

ORDINANCE NO. 23-231

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH BRAMHALL ENGINEERING & SURVEYING COMPANY OF AVON, OHIO, FOR THE EAST PERKINS AVENUE WATERLINE REPLACEMENT PROJECT IN CONJUNCTION WITH THE EAST PERKINS AVENUE RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved an agreement for Professional Design Services with Bramhall Engineering & Surveying Company of Avon, Ohio, for the proposed East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) by Ordinance No. 22-233, passed on November 28, 2022; and

WHEREAS, the East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) involves complete reconstruction of East Perkins Avenue just east of Milan Road to Remington Avenue and included the replacement of the existing waterline between Milan Road and the Pipe Creek Bridge, which had several during the 2021-2022 winter season; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins Avenue **Waterline** Replacement in conjunction with the East Perkins Avenue Resurfacing Project (ODOT PID #113959) by Ordinance No. 23-100, passed on April 24, 2023; and

WHEREAS, the proposed East Perkins Avenue **Waterline** Replacement Project involves replacing the 8" aging waterline along Perkins Avenue from the Pipe Creek Bridge to Remington Avenue, within the city's corporation limits and will be completed prior to the East Perkins Avenue Resurfacing Project; and

WHEREAS, the waterline work proposed in the East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) is being consolidated into the City's East Perkins Avenue **Waterline** Replacement Project, which will save the City costs during construction by paying overhead, mobilization, and other expenses for only one (1) waterline project; and

WHEREAS, Bramhall Engineering & Surveying Company will be providing additional professional design services for the East Perkins Avenue **Waterline** Replacement Project for the design of the full length of Perkins Avenue from Milan Road to Remington Avenue, and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit "A" and specifically incorporated herein; and

WHEREAS, the cost of the professional design services provided in the original agreement with Bramhall Engineering & Surveying Company is \$18,900.00 and with the additional cost of \$3,351.00 for additional services, the revised cost is \$22,251.00 and will be paid with Water Funds; and

WHEREAS, further legislation will be presented to adjust the contract with Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins **Resurfacing** Project (ODOT PID #113959), reducing the waterline design fees; and

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WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately proceed with executing the Amendment so there is not a delay in the design work and construction can proceed prior to the roadway project in 2025; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into an Amendment to the Agreement with Bramhall Engineering & Surveying Company of Avon, Ohio, for Professional Design Services for the East Perkins Avenue Waterline Replacement Project, in conjunction with the East Perkins Avenue Resurfacing Project (ODOT PID #113959), substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance, at an amount **not to exceed** Three Thousand Three Hundred Fifty-One and 00/100 Dollars (\$3,351.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: December 11, 2023

**FIRST AMENDMENT TO THE AGREEMENT
FOR
PROFESSIONAL SERVICES**

This First Amendment to the Agreement for Professional Design/Engineering Services (this "Agreement"), made as of _____, 2023, by and between the City of Sandusky (the "City"), whose contact person shall be the Director of Public Works designated below or successor (the "City Engineer"), and Bramhall Engineering and Surveying Company (the "Architect/Engineer"), whose contact person and address are set forth below.

WHEREAS, the City is operating under its Charter, ordinances and regulations and it is the intention of the City, in the exercise of its powers, to obtain professional design/engineering services for the following project (the "Project"):

Project Name:	East Perkins Avenue Waterline Replacement Project-Pipe Creek Bridge to Remington Avenue
City Engineer:	Aaron Klein, P.E.
Address:	Department of Public Works City of Sandusky 240 Columbus Ave Sandusky, Ohio 44870
Architect/Engineer:	Bramhall Engineering & Surveying Company
Contact:	Chris L. Howard, P.E. CPESC
Address:	801 Moore Road Avon, Ohio 44011

NOW, THEREFORE, in consideration of the mutual promises contained in the Professional Design/Engineering Services Agreement executed on May 19, 2023, the City and the Architect/Engineer agree as follows:

The Architect/Engineer shall perform additional tasks included in Attachment A as described therein, in accordance with the Professional Services Amendment executed on November 29, 2023, between the City and Bramhall Engineering and Surveying Company for a revised fee not to exceed \$22,251.00.

Signature Page to Follow

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

Bramhall Engineering and Surveying Company
("Architect/Engineer")

By: _____

CITY OF SANDUSKY

By: _____
John Orzech
City Manager

APPROVAL:

The legal form and correctness of the instrument is hereby approved.

Stewart Hastings
Law Director

CERTIFICATE OF FUNDS

In the matter of: **East Perkins Avenue Waterline Replacement Project-Pipe Creek Bridge to Remington Avenue**

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to the appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code (ORC).

Dated: _____, 2023

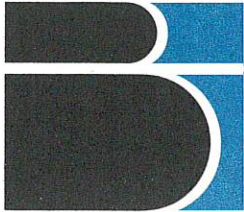
CITY OF SANDUSKY

By: _____

Michelle Reeder
Finance Director

Account Number

Amount



BRAMHALL
ENGINEERING &
SURVEYING COMPANY

October 26, 2023

Aaron Klein, P.E.
City Engineer
Department of Public Works
240 Columbus Avenue
Sandusky, Ohio 44870

Reference: East Perkins Avenue Waterline Replacement Improvement Plans
Pipe Creek Bridge to Remington Avenue
Modification #1
City of Sandusky, Ohio

Dear Mr. Klein:

As discussed, the waterline west of Pipe Creek will be removed from the construction of the ERI-Perkins Avenue PID 113959 project and installed with the City's stand-alone, locally funded waterline project from Pipe Creek to Remington Avenue. With this change, the design funds for this small section of waterline will be removed from the PID 113959 project and will instead need added to the City's local waterline project from Pipe Creek to Remington Avenue.

The Scope of work for the waterline design remains unchanged, with the only revision to the scope being the project limits now including the approximately 250' of new waterline west of Pipe Creek. The Waterline Replacement Plans, Bid Form with estimated quantities, and Engineer's Opinion of Probable Construction Cost will include the additional section of waterline west of the bridge.

Clarifications and Exceptions

- 1.) Geotechnical Services, including soil borings, are not included. Any geotechnical information needed will utilize the work completed under the PID No. 113959 project.
- 2.) The existing watermain locations and laterals will be based on reference drawings provided by the City.
- 3.) Fees for Local and State Governmental Agency reviews and permits are the responsibility of the City.

- 4.) All specifications will be by plan notes only making reference to the City of Sandusky and ODOT C&MS.
- 5.) Preparation of Bid Books, Bid Administration, Construction Staking, and Construction Inspection are not included.
- 6.) Topographic and Boundary Survey is not included with this proposal. The survey information from the ERI-CR 5-2.85 (East Perkins Avenue) PID No. 113959 project will be used for the design of this project.
- 7.) Preparation of As-Built Plans is not included.
- 8.) City will be responsible for locating and marking water lateral services in the field.
- 9.) Plans will be completed in Civil 3D 2023.dwg format.

Professional Services Fee

The waterline design costs contained in the PID 113959 project that will instead be covered by this Modification #1 are an Hourly, Not To Exceed Amount of:


Three Thousand Three Hundred Fifty-One Dollars..... \$3,351.00

The work will be billed monthly based upon the actual hours worked at the time of billing. If the invoice is not paid within thirty (30) days, a 2% interest charge will be applied per month the bill is outstanding. The above rates are valid for services provided through December 31, 2023. Charges for our services after this date are subject to escalation.

ACKNOWLEDGED & ACCEPTED

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**BRAMHALL ENGINEERING &
SURVEYING COMPANY**

By: 
Chris L. Howard, P.E.
Title: Vice President
Date: October 26, 2023

ACKNOWLEDGED & ACCEPTED

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CITY OF SANDUSKY

By: _____
Title: _____
Date: _____