

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-34**

**A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND DIRECTOR
OF FINANCE TO EXECUTE AMENDMENT #1 TO AGREEMENT WITH CHOICE
ONE ENGINEERING FOR THE MORROW ROAD RECONSTRUCTION PHASE
ONE PROJECT, AND DECLARING AN EMERGENCY**

WHEREAS, on June 6th, 2019, as part of a funding application to the Ohio Public Works Commission (OPWC), the then-Village Council passed Resolution No. 2019-25 and entered into an agreement with Choice One Engineering (“Engineer”) for the design of the Morrow Road Reconstruction Phase One Project in the amount of \$38,200.00; and,

WHEREAS, effective July 1, 2023, the City has been awarded funding from OPWC for the Morrow Road Reconstruction Phase One Project and,

WHEREAS, in the time since the execution of the original agreement, costs have increased for the Engineer which justifies an increase to the “not to exceed” amount in the original agreement; and,

WHEREAS, the Engineer has submitted a proposal for an increase in the costs since the original agreement was executed which will result in a not to exceed cost of \$46,800.00 which is a net increase of \$8,600.00 from the original contract price; and,

WHEREAS, immediate action is required to approve said amendment to ensure the design for the Project is expedited to allow for construction in the 1st quarter of 2024 and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. Approve Amendment #1 with Choice One Engineering, a copy of which is attached hereto, and further authorize the Mayor and Director of Finance to execute an Amendment on behalf of the City.

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

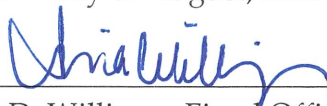
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Section 3. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 17th day of August, 2023.


Attest: 
Petrina D. Williams, Fiscal Officer/Clerk

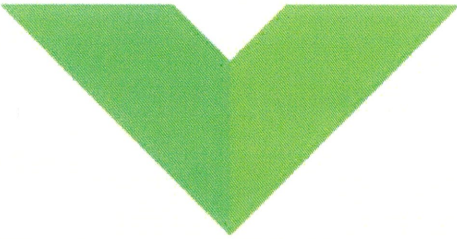

James D. Smith, Mayor

Rules Suspended: <u>8/17/2023</u> (if applicable)	Effective Date – <u>8 / 17/2023</u>
Vote - <u>6</u> Yeas ___ Nays	
First Reading – / / 2023	Effective Date – / / 2023
Second Reading – / / 2023	
Vote - ___ Yeas ___ Nays	

Prepared by and approved as to form:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: 
Date: 8/17/2023



Date
May 30, 2023

Attention
Jerry Haddix
Administrator
jhaddix@southlebanonohio.org

Address
City of South Lebanon
10 N. High Street
South Lebanon, OH 45065

Subject
Amendment #1 to Agreement for Professional Services
Morrow Road Reconstruction – Phase 1
WAR-SLE-1906

Dear Mr. Haddix:

The Agreement referred to herein was executed on 6/12/2019 between the City of South Lebanon, hereinafter referred to as Client and Choice One Engineering Corporation, hereinafter referred to as Choice One.


This Agreement is hereby modified by mutual consent and agreement as followed. Please execute the Agreement Amendment and return it to Choice One.

If you have any questions, please feel free to give us a call.

City of South Lebanon


James D. Smith, Mayor

8/17/2023
Date


Tina Williams
Director of Finance


8/17/23
Date

Choice One Engineering Corporation


Troy A. Niese, P.E., Project Manager

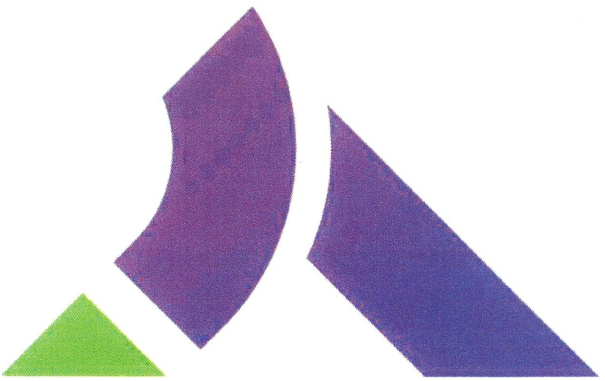
5/30/2023
Date

Approved as to form:
ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: 
Date: 8/17/2023

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
Sidney, OH 45365
937.497.0200 Phone

S. Ohio/N. Kentucky
8956 Glendale Milford Rd., Suite 1
Loveland, OH 45140
513.239.8554 Phone



Scope of Services

Project Details

- As of May 2023, no work has been performed, or invoiced under the previous agreement.
- This amendment is to revise Choice One's fees to perform the scope provided in the original agreement. Fee revisions are based on the adjustments to Choice One's hourly rates between the time of the initial authorization and when the work will commence.
- The project will be partially funded by the OPWC grant from the 2022-2023 cycle.
- The revised estimated construction cost for the project based on current public bid data and inflation changes from the original timeline is \$960,000.
- Nothing in this agreement amendment or the original agreement will require Choice One to provide indemnification that would be in violation of the provisions found in O.R.C 153.81.

Compensation & Schedule

Compensation

Task	Additional Fee	Additional Fees From Previous Amendments	Original Fee	Total
Topographic Survey	\$1,500.00	\$0.00	\$3,400.00	\$4,900.00
Construction Plans	\$7,100.00	\$0.00	\$34,800.00	\$41,900.00
Total	\$8,600.00	\$0.00	\$38,200.00	\$46,800.00
Construction Administration Services			Hourly upon request	

Schedule

Choice One will work with the City's schedule to have plans designed and ready to bid in the winter of 2023/2024.