

AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING CO. FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION OF WALKER ROAD RESURFACING PHASE 3 AND PHASE 4 AND DECLARING AN EMERGENCY.

WHEREAS, Council authorized a professional services contract with Bramhall Engineering & Surveying Company to provide construction observation and contract administration of the Walker Road Resurfacing Phase 3 and Phase 4.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Bramhall Engineering & Surveying Company be, and they are hereby authorized and directed to provide construction observation and contract administration of the Walker Road Resurfacing Phase 3 and Phase 4. The agreement (Exhibit A) shall state among its terms that the cost of said personal services shall not exceed \$52,220.

Section No. 2: Upon completion of said design services, the Director of Finance is hereby directed to deliver to Bramhall Engineering & Surveying Co. the warrant of this City, in an amount not to exceed \$52,220, and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing construction observation and contract administration in the resurfacing of a main thoroughfare in the City, thus for the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

PASSED: 3/25/2024

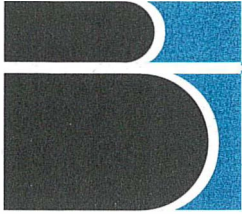
/s/ Martin E. O'Donnell
President of Council

POSTED: 3/29/2024

APPROVED: 3/26/2024

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Mark A. Spaetzel
Mayor



BRAMHALL
ENGINEERING &
SURVEYING COMPANY

March 8, 2024

Mayor Mark Spaetzel
City of Avon Lake
150 Avon Belden
Avon Lake, Ohio 44012

Reference: Professional Services for Construction Observation and Contract Administration
Walker Road Resurfacing Phase 3 and Phase 4
Avon Lake, Ohio

Dear Mayor Spaetzel:

We are pleased to submit the attached Proposal for Professional Services for the above referenced project.

We appreciate your interest in Bramhall Engineering and Surveying Company and we look forward to working with you on this project.

Sincerely,

BRAMHALL ENGINEERING & SURVEYING COMPANY

Christopher L. Howard, P.E., CPESC
Vice President

Enclosure(s)

EXHIBIT A

**CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION
WALKER ROAD RESURFACING PHASE 3 AND PHASE 4
AVON LAKE, OHIO**

Scope of Services

To meet your objectives Bramhall Engineering and Surveying Company (BRAMHALL) proposes to provide the following services for the Walker Road Phase 3 and Phase 4 starting on or about April 15, 2024 and having project completion by July 19, 2024.

Construction Observation

BRAMHALL will provide the Professional Construction Observation and Contract Administration as outlined below:

1. BRAMHALL will provide an Owners Representative that will serve as the City's agent with the Contractor and any Sub-Contractors.
2. A representative of BRAMHALL shall act as the Owners Representative as per the following:
 - a) Be present during all on-site activities by the Contractor and Sub-Contractors and conduct on-site observations of the work in progress to determine if the work is proceeding in accordance with the Contract Documents and that completed work will conform to the Contract Documents.
 - b) Report to the City whenever BRAMHALL believes that any work is unsatisfactory, faulty or defective or does not conform to the Contract Documents, or does not meet the requirements of any observations, tests, or approvals required to be made, or has been damaged prior to final payment, and advise the City when work should be corrected or rejected or should be uncovered for observation.
 - c) Verify that tests are conducted as required by the Contract Documents and City requirements in the presence of the required personnel, and that the General Contractor maintains adequate records thereof; observe, record and report to the City appropriate details relative to the test procedures.
 - d) Accompany representatives of the Contractor and/or City on construction observation site visits and record any comments or direction rendered during such visits.
 - e) Attend to members of the public who have issues with the project and serve to positively rectify these issues and to conduct elected officials around the project.
 - f) Attend pre-construction and all job progress meetings and other job conferences as needed with the Contractor, City and regulatory agencies.
 - g) Transmit to the Contractor clarifications and interpretations of the Contract Documents as approved by the City.

**CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION
WALKER ROAD RESURFACING PHASE 3 AND PHASE 4
AVON LAKE, OHIO**

3. Reports:

- a) Furnish the City with the daily logs as required for progress of the work and the Contractor's compliance with the approved progress schedule. Included shall be pay items completed and quantified, test data, and comments relative to observations of the day's work. Copies of the daily logs are to be provided to the City on a weekly basis, or as otherwise determined to be appropriate.
- b) Consult with the City in advance of scheduled major tests, inspections, or start of significant phases of work.
- c) The Owners Representative will report directly to the Director of Public Service. All reports shall be submitted on standard BRAMHALL forms to the City.
- d) Maintain a set of drawings on-site on which authorized changes are noted.

4. BRAMHALL is required to bring to the attention of the Contractor any failure of the work or materials to conform to the Specifications and Contract. Any lack of corrective action or lack of cooperation shall immediately be referred to the City.

5. BRAMHALL is authorized to recommend rejection of non-specific materials either during the submittal phase or as they arrive at the project site.

6. BRAMHALL will review Pay Requests from the Contractor and submit to the City for processing.

7. Completion

BRAMHALL shall:

- a) Submit to the Contractor a list of observed items requiring completion or correction.
- b) Conduct a final observation, and prepare a final list of items to be completed or corrected in conformance with the contract documents.
- c) Verify that all items on the final list have been completed or corrected, and submit recommendations to the City concerning acceptance.
- d) Provide a marked-up copy of the As-Built Drawings for the City.

**CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION
WALKER ROAD RESURFACING PHASE 3 AND PHASE 4
AVON LAKE, OHIO**

The authority of BRAMHALL shall have the following limitations:

Except upon written instruction of the City, BRAMHALL shall not:

1. Authorize any deviation from the Contract Documents or approve any substitute materials or equipment.
2. Issue instructions contrary to the Contract Plans, Specifications or Contract Documents.
3. Exceed limitations on the City's authority as set forth in the Contract Documents.
4. Undertake any of the responsibilities of the Contractor, Subcontractor or the Contractor's superintendent.
5. Advise on or issue directions relative to any aspect, means, methods, techniques, sequences or procedures of construction unless such is specifically called for in the Contract Documents.
6. Issue directions as to safety precautions and programs in connection with the work.

BRAMHALL shall not be liable for defective work, acts of omission, or operating procedures of the Contractor.

Clarifications and Exceptions

1. This Proposal is based on 40 hours of Construction Observation per week. This Proposal does not include overtime which is defined as any hours worked Monday through Friday in excess of 8 hours in a single day, or on a Saturday, Sunday.
2. For hours worked in excess of 40 hours or 8 hours per day, excluding Saturday, Sunday, BRAMHALL shall be compensated at 1.5 times the hourly rate stated in this Proposal.
3. For hours worked on Saturday, Sunday or any Legal Holiday, BRAMHALL shall be compensated at 2.0 times the hourly rate stated in this Proposal.
4. For partial work days, BRAMHALL shall be compensated as follows:

Work Terminated

After start but prior to 2 hours
After 2 hours, prior to 4 hours
After 4 hours, less than 8 hours

Compensated For

2 hours
4 hours
8 hours

5. BRAMHALL shall be notified at least 48 hours in advance for scheduling of Inspections.
6. Review of shop drawings are included with this Proposal.

**CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION
WALKER ROAD RESURFACING PHASE 3 AND PHASE 4
AVON LAKE, OHIO**

Professional Services Fee

BRAMHALL proposes to provide the Professional Services as noted herein for the following:

***Construction Administration and Observation* \$52,220.00**

Please note that the Construction Observation Services is a Not-To-Exceed Estimate and will be billed hourly. This Estimate is based on the following:

Senior Construction Inspector (Straight Time) – 14 weeks x 40 hours/week x \$70 /hour = \$39,200.00

Senior Project Manager – 14 weeks x 6 hours/week x \$155 /hour = \$13,020.00

If additional time is required, we will not proceed unless authorized by the City.

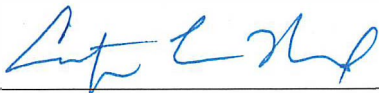
The work will be billed monthly based on our estimate of the portion of the total services actually complete at the time of billing.

The above rates are valid for services provided through December 31, 2024. Charges for our services after this date are subject to escalation.

ACKNOWLEDGED AND ACCEPTED

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**BRAMHALL ENGINEERING
& SURVEYING COMPANY**

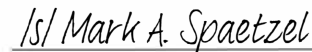


Christopher L. Howard, P.E., CPESC
Vice President
Date: March 8, 2024

ACKNOWLEDGED AND ACCEPTED

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CITY OF AVON LAKE



Mark Spaetzel
Mayor
3-26-2024

Date