

# City of Niles, Ohio

SPONSORED BY: PUBLIC GROUNDS COMMITTEE  
AUTHORIZED BY: KEARNEY

DRAFT NO. 73-19

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the City has obsolete tools and equipment in the Cemetery Department; and

WHEREAS, these items are not needed for any purpose by the City; and

WHEREAS, the City has chosen GovDeals, 5907 Carmicheal Place, Montgomery, Alabama, as the vendor to implement an internet auction, to dispose of the vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That this Council finds that the Cemetery Department is in possession of certain items, namely a **Z500 Z Master Side Discharge Mower, Model 74262, Serial Number 260000631**, which is obsolete, surplus, has little monetary value, and is no longer needed for any municipal purpose. Council further finds that it will be in the best interest of the City that such property be sold by public internet auction through GovDeals.

SECTION 2: That pursuant to Ohio Revised Code Section 721.15, the City is authorized to sell or dispose of such property by internet auction.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that the immediate sale of such obsolete municipal property is necessary in order to assist in purchasing replacement tools or other equipment. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: IMPROVEMENTS COMMITTEE  
AUTHORIZED BY: LASTIC

DRAFT NO. 74-19

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO THE MODIFICATION NO. 1 TO ENGINEERING AGREEMENT WITH MS CONSULTANTS, INC. REGARDING THE 2019 CITYWIDE RESURFACING PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Niles had previously entered into Contract with MS Consultants, Inc. regarding the 2019 Citywide Resurfacing Program.

WHEREAS, as per the Modification No. 1, MS Consultants, Inc. will now have a full-time construction inspection by said Engineer(s).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Mayor and/or Service Director to enter into the Modification No. 1 to Engineering Agreement with MS Consultants, Inc., for a full-time construction inspection by said Engineer (see attached).

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, and to allow the City to engage in the 2019 Citywide Resurfacing Project at the earliest possible date. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

**MODIFICATION NO. 1**  
**To**  
**ENGINEERING AGREEMENT**

**FOR INCORPORATING THE PROFESSIONAL ENGINEERING SERVICES**  
**FOR**

**CITY OF NILES**  
**2019 CITYWIDE RESURFACING PROGRAM**

1. **DATE:** May 7, 2019
2. **OWNER:** City of Niles
3. **ORIGINAL AGREEMENT:** March 27, 2019
4. **CONSULTANT:** ms consultants, inc.
5. **MODIFICATIONS UNDER CONTRACT CLAUSES**

Section 1 - Services of Engineer  
Section 4 - Payments to Engineer

6. **REASON FOR MODIFICATION**

This modification is for full-time construction inspection as requested by the OWNER.

7. **MODIFICATION IN AGREEMENT**

**SECTION 1 - SERVICES OF ENGINEER**  
**SECTION 1 ADD:**

The ENGINEER shall provide a resident project representative as requested by the owner on a full-time basis (40 hrs/week) for a period of three (3) weeks totaling 120 hours. ENGINEER will assist the OWNER with Item J in the below scope of work. 8 hours has been planned for a Construction Administrator. ENGINEER will not be performing any other construction administration on the project. It is assumed by the ENGINEER that the OWNER will fulfill all other duties and responsibilities of a construction administrator. ENGINEER will perform the following services during the construction phase of the project unless otherwise indicated:

- A. General Administration of Construction Contract (By OWNER)

ENGINEER shall consult and advise the OWNER as provided in the Standard General Conditions of the Construction Contract. The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in said Standard General Conditions shall not be modified.

All of the OWNER's instructions to Contractor(s) will be issued through ENGINEER who will have authority to act on behalf of the OWNER to the extent provided in said Standard General Conditions except as otherwise provided in writing.

B. Visits to Site and Observation of Construction (By ENGINEER)

1. ENGINEER shall provide a project representative (PR) totaling no more than 120 hours for the scheduled duration of the project to observe as an experienced and qualified design professional the progress and quality of the various aspects of the Contractor(s) work. The work will be based on the Contractor's schedule. Based on information obtained during such visits and on such observations, ENGINEER shall endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and ENGINEER shall keep the OWNER informed of the progress of the work.

2. The purpose of ENGINEER's visits to the site will be to enable ENGINEER to better carry out the duties and responsibilities assigned to and undertaken by ENGINEER during the Construction Phase, and, in addition, by exercise of ENGINEER efforts to provide for the OWNER a greater degree of confidence that the completed work of the Contractor(s) will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor(s). On the other hand, ENGINEER shall not, during such visits or as a result of such observations of Contractor(s) work in progress, supervise, direct or have control over Contractor(s) work. Also ENGINEER shall not have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor(s), for safety precautions and programs incident to the work of Contractor(s), or for any failure of Contractor(s) to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor(s) furnishing and performing their work. Accordingly, ENGINEER can neither guarantee the performance of the construction contracts by Contractor(s) nor assume responsibility for Contractor(s) failure to furnish and perform their work in accordance with the Contract Documents.

C. Defective Work (By ENGINEER)

During such visits and on the basis of such observations, ENGINEER may advise the OWNER to disapprove or reject Contractor(s) work while it is in progress if ENGINEER believes that such work will not produce a completed project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the project as reflected in the Contract Documents.

D. Interpretations and Clarifications (By *OWNER*)

ENGINEER shall issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare work directive changes and change orders as required.

E. Shop Drawings (By *OWNER*)

ENGINEER shall review and approve (or take other appropriate action in respect of) Shop Drawings (as that term is defined in the aforesaid Standard General Conditions), samples and other data which Contractor(s) are required to submit, but only for conformance with the design concept of the project and compliance with the information given in the Contract Documents. Such reviews and approvals or other action shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto.

F. Substitutes (By *OWNER*)

ENGINEER shall evaluate and determine the acceptability of substitute materials and equipment proposed by Contractor(s), but subject to provision of the General Conditions of the Construction Contract.

G. Inspections and Tests (By *OWNER*)

ENGINEER shall as the OWNER's representative, require special inspection or testing of the work, and shall receive and review all certifications of inspection, testings and approvals required by laws, rules, regulations, ordinances, codes, or orders of the Contract Documents (but only to determine generally that their content complies with the requirements of, and the results certified indicate compliance with, the Contract Documents.

H. Disputes between the OWNER and Contractor (By *OWNER*)

ENGINEER shall act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of the OWNER and Contractor(s) relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of work. ENGINEER shall not be liable for the results of any such interpretations or decisions rendered in good faith.

I. Application of Payment (By *OWNER*)

Based on ENGINEER's onsite observations as an experienced and qualified design professional, and on review of applications for payments and the accompanying data and schedules:

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SMITH

DRAFT NO. 75-19

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the City has obsolete tools and equipment in the Light Department; and

WHEREAS, these items are not needed for any purpose by the City; and

WHEREAS, the City has agreed that the item shall be disposed of in the garbage and/or destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That this Council finds that the Light Department is in possession of certain items, namely a **Compaq Laptop Computer, Model HP Presario, serial number CNF637OTKN, Niles Tag #: 100431**, which is obsolete, surplus, has zero monetary value, and is no longer needed for any municipal purpose. Council further finds that it will be in the best interest of the City that such property be disposed of in the garbage and/or destroyed.

SECTION 2: That pursuant to Ohio Revised Code the City is authorized to sell or dispose of such property.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that the immediate disposal and/or destroying of such obsolete municipal property is necessary. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Received by the Mayor of the City of Niles this \_\_\_\_ day of \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR