

*fully executed*

**ORDINANCE NO. 149-14**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO SUPPLEMENTAL AGREEMENT NO. 3 WITH HNTB-OHIO, INC. FOR ENGINEERING DESIGN SERVICES FOR THE W. SMITH ROAD RECONSTRUCTION PROJECT.**

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

**SEC. 1:** That the Mayor is hereby authorized and directed to execute Supplemental Agreement No. 3 with HNTB-Ohio, Inc. for engineering design services for the West Smith Road Reconstruction Project.

**SEC. 2:** That the funds to cover the agreement, in the estimated amount of \$31,954.00 are available in Account No. 108-0610-54411.

**SEC. 3:** That a copy of the Supplemental Agreement 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 in full force and effect at the earliest period allowed by law.

**PASSED:** September 8, 2014

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** September 9, 2014

**SIGNED:** Dennis Hanwell  
Mayor

Ord. 149-14  
Exh. A

## SUPPLEMENTAL AGREEMENT NO. 3 – WEST SMITH ROAD

This Supplemental Agreement, Number 3, to the AGREEMENT FOR PROFESSIONAL SERVICES, dated March 9, 2007 (the Agreement), between The City of Medina (Owner) and HNTB Ohio, Inc. (HNTB) is made effective as of July 16, 2014.

### **BACKGROUND**

*The current allocation of fee and remaining tasks are shown below for tasks which we wish to have reallocated and authorized which includes work to be completed for both Sections I and II.*

- *Task 4.2.2.4 – \$2,614 – Channel Section Sheets – Sheets not required*
- *Task 4.2.9.1 – \$2,877 – Geotechnical Investigation and Report – Work complete, reallocate remaining fee from J&L to HNTB.*
- *ORC - \$14,850 unused fees, reallocate fee from O. R. Colan to HNTB*
- *Task 7.1.2.3 – \$1,999 – Update Channel Relocation Details and Sheets – Not required*

### 1. HNTB shall perform the following Services:

- The Section I plans not yet completed are required to be updated to the 2013 ODOT Specifications. Items in need of updating will be the Title Sheet, General Notes, General Summary, Headwall plans, Signal Plans and Cost Estimate.
- Additional Right-of-Way plan and roadway plan work due to M.Z.S Company's additional driveway and parking lot reconfiguration discovered during Final Right-of-Way field review of Section 1.
- Submission of the Army Corps of Engineers (ACOE) Section 404 Pre-Construction Notification resulted in several resubmissions of information including planting, grading and other associated details. This work also included additional coordination and research not anticipated by HNTB or included in the original scope and fee for Section I and Section II.
- Revise project detour routes requested by The City of Medina in the Stage 3 plan review comments. The routes were updated in the Section II plans and will be adapted to the Section I plans.
- The scope for Maintenance of Traffic plans was to include MOT Notes sheets, Sequence of Construction, Phasing Typical Sections and Detour Plans. At the City of Medina's request add additional phasing sheets to the plan set. A total of 9 sheets (5 for Section I and 4 for Section II).
- On Section I and Section II off-site flow entering the sewer systems created issues with the hydraulic grade line of the proposed storm sewer. To provide a system that meets design standards, separate storm systems are required for the roadway and offsite drainage. Additional design effort and plan work is required.
- On Section I and Section II the complexity of the waterline work is greater than anticipated and requires additional design and plan work. The work requires converting a transmission line to a distribution line. Refinements are necessary to the storm sewer design in order to maintain water service and construct the new water main in a limited vertical window. Extend water line work limits up to State Road and Fair Drive.
- Based on City Stage 3 review comments received HNTB shall re-profile the 16" water main on West Smith Road and incorporate network changes at Fair Road and State Road. This will require revisions to the following sheets:
  - Waterwork plan and profile sheets
  - Roadway plan and profile sheets

- o Sewer profiles
  - o Cross-sections
  - o Maintenance of Traffic Sequence of Construction Notes
  - o Waterwork notes and details
  - o General summary (and supporting quantity calculations)
  - o Management and administration for this contract.
2. In conjunction with the performance of the foregoing Services, HNTB shall provide the following submittals/deliverables (Documents) to Owner:  
PS&E Submittal
3. HNTB shall perform the Services and deliver the related Documents (if any) according to the following schedule:
- |                                |               |
|--------------------------------|---------------|
| Notice to Proceed              | May 1, 2011   |
| Final R/W Submittal            | October 2014  |
| PS&E Submittal                 | October 2014  |
| R/W Certification              | December 2014 |
| Bidding Process & Construction | April 2015    |
4. For the performance of the foregoing obligations, Owner shall pay to HNTB the amount of seventy-four thousand, seven hundred six dollars and zero cents \$(74,706). This amount includes a fixed fee of \$7,382 which increases the total fixed fee from \$49,029 to total fixed fee of \$56,411.

This Supplement raises the total maximum compensation under the Agreement from seven hundred seventy-one thousand, three hundred eighty-seven dollars and zero cents (\$771,387) to the cost plus fixed fee amount of eight hundred three thousand, three hundred forty-one dollars and zero cents (\$803,341)\*.

\*Below is a summary of the fee breakdown used to reach compensation for Scope of Services listed in 1 above.

- \$74,706 – Supplement 3
- \$ 2,614 – Less: Reallocated Monies for Task 4.2.2.4 Channel Section Sheets
- \$ 1,999 – Less: Reallocated Monies for Task 7.1.2.3 Update Channel Relocation Details and Sheets
- \$20,412 – Less: Reallocated funds from Preliminary part of contract
- \$14,850 – Less: Reallocated funds from OR Colan
- \$ 2,877 – Less: Reallocated funds from J & L
- \$31,954 – New Contract Funds

**Authorized Compensation**

Total authorized compensation is seven hundred ninety-five thousand, three hundred sixty dollars and zero cents (\$795,360).

**Parts remaining unauthorized:**

- \$3,740 – Task 6.5.2 Land Acquisition County Properties (Supplement 1)
- \$4,241 – Task 6.5.2 Land Acquisition (Supplement 2)
- \$7,981 – Total Unauthorized Amount

HNTB Phase Segment	Contract Document	Contracted Dollars	Contracted Fixed Fee	Total Authorized	Total Unauthorized	Total Fixed Fee Authorized	Total Fixed Fee Unauthorized	Fee Type
43649-PL-001	Agreement	\$ 160,933.00	\$ 14,118.00	\$ 160,933.00	\$ -	\$ 14,118.00	\$ -	Cost Plus FF
43649-PL-001	Agreement	\$ 20,412.00	\$ 326.00	\$ -	\$ 20,412.00	\$ -	\$ 326.00	Cost Plus FF
43649-DS-001	MOD 1	\$ 289,710.00	\$ 16,537.00	\$ 289,710.00	\$ -	\$ 16,537.00	\$ -	Cost Plus FF
43649-DS-001	MOD 1	\$ 33,299.00	\$ 519.00	\$ -	\$ 33,299.00	\$ (1.00)	\$ 520.00	Cost Plus FF
43649-DS-001	MOD 1 NIP	\$ -	\$ -	\$ 24,946.00	\$ (24,946.00)	\$ 77.00	\$ (77.00)	Cost Plus FF
43649-DS-001	MOD 2	\$ 262,792.00	\$ 17,499.00	\$ 262,792.00	\$ -	\$ 17,499.00	\$ -	Cost Plus FF
43649-DS-001	MOD 2	\$ 4,241.00	\$ 30.00	\$ -	\$ 4,241.00	\$ -	\$ 30.00	Cost Plus FF
43649-DS-001	MOD 3	\$ 31,954.00	\$ 7,382.00	\$ 31,954.00	\$ -	\$ 7,382.00	\$ -	Cost Plus FF
43649-DS-001	MOD 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Cost Plus FF
43649-PL-001	MOD 3	\$ -	\$ -	\$ 20,412.00	\$ (20,412.00)	\$ 326.00	\$ (326.00)	Cost Plus FF
43649-DS-001	MOD 3	\$ -	\$ -	\$ 2,614.00	\$ (2,614.00)	\$ 234.00	\$ (234.00)	Cost Plus FF
43649-DS-001	MOD 3	\$ -	\$ -	\$ 1,999.00	\$ (1,999.00)	\$ 179.00	\$ (179.00)	Cost Plus FF
		\$ 803,341.00	\$ 56,411.00	\$ 795,380.00	\$ 7,981.00	\$ 56,351.00	\$ 60.00	

Except to the extent modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

The City of Medina  
(Owner)

Signature: Dennis Hanwell

Name: Dennis Hanwell

Title: Mayor

Date: 9-9-14

HNTB Ohio, Inc.  
(HNTB)

Signature: Mark Becherer

Name: Mark Becherer

Title: Vice President

Date: 9-17-14

**West Smith Reconstruction Modification  
Section 1 (PID 81334) & Section 2 (City)  
Cost Proposal**

Consultant: HNTB Ohio, Inc.  
Date: July 16, 2014

Personnel Category	Technical Advisor	PM	Sr. Engineer/Planner	Engineer/Planner	Technician	Clerical	Total
Rate per Hour	\$80	\$68	\$54	\$36	\$32	\$29	
Section 1 (PID 81334): 2013 Specification Update	1	4	0	15	4	0	24
Section 1 (PID 81334) M.Z.S. Company driveway/parking lot ROW and roadway plans	2	4	24	24	28	0	82
Section 1 (PID 81334) and Section 2 (City): 404 Pre-Construction Notification	0	8	8	24	0	0	40
Section 1 (PID 81334): Detour Routes	0	2	0	12	10	0	24
Section 2 (City): Detour Routes	2	2	0	12	10	0	26
Section 1 (PID 81334): MOT Phasing Sheets	2	6	0	16	32	0	56
Section 2 (City): MOT Phasing Sheets	2	4	0	16	32	0	54
Section 1 (PID 81334): Storm Sewer Design	2	4	0	8	24	0	38
Section 2 (City): Storm Sewer Design	2	6	0	8	32	0	48
Section 1 (PID 81334): Waterline Design	8	8	8	24	32	0	80
Section 1 (PID 81334): Waterline Revisions (per Stage 3 comment)	8	8	12	24	24	0	76
Section 2 (City): Waterline Design	2	6	8	12	24	0	52
Section 1 (PID 81334): Removal of Exfiltration Trenches from the Plans	0	2	4	8	12	0	26
Management	5	17	0	0	0	30	52
<b>Total Hours</b>	<b>36</b>	<b>81</b>	<b>64</b>	<b>203</b>	<b>264</b>	<b>30</b>	<b>678</b>
Direct Salary Expense	\$2,880	\$5,508	\$3,456	\$7,714	\$8,448	\$870	28,006
Overhead Cost (136.90%)	\$3,943	\$7,540	\$4,731	\$10,560	\$12,222	\$1,259	38,997
Total Labor Costs	\$6,823	\$13,048	\$8,187	\$18,274	\$20,670	\$2,129	67,003
Fee (11%)	\$750	\$1,435	\$901	\$2,010	\$2,274	\$234	7,370
Subconsultant Costs							\$0
HNTB Expenses							\$333
<b>Total Cost</b>							<b>\$74,706</b>
<b>Reallocation of funds from existing tasks</b>							<b>\$22,340</b>
<b>Reallocation of funds from Preliminary Development</b>							<b>\$20,412</b>
<b>New funds needed</b>							<b>\$31,954</b>

\\CLEW001\PM\Work\UOBS\43649\CONTRACT\SUP 3\2014-04-24\43649 2014-07-22 West Smith Mod Fee.xlsx

## INDIRECT COST RATE APPROVAL CERTIFICATE

Company Name:	HNTB Corporation
For Fiscal Year Ended:	12/31/2012

Based on ODOT's audit risk assessment procedures, we have performed a limited inspection of your company's cost submission. We hereby approve use of the following rate(s) on contracts that are partially or fully reimbursed using the Actual Costs Plus a Net Fee (cost-plus) method:

Design Office Overhead:	136.83%
Design Office FCCM:	0.07%
On-Location Services Overhead:	92.87%
On-Location Services FCCM:	0.04%

The approved rates should be used for billings and cost proposals on contracts funded by the State of Ohio and/or Federal sources, including projects for ODOT and Ohio Local Public Agencies (LPAs). The above rates are based on the most recent cost information your Company submitted to ODOT. As more current cost information becomes available, it must be submitted to the ODOT Office of Audits, within six months after the close of your Company's fiscal year.

Our inspection did not constitute an audit or review; accordingly, we reserve the right to perform a more detailed review or audit, if deemed necessary, in the future. This could involve audit fieldwork to verify the accuracy of the claimed indirect cost rate(s), and/or a project audit, at ODOT's discretion.

*Note: This email is evidence of ODOT's approval of your submitted rate(s). A formal desk inspection certificate will not be issued. Please send a return message to confirm receipt of this email, and thank you for your assistance during this process.*

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**FOR ODOT Use Only**  
(Complete after approval is sent to company.)

Posted to Master Schedule:	
CSS database updated:	

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Thanks,

Marc A. Travis  
External Audit Supervisor  
Office of External Audits  
Division of Finance and Forecasting  
Ohio Department of Transportation  
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