

**CITY OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2024-32**

**A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND DIRECTOR OF FINANCE TO EXECUTE AMENDMENT #3 TO AGREEMENT WITH MCGILL SMITH PUNSHON INC. FOR THE MASON-MORROW-MILLGROVE ROAD WATERLINE EXTENSION PROJECT, AND DECLARING AN EMERGENCY**

**WHEREAS**, on January 21<sup>st</sup>, 2021, the then-Village Council passed Resolution No. 2021-3 and entered into an agreement with McGill Smith Punshon Inc. (“Engineer”) for the design of the Mason-Morrow-Millgrove Road Waterline Extension Project in the amount of \$46,650.00; and,

**WHEREAS**, on March 3<sup>rd</sup>, 2022, the City Council passed Resolution No. 2022-08 and approved Amendment #1 to the Agreement with McGill Smith Punshon Inc. (“Engineer”) for the additional field location and design work on the Mason-Morrow-Millgrove Road Waterline Extension Project in the amount not to exceed \$50,050.00; and,

**WHEREAS**, on March 2<sup>nd</sup>, 2023, the City Council passed Resolution No. 2023-12 and approved Amendment #2 to the Agreement with McGill Smith Punshon Inc. (“Engineer”) for the additional design work on the Mason-Morrow-Millgrove Road Waterline Extension Project in the amount not to exceed \$77,050.00; and,

**WHEREAS**, the Engineer has incurred additional expenses during the construction phase of the Project above the current contract price; and,

**WHEREAS**, the Engineer has submitted a proposal for additional engineering services which will result in a not to exceed cost of \$79,554.86 which is a net increase of \$2,504.86 from the current contract price; and,

**WHEREAS**, immediate action is required to approve said amendment to ensure the prompt payment to the Engineer and allow for the closeout of the Project 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 #3 with McGill Smith Punshon Inc., 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 5th day of September, 2024.

  
\_\_\_\_\_  
Linda S. Burke, Mayor

Attest:   
\_\_\_\_\_  
Petrina D. Williams, Director of Finance/Clerk

|                  |               |                 |
|------------------|---------------|-----------------|
| Rules Suspended: | <u>9/5/24</u> | (if applicable) |
| First Reading:   | <u>-</u>      |                 |
| Second Reading:  | <u>-</u>      |                 |
| Vote:            | <u>5</u> Yeas |                 |
|                  | <u>-</u> Nays |                 |
| Effective Date:  | <u>9/5/24</u> |                 |

Prepared by and approved as to form:

 9/5/2024  
Andrew P. Meier  
Law Director  
City of South Lebanon, Ohio



ADDENDUM TO THE CONTRACT

Addendum No.: 3

Date of Addendum: August 1, 2024

Original Contract: Mason Morrow Milgrove Road

Original Contract Date: November 25, 2020 Project Number: 06308.19

The following services requested by the CLIENT are in addition to the services as described in the base agreement for services as described above.

1. Services to be Provided:

1.1. Services Associated with Re-Design of Project

2. Compensation

2.1. Fees for services as described above:

2.1.1. Two thousand five hundred four dollars and eight-six cents (\$2,504.86).

3. The above-described additional services and fees in this addendum are part of the original contract for professional services as described above. All conditions of the original contract shall apply in full to conditions of this addendum unless specifically designated otherwise.

McGill Smith Punshon, Inc.

City of South Lebanon

CLIENT

By: [Signature]

By: [Signature]

Linda Burke

Title: Executive Vice President

Title: Mayor

Date: August 1, 2024

Date: 9/5/24

06308193-CLI-ADM-Change Order 3

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

By: [Signature] Date: 9/5/2024