

**ORDINANCE NO. 20-020**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SECOND AMENDMENT TO THE AGREEMENT WITH MANNIK & SMITH GROUP, INC., OF MAUMEE, OHIO, FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN CONJUNCTION WITH THE USEPA BROWNFIELDS GRANT RECEIVED FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission authorized the filing of an application with the U.S. Environmental Protection Agency for Brownfields Grant funds to complete quality assurance plans, Phase I and Phase II environmental assessments, remedial action plans, training, inventory and city-wide eligibility assessments by Resolution No. 049-16R passed on November 9, 2015; and

**WHEREAS**, the City of Sandusky was awarded \$200,000.00 for Hazardous Waste Assessments and \$200,000 for Petroleum Assessments on August 29, 2016, of which \$391,000.00 is allocated for contractual services; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an Agreement with Mannik & Smith Group, Inc., of Maumee, Ohio, in the amount of \$195,000.00 for professional environmental services in conjunction with the USEPA Brownfields Grant by Ordinance No. 16-232, passed on December 27, 2016; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an Agreement with T & M Associates of Cleveland, Ohio, in the amount of \$60,000.00 by Ordinance 17-020, passed on February 13, 2017, and for an additional \$100,000.00 by Ordinance No. 17-129, passed on June 26, 2017, for professional environmental services in conjunction with the USEPA Brownfields Grants; and

**WHEREAS**, this City Commission authorized the City Manager to enter into a First amendment to the Agreement with Mannik & Smith Group, Inc., of Maumee, Ohio, in the amount of \$36,000.00 for professional environmental services in conjunction with the USEPA Brownfields Grant by Ordinance No. 19-067, passed on April 8, 2019; and

**WHEREAS**, Mannik & Smith Group has performed environmental assessments on 14 sites and the additional services to be provided by Mannik & Smith Group include completion of the Phase II Environmental Site Assessment and Remedial Planning for the property located at 430 E. Market Street and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit "A" and specifically incorporated herein; and

**WHEREAS**, this Second Amendment will provide for an additional \$11,000.00 in funds, for a total amount of \$242,000.00, which will be paid with funds received through the Brownfields Grant; and

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**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the amendment to continue services and expend the funds prior to the grant completion date of September 30, 2020; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a Second Amendment to the Agreement with Mannik & Smith Group, Inc., of Maumee, Ohio, for Professional Environmental Services in conjunction with the Brownfields Assessment Grants received from the U.S. Environmental Protection Agency, a copy of which is marked Exhibit "1" and attached to this Ordinance, at an amount **not to exceed** Eleven Thousand and 00/100 Dollars (\$11,000.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its

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adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST:



\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: January 27, 2020

**SECOND AMENDMENT TO THE AGREEMENT  
FOR  
PROFESSIONAL SERVICES**

This First Amendment to the Agreement for Professional Services (this "Agreement"), made as of \_\_\_\_\_, 2020, by and between the City of Sandusky (the "City"), whose contact person shall be the Director of Public Works designated below or successor (the "City Engineer"), and The Mannik & Smith, Inc. Group (the "Architect/Engineer"), whose contact person and address are set forth below.

WHEREAS, the City is operating under its Charter, ordinances and regulations and it is the intention of the City, in the exercise of its powers, to obtain professional design/engineering services for the following project (the "Project"):

Project Name:	<b>2016 – 2019 US EPA Brownfields Assessment Grant</b>
City Engineer: Address:	Aaron Klein, P.E. Department of Public Works City of Sandusky 240 Columbus Ave Sandusky, Ohio 44870
Architect/Engineer: Contact: Address:	The Mannik & Smith Group, Inc. Sally L. Gladwell, CP, CEM, CEI 1800 Indian Wood Circle Maumee, Ohio 43537

NOW, THEREFORE, in consideration of the mutual promises contained in the Professional Design/Engineering Services Agreement executed on January 30, 2017, the City and the Architect/Engineer agree as follows:

The Architect/Engineer shall perform additional tasks included which were included in the original agreement and as described therein, in accordance with the Professional Services Amendment executed on \_\_\_\_\_, between the City and The Mannik & Smith Group, Inc. for a revised fee not to exceed **\$11,000.00**.

**Signature Page to Follow**



IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

The Mannik & Smith Group, Inc.  
("Architect/Engineer")

By: \_\_\_\_\_

CITY OF SANDUSKY

By: \_\_\_\_\_  
Eric Wobser  
City Manager

**CERTIFICATE OF FUNDS**

**In the matter of: 2016 – 2019 US EPA Brownfields Assessment Grant**

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to the appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code (ORC).

Dated: \_\_\_\_\_, 2020

CITY OF SANDUSKY

By: \_\_\_\_\_  
Michelle Reeder  
Finance Director

\_\_\_\_\_  
Account Number

\_\_\_\_\_  
Amount

## **EXHIBIT A**

Funds previous allocated to T & M Associates for various work will be transferred over to the Mannik & Smith Group, Inc. in an amount not to exceed \$11,000 in order for the firm to complete the Phase II Environmental Site Assessment and Remedial Planning for the property located at 430 E Market St.

Phase II work at this site will consist of SAP & HASP Preparation, Public Utility Notification, Soil Boring Installation and Soil Sampling, Monitoring Well Installation, Groundwater Sampling, Field Quality Control Sampling, Waste Disposal, and Supplemental Phase II ESA Report. As part of this work, Mannik & Smith Group, Inc. will work to prepare Remedial Planning, consisting of pursuing funding for additional assessment and remediation of the site through Ohio's Abandoned Gas Station Cleanup Grant.

**EXHIBIT**

**"A"**