

SPONSOR: _____

ORDINANCE NO. 52-06

AN ORDINANCE AUTHORIZING A CHANGE ORDER IN A CONTRACT BETWEEN THE CITY OF JACKSON, OHIO, AND JONES & HENRY ENGINEERS, LTD., CONCERNING DESIGN SCOPE MODIFICATIONS AND LIFT STATION TELEMETRY, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 152-04 the City of Jackson, Ohio and Jones & Henry Engineers, Ltd., (“J&H”) entered into an Agreement wherein J&H was to provide engineering services for the City of Jackson, the original Agreement being in an amount of \$391,750.00 (copy attached as Exhibit “A”); and

WHEREAS, pursuant to Ordinance No. 118-05 (copy attached as Exhibit B”), the agreement between the City and J&H was amended to include additional required engineering services, the amendment being in an amount of \$42,300.13; and

WHEREAS, the City and J&H now desire to again amend the original Agreement so as to include additional services which are listed in the attached Exhibit “C”, which are now required in the project; and

WHEREAS, the additional services have not yet commenced, and it is anticipated the additional services be an additional cost of \$113,500.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The City hereby authorizes a change order to amend the original Agreement between the City and J&H so as to include additional services which are now required, said additional services being as outlined in the attached letter (Exhibit “C”) from J&H. The additional cost for the services provided in this change order shall not exceed One Hundred Thirteen Thousand Five Hundred and No/100 Dollars

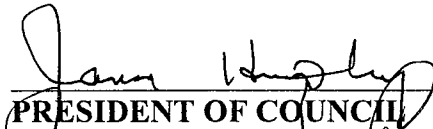
(\$113,500.00). The additional costs associated with this change order shall be paid from line item number 711-7525-53007.

Section Two. This Ordinance is hereby is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, and for the further reason that it is necessary to implement the change order to the original contract as soon as possible. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: 3/27/06


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 3/27/06



MAYOR

EXHIBIT “A”

SPONSOR: Mr Reed**ORDINANCE NO. 152-04**

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN ADMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND JONES AND HERNY ENGINEERS, LTD., 2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606, FOR ENGEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT EXPANSION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson is desirous of having professional engineering assistance in the expansion of the Wastewater Treatment Facility; and

WHEREAS, Jones and Henry Engineers, LTD, (Jones and Henry) is a firm that qualifies to provide quality and professional engineering services for this project; and

WHEREAS, the City and Jones and Henry have previously entered into an Agreement, but it is necessary to amend the Agreement due to design changes; and

WHEREAS, the City and Jones and Henry desire to enter into an amendment to the contractual relationship whereby Jones and Henry can provide engineering services to the City in this project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Auditor of the City of Jackson is authorized to enter into an Amendment to the Agreement between the City of Jackson, Ohio, and Jones and Henry engineers, (LTD) 2000 West Central Avenue Toledo, Ohio 43606, to provide Engineering Services for the Wastewater Treatment Plant Expansion Project for the City of Jackson, Ohio. A copy the Amended Agreement is attached hereto as Exhibit "A".

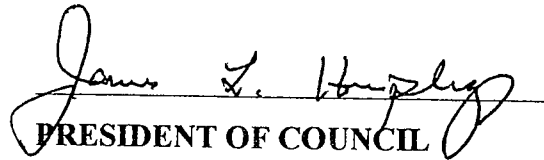
Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible. Therefore, this

Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: 11-8-04


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 11/9/04


MAYOR

Service Director - Assistant Safety Director
City Engineer - Zoning Enforcement Officer - Building Official

Memorandum

To: Jack
From: Steven Benson
Cc:
Date: 10-29-04
Subject: Jones & Henry

Need a contract addendum to go to council in order for the EPA funding to proceed.

Look over the proposal from J&H and see if it is ok.

Need to get this done at next the council meeting.

Steve





Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
FAX • 419/473-8924

FAX TRANSMITTAL

NAME: Mr Steve Benson DATE: 10/29/2004
 COMPANY: City of Jackson PROJECT NO. 035-5594.001
 _____ FAX NO. 740-288-4119
 _____ TRANSMISSION COMPLETED
 SUBJECT: City of Jackson, Copy for Sender: YES NO
Ohio

Pages Transmitted 8 (Including This Page)

Very truly yours,

JONES & HENRY ENGINEERS, LTD.

(Sender)

Steve: Per the October 14th meeting, we need to get this signed Engineering Agreement with the Federal Cross Cutters to Tracy Harrison Benvy

You may have copies already, or use these.

Thanks



Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
www.jheng.com FAX • 419/473-8924

April 9, 2004

Mr. Steve Benson
Service Director
Memorial Building
145 Broadway Street
Jackson, Ohio 45640

Subject: City of Jackson, Ohio
Engineering Service Agreement Amendment
Wastewater Treatment Plant Expansion

Dear Mr. Benson:

Attached is the Engineering Service Agreement Amendment for the treatment plant expansion. The amendment is necessary to satisfy WPCLF loan requirements.

We had previously sent the amendment to Mr. James Norris with design of the pretreatment for Luigino's included. Since Luigino's plans to build the new facility on their own, we have revised the service agreement amendment. If the amendment is acceptable, please call and we will send four copies for signature.

If you have any questions or need modifications, please call anytime.

Very truly yours,

JONES & HENRY ENGINEERS, LTD.

Daniel W. Miller, P.E.
Director of Wastewater

DWM/cas
Attach.

Amendment No. 2 to

GENERAL STANDARD ENGINEERING SERVICE AGREEMENT

THIS AMENDMENT, made and entered into this _____ day of _____, 2004, by and between the City of Jackson, Ohio, through the Mayor, duly authorized by Council through Ordinance No. _____, passed on the _____ day of _____, 2004, hereinafter called "OWNER," and Jones & Henry Engineers, Ltd., with offices at 2000 West Central Avenue, Toledo, Ohio 43606, hereinafter called "ENGINEER,"

WITNESSETH:

WHEREAS, OWNER intends to have certain improvements made to the wastewater treatment plant; and

WHEREAS, OWNER after previously soliciting and reviewing qualifications selected Jones & Henry Engineers, Ltd. to be the engineer for the project; and

WHEREAS, the ENGINEER had prepared a Master Plan and has provided design services for some of the recommended improvements; and

WHEREAS, an AGREEMENT was entered into between the OWNER and ENGINEER, dated January 4, 2000 and approved by council through Ordinance No. 97-99 for design services for some of the wastewater treatment plant improvements; and

WHEREAS, the OWNER wishes to proceed with the design of additional improvements as presented in a recent Facility Plan prepared by the ENGINEER.

WHEREAS, OWNER and ENGINEER want to establish a basis of performance and compensation for those services performed by the ENGINEER and authorized by OWNER by amending the above referenced agreement.

NOW, THEREFORE, OWNER and ENGINEER, in consideration of their mutual covenants, herein agree as follows:

SECTION 1 - BASIC SERVICES OF ENGINEER

1.1. General.

Add the following:

1.1.4. The project shall include the design of modifications of, and an addition to, the existing wastewater treatment plant, and the City of Jackson's portion for planning/administrative services to obtain a Water Pollution Control Loan (WPCLF) for the project as generally set forth in Exhibit A.

SECTION 5 - PAYMENTS TO ENGINEER

Add the following:

5.1.1.6. Notice of Relationship of Payments to Estimated Total Compensation. ENGINEER's estimate of the total amount that will become payable for Basic Services described in 1.1.4. pursuant to Paragraphs 5.1.1.1. through 5.1.1.3. inclusive, and 5.1.3. is \$391,750.

SECTION 8 - SPECIAL PROVISIONS, EXHIBITS, AND SCHEDULES

Add the following:

8.2.2. Exhibit A - Design Memorandum dated _____.

8.2.3. Exhibit B - Federal Cross-Cutters

8.4. Federal Cross-Cutters, as required to by Water Pollution Control Loan Fund, are added to this Contract per Exhibit B.

8.5. This Amendment (consisting of Pages 1 to 2, inclusive) and any Exhibit(s) identified above constitute the entire amendment between OWNER and ENGINEER and supersede all prior written or oral understandings. This Amendment and said Exhibit(s), if any, may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

CITY OF JACKSON, OHIO

Witness:

By _____

JONES & HENRY ENGINEERS, LTD.

Witness:

By _____
Officer

By _____
Officer

APPROVED AS TO FORM:

By _____
Attorney

Jones & Henry Engineers, Ltd.

DESIGN MEMORANDUM

EXHIBIT A

TO: AgreementSUBJECT: Jackson, Ohio Wastewater Treatment PlantWWTP Improvements & Luigino's TreatmentFROM: Daniel W. Miller DATE: April 8, 2004I. General:Statement of Project Components

The City of Jackson's wastewater treatment plant needs expanding to accept new flows and loadings from Luigino's and improve wet weather treatment capabilities.

Wastewater Treatment Plant

New Membrane Bioreactor Plant - A new 2MGD Membrane Bioreactor plant will be constructed within existing tankage. Two existing aeration tanks (50'w x 72'l) will be modified to house the membrane filters. These tanks will also contain air diffusers, air piping, and submersible pumps for flow recirculation as necessary. It should be noted that final selection of membrane bioreactor plant manufacturer has not yet been completed. Different manufacturers may modify the above layout, however, any manufacturer selected will be required to fit their equipment within the existing tankage.

New Membrane Bioreactor Facility Building - A new 20 ft. x 70 ft. prefabricated metal building will be utilized to house the ancillary equipment for the membrane bioreactor plant.

New Fine Screen - To screen the wastewater before the membrane bioreactor.

Chlorine Contact and Post Aeration - The two existing final clarifiers will be modified to serve new chlorine contact and post aeration tanks.

New 60 Ft. Diameter Final Clarifier - The new clarifier to provide greater solids removal capabilities during wet weather flow periods.

New Sludge Dewatering Facility - A new 2-meter belt filter belt and ancillary equipment to dewater liquid sludge.

New Class A Biosolid Production Facility - A new N-Viro process will be utilized to create a Class A sludge product. The process will be housed in the existing maintenance building and drying beds area.

Design Memorandum
April 9, 2004
Page 2

Two New Raw Sewage Pumps - To replace worn raw sewage pumps in Plant 1.

Modifications as Necessary for the Chlorination System - To permit chlorine feeding to the new chlorine contact tank.

HVAC Modifications - In the Administration Building to improve air flow and quality.

New Drive Mechanism for Final Clarifier No. 2 - Existing drive needs replacement.

Addition of a Screen Bypass Gate - To permit bypassing of higher flows.

Removal of Existing Caustic Tank - Tank no longer utilized.

Electrical Upgrades - As necessary.

Control System - The membrane bioreactor will have a self contained PLC system. This system will be monitored only from the City's main system. Other equipment will be added for monitoring as necessary.

New Engine Generator Set - To provide emergency power for the membrane bioreactor plant.

Loan Assistance - Jones & Henry will provide the necessary assistance including a Facility Plan in order for the City of Jackson to secure a loan with the Ohio EPA loan fund.

II. Project No.: 035-5594 - Phases 1 through 5

III. Background Data:

J&H Reports: WWTP Master Plan - 1997
Facility Plan - 2003

J&H Contracts: WWTP Improvements Contracts 16, 17, 18, 19, & 20

IV. Drafting Standards & Procedures:

J&H drafting standards to be used as appropriate. All drawings to be prepared with AutoCAD 2002. Separate drawings shall be prepared for Architectural, Structural, Electrical, HVAC, and Plumbing.

V. Codes and Standards:

The following codes and standards apply to this project:

Ohio Basic Building Code (OBBC)

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April 9, 2004
Page 3

National Fire Protection Association (NFPA)
National Electric Code (NEC)
Americans with Disabilities Act (ADA)
10 States Standards

VI. Review & Schedule:

The preliminary plans and specifications will be reviewed by the City. Final plans and specifications will be reviewed by OEPA. Plans and specifications will also be submitted to the Ohio Division of Industrial Compliance for structural, electrical, and mechanical building permits.

FEDERAL CROSS-CUTTERS PER WPCLF

EXHIBIT B

-MBE/WBE quarterly reporting requirements.

The ENGINEER shall report on a quarterly basis the MBE/WBE utilization for this project. The report shall be submitted as required by EPA (this item does not apply to planning and design loans).

- Equal Employment Opportunity requirements (EEO).

The ENGINEER hereby agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as specified in Department of Labor Regulations (41 CFR Part 60), in that it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin.

- Debarred contractors.

The ENGINEER shall comply with all applicable standards, orders, or requirements issued under EPA regulations (40 CFR Part 32) which prohibits the award to subcontractors who have been suspended, debarred, or voluntarily excluded from projects funded in part by EPA grants and/or loans.

- Violating facilities.

The ENGINEER shall comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857 (b)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and EPA regulations (40 CFR Part 32) which prohibit the use, under nonexempt Federal contracts, grants, or loans, of facilities included on the EPA list of Violating Facilities.

EXHIBIT “B”

SPONSOR: Reed / E Brown

ORDINANCE NO. 118-05

AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CONTRACT BETWEEN THE CITY OF JACKSON, OHIO, AND JONES & HENRY ENGINEERS, LTD., AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio and Jones & Henry Engineers, Ltd. has previously entered into an Agreement wherein Jones & Henry are to provide engineering services to the City of Jackson, said original contract being in an amount of \$391,500.00; and

WHEREAS, during the course of performing and providing services on the City's wastewater treatment plant improvements project Jones & Henry has been requested to provide additional services, including a) a review of preliminary Sanitary Evaluation Study; b) initial review of pretreatment system design and review of pretreatment permit to install; c) preparation of the Environmental Review document for submission to the Economic Development Agency; d) assistance with questions from the EDA; e) meetings and associated work for assistance with the Attorney General's Office; and f) rebid of the membrane equipment, based upon new process requirements and inclusion of U.S. Filter's membrane equipment; and

WHEREAS, the additional services provided by Jones & Henry have to date amounted to \$42,300.13; and

WHEREAS, as a result of the additional services required to be performed the City desires to amend the original contract so as to include the additional services in an amount of \$42,300.13.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The City hereby amends its agreement with Jones & Henry Engineers, Ltd. So as to include the following additional services:

- a) a review of preliminary Sanitary Evaluation Study.
- b) initial review of pretreatment system design and review of pretreatment permit to install.
- c) preparation of the Environmental Review document for submission to the Economic Development Agency.
- d) assistance with questions from the EDA.
- e) meetings and associated work for assistance with the Attorney General's Office.
- f) rebid of the membrane equipment, based upon new process requirements and as being outlined in the attached document.

The additional cost for the services provided shall be in an amount of Forty Two Thousand Three Hundred and 13/100 Dollars (\$42,300.13).

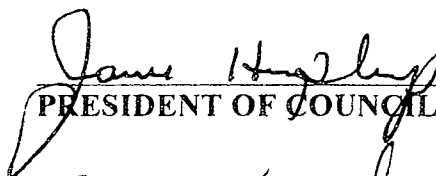
Section Two. This Ordinance is hereby is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, and for the further reason that it has been necessary for the City to receive the additional services from Jones & Henry in order to keep the wastewater treatment plant improvement project on a timely schedule to address the issues facing the City of Jackson. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open

meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.


Date: Nov. 17, 2005


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 11/19/2005


MAYOR



Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
www.jheng.com

FAX • 419/473-8924

September 27, 2005

Steven C. Benson, P.E.
Service Director/Assistant Safety Director
145 Broadway Street
Jackson, Ohio 45640

Subject: Wastewater Treatment Plant Improvements
Scope of Services

Dear Mr. Benson:


Jones & Henry greatly appreciates our working relationship with the City of Jackson. During the course of the wastewater treatment plant improvements project, we have been requested by the City of Jackson to perform additional services. These additional services have included:

- Review of preliminary Sanitary Sewer Evaluation Study.
- Initial review of pretreatment system design and review of pretreatment permit to install.
- Preparation of the Environmental Review document for submission to the Economic Development Agency.
- Assistance with questions from the EDA.
- Meetings and associated work for assistance with the Attorney General's office.
- Rebid of the membrane equipment, based upon new process requirements and inclusion of U.S. Filter's membrane equipment.

We have utilized our project phase numbers to track portions of this work. The work in our Progress Report Form is attached. Project phases 003 and 004 have been utilized to track a portion of this work. Additionally, phases 001-0048, reports, O&M manual, and writings have been utilized for the Environmental Review submission, and phases 001-0055 Design have been utilized for rebid work and meetings. Mr. Wordelman and myself have attended at different sites in regard to the sewer evaluation study, EDA, and Attorney General.

The original project design fee was \$391,500.

To date, we have tracked a total of \$42,300.13 for the additional services.

 Jones & Henry Engineers, Ltd.

Steven C. Benson, P.E.

September 27, 2005

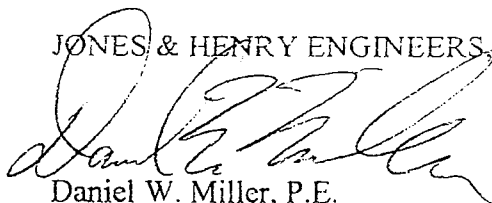
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We do anticipate future additional services in regards to additional meetings with the Attorney General. We will track, separately, these additional services.

We appreciate Jackson's consideration in regard to this additional work.

Very truly yours,

JONES & HENRY ENGINEERS, LTD.



Daniel W. Miller, P.E.

Secretary; Director of Wastewater

DWM/jls

Attachment

c: Mr. Gary L. Williams

EXHIBIT “C”

John L. "Jack" Detty

From: Steve Benson [sbenson@jacksonohio.us]
Sent: Wednesday, March 08, 2006 4:25 PM
To: 'John L. "Jack" Detty'
Cc: 'Shane Goodman'; rosborne@jacksonohio.us
Subject: FW: Lift station telemetry and design modifications



jackson.doc (35 KB)

Jack;

We will need appropriate legislation to increase J&H's contract for Waste Water design services by \$113,500. See Jones and Henry's Letter attached where they have just notified us of this.

I explained to council last Fall when the last increase was approved that additional increases would be needed.

The \$35,000 portion is for newly mandated Lift Station telemetry that was brought up in the AG's meeting and now will be a part of the Findings and Orders coming soon.

This ordinance is needed ASAP as we will have to shut down engineering work now that we know they are out of money and the coming fines and penalties from the EPA will grow. Also delay will endanger the EDA grant and WPCLF loan application.

Steve

March 8, 2006

Steven C. Benson, P.E.
Service Director/Assistant Safety Director
145 Broadway Street
Jackson, Ohio 45640

Subject: City of Jackson, Ohio
WWTP Expansion
Design Scope Modifications and Lift Station Telemetry
035-5594.001

Dear Mr. Benson:

Jones & Henry Engineers greatly appreciates the opportunity to work with the City of Jackson on their wastewater treatment expansion.

As you are aware, the design has been a long process due to several factors including personnel changes, the EPA involvement, rebidding for membrane manufacturers, Luigino's pretreatment facility arrangements, and various design modifications and additions.

During the process, several design changes have occurred which have created the need either to redesign or add improvements which differed from the original concept and engineering scope, including recently reviewing the addition of telemetry for the City's lift stations.

Due to the additions and modifications the design budget has been exceeded. We are however continuing to work on the project to complete as quickly as possible.

The changes have included:

1. The original design concept planned to utilize the existing aeration tanks for both the membranes and aeration. A new tank had to be designed to house the membranes. (\$17,500)
2. The original concept utilized a single 2mm screen within the existing pump station. The membrane manufacturer changed requirements to two 1mm screens which created the need to design a new screen building. (\$27,500)
3. EPA added a phosphorus limit for the plant which created the need to design an alum feed system. (\$3,500)
4. An asphalt paved sludge storage area was added to the design in lieu of simple utilization of the sand beds. The paved area will permit reduced O&M costs when moving the stored Class A material. (\$2,500)
5. To reuse the aeration and final tanks required additional structural design to satisfy the 651.00 flood elevation. This elevation is approximately 2 feet above



Steven C. Benson, P.E.
035-5594.001
March 2, 2006
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- the 100-year flood elevation. (\$20,000)
6. Additional modifications required, such as the replacement of the MCC in Plant 1 pump station and removal of anaerobic digester lid. (\$3,500)
 7. Initial meeting and submittal to EDA. (\$2,500)
 8. Preliminary lift station telemetry work. (\$1,500)

The changes have created additional design costs of \$78,500.

Our preliminary lift station work indicated that a radio system can be utilized to monitor the lift stations. A radio system will permit quicker response to pump and power failures, thus helping to prevent system back-ups, and address EPA concerns.

The additional lift station telemetry design work will require a minimum of two days in the field to investigate each lift control panel and development of drawings and specifications to be included in the wastewater improvement contract. The additional design fee for the telemetry work is \$35,000.

Please note that with these additional costs, our total design fee for this project is approximately five percent of the estimated construction cost. This is below the typical 7 percent for design fees in the industry for a project of this magnitude.

We greatly appreciate the City of Jackson's consideration of these additional costs due to the changes in project scope.

Please notify us if we should proceed with the lift station telemetry design work at your earliest convenience in order for us to start the field work.

Sincerely,

JONES & HENRY ENGINEERS, LTD.

Daniel W. Miller, P.E.
Director of Wastewater

DWM/clb

c: Mr. Steven L. Wordelman