

RESOLUTION NO. 03-24
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON THE 8th
DAY OF January, 2024.

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A SECOND AMENDED SERVICE
AGREEMENT WITH TEC ENGINEERING, INC. FOR
PHASE 2 OF THE DIMCO WAY PROJECT.**

WHEREAS, the City of Centerville intends to improve the roadway system around the Centerville High School and prepare a six-acre site for future City use; and

WHEREAS, the City desires to create survey, planning, design and construction documents for a Dimco Way Extension, the Public Works Annex and access, and Clyo Road and Dimco Way signalization (the "Project"); and

WHEREAS, the Project requires professional design, engineering and construction services; and

WHEREAS, TEC Engineering, Inc. has those qualifications to provide those services for the Project and has demonstrated ability to assist in accomplishing the objectives of the City; and

WHEREAS, has unique knowledge of such work and has the demonstrated ability to assist in accomplishing the objectives of the City; and

WHEREAS, the City had contracted with TEC Engineering, Inc. for the Project on March 6, 2023; and

WHEREAS, the City previously entered into Amendment 1 of said Agreement authorizing an additional \$6,425 for the detailed design work for the Project on November 6, 2023; and

WHEREAS, the City desires to amend said Agreement to authorize an additional \$6,157 for the detailed design work for the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AS
FOLLOWS:**

Section 1. The City Council hereby agrees to enter into a second Amended Services Agreement with TEC Engineering, Inc. for the Project; and hereby authorizes the City Manager to execute the Second Amended Service Agreement

attached hereto as Exhibit "A" and incorporated herein on behalf of the City of Centerville.


Section 2. This Resolution shall be in full force and effect at the earliest date allowed by law.

PASSED THIS 8th day of January, 2024.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council (Acting)
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 03-24, passed by the Council of the City of Centerville, Ohio on the 8th day of January, 2024.



Clerk of the Council (Acting)

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

AMENDED SERVICE AGREEMENT

THIS AMENDED AGREEMENT is made and entered into at Centerville, Ohio, on the date(s) set forth at the end hereof, by and between the **City of Centerville, OHIO**, an Ohio municipal corporation, 100 West Spring Valley Road, hereinafter referred to as the "City," and TEC Engineering of Dayton, Ohio hereinafter referred to as the "Consultant" or "Contractor." In consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

WITNESSETH:

WHEREAS, the City and the Consultant previously entered into a Service Agreement dated March 6, 2023 (the "Agreement"), to complete the detailed design of the Dimco Way Extension; and

WHEREAS, it has been determined that additional environmental work is necessary; and

WHEREAS, the additional work for this project includes the Scope of Work attached hereto and hereinafter referred to as Exhibit "A"; and

WHEREAS, an additional fee of \$6,157 is necessary for the revised scope changing the contract total to \$139,938.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter set forth, the parties to this Agreement, with intent to be legally bound, agree to amend the Agreement as follows:

1. Article one: Scope of Work is amended as follows:

ARTICLE ONE: SCOPE OF WORK

The Consultant agrees to perform the services embodied in the Scope of Work attached hereto and hereinafter referred to as "Exhibit A." Said Exhibit A is incorporated by reference as written hereinafter in full.

- 2. Article Two: Schedule of Payments is amended as follows:

ARTICLE TWO: SCHEDULE OF PAYMENTS

To compensate the Consultant for services rendered in accordance with the terms embodied in the Compensation for Professional Services attached hereto and hereinafter referred to as "Exhibit A," the City agrees to pay the Consultant an amount not to exceed \$139,938. Said Exhibit "A" is incorporated by reference as if written hereinafter in full.

- 3. Except as amended hereby, the Agreement is ratified and confirmed and remains in full force and effect.

The parties have hereunto set their hands this ____ day of _____, 2024.

**Signed and acknowledged
in the presence of:**

CITY OF CENTERVILLE

Wayne S. Davis
City Manager

TEC Engineering, Inc.

Name:

Title:

APPROVED AS TO FORM BY:

Scott A. Liberman
Municipal Attorney

Date: _____