

SPECIAL COUNCIL MEETING
Village Hall
7227 Huron Avenue, Lexington, MI 48450

AGENDA

DATE OF MEETING: WEDNESDAY, JUNE 4, 2025
TYPE OF MEETING: SPECIAL COUNCIL MEETING
TIME OF MEETING: 8:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER / SPECIAL COUNCIL MEETING

ROLL CALL BY CLERK

PUBLIC COMMENT

BUSINESS:

ADMINISTRATION

A. TIERNEY PARK RENOVATION PROJECT OWNER'S REP PROPOSAL

PUBLIC COMMENT

ADJOURNMENT

Posted 6/03/2025 @ 2:15 p.m.



May 28, 2025

Attn: Clerk
Village of Lexington
7227 Huron Avenue, Ste 100
Lexington, Michigan 48450

Subject: **TIERNEY PARK RENOVATION PROJECT OWNER'S REP PROPOSAL**

Dear Village of Lexington Clerk:

Thank you for the opportunity to provide this proposal for Owner's Representative Construction Administration services to help transform Tierney Park at the Village of Lexington's waterfront.

As your partner and professional design consultant team for the redevelopment of Patrick Tierney Park and Lexington State Harbor, we fully understand that this effort consists of three coordinated and distinct projects that collectively transform how the park and waterfront serve both residents and visitors. This collaborative partnership involves the Village of Lexington, the Michigan Department of Natural Resources (MDNR), and the U.S. Army Corps of Engineers (USACE).

In continued support of the Village of Lexington, our role includes providing ongoing professional assistance throughout the Construction Administration phase, ensuring the accomplished design intent meets the Village's priorities, serving as a direct liaison to Village staff, and coordinating both material testing and fuel system services for the upland areas of Patrick Tierney Park and the adjacent waterfront. These services seamlessly align with the scope outlined in the Bidding Documents released in late March 2025, prepared by Edgewater Resources LLC.

We understand the Village goal is a construction start in fall 2025, with project completion targeted for late June 2026. We remain committed to seeing the Village achieve this significant milestone.

The Tierney Park Improvements project includes, but is not limited to: redesign and replacement of stormwater systems with addition of bioswales, parking reconfiguration with coordination of designated boater parking areas, reconfiguration of park grounds and walkways, construction of a new restroom and pavilion with an amphitheater, coordination with MDNR of existing fuel tank removal and installation of a new fuel system including temporary connection to existing dock fuel system, all associated site earthwork, tree removals and new plantings, reconfiguration of water and sewer utilities to serve new park restroom, irrigation system, electrical system including pathway lighting and coordination of site lighting with DTE as required, and new site furniture and planting areas.



SCOPE OF WORK

TASK I– CONSTRUCTION ADMINISTRATION

The Edgewater Resources (Edgewater) team of professional, licensed Engineers, Landscape Architects, and Architects will support the construction process by acting as the Village (Owner) representative and project liaison and observing the progress of the General Contractor during construction for conformance with the drawings, permits, and specifications. We will provide clarifications to the drawings, or with your approval, make modifications to the design, which may impact the Contractor's work. This proposal anticipates a construction period of fourteen months (coordination/material ordering/scheduling starting June 2025 through final project close-out July 2026) with 10 months of active construction (September 2025 through June 2026). The project team will remain involved and be available to answer questions, review submittals, and solve problems throughout construction.

Included Scope Items as requested in the RFP:

Total Project Budget Management

Edgewater will work with the Village and coordinate with the General Contractor to develop, manage, and update the budget for the project. We understand the budget parameters set by granting agencies and will work to maintain and maximize available funding. We will review and Value Engineer the project elements as needed to stay within budget while also maintaining a high-quality end product that the Village will be proud of for years to come. We will consider not just purchase and install cost, but be creative with ideas for cost savings where required, as well as consider long-term maintenance costs and best value for all aspects of work.

Total Project Schedule Management

Edgewater will develop, monitor, and report on schedule progress with the General Contractor and notify the Owner of any delays or problems. We will collaborate with the entire project team to identify schedule issues and take corrective action as needed.

Project Team Management

Edgewater will coordinate and expedite communication between the Village team and the General Contractor, as required, throughout the duration of the project.



Project Delivery Strategy

Edgewater will assist the Village in evaluating various project delivery methods, as needed, including identification of concerns related to pre-construction and construction strategies and we will address requirements for function, cost, quality, time, and logistics. In a climate of unknown economic uncertainty and potential tariffs on a variety of project materials, we will work with the General Contractor to manage planning and ordering of materials in a timely manner to avoid cost increases. Our team leaders (Greg Weykamp and Suzanne Fromson) have worked together on complicated construction projects since 2001 and have seen a wide range of economic conditions throughout that time. We have the experience and collaborative spirit to help manage this challenging process.

Construction Administration Procedures and Reporting

Edgewater will work with the General Contractor to establish procedures for expediting and monitoring construction phase information. This information will be relayed to the Village team as required.

On-Site Management

Edgewater will make regular site visits to ensure and advise that work conforms to the Village approved construction drawings, specifications, budget, and schedule. See the 'Deliverables' list below for details.

Owner, Architect, Engineer, Landscape Architect, and Contractor Meetings

Edgewater will lead regularly scheduled multi-disciplined team meetings both online and in-person, as required, throughout the duration of the project. The General Contractor will be required to attend these meetings, along with relevant subcontractors based on phase of work, and key Village team members. Edgewater will manage the communication by producing meeting agendas, minutes, and follow up checklists and assignment of action items to relevant team members, as needed.

Progress Payment Review

Edgewater will review all General Contractor payment applications, which will include all payments to subcontractors. Our team will review application as measured against percentage of work complete, and make adjustments and require resubmittal as required. Once approved, our team will prepare a recommendation for each payment application to the Village.



Review of Requests for Changes to the Work

Edgewater will review all requests for changes to the work, either change orders or no-cost change orders, and make recommendations to the Village with respect to acceptance or rejection of changes in accordance with Contract Documents.

Operation and Maintenance Materials

Edgewater will collect any Operations and Maintenance Materials from the Contractor as outlined by the Contract Specifications and shall transmit these materials to the Village. Close-out reports at the conclusion of the project will be included, and preparation of final project accounting.

Testing Coordination

Edgewater will hire a third-party testing agency for all materials testing as required by project specifications. The Contractor will be responsible for scheduling testing at appropriate project milestones. Edgewater will coordinate with both the Contractor and Testing Agency to ensure testing requirements are met. The Testing Agency fee will be billed as a reimbursable expense to the Owner.

Fuel System Coordination

Edgewater will continue to work with MDNR, mechanical engineers at Maffett Loftis, and with fuel installation subcontractor to oversee and review all work associated with removal of the existing fuel system and installation of the new fuel system with temporary connection. The majority of site visits for this Construction Administration work are under MDNR contract, not included in this proposal scope. This task includes time anticipated for coordination work between Village and MDNR over the course of project construction. No fuel system specific site visits are included in the lump sum fee of this proposal, as those are included in the MDNR contract. Fuel system related review of RFI's and submittals are also included in MDNR contract, these are not in this proposal.

Deliverables:

- Bi-Weekly Online (Microsoft Teams) Progress Meetings. 24 progress calls.
- Bi-Weekly In-Person Progress Site Visits (alternating weeks from online meetings). 16 total progress site visits. Visits will include verification of all project staking for key elements of work.
- Utility Review Site Visits, as required by State/local regulatory agencies. 4 total utility review visits, 2 days each.



- Architecture Progress Site Visits by Project Architect, with MEP included as needed. 6 total visits.
- Review, documentation, and completion of all RFIs as submitted by General Contractor.
- Review, documentation, and revision/approval of all product and material submittals as outlined in project specifications.
- Coordination with Contractor and Third-Party Testing Agency
- Coordination with Fuel Contractor, Village, and MDNR as required for fuel-related demolition through installation of complete new fuel system



SCHEDULE

We will begin work immediately upon acceptance of this proposal and approval by Village Council. Coordination tasks, submittal review, etc. will span June through mid-August 2025, with active project Construction Administration meetings commencing in late August in anticipation of construction mobilization in September, and final completion in June 2026 with ribbon-cutting anticipated July 2026.

FEES

We propose to complete the Scope of Work outlined above on a TIME & MATERIALS basis and will not exceed the budgets outlined below, excluding expenses. Customary expenses for printing and travel will be billed separately and at the actual cost incurred with no additional markup.

Task I – Owner’s Rep Services:	\$150,430
Reimbursable Expense Budget:	\$ 11,859

We look forward to your favorable review of this proposal and the opportunity to be of service. Your signature below and the return of one signed copy of this proposal will authorize us to proceed.

Sincerely,

Gregory Weykamp, ASLA, LEED AP
President | Principal

Accepted By:

Name

Date



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

May 28, 2025

VIA E-MAIL

Lori Fisher
manager@VillageofLexington.com
Village of Lexington
7227 Huron Avenue, Suite 100
Lexington, Michigan 48450

Dear Ms. Fisher:

SUBJECT: Lexington Harbor Fuel System

Thank you for your time Friday morning to discuss the Michigan Department of Natural Resources' (DNR) concern regarding engineering oversight of the Village's upcoming Tierney Park development project. We have appreciated the thoughtful alignment and collaboration between our agencies to design both projects in sync. By having Edgewater Resources, LCC as our common design consultant, both agencies have benefited from a unified design approach.

A couple months ago DNR agreed to the Village's request to incorporate Lexington State Harbor's underground fuel system into the Village's Tierney Park project. DNR agreed for two reasons: to realize efficiencies and to avoid future construction disruption to the park by waiting until 2027 to replace the fuel system during DNR's harbor renovation project. Recently DNR became aware that the Village is considering severing its relationship with Edgewater and may hire a third party as the Owner's Representative. DNR is concerned about losing this critical connection with Edgewater during the fuel system's implementation. Allow me to explain the basis of this concern.

If not installed properly, underground fuel systems can be at risk of failure/leakage with the owner/operator as the Principal Responsible Party (PRP), in this case DNR. Part of Construction Administration (CA) is to approve shop drawing submissions for compliance with the design and specifications, verification of Operation and Maintenance Manuals. Fuel system installation requires careful oversight including timely site inspections. DNR has extensive experience in designing and implementing development projects. In State projects the design firm of record, in this case Edgewater, is liable for their design (construction drawing and specifications) throughout the project implementation, *for as long as the consultant remains a part of the project*. When the contractor needs clarifications or there are errors, it is the responsibility of the design consultant to create solutions or correct any oversights. Site inspections are also a form of ownership. Typically, the consultant performs in a Construction Administrator role. If Edgewater's relationship is severed from the Tierney Park project development responsibilities, Edgewater would no longer be liable for their design, thereby transferring liability to either the Village or another agent (presumably the Village's newly appointed Owner's Representative). While DNR takes no specific position on the portion of the work under jurisdiction of the Village, *we do not wish to take possession of the operation and responsibility of the fuel system constructed using a system with split responsibilities for Design and CA*.

Was it clear in the Village's RFP posting that the new Owner's Representative would assume the design consultant's liability? In DNR's experience it would be highly unusual to release a consultant prior to the project's complete development because DNR would not agree to take on such a liability. If the Village makes the decision to release Edgewater from the Tierney Park project, then the Village of Lexington or new Owner's Rep. assumes the project's liability. Furthermore, has the Village considered how it will handle project change orders? Usually, these are done by the design consultant. Design change orders will become the burden of the Village or the new Owner's Representative instead of the (dismissed) design consultant. DNR has never experienced a project of this scale that didn't require change orders during construction.

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In cases where circumstances require switching to a new design professional, the newly selected professional is required to take full responsibility for the design, including licensed seal, permits, plans and specifications. They must validate the design and take full responsibility for the work and assure the State that they have validated the design.

To underscore DNR's point, the recommendation from the Michigan Department of Technology, Management and Budget (DTMB) is that DNR should not take ownership responsibility of a fuel system procured in this manner.

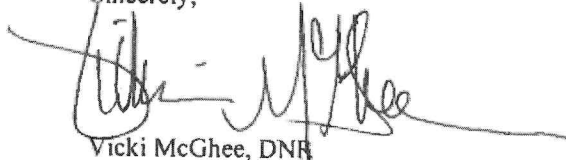
If the Village decides to sever its relationship with Edgewater Resources, LCC, DNR may require the Village to remove the harbor fuel tank system from the Tierney Park Project because we will no longer have assurances that the implementation will include proper oversight of this critical infrastructure from the design consultant. DNR realizes this decision would be a burden for the Village to make significant design and contract changes and would furthermore disrupt the park project a second time (2027), however it may be necessary.

DNR acknowledges that the Village is exploring external Owner's Representative options is financially driven. To assist the Village with some of the project funding, DNR is willing to pay the CA fees to maintain Edgewater for the harbor fuel tank system work of the Tierney Park project. We would, of course, need to work together to identify those expenses prior to the Village's execution of the Spence Brothers contract.

DNR desires to maintain a strong relationship with the Village which is why we are trying to address this concern as quickly as possible. We view the opportunity to work with the Village in sync with these two projects as a rare opportunity to collaborate and execute excellent development projects that will be mutually beneficial well into the future.

I am happy to continue discussing this concern with others, as appropriate. We appreciate your consideration. If you have further questions, please feel free to contact me at McGheeV1@michigan.gov or 517-388-5341.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicki McGhee', with a long horizontal flourish extending to the right.

Vicki McGhee, DNR

cc: Mr. Bruce Watkins, DTMB
Mr. Ron Olson, DNR
Ms. Kristen Kosick, DNR
Ms. Jacklin Blodgett, DNR
Ms. Kristen Bennett, DNR
Mr. Nick Van Bloem, DNR



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

MICHELLE LANGE
DIRECTOR

May 28, 2025

DNR-Parks & Recreation Division
525 W. Allegan Street
Lansing, MI 48933
ATTN: Vicki McGhee

Dear_M. McGhee:

SUBJECT: Design Services/Construction Administration Practices
File No. 751/18282.BDW – Lexington Harbor

To follow-up our discussion of the potential severing of Design from Construction Administration (CA) of the proposed Fuel Storage and Delivery system at Lexington Harbor. The use of sealed plans by the Design Professional for construction of the work inspected and administered by someone other than the Professional is not advisable.

State Design and Construction practice does not facilitate the severing of liability between Design and CA when utilizing the design one professional and the construction administration of said design to a second professional. The professional liability chain is broken between design and implementation of design intent. From DTMB Design and Constructions perspective, it is not acceptable for a Licensed Professional to take possession of plans and specifications produced by another Professional for the purpose of Construction Inspection and Administration.

I would recommend DNR not take possession of a fuel storage/delivery system acquired using this method, as it involves potential safety and environmental consequences.

I have no thoughts or a position on the use of "split" Design and CA for the work where the State will not take possession or be accepting liability of ownership and operation.

Bruce Watkins P.E.

Bruce Watkins, P.E., Project Director
Design & Construction Division

c: John Terpstra, DNR-PRD
Jordan Byelich, DNR-PRD