

**Resolution 2023-30**

**A RESOLUTION AUTHORIZING VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT AMENDMENT WITH FISHBECK, INC. TO ADD CONTRUCTION PHASE OVERSIGHT TO THE SCOPE OF THE PROFESSIONAL SERVICES AGREEMENT**

**WHEREAS**, the Village of Swanton entered into a Professional Services Agreement (hereafter “the Agreement”) with Fishbeck, (hereafter “Fishbeck”) for the design phase of a Headworks Improvement project (hereafter “the Project”) pursuant to a proposal from Fishbeck dated November 25, 2020.

**WHEREAS**, the Village of Swanton desires to enter into an agreement with Fishbeck in the form of agreement attached hereto as “Exhibit A”, which is incorporated herein by reference.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Village of Swanton, Fulton County, Ohio, three-fourths of the members elected thereto concurring and as follows:

**Section 1.** That Council hereby approves and authorizes the Village Administrator to enter into the attached “Professional Services Agreement, Amendment 2” that is attached hereto as “Exhibit A” and is incorporated herein by reference.

**Section 2.** It is found and determined that all formal actions of Council concerning or relating to the passage of this resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the Village of Swanton and the State of Ohio.

**Section 3.** This Resolution is deemed an emergency measure, is necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that it is necessary to have the exhaust ventilation system installed as soon as possible.

Motion to Suspend the Rules

Moved: Kania                                  Second: Messenger                  YEAS: 6      NAYS: 0

Vote on Passage


Moved: Pilliod                                  Second: Kania                          YEAS: 6      NAYS: 0

Date of Passage: October 23, 2023:

  
\_\_\_\_\_  
Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2023-30, passed on October 23, 2023.

  
\_\_\_\_\_  
Fiscal Officer

August 25, 2023

Shannon Shulters  
Village Administrator  
Village of Swanton  
219 Chestnut Street  
Swanton, OH 43558

**Proposal for Professional Engineering Services – Construction Phase  
Swanton Water Resource Recovery Facility (WRRF) – Headworks Improvements**

Fishbeck is pleased to provide the Village of Swanton (Village) with this proposal to provide engineering services during the construction phase of the WRRF Headworks Improvements project. Our services will include construction administration and construction observation to support the Village through construction of the proposed improvements. Below we provide our understanding of the project, propose scope of services, anticipated project schedule, and proposed engineering fees.

**Statement of Understanding**

The *WRRF Master Plan*, dated August 3, 2021, identified multiple deficiencies associated with the stormwater pump station and raw sewage pump station, and the facility’s ability to remove debris from the raw wastewater. The Master Plan recommended replacing both structures with a new headworks structure. In November 2021, Fishbeck was retained by the Village to design improvements to the WRRF headworks. The proposed structure will combine the operations of both the stormwater pump station and raw sewage pump station into a common structure, including influent screening and grit removal processes.

Construction drawings, technical specifications, a Permit to Install (PTI) Application, and other information has been submitted to Ohio EPA and we anticipate Plan Approval in the next couple weeks.

Construction will be funded by an approximately \$3 Million Dollar Ohio Builds grant with the remainder of the project costs utilizing a Water Pollution Control Loan Fund (WPCLF) loan. The project was nominated for a construction loan in August 2022 for Program Year 2023. The project is listed in the January 27, 2023, *Water Pollution Control Loan Fund Program Year 2023 Final Program Management Plan* published by Ohio EPA, in Appendix B of that document (Project Priority and Intended Project List for Program Year 2023). Given the status of the PTI approval process, while allowing time for advertisement, bidding, and contract execution, we are anticipating that a construction loan award could occur in December of 2023. If necessary, Fishbeck would recommend and be happy to assist with renominating the project for WPCLF funds in August 2023 to ensure the WPCLF loan funds continue to be available for the project through Program Year 2024.

The Professional Services Agreement between the Village and Fishbeck executed December 21, 2021, covered professional services that included design, development of construction documents, as well as permitting and bidding assistance for the WRRF Headworks Improvement project.

The Village requested Fishbeck provide a proposal for construction phase engineering services when documents and information were submitted to Ohio EPA. This proposal is submitted pursuant to that request.

## Construction Phase Engineering Scope of Services

For this proposal, we have assumed the duration of the construction phase will be 18 months. We propose to provide the services listed below during the construction phase.

### Construction Administration

Fishbeck will assist the Village in administering the construction contract. In doing so, we will provide the following services:

- Lead the preconstruction conference and prepare and issue meeting minutes.
- Attend in-person monthly project progress meetings and review draft meeting minutes prepared by the Contractor.
- Conduct site visits as needed by discipline specific engineering staff as needed.
- Review Contractor Applications for Payment, including the Application for Final Payment.
- Review and provide comments on submittals from the Contractor (including up to one resubmittal of each).
- Review and respond to up to 20 Requests for Information (RFIs) from the Contractor.
- Issue up to 10 Field Orders, authorizing minor changes that do not affect the construction Contract Time or Contract Price.
- Issue up to 10 Bulletins, requesting proposals from the Contractor for changes to the Work.
- Review up to 5 Change Order proposals from the Contractor.
- Issue up to 5 Change Orders documenting changes to the construction Contract Price and/or Contract Times.
- Coordinate the Substantial Completion process and prepare the required certification.
- Communicate and correspond with the Village and Contractor, as needed.
- Prepare Record Drawings from the Contractor's field-annotated construction drawings ("as-builts").
- Provide a hard-copy set of Record Drawings and a flash drive containing pdf's of the Record Drawings.

### Construction Observation (Resident Project Representation)

As requested by the Village, Fishbeck will provide a Resident Project Representative (RPR) to provide on-site observation of the Work in progress during construction. For this proposal, we anticipate the RPR's on-site level of effort during the 18 months of construction will be as shown in the table below.

Month(s)	Primary Activities	Level of Effort	Hours
1	Preconstruction Meeting, Shop Drawing Submittals, Mobilization	2 hrs./wk. for 4 wks.	8
2 through 16	Shop Drawing Submittals and Construction, from Start-Up through Substantial Completion	40 hrs./wk. for 66 wks.	2,640
17 and 18	Construction, from Substantial Completion through Final Payment	16 hrs./wk. for 8 wks.	128
Total			2,776

If the Village prefers a different level of effort, we will revise the Professional Services Fee estimate presented in this proposal accordingly.

The RPR's duties will include:

- Serving as the Village's and Fishbeck's liaison with the Contractor.
- Reviewing the Contractor's Preliminary Schedules.
- Attending the preconstruction conference, monthly progress meetings, and other meetings on-site.
- Assisting in obtaining details or information from the Village when required for proper execution of the Work.
- Receiving samples at the site from the Contractor.
- Observing Work in progress and assisting in determining if it conforms with the Contract Documents.
- Reporting any Work that he/she believes does not generally conform to the Contract Documents.
- Observing and reporting on major inspections, tests, and system start-ups.
- Accompanying authorities having jurisdiction over the project (i.e., inspectors) during site visits and reporting on their inspections.
- Informing Fishbeck's Project Manager that clarifications/interpretations of the Contract Documents may be needed.
- Preparing a Daily Construction Report for each day on which construction oversight is provided.
- Reaching agreement with Contractor's superintendent regarding line items and quantities to be billed.
- Participating in site visits in response to the Contractor's request for Substantial Completion and Final Completion.

The RPR duties shall not include:

- Approving any deviation from the Contract Documents, or substitution of materials or equipment.
- Exceeding the limitations of the Engineer's authority, as set forth in the Contract Documents.
- Undertaking any of the responsibilities of the Contractor, subcontractors, or Contractor's superintendent.
- Advising on, directing, or assuming control of construction schedule or means and methods of construction.
- Advising on, directing, or assuming control of safety precautions and programs.
- Accepting submittals or samples from anyone other than the Contractor.
- Participating in specialized field or laboratory tests or inspections.

## **Project Management**

Project management will be an on-going task throughout the project, and will include:

- Coordinating and leading the preconstruction meeting and preparing meeting minutes.
- Attending monthly construction progress meetings (which will be led by the Contractor).
- Reviewing minutes of monthly progress meetings prepared by Contractor.
- Reviewing Contractor Applications for Payment.
- Issuing written communications needed to identify construction and contractual issues that arise and begin working toward resolving them.
- Facilitating clear communication between the Village, Contractor, regulators, other parties, and our design team.
- Preparing written documents (e.g., technical memoranda) to document findings and conclusions about specific design elements.

Preparing and submitting Fishbeck's monthly invoices.

## **Project Schedule**

Fishbeck assumes that the construction phase engineering scope of services presented in this proposal will be completed within 18 months of the Village providing the Contractor with written authorization to proceed with construction. We understand that the actual duration will be dependent on the Contractor's ability to complete

the project within that timeframe and that circumstances may arise that could shorten or lengthen the duration of construction. Fishbeck will notify the Village of any deviation from the assumed schedule and how that may impact our services and fees.

The following schedule reflects a WPCLF loan award in December 2023.

August 2023	OEPA PTI Anticipated Approval
September 2023 – October 2023	Bidding
November 2023	WPCLF Loan Package Submittal
December 2023	Loan Award

## Professional Services Fees

Fishbeck proposes to execute the scope of services presented in this proposal on an hourly basis not-to-exceed Six Hundred Eighty-Five Thousand Dollars (\$685,000), which includes labor billed at hourly rates and reimbursable expenses. Invoices will be submitted every four weeks and payment is due upon receipt. The proposed fee is broken down as follows:

Labor – Construction Administration	\$409,000
Labor – Construction Observation	\$258,500
Expenses	<u>\$ 17,500</u>
Total	\$685,000

If Fishbeck finds that the required scope of services is different from what is described in this proposal, we will notify the Village immediately of any appropriate amendment to the scope and fee.

## Authorization

Attached is our Professional Services Agreement Amendment No. 2. If you concur with our scope of services, please sign in the space provided and return the executed Amendment No. 2 to the attention of Dawn M. Smith ([dmsmith@fishbeck.com](mailto:dmsmith@fishbeck.com)). This proposal is made subject to the Terms and Conditions for Professional Services in accordance with our Professional Services Agreement between the Village of Swanton and Fishbeck executed December 21, 2021. If you have any questions or require additional information, please contact me at 906.281.3929 or [jkosmowski@fishbeck.com](mailto:jkosmowski@fishbeck.com).

Sincerely,



**Justen Kosmowski, PE**  
Senior Water & Wastewater Engineer



**Allen J. Aspaicher, PE**  
Vice President/Senior Project Manager

Attachments  
By email

## Professional Services Agreement Amendment 2

Between Fishbeck and Village of Swanton

Dated December 21, 2021

For Swanton, OH – Water Resource Recovery Facility – Headworks Improvements

The Scope/Budget for this project is modified as follows:

The scope is modified in accordance with the attached Fishbeck letter dated August 25, 2023.

The additional budget for the scope change is Six Hundred Eighty-Five Thousand Dollars (\$685,000).

All other Terms and Conditions shall remain unchanged.

APPROVED FOR:

Village of Swanton

BY:

TITLE:

DATE:

Sharon Sheeters  
Administrator  
10/25/23

ACCEPTED FOR:

Fishbeck

BY:

TITLE:

DATE:

Allen J. Spaulin  
Vice President  
August 25, 2023