

City of Middleburg Heights, Ohio

Ordinance No. 2024- 52

Introduced by: Mayor Castelli

**AN ORDINANCE
AUTHORIZING THE MAYOR AND FINANCE DIRECTOR
TO ENTER INTO A CONTRACT WITH
OSBORN ENGINEERING
AND DECLARING AN EMERGENCY**

Move for suspension of Charter Section 4.10
(5 day delivery requirement) & Council Rule 3
(24 hour agenda requirement).

WHEREAS, the City’s purchasing policy requires City Council approval on any single purchase of products or services exceeding \$25,000 or any professional service contract exceeding \$10,000, with the exception of items purchased through or at an amount equal to an approved cooperative purchasing agreement; and

WHEREAS, the City desires to retain the services of a competent and qualified contractor to provide certain products/services to the City; and

WHEREAS, Osborn Engineering is competent and qualified to furnish products and/or services to the City and has provided a responsive and responsible proposal, and desires to provide Owner’s Representative Services for Southland Streetscape and TLCI Shared-Use-Path Construction Projects.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. That the Mayor and Finance Director is hereby authorized to enter into a contract with Osborn Engineering to provide certain products and/or services to the City, a copy of which is attached hereto and marked “Exhibit A”.

Section 2. That there is hereby appropriated an additional \$49,945 from the Streets/Infrastructure Improvements Fund to implement this Ordinance.

Section 3. That it is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including chapter 107 of the Codified Ordinances and section 121.22 of Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety of the citizens of the City of Middleburg Heights, Ohio. Therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED 6/25/24

[Signature]
PRESIDENT OF COUNCIL

ATTEST:
M. Meola
CLERK OF COUNCIL

PRESENTED TO MAYOR 6/26/24

APPROVED ON: 6-26-24

	YEAS	NAYS
BORTOLOTTO	<u>X</u>	_____
ALI	<u>X</u>	_____
SAGE	<u>ABSENT</u>	_____
MEANY	<u>X</u>	_____
MCGREGOR	<u>X</u>	_____
FERENCE	<u>X</u>	_____
ZAKEL	<u>X</u>	_____

[Signature]
MAYOR

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2024-52 adopted by the Council of the City of Middleburg Hts., on 6/25/24 was posted for a period of fifteen days, beginning 6/26/24 and remained so posted for fifteen days at the two posting places as designated by Charter.

[Signature]
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2024-52 passed on the 25th day of June 20 24 by said Council.

[Signature]
Clerk of Council



J20211574.100

May 30, 2024

Mr. James P. Herron
Director of Public Service
City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, OH 44130

sent via email: jherron@middleburgheights.com

Re: PROPOSAL
Owner's Representative Services for the
Southland Streetscape and TLCI Shared-Use-Path Construction Projects

Dear Mr. Herron:

At your request, Osborn Engineering is pleased to submit this proposal to provide Owner's Representative Services throughout the Construction Phases of the Southland Streetscape project and the TLCI Shared-Use-Path project. This proposal and the services offered will assure continuous oversight and assistance by the members of the Master Planning, Preliminary Engineering, and Final Design teams of Osborn Engineering and City Architecture to verify that the original intent of the Master Plan and Project Design is implemented by the contractors.

SCOPE OF SERVICES

1. CONSTRUCTION OBSERVATIONS & CONSTRUCTION PHASE ASSISTANCE

- 1.01 Participate in one pre-construction conference between OE, the Contractor, the City representative, and other parties appropriate and necessary for effective communication of the project. Clarify lines of communication, policies, routing of shop drawings, correspondence, etc. Meeting will be organized and led by City's Construction Administration (CA) consultant.
- 1.02 Review and/or respond to the following documents during construction, as requested by City's CA consultant:
 - 1.02.1 Shop Drawing and Product Submittals
 - 1.02.2 Change Orders and Construction Change Directives
 - 1.02.3 Provide clarifications and interpretations of the Design Plans
 - 1.02.4 Progress Reports
 - 1.02.5 "As-Built" set of Record Construction Documents prepared by the Contractor and reviewed by OE
- 1.03 Provide additional drawings issued subsequent to execution of the Construction Contract Documents, as necessary and as requested by the City's CA consultant.
- 1.04 Participate in monthly on-site observations and/or project meetings, based on anticipated construction duration of 17 total months. If work related delays occur and frequency of visits are not required monthly then observations and project meetings will be at intervals appropriate to the stage of construction.
- 1.05 Review, provide recommendations or take other appropriate action upon Contractor's submittals such as Shop Drawings or Product Data and Samples; but only for the limited purpose of reviewing for conformance with information given and the design concept expressed in the Contract Documents.



- 1.06 Observe the construction work and, upon substantial completion, participate in the preparation of a list of items (Punch List) to be completed or corrected by the Contractor before final completion of the construction work for each of the projects.
- 1.07 Participate in a final site observation visit for each project to determine if the Punch List work was completed, upon completion or correction of the items of work on the Punch List.
- 1.08 Provide final as-built drawings, based on contractor red-lined plans maintained throughout construction and managed by the City's CA consultant.

CLARIFICATIONS

1. Our proposal does not include the following:
 - Daily Construction Observation, assessment, reporting and any responsibility regarding the discovery, presence, handling, removal and disposal of, or exposure of persons to, hazardous materials in any form at the project site, including but not limited to, asbestos, asbestos products, lead, polychlorinated biphenyl (PCB) or other toxic substance.
 - Material testing services
 - Reproduction for design submissions. Osborn will provide electronic PDF files of drawings and specifications for reproduction.
 - On site construction administration or management.

FEES

Osborn Engineering will invoice monthly based on the Time and Materials/Expenses incurred by Osborn Engineering and City Architecture staff up to the maximum amount of **\$49,945**.

SUMMARY

We look forward to the opportunity to continue working with you on this project and assure it is completed according to the City's Master Plan and wishes. We are prepared to start immediately upon authorization. If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

OSBORN ENGINEERING

Dennis C. Albrecht, Jr., PE
Director of Transportation and Municipal Engineering

cc: Scott Vura