

(Mayor Potter)
(Amended April 3, 2023)

CITY OF KIRTLAND

RESOLUTION NUMBER 23-R-28

A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE 2023 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kirtland is proceeding with the advertisement for bids for a public improvement project, that being the 2023 Street Repair and Maintenance Project (hereinafter “Project”); and

WHEREAS, in accordance with the Project, the City must retain the services of an engineer to provide the design services and construction administration; and

WHEREAS, the City has previously retained the services of The C.W. Courtney Company and Douglas G. Courtney to serve as the City Engineer of the City of Kirtland when it passed Ordinance 21-O-72; and

WHEREAS, both the City and Douglas G. Courtney have signed an employment agreement which was incorporated into Ordinance 21-O-72 and addresses The C.W. Courtney Company’s role with various public improvement projects within the City; and

WHEREAS, The C.W. Courtney Company has furnished to the City a proposal for the design and construction administration for the Project, which is incorporated hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: The Mayor be and is hereby authorized to retain the services of The C.W. Courtney Company to provide “Base Engineering Services” and “Supplemental Services” in connection with the design and construction administration of the 2023 Street Repair and Maintenance Project, more specifically enumerated in Exhibit A. Said authorization is not to exceed the amount of \$90,325.00 unless specifically authorized by Council.

SECTION II: The Mayor or his designee is hereby authorized and directed to enter into a contract or to execute any purchase orders in the furtherance of this Resolution. However, any expenditures beyond the amount listed in Section I above shall be subject to further authorization by this Council.

SECTION III: The Director of Finance is authorized and instructed to issue such vouchers and expend all funds necessary in the furtherance of this Resolution.

SECTION IV:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of 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.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide the engineering services required of the City for the 2023 Street Repair and Maintenance Project; wherefor, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2023.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2023.

Clerk of Council
Retain CW Courtney for 2023 Street Project

Mayor Kevin F. Potter



THE C.W. COURTNEY COMPANY

700 Beta Drive, Suite 200
Mayfield Village, OH 44143

www.cwcourtney.com

EXHIBIT A (revised per council amendment to 23-R-28)

L.G. Courtney, PE, PS

C.L. Courtney, PE, PS, CPSWQ, CPESC

D.G. Courtney, PE

Proposal to Provide Professional Services

From: Douglas Courtney, PE
City Engineer
dcourtney@cwcourtney.com

To: The City of Kirtland
9301 Chillicothe Road
Kirtland, Ohio 44094
ATTN: Kevin Potter, Mayor
Joe Fornaro, Service Director
(via email)

Project: 2023 Street Repair & Maintenance Project,
Various Locations

March 24, 2023

Scope of Services

Based on the most recent City of Kirtland Street Plan and the City's 2023 Budget allocation for street repair and maintenance, the C.W. Courtney Company will provide design, bidding, construction administration and construction inspection services for the 2023 Street Maintenance & Repair Project in the City of Kirtland. Scope of Services will be in accordance with the *Agreement Between the City of Kirtland and The C.W. Courtney Company* dated December 9, 2021, and The C.W. Courtney Company's standard Scope of Services Document. Budgeted total project cost for the work including construction costs and overhead is \$1,100,014. Streets and repair/maintenance methods for the 2023 program are still in discussion and may include Fox Hill Rd., Regency Woods Dr., Blueberry Hill Dr., Highland Ct., Hillcrest Rd., Crary Ln., Farbar Rd., and Crestwood (Elmwood to cul-de-sac).

Proposed Fees:

The attached sheet provides a breakdown of design fees and total project cost based on an estimated construction cost of \$910,000. For Base Engineering Services, The C.W. Courtney Company will bill the City of Kirtland on a lump sum basis, the not to exceed amounts as indicated below.

Base Engineering Services:

Total Base Engineering Services: \$69,325.00

Supplemental Services:

Supplemental Services as indicated below per Section IV D. of the referenced agreement will be billed on an hourly or pass-through basis to the estimated amounts indicated.

Estimated Pavement Coring & Testing \$9,000.00

Estimated Construction Inspection \$12,000.00

Total Supplemental Services: \$21,000.00

TOTAL BASE AND SUPPLEMENTAL SERVICES: \$90,325.00

Services requested outside the above-listed Scope of Services will be billed on an hourly basis at the contract rates currently in force. Written Authorization shall be given before any additional services are undertaken.

Kevin Potter, Joe Fornaro
2023 Street Maintenance & Repair Project
March 24, 2023

We appreciate the opportunity to provide for the City's engineering needs and assuming you agree with the above proposal, we are prepared to move forward with the work upon authorization from the City and issuance of a Purchase Order.

Respectfully submitted,

THE C. W. COURTNEY COMPANY

A handwritten signature in black ink, appearing to read 'Douglas Courtney', written in a cursive style.

Douglas Courtney, PE
City Engineer

Via email
Attachments as stated

C: Matt Lallo, Law Director

**City of Kirtland Public Improvement Project Engineering Fee Calculation
 Per Kirtland/C.W. Courtney Agreement dated December 9, 2021
 2023 Street Repair and Maintenance Project
 March 24, 2023**

Base Fee Calculation per § IV B.(See Schedule Below):

Estimated Contract Construction Cost: \$910,000

Base Engineering Fee: \$69,325.00 7.6%

Supplemental Services

Pavement Coring & Testing: \$9,000.00

Est. Construction Inspection: \$12,000.00

Supplemental Services: \$21,000.00 2.3%

Total Base & Supplemental Services: \$90,325.00 9.9%

Estimated Contract Project Cost:	\$1,000,325.00
Service Department Crack Seal:	\$30,000.00
Service Department Striping:	\$30,000.00
Estimated Total Project Cost:	\$1,060,325.00

Project Budget: \$1,114,000.00

Δ \$53,675.00 (Service Department Other)

Agreement Schedule IV B.

Cost of Construction

\$0 to \$100,000 10% or Hourly Rate

\$100,000 to \$500,000 Base fee of 13% of \$100,000; Plus 7.6% of amount over \$100,000

\$500,000 to \$1,000,000 Base fee of 8.7% of \$500,000; Plus 6.3% of amount over \$500,000

1,000,000 to \$5,000,000 Base fee of 7.5% of \$1,000,000; Plus 6.1% of amount over \$1,000,000

Over \$5,000,000 Base fee of 6.4% of \$5,000,000; Plus 5.6% of amount over \$5,000,000