

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 144

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MODIFICATION REQUEST NO. 3 FOR ADDITIONAL PROFESSIONAL ENGINEERING DESIGN AND CONSULTING SERVICES RELATING TO THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND MS CONSULTANTS, INC., IN CONNECTION WITH THE CITY OF STRONGSVILLE'S WASTEWATER TREATMENT PLANTS AND WESTWOOD LIFT STATION REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2020-087, Council authorized the Mayor to enter into a contract with MS Consultants, Inc. for professional engineering design and consulting services in connection with the rehabilitation of the Wastewater Treatment Plants and Westwood Lift Station; and

WHEREAS, by and through Ordinance No. 2023-108, Council authorized the Mayor to enter into a modification to the professional engineering design and consulting services contract between the City and MS Consultants, Inc. in order to include modifications for design tasks added to the scope and cost of the contract; and

WHEREAS, further, by and through Ordinance No. 2024-122, Council authorized the Mayor to enter into a second modification to the professional engineering design and consulting services contract between the City and MS Consultants, Inc. in order to include increases in requested services during construction, as well as increased construction duration and administration of multiple bid packages for the Wastewater Treatment Plant Improvements; and

WHEREAS, at this time, MS Consultants, Inc. has requested a third modification to the scope of services for additional construction-related services due to the chlorine gas incidents which occurred at the Westwood Lift Station during the period of June 17, 2024 to June 19, 2024; and

WHEREAS, therefore, the City Engineer and Director of Public Service have now concurred that due to the emergency circumstances created by these incidents, the plans for the rehabilitation of the Westwood Lift Station will need to include additional modifications to the scope and cost of the professional engineering design and consulting services contract by MS Consultants, Inc., all as more fully set forth in Exhibit "1" attached hereto and incorporated herein as if fully rewritten, and to provide payment for such additional modifications to the contract, in the total amount of \$71,413.00, for a new total contract cost of \$2,834,377.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That the Mayor be and is hereby authorized and directed to enter into a Modification Request No. 3 for additional modification to the contract for engineering design and consulting services for the rehabilitation of the Westwood Lift Station as a result of the

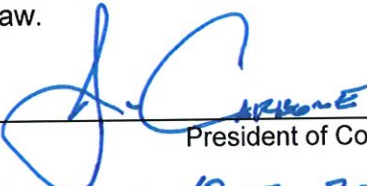
**CITY OF STRONGSVILLE, OHIO**  
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emergency circumstances created due to the chlorine gas incidents occurring on June 17, 2024 to June 19, 2024, in the total amount of \$71,413.00, as recommended by the City Engineer and Director of Public Service for the City, and reflected in Exhibit "1", and to direct the Director of Finance to make payment to **MS CONSULTANTS, INC.**, in the additional amount of \$71,413.00, thereby increasing the total contract cost to \$2,834,377.00.

**Section 2.** That the funds necessary for this Ordinance have been appropriated and shall be paid from the Sanitary Sewer Fund.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for additional modifications to the scope of work and cost proposal, to facilitate payment to the contractor for additional work requested by the City, to avoid potential legal problems, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

  
 \_\_\_\_\_  
 President of Council  
 Date Passed: 10.07.2024

Approved:   
 \_\_\_\_\_  
 Mayor

Date Approved: Oct. 9, 2024

Attest:   
 \_\_\_\_\_  
 Clerk of Council

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>Abstain</u>	_____
Clark	<u>✓</u>	_____
Kaminski	<u>✓</u>	_____
Kosek	<u>✓</u>	_____
Roff	<u>✓</u>	_____
Short	<u>✓</u>	_____
Spring	<u>✓</u>	_____

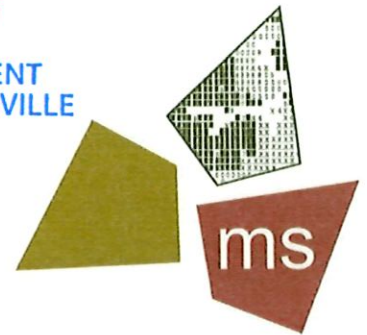
Ord. No. 2024-144 Amended: \_\_\_\_\_  
 1<sup>st</sup> Rdg. 10-07-24 Ref: \_\_\_\_\_  
 2<sup>nd</sup> Rdg. Suspended Ref: \_\_\_\_\_  
 3<sup>rd</sup> Rdg. Suspended Ref: \_\_\_\_\_

Public Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 10-07-24 Defeated: \_\_\_\_\_

RECEIVED

SEP 30 2024

LAW DEPARTMENT  
CITY OF STRONGSVILLE



**ms consultants, inc.**

engineers, architects, planners

333 East Federal Street  
Youngstown, Ohio 44503-1821  
Phone: (330) 744-5321  
Fax: (330) 744-5256  
www.msconsultants.com

September 27, 2024

Mr. Neal Jamison  
Law Director  
City of Strongsville  
16099 Foltz Parkway  
Strongsville, Ohio 44149

**RE: Westwood Lift Station Rehabilitation  
Modification Request No. 3 for Additional Services During Construction  
Chlorine Gas Incidents**

Dear Mr. Jamison:

Enclosed is the ms consultants' modification request for additional construction-related services relative to the recent chlorine gas incidents at the Westwood Lift Station Rehabilitation Project. The incidents began on June 17, 2024. The origination and details of the occurrence is explained in the response letter from the Northeast Ohio Regional Sewer District dated July 12, 2024.

Because of the incidents, the newly installed electrical equipment was inspected by its provider, Schneider Electric, and deemed unsuitable to be energized. Schneider Electric has indicated in their letter dated August 5, 2024, certain electrical equipment "has been exposed to conditions beyond its tested, validated, and listed ratings. The amount of repair and replacement required to mitigate this equipment exceeds what can be reliably accomplished in the field to ensure the equipment will operate safely and reliably in the future. Schneider Electric recommends that all the equipment listed in this document be replaced in its entirety".

We have prepared this modification request to our agreement with the City of Strongsville to include time outside of the previously agreed scope for both ms consultants, inc. and our electrical sub-consultant, HDR, Inc. The request includes, but is not limited to, time from both companies to attend meetings onsite, review plans and equipment use for temporary measures, process relative change orders, and efforts that come with the potential 56-week extension of time necessary for the equipment to be replaced.

The attached Exhibit 'A' lists both the actual hours to date and projected hours of involvement through the anticipated completion.

The total amount requested is \$71,413. This amount includes our actual hours incurred since the incident as well as an estimate of hours for our involvement to the project end. The City will only be invoiced for actual hours incurred related to the Westwood chlorine gas incident.

**ms consultants, inc.**

EX.1



We appreciate your consideration of this request. Our team remains committed to providing the City of Strongsville with a successful project and reliable performance at these facilities well into the future. Please feel free to reach out to me at (330) 744-5321 or by e-mail at [cmulichak@msconsultants.com](mailto:cmulichak@msconsultants.com) should you have any questions or if you would like to meet to discuss any of these items in more detail.

Sincerely,



Craig J. Mulichak, P.E.  
Senior Project Manager

cc: A. Urankar (ms)  
J. Leson (ms)  
C. Fauvie (ms)  
M. Gallagher (Strongsville)  
K. Mikula (Strongsville)  
J. Walker (Strongsville)  
file

Construction Support Estimate  
9/27/2024

Impact Start: June 17, 2024  
Anticipated End: October 24, 2025

**Exhibit 'A'**

**Westwood LS Rehabilitation Project  
Chlorine Gas Incident**

Construction Admin Support	No. of Weeks	Hrs per Week	Total Hours			Total CA Support
Actual Hours 6/17/24 thru 9/24/24						
<b>ms consultants, inc.</b>						
Craig Mulichak - Project Manager			11.5 \$	82.65 \$	950.48	
Joe Leson - Design Engineer			14 \$	73.35 \$	1,026.90	
Craig Fauvie - Construction Admin			49 \$	60.73 \$	2,975.77	
Lori Paull - Admin Assistant			2 \$	27.54 \$	55.08	
Marlene Mort - Admin Assistant			2.5 \$	32.79 \$	81.98	
<b>HDR, Inc.</b>						
Stuart Hicks			8 \$	67.52 \$	540.16	
Stephanie Johnson			4 \$	84.13 \$	336.52	
Vance Martin			14 \$	94.48 \$	1,322.72	
Scott Trapp			7 \$	72.05 \$	504.35	
Theresa Gall			1 \$	34.18 \$	34.18	
Projected Hours 9/25/24 thru 3/31/25						
<b>ms consultants, inc.</b>						
Craig Mulichak - Project Manager	26	0.25	6.5 \$	82.65 \$	537.23	
Joe Leson - Design Engineer	26	0.5	13 \$	73.35 \$	953.55	
Craig Fauvie - Construction Admin	26	3	78 \$	60.73 \$	4,736.94	
Lori Paull - Admin Assistant	26	0.25	6.5 \$	27.54 \$	179.01	
<b>HDR, Inc.</b>						
Stuart Hicks			6 \$	67.52 \$	405.12	
Vance Martin			1 \$	94.48 \$	94.48	
Stephanie Johnson			2 \$	84.13 \$	168.26	
Projected Hours 4/1/24 thru 10/24/25						
<b>ms consultants, inc.</b>						
Craig Mulichak - Project Manager	29	0.25	7.25 \$	85.96 \$	623.18	
Joe Leson - Design Engineer	29	0.5	14.5 \$	76.28 \$	1,106.12	
Craig Fauvie - Construction Admin	29	3	87 \$	63.16 \$	5,494.85	
Lori Paull - Admin Assistant	29	0.25	7.25 \$	28.64 \$	207.65	

