

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-67 AC CMS

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH SAFEbuILT OHIO, LLC FOR BUILDING INSPECTION, PLANNING EXAMINATION, AND CODE ENFORCEMENT SERVICES FOR THE CITY OF OBERLIN AS AN EMERGENCY MEASURE.

WHEREAS, by Ordinance Nos. 17-42 AC CMS and 18-11 AC CMS, this Council authorized the City Manager to enter into certain agreements (collectively referred to herein as the "Agreement") with SAFEbuILT Ohio, LLC, ("SAFEbuILT"), under which SAFEbuILT provides professional, building inspection, planning examination, and code enforcement services, ("Services") to the City by professionals who are certified by the Ohio Board of Building Standards; and

WHEREAS, due to the rising costs of labor and transportation, SAFEbuILT has implemented fee increases for some of its Services and has proposed an amendment to the Agreement to implement those fee increases and

WHEREAS, the Services are necessary for the operations of the City Building Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the City Manager is authorized and directed to execute an amendment to the Agreement in substantially the form attached hereto as **Exhibit A**.

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 facilitate the operations of the City of Oberlin Building Department, and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: September 18, 2023


2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 09/19/2023

EFFECTIVE DATE: 09/18/2023

**AMENDMENT THREE
PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OBERLIN, OHIO
AND SAFEbuilt OHIO, LLC**

This Amendment is entered into to amend the Professional Services Agreement previously entered into on August 23, 2017, by and between City of Oberlin, Ohio, (Municipality) and SAFEbuilt Ohio, LLC, a wholly owned subsidiary of SAFEbuilt, LLC, (Consultant). Municipality and Consultant shall be jointly referred to as the "Parties".

Amendment Effective Date: Amendment shall be effective the 1st (first) day of the month following full execution by both Parties.

RECITALS AND REPRESENTATIONS

Parties entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on August 23, 2017; and

On February 20, 2018, Parties instituted Amendment One to the Agreement to add Code Enforcement Services at a rate of \$55.00 per hour; and

On September 09, 2022, Parties instituted Amendment Two to Agreement to update Agreement fee schedule; and Parties hereto now desire to amend the Agreement as set forth herein; and

NOW, THEREFORE

Agreement is hereby amended as set forth below:

A. Agreement, Exhibit A, 4. Fee Schedule shall be replaced with and read in its entirety as follows:

4. FEE SCHEDULE

- ✓ Beginning January 01, 2024 and annually thereafter, the hourly and flat rates listed shall be increased based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the "CPI") for the Municipality or, if not reported for the Municipality the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4% per annum. The increase will become effective upon publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.

Service Fee Schedule:	
Unsafe Residential Structure Analysis	\$250.00 per structure
Court Testimony/Witness	\$100.00 per hour – two (2) hour minimum
Building Official Services	\$110.00 per hour – one (1) hour minimum
Inspection Services (Commercial & Residential)	\$ 90.00 per hour – one (1) hour minimum
Plan Review Services - excludes engineer review fees	\$ 105.00 per hour – one (1) hour minimum
Structural Engineering Plan Review	\$150.00 per hour – one (1) hour minimum – requires prior approval from both Parties
After Hours/Emergency Inspection Services	\$100.00 per hour – two (2) hour minimum
As-Requested Code Enforcement Services	\$65.00 per hour – one (1) hour minimum
Hourly inspection time tracked includes roundtrip travel time between Consultant's location and Municipality or first inspection site. Time tracked will end when the inspector completes the last scheduled inspection or leaves Municipal office. Time tracked will include travel time between inspection sites and all administrative work related to inspection support.	

All other provisions of the original Agreement shall remain in effect, to the extent not modified by Amendment.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

Gary Amato
Gary Amato, CAO
SAFEbuilt Ohio, LLC

Date

October 10, 2023

Rosalind Watson
Signature
City of Oberlin, Ohio

10/2/2023
Date

Rosalind Watson/Acting City Manager
Name & Title
City of Oberlin, Ohio

Approved as to form:

Jon D. Clark
Jon D. Clark, Law Director