

## PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, entered into this 4 day of November, 2021 by and between the CITY OF EASTPOINTE, State of Michigan, hereinafter referred to as "City" and McKENNA ASSOCIATES, INC., a Michigan corporation of Northville, Michigan, hereinafter referred to as "Consultant."

WITNESS:

WHEREAS, the City has reviewed and approved the Consultant's Building Department Services Proposal dated November 2, 2021;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

### **SECTION 1. SCOPE OF SERVICES.**

The Consultant shall perform all the necessary services under this Agreement.

The above services and task end products are specified and described in the proposal to the City by the Consultant, dated November 2, 2021. The Work Plan on pages 9 through 16 of said proposal are hereby attached to and made a part of this agreement. The Consultant shall carry out all activities specified in the above-cited proposal in a satisfactory and proper manner as set forth in the proposal.

### **SECTION 2. COMPENSATION AND METHOD OF PAYMENT.**

For and in consideration of the faithful and professional performance and delivery of the above services as set forth herein, the City shall pay the Consultant monthly for services pursuant to this agreement within a period of thirty (30) days after receipt from the Consultant of an itemized voucher describing services performed, and when applicable, the time spent in rendering such services, per the schedule below:

- A. The City shall pay the Consultant for the work as described in SECTION 1. SCOPE OF SERVICES eighty percent (80%) of all City permit revenue including plan review and registration fees.
- B. The City shall pay the Consultant seventy-five dollars (\$75.00) per hour for open permits for which the City has already collected revenue.
- C. The City shall pay the Consultant eighty-five dollars (\$85.00) per hour for services for which the City does not collect fees and other additional services as requested by the City.

### **SECTION 3. CITY DATA AND SERVICES TO BE PROVIDED TO CONSULTANT.**

The City shall furnish the following without charge to the Consultant:

- A. Two on-site permit technicians.
- B. Access to and monthly BS&A reporting.
- C. Field tablets.
- D. Information available to the City from State, regional, and local data sources.

### **SECTION 4. SERVICES.**

The City hereby engages the services of the Consultant to perform the duties, provide the information, prepare such materials and render such advice as are fully described herein.

### **SECTION 5. TERM.**

The term of this Agreement shall be for two (2) years from the date of execution and shall then continue until such time as there is a ninety (90) day notice of termination by either party.

**SECTION 6. ACCEPTANCE.**

Consultant hereby agrees to perform the services described herein.

**SECTION 7 - EQUAL EMPLOYMENT OPPORTUNITY**

There shall be no discrimination against any employee who is employed in the work covered by this Contract or against any applicant for such employment because of race, color, religion, sex or nation origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

**SECTION 8. OWNERSHIP OF DATA.**

All reports, charts, maps, and graphics shall become the property of the City, and shall not be furnished to any other party without written permission of the City.

**SECTION 9. COMPLIANCE WITH ALL LAWS**

In performance of this agreement, the Consultant agrees to comply with all applicable federal, State and local statutes, ordinances and regulations, when applicable, including minimum wages, Social Security, unemployment compensation insurance, and Worker's Compensation, and to obtain any and all permits applicable to the performance of this agreement.

**SECTION 10. NO CONFLICT OF INTEREST.**

During the term of this contract, the Consultant agrees that it shall not accept employment, nor shall it perform services for or on behalf of any client whose interests are adverse to that of the City, or for which a conflict between the City and Consultant would be created, without the prior written consent of the City.

IN WITNESS WHEREOF, the City and Consultant have executed this Agreement the day and year first above written.

**WITNESS:**

*Walter D. Jackson*  
Executive Assistant to City Manager

**EASTPOINTE, MICHIGAN**

By: *Elke Doorn*  
By: *City Manager*

*Gina Sloan*

**McKENNA**  
By: *John R. Jackson*  
*John R. Jackson, ACP, President*

---

# Work Plan

McKenna is committed to providing your citizens and the business community with the highest level of service in a highly efficient and professional manner. McKenna's service is flexible and responsive and allows the City to staff up or down as needed, providing next day scheduled inspections as-needed and same day service if-needed. We partner in utilizing and improving the City's systems. To that end, McKenna can provide the following scope of work:

**“When do you want to open and what are your deadlines?”**

McKenna Building Official

## **ADMINISTRATIVE SERVICES**

The City has indicated that they are seeking help administering their Building Department.

## **PROFESSIONAL LEADERSHIP**

McKenna's Building Official will provide recommendations in the development and implementation of goals, objectives, fee schedules, ordinances, budgets, policies and priorities in conjunction with the administrative team.

## **OPEN FOR BUSINESS**

McKenna's City of Eastpointe team will work closely with the entire administrative team to create a service culture that says "Open for Business." As part of this culture, McKenna's Building Official will offer recommendations for improving the department's day-to-day operations.

## **BUSINESS/COMMUNITY INPUT**

McKenna's Building Official can work with the administration team to gather input from City of Eastpointe businesses and other stakeholders to identify potential problems and gather suggestions.

Together with our graphic design professionals, we can ensure that compelling methods are in place to obtain business input (such as Business Roundtable, real estate forum, etc.)

- Through monthly, quarterly, or semi-annual meetings
- Surveys
- Online comments
- Newsletters
- Email blasts

## **BUILDING CODE COMPLIANCE PROCESS**

We believe the building code compliance process begins with good information and communication. McKenna will provide information regarding all building related approval processes in the form of handouts available for the public in multiple languages. In addition, McKenna will prepare for and conduct informational meetings with local groups including the Chamber of Commerce, Board of Realtors, and other business organizations.

Our approach to the building code compliance process is consistent with the State's Redevelopment Ready Community best practices.

## **APPROACH TO DISPUTE RESOLUTION AND ALTERNATIVE SOLUTIONS**

Work with contractors, residents, and other customers to find reasonable solutions within the code. We know that there are multiple ways to satisfy the code requirements and will recommend alternatives.

## **LIST OF SERVICES PROVIDED**

McKenna's Team of professionals will conduct the following services in a professional and courteous manner:

- Discharge in a timely manner all duties of a municipal building official as described in City of Eastpointe's Building codes, including, review of applications for building permits, plans, record keeping, inspections and issuance of occupancy certificates.
- Oversee the permitting, and enforcement of the Building, Electrical, Mechanical, and Plumbing Codes approved by the State of Michigan and City of Eastpointe.
- Assume accountability for the operation and success of the department.
- Provide management of department clerical person(s).
- Provide monthly and annual reports of building inspection activities to the City Administration.
- Make written recommendations, as needed, for updating and/or improving City building inspections or its Building Ordinance and Michigan Building Codes.
- Provide services with courtesy, helpfulness and respect.
- Attend public meetings as requested.
- Use City forms and procedures; follow City ordinances and issue monthly and annual reports to the City Administration.
- Maintain necessary licenses required by the State of Michigan for employees providing building, plumbing and mechanical inspection services on behalf of City of Eastpointe.
- Provide the basic tools and transportation necessary to perform all the duties herein and provide for all necessary expenses associated with required services including, federal, state, and local taxes.
- Provide worker's compensation and liability insurance for its employees.
- Submit written itemized monthly vouchers for payment to the City prior to the dates for City disbursement of funds.
- Indemnify City of Eastpointe and hold the City harmless from all liability asserted against the City or its board, agents or employees on account of any negligent act or omission.

## **INTERFACE WITH APPLICABLE AGENCIES INTERNAL AND EXTERNAL**

McKenna's team will use or develop protocol for both internal and external agency interfacing. Routing forms and procedures will be used for internal coordination between Building, Fire, Engineering, Planning, Public Works, and other appropriate entities. Transmittal forms and tracking will be used to ensure consistent interfacing with external agencies.

## **TECHNICAL RESOURCES TO PROVIDE HIGH QUALITY SERVICES**

McKenna has a strong technical association with BS&A software providers and developers. After setup, we will ensure the City is fully utilizing all of the powerful tools that BS&A offers such as automated workflows that ensure homeowners and contractors are kept informed of their permit and billing status by way of auto-generated letters and emails.

Inspectors will be equipped with mobile devices to further insure real-time inspection results and maximize the efficiency of inspection services wherever possible.

## **OTHER RESOURCES**

**Planning and Zoning.** We currently provide planning services to the City and will continue to work closely with the City's Planning, Zoning, Economic Development, Code Enforcement, DPW, and Engineering departments to ensure seamless development review and implementation.

**Pre-submission meetings.** McKenna's team of professionals will be available to facilitate pre-submission meetings on more complex projects to ensure expectations are established at the beginning and met at the end of the process.

**Pre-construction.** McKenna will facilitate meetings with contractors at the beginning of the building permit process to ensure projects are on track and running smoothly.

**ABILITY TO WORK WITH CITY STAFF**

Since 1978, McKenna has provided services to over 300 communities. We have interfaced with numerous City staffs across the full realm of municipal service including close quarters and day-to-day on-site collaboration. Our reputation for integrity and excellent service is unequalled in the field.

Our approach is to work as an extension of the City's staff working to achieve the same objectives in the most effective way possible.

**PLAN REVIEW SERVICES**

**Turn-Around Services.** All reviews will be completed within the recommended target established by City of Eastpointe. Written reviews will be provided identifying any deficiencies along with helpful suggestions on how to resolve any outstanding code issues. Progress will be tracked using the City's current software systems.

REVIEW	1 <sup>ST</sup> CYCLE	2 <sup>ND</sup> CYCLE	3 <sup>RD</sup> CYCLE
New Commercial Construction	10 Days	5 Days	Same Day
Major Commercial Alterations	10 Days	5 Days	Same Day
New Multifamily Construction	10 Days	5 Days	Same Day
All Other Reviews (2 hours or less)	Same Day	Same Day	Same Day

**Permit Ready.** McKenna will expand the list of projects that can be issued permits immediately.

**Counter Reviews.** McKenna will provide sufficient staff and tech resources to ensure that a full range of projects will be eligible to receive permits following a brief counter review.

**DISCIPLINES TO BE REVIEWED**

McKenna's team of professionals is experienced and certified in the full range of industrial and commercial building codes including the most recent version of the following:

- Michigan Residential Code (MRC)
- International Property Maintenance Code
- All Trades Codes
- International Swimming Pool and Spa Code
- Michigan Building Code (MBC)
- Michigan Uniform Energy Code
- International Fire Code (IFC)
- Michigan rehab code or existing buildings

**REVIEW FORMAT**

We can use the City's existing forms and continue to help develop new forms to assist in streamlining the review, permitting and inspection process.

**DETAILS OF PLAN REVIEW PROCESS**

The McKenna Team knows City of Eastpointe's existing plan review system and will look for opportunities to streamline the process. The process at a minimum will include:

- The Act 407 registered plan reviewer shall be contacted to obtain permit requests and plans.
- All documents shall be reviewed for zoning compliance, ordinance compliance and Michigan Building Code compliance. Utilizing the plan review check lists but not limiting the review to these lists, the submitted plans will be reviewed to verify compliance with the Michigan code in which the applicant has made the request. If

a specified Building Code is not listed or the Code requested does not apply, plans will be reviewed under the more stringent code as determined by the Building Official.

- Commercial plans showing construction of or renovations to the electrical, mechanical, plumbing or fire suppression systems shall be reviewed by an Act 407 registered plan reviewer certified in these areas. The Fire Marshal or a registered approved NFPA plan reviewer will review plans for NFPA compliance.
- The plan reviewer shall verify that the Use, Occupancy and Construction Type is noted on the plan and verify compliance with all applicable codes, ordinance and zoning requirements
- Any required plan corrections are noted by the reviewer and revised plans requested. The plan reviewer uses the plan review revision request form noting the code, zoning or ordinance deficiency with a written explanation of what the deficiency is and what is required to gain compliance.
- A minimum number of copies of plans is requested for the City indicating the request revisions. These revisions are clouded on the plan. These plans are date stamped received and plan reviewer(s) notified of receipt of revised plans
- A second review is then performed by the Plan Reviewer(s) and NFPA plan reviewer if needed, verifying compliance. (Note: if a third revision is required an additional plan review fee will be identified.
- Once the project has gained approval verifying compliance with applicable codes, ordinance and zoning by required plan reviewers the plans are stamped approved and signed by plan reviewers that reviewed the plans.

#### **After Review**

- After review by Zoning Administrator and plan reviewers, check for signatures on first page of plans – all copies. Written review by Inspector is attached to the first page of plans. A copy of reviewed plans goes to the applicant.
- Enter into computer software
- Notify applicant on status – indicate the fees due or additional information needed to process.
- VERIFICATION OF ALL REVIEW AND APPROVALS IS CHECKED BEFORE PERMIT IS ISSUED.
- Place application and paperwork by street name for pickup.
- One copy of the approved plans and plan reviews are entered in permanent file.

#### **TRACKING AND REPORTING DETAILS.**

All project status, details, and comments will be closely tracked via the City's BS&A system. McKenna will work closely to ensure that all stages of the process from intake through certificate of occupancy and all follow up will be tracked through a secure on-line system. Field computers will be used to ensure real-time information is available and project status remains current.

#### **DETAILS ON RESOURCES/TOOLS AVAILABLE TO PLAN REVIEW STAFF TO HELP ENSURE THAT TIME FRAMES AND QUALITY METRICS ARE BEING MET**

On-line digital forms can be developed to ensure that the process operates at maximum accuracy, currency, and efficiency. The on-line system using the City's software system will keep all contractors connected to the project and the applicant continuously ensuring a fast, accurate, and efficient system.

A major factor in expediting plan review process is the experience level of the plan reviewer. Experienced personnel know what items most often lack compliance with the building code (and applicable City Ordinances pertaining to construction standards). The rapidness, and more importantly the quality, of plan reviews, rests on the skill and experience of the reviewer. Checklists are used and are helpful in documenting issues, but experienced individuals are the biggest asset to performing a code review.

#### **INSPECTION SERVICES**

##### **TIME FRAME FOR INSPECTIONS.**

McKenna will work with City of Eastpointe to schedule inspections in a logical and orderly manner. We will identify specific days of the week for various types of inspections with the goal of completing all inspections within 24 – 48 hours, ensuring that contractors and homeowners can complete projects without impediment or delay.

**TYPES OF INSPECTIONS PERFORMED.**

McKenna's Team of professionals are prepared to provide inspections for Building as well as MEP trade permits, as well as for all sub-trades, including landscape inspections, for residential, commercial, and industrial projects.

**VACANT BUILDING MANAGEMENT.**

McKenna professionals can work closely with the City to ensure vacant buildings are registered, inspected and maintained in accordance with City ordinances and codes.

**RENTAL PROGRAM MANAGEMENT.**

McKenna professionals can work closely with the City to ensure rental structures are registered, inspected and maintained in accordance with City ordinances and codes. Along with vacant registration, this provides a concrete and material improvement to the lives of people in your community as the quality of housing units can improve dramatically.

**DETAIL ON INSPECTION REQUEST PROCESS.**

McKenna can work with the City to develop an automated inspection request process reducing the personnel demands for intake and issuing inspection results. All inspection requests will be coordinated at the City offices in the morning and the results will be assembled throughout the day via on-line tracking system.

**APPLICANT NOTIFICATION PROCESS**

The McKenna Team will work closely with City of Eastpointe to maximize the use of the City's software system and develop a method of providing inspection results to our customers on-line.

**TRACKING AND REPORTING DETAILS.**

McKenna will utilize the BS&A system to maintain updated tracking and reporting details.

**SAFETY INSPECTIONS.**

Evaluate existing structures for safety and health issues, necessity of permits for work performed, hazardous or unsafe conditions, or other violations, including declarations of emergencies and emergency demolition orders. We can also enforce the City's Dangerous Building and Vacant Building ordinances, coordinate hearings and prepare required reports for presentation before the hearing officer.

**CROSS-CONNECTIONS.**

McKenna's can oversee the cross-connection tests and any necessary repairs, and required paperwork to submit to MDEQ.

**CONDEMNATION/DEMOLITION INSPECTION.**

Perform and document dangerous building inspections, presenting the City's case to the Hearing Officer. We can also follow through on any demolition activity and plans.

**UTILITY INSPECTIONS**

We will work closely with the City's engineering consultant and DPW department to ensure that all utilities are inspected.

## **OTHER SERVICES – AT REQUEST OF CLIENT**

### **EMERGENCY SERVICES.**

McKenna can dedicate an on-call inspector after hours, on weekends and holidays. The designated inspector will be on-call by cell phone and the number provided to the appropriate public safety personnel. This allows for emergency situations to be addressed by trained personnel in a timely manner. McKenna will also provide the Community Manager and Manager's cell phone numbers to City emergency personnel.

### **BUSINESS LICENSE PROGRAM MANAGEMENT.**

McKenna professionals can work closely with the City to ensure businesses are registered, inspected and maintained in accordance with City ordinances and codes.

### **RE-OCCUPANCY PROGRAM MANAGEMENT.**

McKenna professionals can work closely with the City to ensure that buildings are inspected and maintained following transfers in accordance with City ordinances and codes.

### **LIQUOR LICENSE INSPECTIONS.**

Provide and perform inspections relative to the transfer of property or businesses involving Michigan Liquor Control licensing, as requested

### **PROJECT CLEARANCE AND MONITORING.**

McKenna has assisted communities in the CDBG program. We are familiar with numerous complex labor and environmental laws with which City of Eastpointe is required to comply. McKenna has extensive experience preparing environmental review documentation, as well as monitoring Davis-Bacon requirements for projects that trigger the special labor provisions. These services are available on request.

### **ATTENDANCE AT PRE-CONSTRUCTION AND OTHER INTERNAL COORDINATION MEETINGS.**

Appropriate McKenna staff can be available for meetings with applicants. Requirements for attendance at staff and other scheduled internal meetings will be finalized following selection. It is recommended that additional costs of attendance be passed through to the applicant either directly or as mandated through an updated fee structure.

### **AVAILABILITY FOR ENFORCEMENT HEARING, COURT TESTIMONY, ETC.**

The Project Manager assures the correct professionals attend meetings to represent the City. McKenna can serve as a liaison between the Hearing Officer and City Administration. McKenna's Project Manager provides professional assistance as needed. McKenna professionals are trained and skilled facilitators and communicators, and each McKenna planner and designer are adept at preparing presentations and performing under pressure in large public meetings and in private one-on-one meetings. We will participate in enforcement hearings, activities, court testimony, etc. Our professionals are available for enforcement hearings and to provide court testimony. We have successfully defended community enforcement actions and provided court testimony for 40 years.

### **PROFESSIONAL SERVICES TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED.**

McKenna provides professional planning, zoning landscape architecture and transportation planning, support to boards, commissions, authorities, and committees for numerous municipalities. Our professionals are familiar with Open Meeting Act requirements, agenda preparation, minutes generation and follow-up. The Project Manager will be responsible for staffing requirements, based on the needs expressed by the City.

### **PERFORM RANDOM WEEKEND INSPECTIONS TO MINIMIZE CONSTRUCTION WITHOUT PERMITS**

At the City's request we can provide an inspector to do visual drive-byes of properties after hours and on weekends. In the course of inspections, checks are made where work is being performed and then checked against outstanding permits and construction debris disposal.



**COMPLAINT RESOLUTION.**

Complaints require successful communication between the parties including a fair, ethical and substantiated response. The complainant will be contacted by the Project Manager. Secrecy will be assured and provided. The owner will be requested to detail the issues in writing. If satisfaction cannot be reached, and depending on the seriousness of the complaint, the City liaison will be contacted and an investigation may be started. All facts will be documented. Because McKenna provides a team of inspectors, complaints may be forwarded to another inspector for resolution.

**MISCELLANEOUS QUALIFICATIONS****TEAM APPROACH.**

McKenna professionals are an extension of the City. This partnership requires constant interaction and communication between all levels of the team and constant reporting to the City Manager of City of Eastpointe. Our objective is to make the department run smoothly and efficiency with no surprises. Clearly established procedures, forms, and protocol will be utilized to ensure that the City of Eastpointe Building Department functions as a single efficient unit.

**UNIQUE CHALLENGES OF CITY OF EASTPOINTE.**

Our team of experienced professionals is prepared to tackle the most sensitive additions to aging structures to the most complex mixed-use campus. This requires working closely with all of the departments within the City from Economic Development, Planning, and others. McKenna's professionals are equally comfortable working in the field or working around the conference table to find workable solutions for people who are investing in the future of City of Eastpointe.

**COMMUNICATION.**

McKenna's Team of professionals are well respected for their technical capabilities as well as their ability to identify solutions and communicate them to everyone from elected officials, to developers, trades people, and citizens. They possess the ability to take the most technical concepts and communicate them in appropriate terms. Our client satisfaction survey process will attest to that fact.

**AN AGENT OF THE CITY.**

McKenna Team of professionals will function as an agent and arm of City of Eastpointe. As an agent of the City we will project the core values of the City in creating a business friendly/citizen-oriented environment in an effort to continue City of Eastpointe's progress in improving the quality of life and property values for the residents of City of Eastpointe. Our professionals are well equipped to oversee and facilitate plan review services, inspections, enforcement of appropriate building codes, respond to citizen complaints and communicate effectively to maintain the delicate balance between non-residential development and the quality residential neighborhoods of the City.

**COOPERATIVE WORK ENVIRONMENT.**

Since 1978, McKenna has provided staff resources to communities in Michigan and Ohio. Our staff of professionals is used to immersing themselves into the culture of the community. That requires the ability to communicate the goals of the City to developers, contractors, and citizens to ensure that the result is consistent high caliber of project that meets or exceeds the expectations of the City.

## **STAFFING SCHEDULE**

After receiving authorization to proceed from the City we will develop a more specific schedule, but it will include a Building Official, a Building Inspector, Rental Inspector/Code Enforcement Officer, Permit Technician, as well as a Project Manager.

### **BUILDING OFFICIAL**

The Building Official will be the Department head and lead code official for the City. They will manage the department, the staff, set the short and long-term strategic goals, and be a primary contact for City administration.

### **PROJECT MANAGER**

A McKenna professional will assist the Building Official with the management of the department and act as a conduit between the leadership of McKenna and the City. The Project Manager will assist the Building Official with reaching strategic goals of the department as well as administrative tasks.

### **PLAN REVIEWERS**

The City will have a team of McKenna Plan Review professionals at its disposal. Our highly qualified reviewers can review any project that's too large to be done in-house.

### **BUILDING INSPECTOR**

A P.A. 407 Building Inspector will assist the Building Official as well as conducting the bulk of inspections that require their certification, as well as assisting with rental inspections.

### **TRADES INSPECTORS**

We will provide inspectors for all of the trades disciplines including electrical, plumbing, and mechanical.

### **RENTAL INSPECTOR/CODE ENFORCEMENT**

As well as completing rental inspections, this staff member will be responsible for all building-related code enforcement issues.

### **PERMIT TECHNICIAN**

An experienced Permit Technician will assist in assuring that the City's Permit Technicians are fully trained and have a clear understanding of efficient, effective procedures necessary to a well-functioning Building Department.