

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 18-61 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH QUALITY CONTROL INSPECTION, INC. OF BEDFORD, OHIO, FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION SERVICES FOR THE LOR-OBERLIN BIKE PATH TRAILHEAD PROJECT IN THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized to enter into an Agreement, attached hereto as Exhibit "A" ("Agreement"), with Quality Control Inspection, Inc. (QCI), of Bedford, Ohio, for professional construction management and construction inspection services for the LOR-Oberlin Bike Path Trailhead Project in the City of Oberlin in the not to exceed amount of \$75,885.50.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to authorize professional construction management and construction inspection services as soon as possible to ensure the quality of a pending and imminent public improvement project, and shall take effect immediately upon passage.

PASSED: 1st Reading: September 4, 2018 (E)

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 09/05/2018

EFFECTIVE DATE: 09/04/2018

**Quality Control Inspection, Inc.**

40 Tarbell Avenue, Bedford, Ohio 44146

Telephone 440-359-1900 Fax 440-359-1935

## Exhibit "A"

*Engineering support services. Quality on the job.*



August 20, 2018

Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
85 South Main Street  
Oberlin, OH 44074

Re: Fee Proposal for Construction Management, Construction Inspection,  
and Material Testing Services of the LOR-Oberlin Bike Path  
Trailhead, PID 103853 Project

Dear Mr. Baumann:

Quality Control Inspection, Inc. (QCI) is pleased to submit our Fee Proposal to provide Construction Management, Construction Inspection Services and Material Testing Services for the LPA Contract Administration of the LOR-Oberlin Bike Path Trailhead, PID 103853. The services and associated costs proposed are in strict adherence to the Ohio Department of Transportation (ODOT), Locally Administered Transportation Projects, LPA Manual, CMS and Construction Administration and Inspection Manual of Procedures.

**General Information:**

In preparing our Fee Proposal, QCI relied upon information provided by the City of Oberlin related to this improvement, including the following documentation:

- 1) The Project Manual Bid Set titled LOR-Oberlin Bike Path Trailhead, PID 103853 prepared by Moody-Nolan, Inc. of 4415 Euclid Avenue, Suite 100, Cleveland, Ohio 44103 totaling 621 pages.
- 2) Plan Set for the LOR-Oberlin Bike Path Trailhead, PID 103853 marked as Stage 3 Submittal dated 01-15-2018 designed by Moody-Nolan, Inc. of 4415 Euclid Avenue, Suite 100, Cleveland, Ohio 44103 and stamped by David L. Myers, PE-70398 on 01-12-2018 **(the plan set provided is not signed or approved)**.
- 3) The Letter of Interest Request for the LOR-Oberlin Bike Path Trailhead, PID 103853 project dated 07-02-2018.
- 4) QCI's response to the Request for the Letter of Interest for the LOR-Oberlin Bike Path Trailhead, PID 103853 supplied to the City of Oberlin on 07-16-2018.
- 5) Information on the project's bid tab, start date and duration, supplied by Jeff Baumann, Public Works Director in the City of Oberlin's Department of Public Works.

QCI's scope of services and duties are as defined in the City of Oberlin's Construction Administration, Inspection, and Materials Management Scope of Services document that was part of the Letter of Interest (LOI). (Exhibit A) and QCI's LOI from 07-16-2018 (Exhibit B).

QCI's proposal assumes construction dates as provided within the contract documents and additional schedule information provided by Jeff Bauman, Public Works Director for the City of Oberlin and are as follows: Anticipated project duration of 107 calendar days to Substantial Completion on November 15, 2018 plus 15 days to achieve Final Completion. QCI assumes a four week post construction period needed to complete closeout documentation.



Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 2

### Scope of Services:

This project, known locally as 'Phase 2B of the Oberlin Underground Railroad Center/Gasholder Building', includes the construction of a 2,175 square foot pavilion adjacent to the North Coast Inland Trail. The building includes fully accessible restrooms and facilities for cyclists.

This is an LPA project, partially funded by the Federal Highway Administration, and administered locally by the City of Oberlin and ODOT District 3.

Quality Control Inspection, Inc. will perform construction engineering services in conformance with ODOT requirements. The proposed construction engineering services contract will include assisting the City of Oberlin's LPA Person in Responsible charge in fulfilling its LPA Construction Contract Administration responsibilities.

QCI's Scope of Services is broken down into three phases. The following discussion identifies the tasks and responsibilities for each phase:

- Preconstruction Phase
- Construction Phase
- Post-Construction Phase

#### 1. Preconstruction Phase

- a. Constructability Review Schedule, coordinate and participate in the Pre-Award Conference between the City of Oberlin and ODOT District 3.
- b. Set up the file infrastructure for the project files for each project.
- c. Create the Project Bill of Materials.
- d. Schedule, coordinate and conduct the Preconstruction Conference.

#### 2. Construction Phase

The CPE, Margaret Robinson, P.E., will manage the administration of the project. This phase will commence with the issuance of the Notice to Proceed by the City of Oberlin and will extend to the achievement of Substantial Completion by the contractor. For this scope of work, Tom Brady of QCI will perform Project Inspection of the contractors work to ensure conformance with the Contract Documents. The following provides detail on critical tasks within the construction phase:

- a. **Submittal Reviews:** The submittal reviews will be performed by the projects Architect Moody-Nolan, Inc. QCI's CPE will be responsible for administration of the submittal process, and documenting the submittals in a submittal log.
- b. **Testing:** QCI will utilize CTL for performing verification testing, as needed to comply with the ODOT LPA guidelines.





Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 3

- c. **Daily Diaries:** These will be written by Tom Brady in QCI's electronic documentation system (Build-A-Form) and supplied to the City of Oberlin's Person in Responsible Charge, Jeff Baumann on a daily basis by emailing PDF's of the reports. QCI will also store copies of the reports in the LPA files.
- d. **Measurements and Calculations:** The QCI inspector will provide measurement and calculation sheets for all materials used based on the placement of the material. The calculation sheets will be attached to the Daily Material Itemized sheets, and stored in the LPA files.
- e. **Materials and Tickets:** QCI's inspector will collect material tickets for materials delivered. The material tickets will be used to verify the materials match the materials as specified in the contract documents. The material tickets will be stored in the LPA files.
- f. **Monitoring:** The construction inspector will observe and document the work of the contractor in conformance with the contract documents. According to the contract documents the Owner is responsible for materials testing. The Owners materials testing will be performed by QCI's subconsultant CTL. CTL will be scheduled at stages appropriate to the work by QCI's CPE Margaret Robinson. The construction inspector will be responsible to maintain a deficiency list for work activities that remain incomplete or non-conforming materials. The construction inspector will immediately report any deficiency to the CPE and place detailed information in the daily diary. The deficiency list will be automatically updated in the Build-A-Form data base as each daily diary is approved.
- h. **Liaison:** The construction inspector will be responsible for the on-site daily coordination with the contractors assigned field representative. They will review work planned, quantities installed, methods of operation and verification of coordination with the partnering entities. The construction inspector will be responsible to review the work to assure that it is being performed in accordance with the contract documents. The construction inspector will also be responsible for the documenting of force account activities. The construction inspector will report directly to the CPE to discuss job progress, any questions raised regarding conformity to the contract documents, differing and changed site conditions, planned work and the necessary coordination. The CPE will discuss and coordinate all issues with the contractors project manager. The CPE will be responsible for addressing and resolving any changed and differing site conditions between the contractor and the City of Oberlin. Ultimately, the CPE will facilitate the efforts to resolve any disputes between the City of Oberlin and the contractor in a manner that is as efficient and equitable for the project. The CPE will also be responsible for coordinating the work with the partnering entities, the utilities and the City of Oberlin. All submittals, RFI's, contract modification documents and pay applications will be routed from the contractor through the CPE to the City of Oberlin and visa versa.



Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 4

- i. **Coordination:** The inspector will be responsible to be on site every day that the contractor or its subcontractors are working on site. Short term scheduling (less than two weeks ahead) will be coordinated between the construction inspector and the contractor's designated field representative. Long range scheduling (greater than two-weeks ahead) will be coordinated by the CPE with the contractor, the City of Oberlin and the partnering entities. The construction inspector will attend the weekly progress meeting. The CPE will schedule, conduct and document the weekly progress meetings and any quality checkpoint meetings that are deemed necessary. The quality checkpoint meetings will be utilized to review and address any issues for specific critical work activities prior to the performance of those activities. The CPE will generate and distribute the agendas and meeting minutes for the meetings.
- j. **PBOM:** Per a Pre-Conference meeting between the City of Oberlin, QCI and ODOT District 3; because this is a vertical construction project, and so few items are referenced to the ODOT CMS, there will not be a PBOM created. All materials will be checked in conformance with the specifications identified within the plans.
- k. **Payments and Reimbursements:** The CPE will be responsible for reviewing all pay applications from the contractor. The CPE will work with the construction inspector and the contractor to resolve any discrepancies in the recorded quantities completed in order to process each pay application in a timely manner. The CPE will compile each pay application from the contractor, along with any documentation required by the ODOT LPA guidelines, and forward the pay applications to the City of Oberlin for processing. The City of Oberlin will be responsible for review and coordination of the pay applications with the applicable EEO/DBE/PW records necessary for the processing of the pay applications.
- l. **EEO/PW/Certified Payroll Reviews:** QCI will be responsible for performing a minimum of three Prevailing Wage Interviews on site, and reviewing certified payrolls provided by the contractor for compliance with the prevailing wage requirements. QCI will provide the City of Oberlin with reviewed certified payrolls for their final examination and approval. QCI will identify any deficiencies in the payrolls or prevailing wages, work with the contractor to ensure the reporting is correct, and immediately report any discrepancies to the City of Oberlin for any required further actions.
- m. **SWWWP compliance:** The project encompasses less than 1 acre of land and therefore does not require SWWWP reporting.
- n. **Resolution of differing and changed site conditions, claims and extra work:** As any issues regarding differing or changed conditions, claims or extra work are brought to the attention of the CPE, the CPE will maintain a log of potential change issues and their status, and a file for each issue. The contractor will be responsible for informing the CPE, in writing, of any issues that the contractor deems to be a change to the project scope of work or an impact to the approved project schedule and its critical path. The CPE will advise the City of Oberlin of these issues as they are encountered. The CPE





Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 5

will work with the City of Oberlin and the Contractor to address the issue in a timely manner that is the most equitable to all parties involved. Change orders for quantities in excess of the plan shall be written monthly to insure prompt payment of the contractor. If the change issue results in the need for the City of Oberlin to issue a change order, the CPE will draft the Change Order and assist the City of Oberlin in compiling the information to justify the change order. The CPE will also keep ODOT informed about the change issue and work to obtain ODOT's concurrence on any significant changes. Once the change order is executed by the City of Oberlin, the CPE will distribute the change order to all involved parties and monitor the work with the construction inspectors to ensure that the scope of the change order is implemented. The CPE will document any change orders and/or extra work requests in a Change Order Log.

- o. Schedule:** Prior to starting construction, the Contractor will be responsible to submit its baseline schedule for review. Since this is an LPA, the schedule will have to be submitted in the format established by ODOT CMS- Section 108.03. The schedule will include field activities and the procurement activities for significant components. The CPE will review the schedule with the City of Oberlin prior to either approving it or returning it for modification. Once the baseline schedule is approved by the CPE, the Contractor will be responsible to update it for each progress meeting. The schedule will be reviewed at each progress meeting. If the contractor fails to maintain progress on the critical path, the contractor will be responsible to revise the schedule to illustrate how the contractor will achieve the contract completion dates. If changes, delays or other impacts to the scope of work are encountered, the contractor will be responsible to incorporate the change issue into the schedule as part of the resolution of the change issue.

### 3. Post – Construction Phase

After the contractor has advised the CPE in writing, that they are substantially complete, the CPE will review the project to confirm that substantial completion is attained. The CPE will review the work with the construction inspector and the City of Oberlin to confirm that the work fulfills the requirements for being substantially complete. The CPE will also review the contract documents to verify that any documentation that is required for substantial completion has been furnished to the City of Oberlin.

- a. Certificate of Substantial Completion:** After substantial completion is attained, the CPE will generate the tentative certificate of Substantial Completion along with the punch list that identifies the outstanding work to be performed. The CPE will work with the City of Oberlin to execute the Certificate of Substantial Completion. Once the contractor has completed all of the items on the punch list and has advised the CPE in writing, the CPE will confirm the work.
- b. Final Inspection:** The CPE will then schedule and conduct the Final Inspection of the project with the City of Oberlin and ODOT. Once ODOT and the City of



Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 6

Oberlin have confirmed that the work is complete in accordance with the contract documents, the CPE will proceed with the compilation and issuance of the project close-out documents that are required by the City and the ODOT LPA guidelines.

- c. **Balancing Change Order:** Simultaneous to the activities above, the CPE will work with the contractor and the City to finalize the project quantities, create a final change order to address any final contract modifications and create the final pay application. Issuing the balancing change order will address modifications to unit price items as required by ODOT CMS Section 104.02. Once the CPE has concurrence with the City and ODOT that the project is complete, the CPE will process the final application for payment for the Contractor and the close-out documents.
- d. **Final Audit:** The CPE will also have an in-house audit performed of the project files to ensure that the project documentation is complete and in order, as required by the ODOT LPA guidelines to assist in a successful final audit. Upon completion of the project, the CPE will turn over a copy of the project files to the City of Oberlin as required by the ODOT LPA guidelines.

**Fee:** The fee as proposed has been prepared in a format previously accepted by ODOT for Federal-Aid Local-Let Projects. Please find QCI's not-to-exceed estimate of probable cost for all work and services based on the above in the attached Cost Estimate (Exhibit C).

**Materials Testing:** Materials testing is included in the total fee presented in Exhibit C. QCI will utilize the services of CTL Engineering for testing of the contractor's materials and installations. Costs associated with the materials testing supplied to the project through QCI's subconsultant shall invoice through QCI as a direct pass through with no mark-up.

In addition to our support of the required LPA engineering standard of care as described in the LPA Manual of Procedures, at stages appropriate to the work, we will perform verification monitoring by way of conducting an internal examination(s) of our project files and the files of the LPA. Through these actions, we will deploy our best efforts in attempting to verify that the LPA and QCI have complied with all procedural record retention requirements.

QCI's fee is based on the aforementioned information as contained within this proposal. Substantial changes in scope, tasks, duration, unknown conditions, delays, or extension outside of our control may require an adjustment to our fee. In addition, the City of Oberlin's Department of Public Works shall provide QCI, at no cost, copies of all project documents, as may be necessary in order for QCI to carry out and perform the active contract administration and inspection services associated with this project.





Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 7

**Rates:**

- A. Construction Project Engineer (CPE) - \$107.00 per hour, per person
- B. Project Inspector – Regular rate \$90.00 per hour, per person. Overtime rate of \$135.00 per hour worked. OWNER shall contact QCI one (1) hour prior to the start of any scheduled work to terminate any scheduled daily inspections. QCI shall forgo compensation for properly terminating scheduled daily inspection services. QCI shall be compensated for TWO (2) hours per person, for all scheduled inspection terminated before a two (2) hour working period, compensated for FOUR (4) hours per person for all scheduled inspection which exceeds two (2) hours but has not exceeded a four (4) hour working period, and compensated for EIGHT (8) hours per person for all scheduled inspection exceeding four (4) hours and not exceeding an eight (8) hour working period.
- C. Certified Payroll Reviews / Prevailing Wage Interviews - Regularly \$72.00 per hour, per person.
- D. Document Controls Clerk - \$51.00 per hour, per person.

Should the above Fee Proposal be acceptable to the City of Oberlin, please sign both original documents provided and return one (1) to QCI for our files. QCI is prepared to execute a LPA Agreement prepared by ODOT District 3 between the City of Oberlin and Quality control Inspection, Inc. if required.

We look forward to the opportunity to support the needs of the City of Oberlin and your department.

Sincerely,

Rick Capone  
President

C:\Work\QCI\Shared\OBERLIN\PROPOSAL\LOR-Bike Path Trailhead\FEE\Fee Prop ltr2 .doc

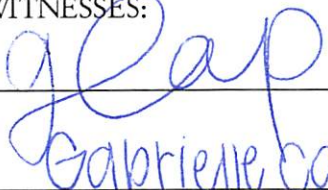





Mr. Jeff Baumann, Public Works Director  
City of Oberlin  
LOR-Oberlin Bike Path Trailhead, PID 103853  
August 20, 2018  
Page 8

IN WITNESS WHEREOF, the parties have caused this fee Proposal be executed on this 5<sup>th</sup> day  
of September, 2018.

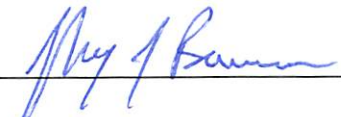
WITNESSES:


  
[print witness name]  
Gabrielle Capone

QUALITY CONTROL INSPECTION, INC.


By:   
Print Name: Rick E. Capone  
Title: President

CITY OF OBERLIN

  
Jeff Baumann  
[print witness name]

By:   
Print Name: **Rob Hillard**  
Title: **City Manager**

Approved as to form.

  
Jon D. Clark  
Law Director

9/6/18  
Date

EXHIBIT C

City of Oberlin, Ohio											
LOR-GASHOLDER HOUSE PHASE 2B, PID No. 103853 (FULL TIME INSPECTION NO OVERTIME)											
Phase by Week	Months	Description	Category	WK	HR	Total Hrs	Rate	Sub-Total	Total		Notes
2	0.5	Pre-Construction Phase - Aug 17, '18 to Aug 31, '18 (14 cal days)	Construction Project Engineer (CPE)	2	6	12	107.00	1,284.00			
			Project Inspector	2	0.75	2	77.00	115.50			
			Certified Payroll / Prevailing Wage	2	0	0	72.00	0.00	1,399.50		
15	3.5	Construction Phase - Sept 1, '18 to Dec 17, '18 ( 107 cal days)	Construction Project Engineer (CPE)	15	10	150	107.00	16,050.00			
		to Sustantial Completion	Project Inspector	15	40	600	77.00	46,200.00			
			Project Inspector OT	15	0	0	116.00	0.00			
			Certified Payroll / Prevailing Wage	13	1	13	72.00	936.00	63,186.00		
4	1	Post Construction Phase - Dec 18 to Jan 18 , '18 (30 cal days)	Construction Project Engineer (CPE)	4	10	40	107.00	4,280.00			
			Project Inspector	4	4	16	77.00	1,232.00			
			Certified Payroll / Prevailing Wage	4	1	4	72.00	288.00	5,800.00		
21	5	= Sub-Total =							70,385.50		
		Reimbursable							1,500.00		
		Sub-consultant (verification testing)							4,000.00		
		= Total =							75,885.50		
		Construction Value=							367,141.25		
		Percentage of Construction Value=									
									20.67%		

2			
	Hours	Rate	Total
Construction Project Engineer (CPE)	202	\$107.00	\$21,614.00
Project Inspector	618	\$77.00	\$47,547.50
Project Inspector OT	0	\$116.00	\$0.00
Certified Payroll / Prevailing Wage (CP/PW)	17	\$72.00	\$1,224.00
QCI Estimated Hours Sub-Total =			\$70,385.50
Resource/Task	Unit	Rate	Total
Reimbursable	1	1,500.00	\$1,500.00
Sub-consultant (verification testing)	1	4,000.00	\$4,000.00
Resource / Task Sub-total=			\$5,500.00
Total QCI NTE Cost Proposal			\$75,885.50

Average Monthly Production Required		
Total Months Worked	Construction Value	Required Production
2.09	\$367,141.25	\$175,665.67