

# City of Willoughby Hills

## ORDINANCE NO. 2019-14

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### **AN ORDINANCE TO ACCEPT THE PROPOSAL PROVIDED BY RICHARD L. BOWEN + ASSOCIATES INC. FOR THE BIDDING AND CONSTRUCTION ADMINISTRATION OF THE DODD ROAD BANK STABILIZATION PROJECT AND DECLARING AN EMERGENCY.**

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**WHEREAS**, a small portion of the Dodd Road embankment (around 75 feet) has recently failed and has exposed guardrail posts and roadway material; and

**WHEREAS**, this section of the road is approximately 500 feet and is in close proximity to the river bank that is in immediate need of protection; and

**WHEREAS**, this project is time sensitive for the following reasons: (a) critical to maintain the integrity of the roadway, as well as health, safety, and welfare of the public; (b) intent is to complete stabilization construction prior to planned resurfacing of Dodd Road in 2019; as part of the resurfacing project, this portion of Dodd Road will be shifted several feet further away from the bank; (c) required permitting from Army Corp of Engineers is currently unpredictable, and could be a factor in schedule; and

**WHEREAS**, on June 14, 2018, Council adopted Ordinance No. 2018-30, contracting Bowen to oversee the work of KS Associates and to act as the City's representative during the retaining wall analysis and design process; and

**WHEREAS**, on June 14, 2018, Ordinance No. 2018-31, adopted by Council, approved a contract with KS Associates for up to \$68,000 to perform the design; and

**WHEREAS**, on January 24, 2019, a motion was made authorizing the Mayor to advertise for contractor bids; and

**WHEREAS**, the final construction plans were approved by Bowen on January 30, 2019 and the permitting process is currently underway; and

**WHEREAS**, the project description for the bidding and construction administration of the Dodd Road Embankment Protection Project (aka Dodd Bank Stabilization Project) involves the construction of a drilled shaft retaining wall between Dodd Road and the Chagrin River, approximately 500 feet northeast of Milann Drive; and

**WHEREAS**, the scope of services to be provided by Richard L. Bowen + Associates, Inc., include: (1) serve as the authorized representative of the City and supervise the execution of the project work, including resident coordination and meetings as needed; (2) Bidding Assistance: respond to bidder questions, tabulate and evaluate bids, assess contractor's ability, and make recommendation for award; (3) Construction Administration: respond to contract questions, review contractor submittals, perform site visits, review change orders, review contractor payments, perform punch list and project-close-out; and

**WHEREAS**, based on Section 2.2 and 2.3 of the "*Agreement between City of Willoughby Hills, Ohio & Richard L. Bowen + Associates Inc. for City Engineering Services*", the Base Professional Services fee is estimated to be:

1.	Consulting Services		\$ 7,840.00
	A. City Engineer or Assistant City Engineer (80 hrs @\$98/hr)	\$ 7,840.00	
2.	Normal reimbursable expenses such as travel, reproduction, printing, & shipping will be invoiced at 1.1 times direct cost		\$ 260.00
<b>Total Base Fee</b>			<b>\$ 8,100.00</b>

Please note, this is an estimate of anticipated hours. Invoices will be based on actual time spent plus normal reimbursable expenses, not to exceed the limits set above without prior authorization.

**WHEREAS**, all project costs are to be reimbursed by the Lake County Stormwater Management Department (LCSMD).

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.** The Mayor is hereby authorized and directed to accept the proposal, dated February 5, 2019, as submitted by Richard L. Bowen + Associates Inc., consisting of two (2) pages, attached hereto as the “Exhibit A”, providing services specifically for Dodd Bank Stabilization – 2019 Bidding & Construction Administration at a projected cost of \$8,100.00.

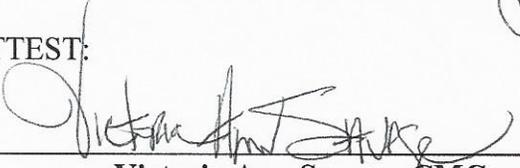
**SECTION 2.** The Finance Director is hereby authorized to provide a City-issued purchase order for said authorized expenditure in accordance with the terms and conditions contained in the two-page proposal, dated May 29, 2018, submitted by Richard L. Bowen + Associates Inc., attached hereto as the “Exhibit A”.

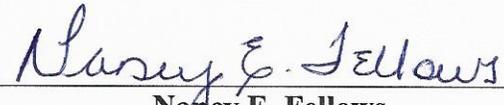
**SECTION 3.** The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the municipality and further reason being that the City requires the professional services to immediately proceed with the bank stabilization critical to maintain the integrity of the roadway; wherefore this Ordinance shall be in full force and take effect from and after its adoption and approval by the Mayor.

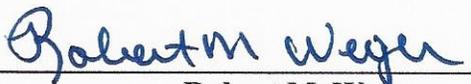
PASSED: February 14, 2019

Submitted to the Mayor for his approval on this 14 day of February, 2019

ATTEST:  
  
 Victoria Ann Savage, CMC  
 Clerk of Council

  
 Nancy E. Fellows  
 President of Council

Approved by the Mayor  
February 14 2019.

  
 Robert M. Weger  
 Mayor