cost proposal in all or in part. The proposal award will not be based solely upon cost, but will be evaluated based upon criteria formulated around the most important features of the services, of which qualifications, experience,



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



references, or capacity, may be overriding factors. The proposal evaluation criteria should be viewed as standards, which measure how well a vendor's approach meets the desired requirements and needs of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to reject any and all proposals, to waive any informality in the proposals received, and to accept any proposal (or part thereof) which it will deem to be most favorable to the interests of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission or to award to multiple proposers.

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to modify the scope of services during the course of the contract. Such modification may include adding or deleting any tasks this project will encompass and/or any other modifications deemed necessary. Any changes in pricing or payment terms proposed by the consultant resulting from the requested changes are subject to acceptance by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission. Changes may be increases or decreases.

No proposal will be accepted from any person, firm or corporation who is in arrears upon any obligation to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission or who otherwise may be deemed irresponsible or unreliable by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.

All costs incurred in the preparation and presentation of this proposal, in any way whatsoever, shall be wholly absorbed by the prospective firm. All supporting documentation shall become the property of the Paint Creek Trailways Commission unless requested otherwise at the time of submission. The confidentiality or disclosure of any information submitted is governed by the Michigan FOIA. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission cannot promise, warrant or guarantee confidentiality nor that the information presented will be exempt from disclosure under the FOIA. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission may honor requests for confidentiality only to the extent that FOIA permits.

Ownership of all data, materials and documentation originated and prepared for the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission pursuant to the Request for Proposals and the subsequent contract shall belong exclusively to the Paint Creek Trailways Commission.

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserves the right to waive any informality in the proposal received, and to accept any proposal or part thereof, which it shall deem to be most favorable to the interests of the Paint Creek Trailways Commission. In no event will an award be made until all necessary



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



investigations are made as to the responsibility and qualifications of the consultant to whom it is proposed to make such award. Any contract awarded to a person or company who is discovered to have been in default or disqualified at the time of the award of the contract shall be voidable at the discretion of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.

Any deviation from the specifications must be noted in the proposal.

No proposal may be withdrawn after it has been deposited with the Paint Creek Trailways Commission.

Municipalities are exempt from Michigan State Sales and Federal Excise Taxes. Prices quoted shall not include Federal or State taxes. The Paint Creek Trailways Commission will furnish the successful bidder with tax exemption certificates when requested.

All correspondence or inquiries from interested firms regarding this proposal shall be directed to the attention of Kristen Myers, Trail Manager, 4393 Collins Road, Rochester, Michigan 48306, 248-651-9260, [manager@paintcreektrail.org](mailto:manager@paintcreektrail.org)

Only those persons designated above are authorized to seek additional information from prospective firms regarding their proposals. Correspondence or inquiries made directly to firms regarding their proposals from all other persons are to be directed to those employees designated above for appropriate review and response.

The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission shall reserve the right to terminate the contract without penalty upon 30 days written notice due to poor performance or for any reason deemed to be in its best interest. Designated representatives of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission will be solely responsible for determining acceptable performance levels. His/her decision will be deemed in the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission's best interest and will be final. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserve the right to re-award the contract to the second most qualified proposal, re-bid the contract, or do whatever is deemed to be in its best interest.

The proposer will provide competent, suitable and qualified personnel to perform the work as required by the specifications. The proposer will designate a representative who will be the point of contact and will have the authority to act on behalf of the company. The proposer's representative will not be replaced without prior written notice to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission. All communications given the proposer's representative will be as binding as if given to the company.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



No contract may be assigned, sublet or transferred without the written consent of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission. Any subcontractor, so approved, shall be bound by the terms and conditions of this contract. The consultant shall be fully liable for all acts and omissions of its subcontractor(s) and shall indemnify the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission for such acts or omissions.

Advanced payments will not be authorized. Payments will be made on a time and materials basis and acceptance of services rendered. Correct invoices will be paid net 30 days, following the Paint Creek Trailways Commission's schedule for payment of invoices.

Contracts for work under this proposal will obligate the firm to not discriminate on the grounds of race, color, creed, religion or national origin in their employment practices.

It shall be the proposers' responsibility to make inquiry as to the changes or addenda issued. All such changes or addenda shall become a part of the contract and all bidders shall be bound by such changes or addenda. Addendums will be posted on the MITN system.

In the event bankruptcy proceedings are commenced by or against contractor or under any provisions of the United States Bankruptcy Act or for the appointment of a receiver or trustee or a general assignment for the benefit creditors of either party. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission shall be entitled to terminate without further cost or liability. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission may cancel the Agreement/Contract or affirm the Contract and hold the contractor responsible for damages.

As this Request for Proposals is being made available by electronic means, the proposer accepts full responsibility to insure that no changes are made to the Request for Proposals documents. In the event of conflict between a version of the Request for Proposals submitted by proposer and the version maintained by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, the version maintained by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission shall govern.

Proposers are advised that the RFP is considered to be under evaluation until contract award. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission staff are restricted from giving any information relative to the proposals or the "progress" of the evaluation during this time, except as described in this RFP and as required to administer the evaluation process. Proposers will be notified when an award is made and a notice posted on the MITN website. Proposal information will be available upon award of the contract.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Discrimination Prohibited**

The contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, condition or privileges of employment on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to the Elliot Larsen Civil Rights Act, 1976, P.A. 453. The Agency and the Municipality shall also comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976, P.A. 220 and the Federal Rehabilitation Act of 1973, P.A. 93-112, 87 Stat. 394, which require that no employee or client or otherwise qualified

handicapped individual shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Assistance. No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, or marital status be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this contract. The Agency shall comply with all applicable regulations promulgated pursuant to the Civil Rights Act of 1964 as amended.

These general requirements shall be incorporated in the entire agreement between the Paint Creek Trailways Commission and the Contractor. The contract shall be binding upon the parties hereto and their respective successors and assigns.

**Insurance Regulations**

The vendor shall not commence work until he has obtained and delivered to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission the certificate of insurance required under this paragraph. All insurance carriers must be acceptable to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission and licensed and admitted to do business in the State of Michigan.

A new certificate of insurance shall be provided to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission each year at the time of policy renewal. New certificates shall be delivered to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission in the same format as outlined in the SAMPLE certificate attached. Failure of the Vendor to maintain the required insurance shall be grounds for contract cancellation.

1. Workers' Compensation Insurance: The Vendor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
2. Commercial General Liability Insurance. The Vendor shall procure and maintain during the life of the blanket purchase order, Commercial General Liability Insurance on an



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



“Occurrence Basis” with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations Liability with limits of liability not less than \$1,000,000; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

3. Motor Vehicle Liability. The Vendor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
4. Umbrella Liability Insurance. The Vendor shall procure and maintain during the life of this contract Umbrella Liability Insurance with limits of liability of not less than \$1,000,000 per occurrence.
5. Professional Liability. Errors and Omissions of not less than \$2,000,000 per claim.
6. Additional Insured. Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds “The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to the Additional Insureds, and not contributing with any other insurance or similar protection available to the Additional Insureds, whether other available coverage be primary, contributing or excess.”
6. Cancellation Notice. Workers’ Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following “It is understood and agreed that Sixty (60) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to Paint Creek Trailways Commission, 4393 Collins Road, Rochester, Michigan 48306.”
7. If any of the above coverages expire during the term of the contract, the Vendor shall deliver renewal certificates and/or policies to the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission at least ten (10) days prior to the expiration date.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



Hold Harmless

To the fullest extent permitted by law, Vendor agrees to defend, pay in behalf of, indemnify and hold harmless the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, its elected and appointed officials, employees and volunteers and others working in behalf of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission against any and all claims, demands, suits, or loss, including all costs and attorney's fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, its elected and appointed officials, employees, volunteers or others working in behalf of the Paint Creek Trailways Commission by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

Instructions to Proposers

- The following pages include a vendor questionnaire to be completed and submitted as your proposal with eight (8) copies. Each item must be completed with a response. Bidders not responding to any of the specifications or questions may be classified as unresponsive. The response must follow the format outlined in this proposal. Supplemental information may be attached.
- Any significant explanation desired by a proposer, regarding the meaning or interpretation of the Request for Proposals must be requested with sufficient time allowed for a reply to reach all prospective proposers before the submission of their proposals. Any information given to a prospective proposer concerning the RFP will be furnished to all prospective proposers as an amendment or an addendum to the RFP, if such information would be of significance to uninformed proposers. The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission shall make the sole determination as to the significance to uninformed proposers. Questions regarding the proposal **must be made in writing and sent to Kristen Myers, Trail Manager, Paint Creek Trailways Commission, 4393 Collins Road, Rochester, Michigan 48306; [manager@paintcreektrail.org](mailto:manager@paintcreektrail.org); (fax: 248-601-0106) prior to XXX, XXX, 2017, at XXX (local time), at which time a response will be prepared and forwarded to all vendors.**
- The proposal is to be completed in legible form, preferably typewritten.
- PLEASE MARK YOUR ENVELOPES: **"RFP – ENGINEERING DESIGN SERVICES PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION"**
- NO FAXED PROPOSALS WILL BE ACCEPTED.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



- **TIMELY SUBMITTAL:** Proposals are accepted until **XXX, XXX, 2017, at XXX P.M. (local time).** Late submittals will not be accepted.
- All information requested herein shall be submitted with the Request for Proposals (RFP); failure to do so may result in rejection of the RFP as non-responsive and/or incomplete.
- The Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission reserves the right to reject any and all Request for Proposals (RFP), to waive any irregularity or informality in any RFP received, and to accept any RFP or part thereof, which shall be deemed to be most favorable to the interests of the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission.

**VENDOR QUESTIONNAIRE.**

Date:	
Firm Name:	
Address:	
City/State/Zip Code:	
Telephone Number:	
Fax Number:	
Contact Person:	
Contact Person Email:	

Firm Established:	
Years in Business:	

Type of Organization: (Circle One)
a. Individual
b. Partnership
c. Corporation
d. Joint Venture
e. Other

How many years has your company been providing engineering design services? Please explain.





**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



How many years has your company been providing engineering design, and construction engineering for municipal projects? Please explain.

How many clients does your company currently service with the type of service described? Explain the capacity of the services provided.

Please provide a list of client references (minimum of 5; maximum of 10 public sector clients). Include name, address, phone number, contact person and briefly describe scope of services performed.





**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Construction Engineering/Administration (if you are interested in providing service in future)**

**Pathways:**

Submit profiles of staff that will work on this project and examples of similar work performed by each staff member.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



Describe methods of communication with your clients.

How are consultants managed within your organization?

Can you provide daily pick-up and deliveries? Please explain your process.

Is a contract required? If so, please attach a copy of your standard contract.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



What are your billing procedures?

Have you been involved in any litigation during the past five years? If so, provide an explanation.

Provide a description of the deliverables to be provided for the following:
<b><u>Preliminary Design</u></b>



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



**Final Design**

Provide a detailed work plan and project schedule for efficient turnaround time.

Provide a complete Cost Proposal including hourly rates for all personnel and services fee schedule (including meeting fees). Clearly define all relative direct and indirect costs. If you charge for administrative overhead, please explain.



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



Can you meet insurance requirements?	
YES <input type="checkbox"/>	NO <input type="checkbox"/>

List any exceptions/alternates to the specifications contained in this Request for Proposal.

**ADDENDA RECEIVED**

Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

The undersigned hereby declares that he/she has carefully examined the general conditions and specifications and will provide professional engineering services as described herein for the prices set forth in this proposal. Any changes to the specifications and its impact on the final cost will be discussed and mutually agreed upon before the delivery of the services.

It is understood that all proposed prices shall remain in effect for at least one hundred twenty (120) days from the date of the proposal opening to allow for the award and that, if chosen the successful vendor, the prices will remain firm through invoice.

The proposer affirms that he/she is duly authorized to execute this proposal, that this company, corporation, firm partnership, or individual has not prepared this proposal in collusion with any other proposer and that the contents of this proposal as to prices, terms or conditions have not been communicated by the undersigned, nor by any employee or agent, to any competitor, and will not be, prior to the award and the proposer has full authority to execute any resulting contract awarded as the result of, or on the basis of the proposal.

By submission of a response the Proposer agrees that at the time of submittal, he/she: (1) has no interest (including financial benefit, commission, finder's fee, or any other remuneration) and shall not acquire any interest, either direct or indirect, that would conflict in any manner or degree with the performance of Proposer's services, or (2) benefit from an award resulting in a "Conflict of Interest." A "Conflict of Interest" shall include holding or retaining membership, or employment, on a board, elected office, department, division or bureau, or committee sanctioned



**REQUEST FOR PROPOSALS  
FOR ENGINEERING DESIGN SERVICES  
FOR PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION  
RFP-PCTC-17-02**



by and/or governed by the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission. Proposers shall identify any interests, and the individuals involved on a separate paper with the response and shall understand that the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission, at their discretion may reject their proposal.

The Proposer, in submitting this proposal, agrees that the Proposer shall include in their resume any and all information pertinent to aiding the Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission in determining the abilities of the Proposer. Proposer shall submit, along with their proposal, a list of their equipment for Paint Creek Trailways Commission and Oakland Township Parks and Recreation Commission inspection. Proposer shall execute a contract awarded on the basis of this proposal within ten (10) days after being notified to proceed with work.

The undersigned certifies on behalf of the Proposer that the Proposer is not an “Iran Linked Business,” as defined in the Iran Economic Sanctions Act of the State of Michigan, 2012 PA 517.

Firm Name: \_\_\_\_\_

Representative’s Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_





## **MEMO**

To: Commissioners, Alternates & Staff  
From: Kristen Myers, Trail Manager  
Subject: Update: RFP Design Build for Observation Deck  
Date: June 14, 2017

The deadline to submit proposals for our observation deck project was Tuesday, June 6, 2017 at 3:00pm. We only received one proposal, from Earth Environments in Romeo, Michigan. The proposed cost is \$24,234.

We had a site visit on May 9, 2017. Representatives from Z-Contractors, Carlo Construction, and Marine One attended. They had asked about the budget for this project, and I provided all of them the information that Ralph Nunez had gathered regarding cost. I also told them that all we had was a conceptual cost estimate, and that we understood that many factors need to be considered for a cost proposal. I urged all to submit proposals, regardless of our “budget”, if they were still interested.

Chairman Becker asked me to find out how to proceed with only one bid received. I contacted Lisa Cummins, Purchasing Manager at the City of Rochester Hills. I asked her if there was any State law that says we must get a minimum of three bids.

“There is no state law that you have to receive a minimum number of bids. It will vary by each community. Typically, to ensure that pricing received is good the boards and councils look to have three bids.”

She recommended that we contact the 3 parties that attended the site visit to ask why they didn't respond just to ensure that our requirements did not limit the competition, and to find out why they weren't interested in bidding overall, as part of our due diligence. The Commission can then determine if the one proposal we received is competitive in pricing and in our best interest to accept.

I contacted the three parties, and asked them if there was an issue with our requirements that kept them from submitting a proposal, and why they weren't interested in bidding. As of this writing, I received one response from Marine One:

“Due to the detailed requirements for the proposal and project for a 12' x 14' deck, it was not worth the time for us to prepare.”

If I receive additional feedback, I will bring it to the meeting. The Commission will need to decide how to proceed. Accept the bid that was proposed, or re-bid the project.