

Proposed: 1/17/2023

RESOLUTION NO. 006-2023(MSES), *Second
Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into a fifth amendment to the agreement with Wade Trim, Inc. of Ohio, for professional engineering services relating to the City's Sanitary Sewer Overflow Control project and the EPA partial consent decree; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City required professional services of an engineering consultant concerning the City's Sanitary Sewer Overflow (SSO) Control project, and by Resolution No. 92-2015, authorized an agreement ("Agreement") with Wade Trim, Inc. of Ohio ("Wade Trim"), to provide professional engineering services relating to said project; and

WHEREAS, this Council, by Resolution No. 92-2016, authorized a first amendment to the Agreement to assist in the City's negotiations with the U.S. and Ohio Environmental Protection Agencies; and

WHEREAS, the City entered into a partial consent decree with the U.S. and Ohio Environmental Protection Agency that requires professional services of an engineering consultant on an ongoing basis; and

WHEREAS, this Council, by Resolutions No. 39-2018, 14-2019, and 112-2020 authorized second, third and fourth amendments to the Agreement for further professional engineering services related to the project and to support implementation of the EPA partial consent decree; and

WHEREAS, the City's ongoing work to implement the partial consent decree with the EPA requires further professional engineering services; and

WHEREAS, the Mayor has determined that the services of Wade Trim have well served the City's needs for professional engineering services in connection with the City's SSO Control project and the partial consent decree; and

WHEREAS, such professional engineering services are professional services for which no bidding is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor shall be and is hereby authorized to execute a fifth amendment to the Agreement with Wade Trim, Inc. of Ohio to provide professional engineering services relating to the City's SSO Control project and for the implementation of and compliance with the

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City's partial consent decree with the U.S. and Ohio Environmental Protection Agencies, and necessary related documents. The terms of the fifth amendment to the Agreement shall be substantially in accordance with the proposal attached hereto as Exhibit "A" and incorporated herein by reference. Compensation for the services detailed therein shall be paid for work actually

performed at the rates described therein and in no event shall exceed Two Million, Two Hundred Sixty-two Thousand, Four Hundred Sixty Dollars (\$2,262,460.00). All agreements and documents hereunder shall be approved as to form by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely meet partial consent decree requirements. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED: _____

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor