

RESOLUTION NO. 51-2008

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT ARCADIS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE EVERETT ROAD SANITARY SEWERS, PHASE II, PROJECT.

WHEREAS, this Council believes that the proposed Everett Road Sanitary Sewer, Phase II, Project will provide important environmental benefits to the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That the Mayor and the Finance Director be, and they hereby are, authorized and directed to enter into an agreement with Arcadis, Inc. for professional engineering services in connection with the Everett Road Sanitary Sewer, Phase II, Project, a copy of which agreement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference

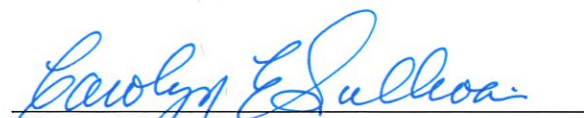
SECTION 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 9/16/08

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Mayor

Dated: 9/16/08

ATTEST:  
  
\_\_\_\_\_  
Clerk of Council



Mayor Mike Lyons  
Village of Richfield  
4410 West Streetsboro Road  
Richfield, Ohio 44286

ARCADIS, Inc.  
1100 Superior Avenue  
Suite 1250  
Cleveland  
Ohio 44114  
Tel 888 654 2538  
Fax 216 781 6243

Subject:  
Richfield, Ohio  
2006 Everett Road Sanitary Sewers Phase II

Water Resources

Dear Mayor Lyons:

Date:  
3 September 2008

At your request, we are pleased to submit this document for providing engineering services related to the Bidding Phase, Engineering during Construction Phase and Resident Project Representation for the above referenced project. The project involves construction of sanitary sewers on Motor Road, Raetner Road, Five Oaks Drive and Harold Drive. Storm sewer improvements along Motor Road are also included. The opinion of the probable cost of construction of the overall project is estimated to be in excess of \$ 1.1 million in 2008 dollars. The following lists our Scope of Services, Scheduling and Engineering Fee.

Contact:  
Said W. AbouAbdallah,  
PE,

Phone:  
(216) 781-6177

Email:  
sabouabdallah@arcadis  
-us.com

### Scope of Services

Bidding Phase – ARCADIS will perform the following tasks after receipt of a written notice to proceed from the Village.

- Update the existing plans and project manual to include additional storm sewers currently designed for Motor Road between Raetner Road and north to the existing drainage ditch for approximately 400 lineal feet.
- Prepare advertisement for bids and assist with project advertisement.
- Maintain a record of prospective bidders to whom Bidding Documents have been issued. Costs for advertisement shall be the responsibility of the Village.
- Respond to questions by prospective bidders.
- Issue addenda as appropriate to clarify, correct or change the Bidding Documents.

Imagine the result

## ARCADIS

Mayor Mike Lyons  
3 September 2008

- Attend bid opening and review the submitted Bidding Documents.
- Prepare bid tabulation sheets and provide recommendations to the Village in regards to the submitted bids.
- Assist the Village in awarding construction contracts for the work.

Engineering during Construction Phase – ARCADIS will perform the following tasks after receipt of a written notice to proceed from the Village.

- Arrange for and attend the preconstruction meeting.
- Consult with the Village and act as its representative as provided in the General Conditions of the construction agreement. The extent and limitations will be as assigned in the General Conditions unless otherwise agree to in writing.
- Make site visits at intervals appropriate to the various stages of construction.
- Arrange for material testing during construction by a third party. Costs for material testing are included as an allowance.
- Recommend to the Village that contractor's work be disapproved and rejected based on field observations.
- Issue necessary clarifications and interpretations of the Contract Documents as appropriate.
- Recommend Change Orders and Work Change Directives to the Village as appropriate. Prepare Change Orders and Work Change Directives forms as required.
- Review and approve or take appropriate action in respect to Shop Drawings and Samples and other data, which the contractor is required to submit for general conformance with the information given in the Contract Documents and compatibility with the design concept of completed project.
- Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by the contractor.
- Based on input from the Village and on site visit observations as an experienced and qualified design professional, review the Applications for Payment and the accompanying supporting documentation and provide recommendations.

## ARCADIS

Mayor Mike Lyons  
3 September 2008

- Review and transmit to the Village, maintenance and operation instructions, schedules, guarantees, bonds, certificates of insurance, etc.
- Prepare project closeout documents such as Substantial Completion Certification, Notice of Acceptability of Work, Punchlists, etc.
- Based on marked-up plans as prepared by the contractor. ARCADIS would revise the design plans and prepare "Record Drawings" at the completion of the project. One set of original reproducible documents with one electronic copy of files on CD, and two sets of paper copies of the "Record Drawings" will be provided to the Village.

Resident Project Representation (RPR) – ARCADIS will perform the following tasks after receipt of a written notice to proceed from the Village.

- Provide the services of a resident project representative (RPR) at the site during the construction phase to assist in observing the quality and progress of the work.
- The period for utilization of an RPR has been established at 360 consecutive calendar days.
- The duties and responsibilities, and authority of the RPR are set forth in Exhibit A "Duties, Responsibilities and Limitations of Authority of resident project representative".

### Scheduling

ARCADIS is proposing to complete the bidding phase within 45 consecutive calendar days from the date of first advertisement for bids. The construction phase is anticipated to be completed within 360 consecutive calendar days.

### Engineering Fee

ARCADIS proposes to be reimbursed at a cost reimbursement plus fixed fee thereof, plus other direct costs or reimbursable expenses for the different phases of the project as follows:

- Bidding phase, not to exceed \$ 10,800.00
- Engineering during construction phase, not to exceed \$ 64,900.00
- Resident project representation (RPR) phase, not to exceed \$ 128,000.00
- Allowance for third party material testing during construction at \$ 5,000.00

# ARCADIS

Mayor Mike Lyons  
3 September 2008

## Authorization

Execution of this document will serve as our authorization to proceed under the authority of our current Agreement for Engineering Services dated April 1, 1997, and amended on February 7, 2007. Two copies of this document are executed by ARCADIS and are being provided to the Village for signatures. After executing both copies, please return one to our office for our records.

In the meantime, please feel free to contact me should you have any questions or comments.

Sincerely,



Said W. AbouAbdallah, P.E

Copies:

Melanie Tibbs, Richfield Service Director

Authorization to proceed is hereby  
acknowledged. Funds are encumbered  
and available in Purchase order No. \_\_\_\_\_

VILLAGE OF RICHFIELD, OHIO  
(OWNER)

ARCADIS U.S., Inc.  
(ENGINEER)

\_\_\_\_\_

\_\_\_\_\_

Date

Date

**ARCADIS****EXHIBIT A****Duties, Responsibilities and Limitations of Authority  
of Resident Project Representative****A. General**

The Resident Project Representative ("RPR") is the ENGINEER's agent at the site, will act as directed by and under the supervision of the ENGINEER and will confer with the ENGINEER regarding his actions. RPR's dealings in matters pertaining to the on-site work shall, in general, be with the ENGINEER and the Contractor, keeping the OWNER advised as necessary. RPR's dealings with subcontractors shall only be through or with the full knowledge and approval of the Contractor. RPR shall generally communicate with the OWNER with the knowledge of and under the direction of the ENGINEER.

**B. Duties and Responsibilities**

The Resident Project Representative shall:

1. **Schedules** Review the progress schedule, schedule of Shop Drawing and sample submittals, and schedule of values prepared by the Contractor and consult with the ENGINEER concerning acceptability.
2. **Conferences and Meetings** Attend meetings with the Contractor, such as preconstruction conferences, progress meetings, job conferences and other project related meetings, and prepare and circulate copies of minutes thereof (if not required of the Contractor on multiprime contracts as outlined in the Standard General Conditions).
3. **Liaison**
  - a. Serve as the ENGINEER's liaison with the Contractor, working principally through the Contractor's superintendent and assist in understanding the intent of the Project Contract Documents; and assist the ENGINEER in serving as the OWNER's liaison with the Contractor when the Contractor's operations affect the OWNER's on-site operations.
  - b. Assist in obtaining from the OWNER additional details or information, when required for proper execution of the work.
4. **Shop Drawings and Samples**
  - a. Receive samples which are furnished at the site by the Contractor, and notify the ENGINEER of availability of samples for examination.
  - b. Advise the ENGINEER and the Contractor of the commencement of any work requiring a Shop Drawing or sample if the submittal has not been processed by the ENGINEER.
5. **Review of Work, Rejection of Defective Work, Inspection and Tests**
  - a. Conduct on-site observations of the work in progress to assist the ENGINEER in determining if the work is in general proceeding in accordance with the Contract Documents.

**ARCADIS**

- b. Report to the ENGINEER whenever he believes that any work will not produce a completed Project that conforms generally to the Contract Documents or will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged or does not meet the requirements of any inspection, test or approval required to be made; and advise the ENGINEER of work that he believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
  - c. Verify that tests, equipment and systems startups and operating and maintenance training are conducted in the presence of appropriate personnel, and that the Contractor maintains adequate records thereof; observe, record and report to the ENGINEER appropriate details relative to the test procedures and startups.
  - d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to the ENGINEER.
6. **Interpretation of Project Contract Documents** Report to the ENGINEER when clarifications and interpretations of the Contract Documents are needed and transmit to the Contractor clarifications and interpretations as issued by the ENGINEER.
7. **Modifications** Consider and evaluate the Contractor's suggestions for modifications in Drawings or Specifications and report them, with recommendations, to the ENGINEER. Transmit to the Contractor, in writing, decisions as issued by the ENGINEER.
8. **Records**
- a. Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and samples, reproductions of original Contract Documents including all work change directives, addenda, change orders, field orders, additional Drawings issued subsequent to the execution of the Contract, ENGINEER's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing submittals received from and delivered to Contractor and other Project-related documents.
  - b. Prepare a daily report or keep a diary or log book, recording Contractor hours on the job site, weather conditions, data relative to questions of work change directives, change orders or changed conditions, list of job site visitors, daily activities, decisions, observations in general and specific observations in more detail as in the case of observing test procedures; and send copies to the ENGINEER.
  - c. Record names, addresses and telephone numbers of all Contractors, subcontractors and major suppliers of materials and equipment.
9. **Reports**
- a. Furnish the ENGINEER periodic reports as required of progress of the work and of the Contractor's compliance with the progress schedule and the schedule of Shop Drawing and sample submittals.
  - b. Consult with the ENGINEER in advance of scheduled major tests, inspections or start of important phases of the work.

**ARCADIS**

- c. Draft proposed change orders and work change directives, obtaining backup material from the Contractor and recommend to the ENGINEER change orders, work change directives and field orders.
  - d. Report immediately to the ENGINEER and the OWNER upon the occurrence of any accident.
10. **Payment Requests** Review applications for payment with the Contractor for compliance with the established procedure for their submission and forward them with recommendations to the ENGINEER, noting particularly the relationship of the payment requested to the schedule of values, work completed and materials and equipment delivered at the site, but not incorporated in the work.
11. **Certificates, Maintenance and Operation Manuals** During the course of the work, verify that certificates, maintenance and operation manuals and other data required to be assembled and furnished by the Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have this material delivered to the ENGINEER for review and forwarding to the OWNER prior to final payment for the work.
12. **Completion**
- a. Before the ENGINEER issues a Certificate of Substantial Completion, submit to the Contractor a list of observed items requiring completion or correction.
  - b. Conduct a final inspection in the company of the ENGINEER, the OWNER and the Contractor, and prepare a final list of items to be completed or corrected.
  - c. Observe that all items on the final list have been completed or corrected and make recommendations to the ENGINEER concerning acceptance and issuance of the Notice of Acceptability of the Work.

**C. Limitations of Authority**

The Resident Project Representative:

- 1. Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items), unless authorized by the ENGINEER.
- 2. Shall not exceed limitations of the ENGINEER's authority as set forth in the Agreement or the Contract Documents.
- 3. Shall not undertake any of the responsibilities of the Contractor, Subcontractors, Suppliers or Contractor's superintendent.
- 4. Shall not advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.
- 5. Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the work.
- 6. Shall not accept Shop Drawing or sample submittals from anyone other than the Contractor.
- 7. Shall not authorize the OWNER to occupy the Project in whole or in part.



## ARCADIS

8. Shall not participate in specialized field or laboratory tests or inspections conducted by others except as specifically authorized by the ENGINEER.

Celebrating 75 years

# Walter & Haverfield LLP

attorneys at law

Charles T. Riehl  
criehl@walterhav.com  
216.928.2895 direct line  
216.916.2334 direct fax

August 22, 2008

VIA E-MAIL

Carolyn Sullivan, Clerk of Council  
Village of Richfield  
4410 West Streetsboro Road  
P. O. Box 387  
Richfield, OH 44286-0387

Re: Motor Road Assessment Ordinance, Ordinance No. 43-2008

Dear Carolyn:


Confirming our conversation, please file a certified copy of the captioned Ordinance with the County Auditor (Fiscal Officer) within fifteen (15) days of passage as required by Section 6 of the Ordinance.

Very truly yours,



Charles T. Riehl

CTR:kaw

DATE <u>8/26/08</u>		NO. <u>3449</u>
RECEIVED OF <u>City of Richfield</u>		
ADDRESS <u>ORD - 43-2008 filing fee</u>		
FOR _____ \$ <u>100</u>		
HOW PAID <u>CASH</u>	BALANCE DUE	BY <u>Andrea J. Sullivan</u>
 FORM 46820 ©		

• Celebrating 75 years •

**Walter &  
Haverfield** LLP  
attorneys at law

Charles T. Riehl  
[ctiehl@walterhav.com](mailto:ctiehl@walterhav.com)  
216.928.2895 direct line  
216.916.2334 direct fax

August 22, 2008

VIA E-MAIL

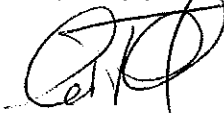
Carolyn Sullivan, Clerk of Council  
Village of Richfield  
4410 West Streetsboro Road  
P. O. Box 387  
Richfield, OH 44286-0387

Re: Motor Road Assessment Ordinance, Ordinance No. 43-2008

Dear Carolyn:

Confirming our conversation, please file a certified copy of the captioned Ordinance with the County Auditor (Fiscal Officer) within fifteen (15) days of passage as required by Section 6 of the Ordinance.

Very truly yours,



Charles T. Riehl

CTR:kaw

ORDINANCE NO. 43-2008

Offered by All of Council

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE VILLAGE OF RICHFIELD BY CONSTRUCTING SANITARY SEWERS TOGETHER WITH CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO IN MOTOR ROAD, RATENER ROAD, FIVE OAKS DRIVE AND HAROLD DRIVE BETWEEN CERTAIN TERMINI AND DECLARING AN EMERGENCY.

WHEREAS, Council adopted Resolution No. 3-2008 on March 4, 2008 declaring the necessity of making improvements described in Sections 1 and 5 of that Resolution by constructing sanitary sewers together with connections therefor and the necessary appurtenances thereto in Motor Road, Ratener Road, Five Oaks Drive and Harold Drive between certain termini; and

WHEREAS, this Council adopted Resolution No. 41-2008 on August 5, 2008 approving the report of the Assessment Equalization Board.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That it is determined to proceed with the improvement of the properties described in Sections 1 and 5 of Resolution No. 3-2008, adopted on March 4, 2008, by constructing sanitary sewers together with connections therefor and necessary appurtenances thereto, in Motor Road, Ratener Road, Five Oaks Drive and Harold Drive between certain termini (hereinafter referred to as the "Improvement").
- SECTION 2. That the Improvement shall be made in accordance with the provisions of Resolution No. 3-2008, and with plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.
- SECTION 3. That all claims for damages resulting from the Improvement that have been legally filed shall be inquired into after completion of the Improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.
- SECTION 4. That the portion of the cost of the Improvement to be assessed in accordance with Resolution No. 3-2008 shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution.
- SECTION 5. That the estimated special assessments previously prepared and filed in the office of the Clerk of Council and as approved by the Assessment Equalization Board are adopted.

SECTION 6. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 7. Subject to the provisions of Section 727.24 of the Revised Code, the Mayor and Finance Director are authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement with the lowest and best bidder after advertising according to law, and the Improvement shall be financed as provided in Resolution No. 3-2008.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to provide for the construction of the Improvement, which is needed to eliminate existing and potential hazards to the health of the owners of the property to be assessed and neighboring areas; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8/19/08

\_\_\_\_\_  
President of Council

*C. SULLIVAN* Clerk of Council of the Village of Richfield, Ohio, hereby certify that the foregoing is a true and correct copy of Ord. 43-2008 adopted by the Council on 8/19/08

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Carolyn E. Sullivan

Dated: 8/19/08

ATTEST:  
  
\_\_\_\_\_  
Clerk of Council

## ADVERTISEMENT FOR BIDS

1. SEALED BIDS for the furnishing of the necessary materials and construction of

EVERETT ROAD SANITARY SEWER IMPROVEMENTS - PHASE II  
FOR THE VILLAGE OF RICHFIELD, OHIO

will be received by the Village at the office of the Service Director, 4410 West Streetsboro Road, Richfield, Ohio 44286 until

12:00 NOON, LOCAL TIME  
FRIDAY, OCTOBER 10, 2008

and at that time and place will be publicly opened and read aloud.

2. The proposed Work consists of: Furnishing and installation of approximately 6,530 LF of 8" PVC sanitary sewers and appurtenances, approximately 850 LF of 2" PVC force mains, one grinder pumping stations, 57 sanitary service laterals, and approximately 1,900 LF of 6" thru 27"x42" storm sewers and appurtenances.

3. The Bidding Documents, including Drawings and Project Manual with Specifications, are on file at the office of the Service Director and at the office of ARCADIS U.S., Inc. 1100 Superior Avenue, Suite 1250, Cleveland, Ohio 44114-1021. A set may be obtained by depositing \$125.00, check only, with said ARCADIS office. Checks shall be made payable to ARCADIS U.S., Inc. Deposits are non-refundable.

Additional copies (in excess of one) of the Drawings and Project Manual may be purchased at a cost of \$45.00 for Drawings and \$80.00 for Project Manual. No refund will be allowed for the return of any additional copies.

4. A list of Bidding Documents (Plan) Holders will be available via the Internet at [www.arcadis-us.com](http://www.arcadis-us.com). At the top select "Services". At the top left select "Infrastructure". Then select "Bid Advertisements" (above "Recent Mergers:"). Scroll to the advertising office, then to the project; select "Plan Holders" view option.

5. **Each Bidder must be a Bidding Documents Holder as defined in Article 1 of the Instructions to Bidders.**

6. The Village of Richfield, Ohio reserves the right to reject any or all Bids, and to waive all informalities not involving price, time, or changes in the Work.

7. A pre-bid conference will be held at 10:00 a.m. on Wednesday, October 1, 2008 at 4410 West Streetsboro Road, Richfield, Ohio 44286. Representatives of OWNER and ENGINEER will be present to discuss the Project. Bidders are encouraged to attend and participate in the conference.

By Order of the Council of the Village of Richfield, Ohio

Melanie Tibbs  
Service Director

Published:  
Akron Beacon Journal –  
September 15, 2008  
September 22, 2008