

ORDINANCE 2017-18

AN ORDINANCE TO AMEND ORDINANCES 2009-20, 2013-13 AND 2013-18 REGARDING ADOPTION AND APPROVAL PROFESSIONAL OF SERVICE CONTRACTS WITH C.F. BIRD & R.J. BULL, INC. ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE WASTE WATER TREATMENT FACILITY AND INTERCEPTOR COLLECTION SEWER PROJECT AND TO DECLARE AN EMERGENCY

WHEREAS, the Village undertook a qualifications based selection process for the selection of an engineer for the construction of its Waste Water Treatment Facility and Interceptor Collection Sewer Project (“WRF Project”); and

WHEREAS, the firm of C.F. Bird & R.J. Bull, Inc. (“Bird & Bull”) was selected as the professional engineering firm for the Waste Water Treatment Facility and Interceptor Collection Sewer Project;

WHEREAS, Council reviewed and approved the Bird & Bull contracts for professional engineering services via its passage of Ordinance 2009-20, 2013-13 and 2013-18;

WHEREAS, Bird & Bull has requested payments for additional engineering services that it believes were not contemplated by the contract as the result of various unexpected matters with the WRF Project;

WHEREAS, the Contracts provide a basis for Bird & Bull to request additional payments;

WHEREAS, the Village desires to resolve any payment dispute with Bird & Bull and provide for engineering services through the completion of the WRF Project;

NOW, THEREFORE, be it ordained by the Council of the Village of Centerburg, Ohio:

Section 1: That Section 1 of Ordinance 2013-18 is amended in part as set forth below in **bold text:**

Section 1: That the Mayor and/or Village Administrator are authorized to enter into and execute the professional engineering service contracts with C.F. Bird & R.J. Bull, Inc. Engineers for the Waste Water Treatment Facility and Interceptor Collection Sewer Project attached hereto and consisting of the following:

- Contract (Eighteen Pages)
- Exhibit A, Schedule of Engineer Services (Eleven Pages)
- Exhibit B, Schedule of Village Responsibilities (Three Pages)
- Exhibit C, Payments to Engineer for Services and Reimbursable Expenses (Five Pages w/ Appendix 1 and 2)
- Exhibit G, Insurance (Two Pages)
- Exhibit H, Dispute Resolution (One Page)
- Exhibit I, Allocation of Risks (One Page)
- Task Order No. 1 (Three Pages) at an estimated cost of \$500,000.00

- Task Order No. 2 (Three Pages) at an estimated cost of \$40,000.00 for preparation of Funding Applications and supporting documents for the Waste Water Treatment Facility and Interceptor Collection Sewer Project
- Task Order No. 3 (Three Pages) at an agreed cost of \$35,000.
- Task Order No. 4 (Two Pages) with an agreed amount of engineering fees to not exceed \$68,468 (attached hereto as Exhibit A).

Section 2: All other provisions of, and Exhibits to, Ordinance 2013-18 (which amended Ordinances 2009-20 and 2013-13) shall remain unchanged, with the exception of the addition of Exhibit A attached hereto.

Section 3: That Council declares this Ordinance to be an emergency measure, immediately necessary for the preservation of the public health, safety and welfare, such emergency arising out of the need to contract for necessary services to support the Waste Water Treatment Facility and Interceptor Collection Sewer Project.

WHEREFORE, this Ordinance is declared to be an emergency and shall take effect and be in full force immediately from and after its passage and approval by the Mayor.

SIGNATURE ON FILE

DATE PASSED November 6, 2017

PRESIDENT OF COUNCIL

ATTEST SIGNATURE ON FILE
CLERK OF COUNCIL

SIGNATURE ON FILE
MAYOR

APPROVED AS TO FORM:

SIGNATURE ON FILE

LEGAL COUNSEL

I hereby certify that the Resolution or a summary of the Resolution was published once a week for two consecutive weeks on _____, 2017 and _____, 2017 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

CLERK-TREASURER

This **Task Order No. 4** (consisting of 2 Pages) referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated November 1, 2011.

Task Order No. 4 (Amendment to Task Order No. 1)

Background Data:

- a. Effective Date of Task Order: November 15, 2017
- b. Owner: Village of Centerburg, Ohio
- c. Engineer: C.F. Bird & R.J. Bull, Inc.
- d. Specific Project: New WRF Construction and New Sanitary Trunk Sewer Project

2. Description of Modifications

- a. Engineer has performed and will perform the following Additional Services:

Per the Standard form of Agreement between the Owner and Engineer, Exhibit A, Part 1 Basic Services, A.1.05 Construction Phase, A.6.a: Visits to Site and Observation of Construction; Site visits were to be at intervals appropriate to the various stages of construction in order to observe progress but were not intended to be exhaustive or to extend to every aspect of the Work in progress. The Project as documented had extended periods of Engineer and Project Representative's time on site to observe a Contractor that walked off the job and needed to be replaced as well as time spent to rebid the Sanitary Sewer Line and then many months of delays with additional administrative duties at progress meetings trying to keep the WRF Contractor's vendor on task to provide the gull wing pump station enclosure that after many months was eventually non-performed and replaced by a stick built enclosure.

As a result, such periods of time and dates had to be changed and the orderly and continuous progress of the Engineer's services were extended and the Owner and Engineer agreed to an equitable adjustment of Engineer's rates and amounts of compensation as outlined in Article 3.02 of the Agreement between the Owner and the Engineer and as outlined herein.

- b. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation at a monetary rate of compensation following the Standard Hourly Rate Schedule in Exhibit C Appendix 2 of the Agreement between the Owner and the Engineer:

Task Order No. 4 – Amendment to Task Order No. 1

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
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and American Society of Civil Engineers. All rights reserved.

Engineer requested a total amount for services through July 15, 2017 of \$68,468.00, consisting of fees of \$67,313 of fees and \$1,155 for costs incurred. Owner and Engineer through settlement discussions agreed to a modified compensation agreement as follows:

Owner will pay immediately to Engineer 50% of the fees for services rendered for \$33,656.50 and the costs for a total payment of \$34,811.50 in conformance with Ordinance 2017-18. Going forward, Engineer will track the Engineer's services at standard hourly rates per the original agreement up to an additional amount of \$33,656.50. The total payments to Bird+Bull, Inc. for additional services authorized by this Amendment through the end of the project will not exceed \$68,468.00.

c. The schedule for rendering services under this Task Order is modified as follows:

A time extension to equal that previously authorized by change order of 25 weeks for the Contractor on the project shall also be authorized for Engineering Services. Additional time extensions have been verbally agreed upon by the Owner and are to be determined at a time when the Contractor is fully completed and has left the project altogether.

3. Task Order Summary (Reference only)

a.	Original Task Order amount:	\$396,500.00
b.	Net change for prior amendments:	\$0.00
c.	This amendment amount:	<u>\$68,468.00</u>
d.	Adjusted Task Order amount:	\$464,968.00

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is 11/06/2017.

OWNER:

Signature:

SIGNATURE ON FILE

By:

David R. Beck

Title:

Mayor of Centenberg

Date

Signed:

12/8/17

ENGINEER:

Signature:

By:

Brian P. Coghlan

Title:

Vice President

Date

Signed:

11/15/2017

Task Order No. 4 – Amendment to Task Order No. 1

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OWNER:

Signature:

By:

Title:

Date

Signed:

SIGNATURE ON FILE
David R. Beck
Mayor at Coatesburg
12/8/17

ENGINEER:

Signature:

By:

Title:

Date

Signed:

SIGNATURE ON FILE
Brian P. Coghlan
Vice President
11/15/2017



Bird + Bull Engineers + Surveyors

3500 Snouffer Road, Suite 225
 Columbus, Ohio 43235
 614-761-1661
 accountsreceivable@birdbull.com

Village of Centerburg
 Attn: Accounts Payable
 P.O. Box Drawer D
 Centerburg, OH 43011

Invoice number 32545
 Date 07/21/2017

Project **08-115 Centerburg Water Reclamation Project**

Billing Period: 4/01/16 to 7/15/17

New WRF

- * Provide construction phase and post construction services beyond the Contract.
- * Contractor's provision of by-pass pumping equipment that is still not performing to specifications.
- * Determining the acceptability of substitute alternate materials and equipment.
- * Additional survey work to re-align easements, and prepare additional site title documentation.
- * Additional and extended administrative services during construction and post construction made necessary by a significant amount of delayed work by the WRF contractor, i.e., pay requests, project meetings, site inspections, observation reports, and equipment testing.

Trunk Sanitary Sewerline

- * Additional and extended services during construction and post construction.
- * Evaluation of an excessive number of unreasonable claims and requests for information.
- * Additional services resulting from significant delays, defective equipment, and shoddy workmanship.
- * Provide consultant and witness services for the owner in arbitration for dispute resolution.
- * Preparing additional bidding & contract document for alternate bid process.
- * Inventory & determine the acceptability of materials, assistance with rebidding.
- * Significant testing, repairs, and additional work, required to bring the re-bid project to completion.
- * Additional administrative services to process change orders and pay requests for completing project.

Professional Fees

	Hours	Rate	Billed Amount
Survey Crew w/GPS-2 Person - PC	7.00	128.00	896.00
Survey Crew -2 Person - PC	8.00	128.00	1,024.00
Survey Crew w/GPS-1 Person	8.00	98.00	784.00
Junior Engineer Technician	5.50	50.00	275.00
Principal - General Supervision	154.00	120.00	18,480.00
Associate - Professional Surveyor	8.00	94.00	752.00
Engineer Intern	322.00	81.00	26,082.00
Registered Professional Surveyor	13.00	90.00	1,170.00
Engineer Technician	212.50	84.00	17,850.00
Professional Fees subtotal	738.00		67,313.00

Consultant

	Units	Rate	Billed Amount
Consultant - Electrical Nauman & Zelinski LLC			1,155.00

Invoice total **68,468.00**

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

REMINDERS SENT:	DATE	PREVIOUS BALANCE	PAYMENTS	SERVICE CHARGE	BALANCE DUE
AUG 24 2017					

LAST AMOUNT IN
THIS COLUMN IS
TOTAL AMOUNT DUE