

Department of Public Works – Engineering Division

MEMO

TO: Jeff Fait, Purchasing Manager

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer
Sue Olson, Staff Engineer

DATE: November 22, 2021

RE: Request to Sole Source contracts for stormwater management services with Brown and Caldwell, raSmith and Martenson & Eisele

The Department of Public Works is requesting approval to sole source the following contracts for stormwater management services:

- Brown and Caldwell (BC) in an amount not to exceed \$24,500
- raSmith in an amount not to exceed \$19,000
- Martenson & Eisele (M&E) in an amount not to exceed \$14,705

The City is currently under contract with BC to update the City-wide Stormwater Management Plan. After this project was budgeted (in spring of 2019), the Wisconsin Department of Natural Resources (DNR) informed the City that WinSLAMM models of all regional stormwater ponds are required in order for the City to take credit for them toward the State and Federal water quality goals. The City did not require ownership of the models until approximately 2009. Furthermore, many older ponds were designed for water quality with rule-of-thumb methodology (assumed TSS removal rates based on meeting DNR Wet Pond geometry standards in place at the time). The project scope included development of 10 regional stormwater pond models and many more are needed.

The City-wide Stormwater Management Plan also included model development for approximately 10 hydrodynamic separation devices (HSDs), which are large diameter manholes with sumps. The City continues to construct these devices prior to paving projects and has been working with DNR to develop a baseline for water quality credit for these devices with needing a model for each device. Additional modeling is needed to establish this baseline of credit.

Additionally, the regional stormwater pond located at Horizon Plaza (Walmart area on east Calumet Street) is privately owned. This stormwater pond was designed in 2003, is owned and maintained by Commercial Horizons and provides considerable credit toward water quality goals in the Garners Creek watershed. The City needs not only a current WinSLAMM model for this pond, but it must also be certified as functioning as designed per the latest MS4 permit section 2.5:

2.5.4 Long-term maintenance, inspections and enforcement. *Written procedures that will be used by the permittee through its ordinance jurisdiction, approval process, and authority to, at a minimum, track and enforce the long-term maintenance of storm water management facilities implemented to meet the applicable post-construction performance standards in section 2.5.1.c and d of this permit. The procedures shall include:*

- a. A mechanism for tracking regulated sites.*
- b. At a minimum, long-term maintenance inspections shall occur once per permit term.*
- c. Inspection documentation.*
- d. Follow up enforcement with timeframes for corrective maintenance.*

To address this requirement, in early 2020 the following ordinance language was adopted:

20-314(d) Long term maintenance stormwater management report.

(1) Every property owner that has been granted a stormwater management permit, constructed on-site stormwater management practices and signed and recorded the required maintenance agreement, shall submit to the Director of Public Works a report on the condition of the site's stormwater management devices and a certification that the SMPs are functioning per the approved plan.

(2) Owners shall be notified by the City of the requirements and the deadline for reporting.

The report and certification shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City.

(3) The requirement that the report and certification be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation of cleaning activities and dated photos.

(4) For sites with more extensive stormwater management systems, the requirements may include, but are not limited to:

- a. Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of any required maintenance.*
- b. Bathometric survey.*
- c. Topographic survey.*
- d. Infiltration testing.*
- e. Completed inspection forms.*
- f. Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.*

(5) Upon receipt of the report and certification, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from the City shall be made within 20 working days of receiving the report.

Because the Horizon Plaza Pond was designed and constructed prior to the original 2004 ordinance, the City cannot compel the owner to hire a professional engineer to certify that the pond is functioning per the approved design.

Staff has requested scopes of services from different consultants based on their familiarity with each project area from historic work and plan review. The proposed scope of services for each of consultants is as follows:

Brown and Caldwell

- Develop WinSLAMM models for 8 regional stormwater ponds
- Assemble the regional pond models that BC develops as well as those from raSmith and M&E into the city-wide model and reporting format required by DNR
- Develop HSD models and obtain approval from DNR for the use of a credit baseline for future structures

raSmith

- Develop the WinSLAMM model for the Horizon Plaza Pond
- Perform an existing conditions survey of the pond bottom to determine sediment accumulation
- Perform a survey of the pond bottom after cleaning of the pond by the property owner to determine restoration to approved design
- Provide a certification from a professional engineer that that pond is functioning as designed

Martenson & Eisele

- Develop WinSLAMM models for 10 regional ponds in Apple Hill Farms subdivision

The Department of Public Works is requesting to sole source this work as described above because these consultants have the most experience in the areas of work identified and therefore would be most effective.