

fully executed

ORDINANCE NO. 202-24

AN ORDINANCE AMENDING ORDINANCE NO. 77-24, PASSED APRIL 9, 2024, RELATIVE TO THE AGREEMENT WITH AMERICAN STRUCTUREPOINT, INC. FOR THE US 42 RESURFACING PROJECT, AND DECLARING AN EMERGENCY.

- WHEREAS:** Ordinance No. 77-24, passed April 9, 2024, authorized an Agreement with American Structurepoint, Inc. to provide engineering and design services for the US 42 Resurfacing Project (Homestead to Lafayette); and
- WHEREAS:** Recently the City of Medina was informed that our grant application to the Ohio Department of Transportation (ODOT) for funds to construct pedestrian safety improvements had been approved; and
- WHEREAS:** American Structurepoint has submitted their proposal for the additional costs to complete the safety enhancement design, requiring an increase of \$56,400.00 to the original Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That Ordinance No. 77-24, passed April 9, 2024, is hereby amended to state that the Mayor is authorized to enter into the amended Agreement with American Structure Point.
- SEC. 2:** That the funds to cover the increase to the Agreement, in the amount of \$56,400.00, is hereby authorized for the Engineering Department.
- SEC. 3:** That a copy of the Amendment is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 4:** That it is 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 action, were in meetings open to the public, in compliance with the law.
- SEC. 5:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to proceed with the project as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: November 12, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: November 13, 2024

SIGNED: Dennis Hanwell
Mayor

AMENDMENT TO OWNER-ENGINEER AGREEMENT

ORD. 2024-24
Exh. A

1. Background Data:

- a. Effective Date of Owner-Engineer Agreement: _____
- b. Owner: City of Medina, Ohio
- c. Engineer: American Structurepoint, Inc.
- d. Project: MED-42-16.78 US 42 Resurfacing (City of Medina), PID 119446

2. Nature of Amendment

- Additional Services to be performed by Engineer
- Modifications to Payment to Engineer

3. Description of Modifications

Attachment 1, "Modifications"
Engineer's Fee Proposal dated October 15, 2024

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is the date of the latest required signature below.

OWNER:

Dennis Harwell

By: Dennis Harwell

Title: Mayor

Date Signed: 11-13-2024

ENGINEER:

ED KAGEL

By: ED KAGEL

Title: PROJECT MANAGER

Date Signed: 11/21/2024

This is **Attachment 1**, consisting of 1 pages, to Amendment No. 1.

Modifications

1. Engineer shall perform the following Additional Services:

Paragraph 3 of the EJCDC E-520 preamble is modified to read as follows:

Engineer's services under this Agreement are generally identified as follows: Please see Engineer's fee proposals dated March 15, 2024 and October 15, 2024 ("Services").

2. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

Paragraph 2.02.A.1 is modified to read as follows:

1. For the Base Services, a Lump Sum amount of ~~\$111,083.00~~ **\$167,483.00**, an increase of **\$56,400**.