



**CITY OF BROADVIEW HEIGHTS
RESOLUTION NO. 2025-100**

INTRODUCED BY MAYOR AND ENTIRE COUNCIL

**A RESOLUTION AMENDING RESOLUTION 2019-138 REGARDING AN
AGREEMENT BETWEEN THE CITY OF BROADVIEW HEIGHTS AND OSBORN
ENGINEERING FOR THE WALLINGS ROAD OVER I-77 PROJECT IN THE CITY
OF BROADVIEW HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, the City Council has heretofore entered into Resolution 2019-138 which was subsequently amended by Resolutions 2020-88, 2020-196, 2021-15, 2021-138, 2022-29, 2022-199, 2023-80 and 2024-01 between the City of Broadview Heights and Osborn Engineering with respect to the Wallings Road over I-77 Project, and

WHEREAS, the City Council has been advised of the need for additional modifications to the Agreement; and

WHEREAS, City Council deems it to be in the best interest of the City to provide for modifications to the Agreement with Osborn Engineering with respect to the Wallings Road over I-77 Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROADVIEW HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Resolution 2019-138 with Osborn Engineering with respect to the Wallings Road over I-77 Project is hereby amended to provide for the modifications as delineated in Exhibit "A" attached hereto and made a part hereof as if fully rewritten.

SECTION 2. All provisions contained in the Agreement between Osborn Engineering and City of Broadview Heights with respect to the Wallings Road over I-77 Project not specifically modified herein shall remain in full code and effect.

SECTION 3. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason stated in the preamble, and provided it receives the affirmative vote of five (5) or more of the members of Council and the signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed and Adopted by the Council on this 23rd day of June, 2025



Robert Boldt, President of Council



Samuel J. Alai, Mayor

June 23, 2025

Date



Attest: Robin Parsons, Clerk of Council

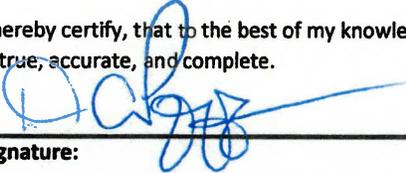
June 23, 2025

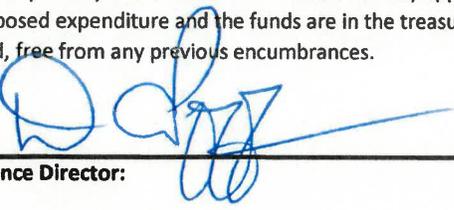
Date

Request for Council Authorization to Purchase Form

Description of Item or Service	Engineering Services
Vendor	Osborn Engineering Company
Dates of Contract	Contruction Project
Contract or Purchase Price	\$0.00
If over \$77,250 - Was purchase competively bid	n/a
If under \$77,250 Were Multiple Quotes Obtained	n/a
If no, state reason	This is just a re-allocation of project costs
State Contract or Other Puchasing Consordium Contract Number	
If yes, list other pricing or attach separate sheet:	

I hereby certify, that to the best of my knowledge the above information is true, accurate, and complete.


6/19/2025
 Signature: _____ Date: _____

For Finance Department Usage:	
Account Number	Amount
700.8810.52334	\$2,526.72
I hereby certify there are sufficient funds lawfully appropriated for the proposed expenditure and the funds are in the treasury or in the proper fund, free from any previous encumbrances.	
 6/19/2025 Finance Director: _____ Date: _____	
Notes:	
While we are just re-allocating original contract amount to final phase, in 2022 Gary Y. had Finance closeout PO's for this project. At this time there is \$57,498.69 remaining on the original contract, but the current amount of funds encumbered is only \$54,971.97 due to prior PO that was closed.	

Engineering Department

Legislative Request

To: Clerk of Council, Vince Ruffa, Law Director
Date: 06/16/2025
From: Ethan Neff, Assistant City Engineer
Project: Revised Wallings Road Bridge Replacement Project Agreement

The Engineering Department is requesting approval to execute a revised agreement with Osborn Engineering for the Walling's Road Bridge Replacement Project.

City of Broadview Heights
9543 Broadview Road
Broadview Heights, Ohio 44147

Shelley Kiwala, P.E., Project Manager
The Osborn Engineering Company
1100 Superior Avenue, Suite 300
Cleveland, Ohio 44414

6-9-2025

Re: Modification (31899-9 WALLINGS ROAD) PID No. 106239
Federal Project No. E180(071)

Ms. Kiwala:

Reference is made to correspondence on April 4th, 2025, from ODOT requesting that the fixed fee rates be modified to reflect current rates.

The City is also requesting that the remaining funds left in parts 1-7 be reallocated to Part 8, On-Going Services During Construction. This would represent a reallocation of \$20,803.77 for a total amount of \$50,803.77 in Part 8. This information is accurate as of Invoice #27 dated 8/30/24 - 5/30/25.

Now, therefore, Project Development Process under Clause III - Prime Compensation of the Prime Agreement is modified to read as follows:

Project Development Process

Part 1: Preliminary Engineering

Lump-sum compensation of One Hundred Seventy-Two Thousand, Nine Hundred and Forty-Six Dollars (\$172,946.00).

Part 2: Geotechnical Services

Lump-sum compensation of Forty-Three Thousand, One Hundred Fifty-Seven Dollars (\$43,157.00).

Part 3: Preliminary Engineering thru Environmental Engineering

Lump-sum compensation of Five Hundred Thousand, Nine Hundred and Twenty-Three Dollars (\$500,923.00).

Part 4: Final Engineering

Actual costs plus a net fee of Four Thousand, Nine Hundred Forty-Two Dollars (\$4,942.00) However, the maximum prime compensation shall not exceed Ninety-One Thousand One Hundred Sixty Dollars, Forty-Two Cents (\$91,160.42).

Part 5: PE thru Env (100% Local)

Lump-sum compensation of Sixty-Two Thousand, Sixty-Five Dollars (\$62,065.00).

Part 6: Final Engineering (100% Local)

Actual costs plus a net fee of Five Thousand Seven Hundred Seventy-One Dollars (\$5,771.00). However, the maximum prime compensation shall not exceed One Hundred and Four Thousand Seven Hundred Forty-Four Dollars and Seventy-Nine Cents (\$104,744.79).

Part 7: Pre-Bid Questions

Actual costs plus a net fee of One Thousand Six Hundred Sixty-Nine Dollars (\$1,669.00). However, the maximum prime compensation shall not exceed Twenty-Four Thousand & Twenty-Three Dollars and Two Cents (\$24,023.02).

Part 8: On-Going Services During Construction.

Actual costs plus a fixed fee per hour worked as authorized for each Group delineated below. The maximum prime compensation shall not exceed Fifty-Thousand Eight Hundred and Three Dollars and Seventy-Seven Cents (\$50,803.77). All costs shall be included in the maximum prime compensation.

Fixed Fees Per Hour Worked are established as follows:

Group	Fixed Fee
1	\$3.57
2	\$5.00
3	\$6.43
4	\$7.86
5	\$9.29
6	\$10.72
7	\$12.15
8	\$13.58

Group	Fixed Fee
9	\$15.01
10	\$16.44
11	\$17.87
12	\$19.30
13	\$20.73
14	\$22.16
15	\$23.59
16	\$25.02

Group	Fixed Fee
17	\$26.45
18	\$27.88
19	\$29.31
20	\$30.74
21	\$32.17
22	\$33.60
23	\$35.03
24	\$36.46

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is One Million Forty-Nine Thousand Eight Hundred Three Dollars (\$1,049,823.00).

If your firm accepts this Modification and agrees that the aforementioned compensation shall constitute full compensation for the provision of the professional services proposed herein, and further agrees that all other terms and provisions of the prime Agreement, and subsequent modifications thereto, not in conflict herewith, shall remain unaltered and in full force and effect, please sign this letter-modification and return to the City.

Any person executing this Modification in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Modification on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Modification shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the Mayor.

Your authorization to proceed shall be given by separate letter.

Respectfully,



Samuel J. Alai Mayor

A C C E P T A N C E

The undersigned, The Osborn Engineering Company, does hereby approve and accept the proposed terms of this Modification as set forth in the foregoing letter.

IN WITNESS WHEREOF, I have hereunto affixed my own signature, as a duly authorized member of said firm, this 10th day of June, 2025.

The Osborn Engineering Company

By: 

Title: Director of Infrastructure/Principal