

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 011

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 5 FOR AN INCREASE IN THE CONTRACT PRICE AND FOR AN EXTENSION OF THE CONTRACT COMPLETION DATE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND GILBANE BUILDING COMPANY IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2023-106, Council authorized the Mayor to enter into a contract with Gilbane Building Company, in connection with the Strongsville Town Center Project, in the City of Strongsville, (the "Project"), in an amount not to exceed \$8,901,779.00; and

WHEREAS, by and through Ordinance No. 2023-137, the City's authorized Owner's Representative for the Project, RFC Contracting, Inc., determined it would be in the best interests of the City to approve Change Order No. 1 to include as part of the Project additional work required for tree clearing for construction, in the amount of \$31,851.00 for an increase in the total Project cost to \$8,933,630.00; and

WHEREAS, in addition, by and through Ordinance No. 2023-158, the City's authorized Owner's Representative had determined it would be in the best interests of the City to approve Change Order Nos. 2, 3, and 4 to include as part of the Project additional work required to address existing storm sewers and structures, removal of trees due to revised grading and an alternate lighting package for a cost savings, all in the amount of \$6,502.00 for a net increase in the total Project cost to \$8,940,132.00; and

WHEREAS, at this time, the City's authorized Owner's Representative has now recommended, and the City Engineer has determined, it would be in the best interests of the City to include further changes in the work performed or to be performed on the Project by Gilbane Building Company, generally being additional site work and multiple sub-contractor costs and scope items, as requested by the City and due to unforeseen circumstances encountered in the field, all as more fully set forth collectively in Exhibit A, attached hereto and incorporated herein as if fully rewritten, and thereby resulting in an increase for Change Order No. 5 of \$171,483.00, and a new total Project cost of \$9,111,615.00; and

WHEREAS, due to delays and the aforementioned multiple sub-contractor costs and scope-related items, Gilbane Building Company has requested an extension of time of Forty-Two (42) days to substantially complete the work, with a new Substantial Completion date of August 9, 2024; and

WHEREAS, the City's Owner's Representative and City Engineer have recommended that an extension of time to substantially complete the work by August 9, 2024 would be warranted and is reasonably required at this time.

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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 issue and approve Change Order No. 5 to the contract in the amount of \$171,483.00, as recommended by the City's Owner's Representative and City Engineer, and reflected collectively in Exhibit A; and after the issuance and approval of said Change Order No. 5 and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to **GILBANE BUILDING COMPANY** in the additional amount of \$171,483.00, thereby increasing the total Project cost to \$9,111,615.00.

Section 2. That the Mayor be and is further authorized to extend the contract's Substantial Completion time by Forty-Two (42) days to August 9, 2024, as recommended by the City's Owner's Representative and City Engineer.

Section 3. That the funds necessary for this Ordinance have been appropriated and shall be paid from the Town Center Fund.

Section 4. 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 5. 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 changes in the work in order to properly complete the Project, to provide sufficient time for substantial completion, and to facilitate payment to the contractor for changes in the work, 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.

ARION
President of Council

Date Passed: 02 05 2024

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

Approved: K. ARBON
Acting Mayor

Date Approved: 02 05 2024

Attest: Aimee Pientka
Clerk of Council

Ord. No. 2024-011 Amended: _____
1st Rdg. 02-06-24 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Public Hrg. _____ Ref: _____
Adopted: 02-05-24 Defeated: _____



AIA®

Document G701® – 2017

Change Order

PROJECT: (Name and address)
Strongsville Town Center
18100 Royalton Road
Strongsville, OH 44136

CONTRACT INFORMATION:
Contract For: General Construction
Date: 07/26/2023

CHANGE ORDER INFORMATION:
Change Order Number: 005
Date: January 24, 2024

OWNER: (Name and address)
City of Strongsville
16099 Foltz Parkway
Strongsville, OH 44149

ARCHITECT: (Name and address)
Brandstetter Carroll, Inc.
1220 West Sixth Street, Suite 300
Cleveland, OH 44113

CONTRACTOR: (Name and address)
Gilbane Building Company
950 Main Avenue, Suite 1410
Cleveland, OH 44113

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

COR-5 Additional time and cost for design revision through Bulletin 5.

The original Contract Sum was	\$ 8,901,779.00
The net change by previously authorized Change Orders	\$ 38,353.00
The Contract Sum prior to this Change Order was	\$ 8,940,132.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 171,483.00
The new Contract Sum including this Change Order will be	\$ 9,111,615.00

The Contract Time will be increased by Forty-Two (42) days.
The new date of Substantial Completion will be 08/09/2024

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Brandstetter Carroll, Inc.
ARCHITECT (Firm name)

Nancy K. Nozick
SIGNATURE

Nancy K. Nozick, vp
PRINTED NAME AND TITLE

1-24-2024
DATE

CONTRACTOR (Firm name)

Daniel Focht
SIGNATURE

PRINTED NAME AND TITLE

DATE

City of Strongsville
OWNER (Firm name)

Thomas B. Suran
SIGNATURE

Thomas P. Suran, Mayor
PRINTED NAME AND TITLE

2-12-2024
DATE



**BRANDSTETTER
CARROLL INC**
ARCHITECTS + ENGINEERS + PLANNERS

1220 W. 6th Street, Suite 300
Cleveland, Ohio 44113

January 25, 2024

LEXINGTON
859.268.1933

CINCINNATI
513.651.4224

CLEVELAND
216.241.4480

DALLAS
469.941.4926

DENTON
940.387.8182

NORMAN
405.360.0810

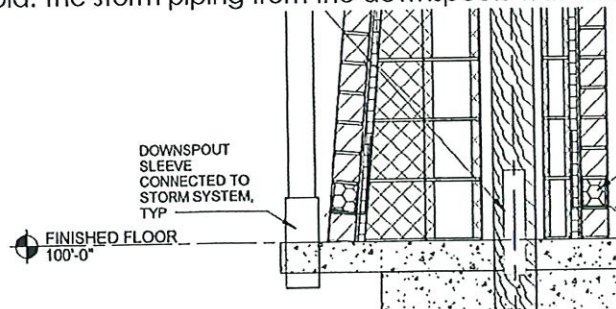
Roger Riachi
RFC Contracting
13477 Prospect Road
Strongsville, Ohio 44149

Re: Strongsville Town Center – COR 5: Bulletin 1-5.

Mr. Riachi,

Following Gilbane's review of the previous letter, the approved items are revised per the outline below. The total amount recommended for approval at this time is \$171,483.00.

ITEM	AMOUNT	DECISION
Bid Package 02A Fabrizi		
1. Sawcut at Communication Center:	\$3,875.62	NO
a. This scope will be eliminated in a future Bulletin as part of the Roundabout revisions.		
2. Removal of pipe under driveway	\$1,537.53	YES
a. Cost listed on 1/3/2024 was \$1,537.53. Cost listed on 1/10/2024 was \$3,843.82.		
3. Grading changes at main site and roundabout	\$51,312.54	YES
4. Finish grading at main site and roundabout	\$8,197.20	YES
a. Cost listed on 1/3/2024 was \$8,197.20. Cost listed on 1/10/2024 was \$9,005.31.		
5. Storm alignment and underdrains at tennis	\$1,858.62	YES
6. Storm rims and depth, new structures	\$49,675.57	YES
a. Cost listed on 1/3/2024 was \$49,675.57. Cost listed on 1/10/2024 was \$50,624.38.		
7. Downspout drainage at pavilion	\$30,757.22	DISCUSS
a. The bid drawings showed the downspouts with notes to tie to storm system. The downspout fittings and boots should have been in base bid. The storm piping from the downspouts was added in Bulletin 05.		



- b. Storm line at Maintenance Garage was added in Bulletin 05 and eliminated in Bulletin 09.

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|--|-------------|----------------|
| 8. Bottle Filler at tennis courts | \$28,254.98 | DISCUSS |
| a. The bottle filler was shown in the bid documents. The waterline was not shown in the bid documents and was added in Bulletin 03. Cost for bottle filler should be eliminated. | | |
| b. Cost listed on 1/3/2023 was \$28,254.98. Cost listed on 1/10/2024 was \$44,498.79. | | |

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|---|------------|------------|
| 9. Grading and underdrain at retaining wall | \$3,637.74 | YES |
|---|------------|------------|

Bid Package 02C GeoSci

- | | | |
|---|------------|-------------|
| 1. Retesting of soil compaction after grading revisions | \$3,235.00 | HOLD |
| a. Hold for actual cost after work is completed. | | |

Bid Package 02D Rafter A

- | | | |
|--|------------|-------------|
| 1. Additional survey | \$5,000.00 | HOLD |
| | \$255.00 | YES |
| a. \$5,000 for site construction layout is noted as a budget estimate only, billed as needed per hourly rates. Hold this item until work is completed and hours are submitted. | | |
| b. \$255.00 for topographic survey at Maintenance Garage area. APPROVED. | | |

Bid Package 03A R.J. Platten

- | | | |
|---|-------------|----------------|
| 1. Additional concrete | \$53,600.00 | PARTIAL |
| a. Additional concrete at bike rack is acceptable \$2,265.19. YES | | |
| b. Additional concrete at trash receptacles is acceptable \$2,151.02. YES | | |
| c. Additional concrete at Octagon Pavilion will be eliminated. \$18,425.85. | | |
| d. Additional concrete at Material Storage Area eliminated in Bulletin 07. \$13,806.54. | | |
| e. Additional trench drain eliminated in Bulletin 09. \$16,950.88. | | |

Bid Package 08A Sixth City Glazing

- | | | |
|-------------------------------|----------|------------|
| 1. Glazing for door at Office | \$460.00 | YES |
|-------------------------------|----------|------------|

Bid Package 08C FBS

- | | | |
|-----------------------|----------|------------|
| 1. New door at Office | \$375.00 | YES |
|-----------------------|----------|------------|

Bid Package 09A Yerman & Young

- | | | |
|--|----------|------------|
| 1. Finishing of cedar slat ceiling at Office | \$576.00 | YES |
|--|----------|------------|

Bid Package 09D Construction Smith

- | | | |
|---|------------|------------|
| 1. Additional cedar slat ceiling in Office & credits for toilet accessories | \$1,505.00 | YES |
|---|------------|------------|

Bid Package 12B Lighting Dynamics

- | | | |
|---|------------|------------|
| 1. Utility bollards at Octagon Pavilion | \$1,500.00 | YES |
|---|------------|------------|

Bid Package 22A Commerce Plumbing

1. Plumbing fixture credits	(\$3,070.00)	YES
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Bid Package 23A Imperial H&C

1. HVAC changes for Office	\$1,846.00	YES
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Bid Package 26A Ullman Electric

1. Receptacles on 9 light poles	\$11,377.00	YES
2. Hydro-excavate for First Energy tie-in	\$3,672.00	YES
a. Beyond \$10,000 allowance		
3. Conduit for fiber	\$889.00	YES

Bid Package 32C Ambrose

1. Retaining wall at Safety Town Building	\$17,750.00	YES
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GC's Staffing	\$47,376	NO
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1. The city will accept the time extension of 42 days, but will not pay any administrative costs associated with the extension.

SUMMARY:

Approved	\$157,772.00
SDI, Gen Liability, Ins	\$4,662.00
Payment & Perf Bond	\$965.00
CM Profit/Fee (5%)	\$8,083.00
CAT Tax (0.026%)	\$1.00
TOTAL CHANGE ORDER	\$171,483.00

Sincerely,
Brandstetter Carroll, Inc.


Nancy K. Nozik, AIA
Vice President

Copy: Ken Mikula, City of Strongsville; Lori Daley, City of Strongsville
Dan Focht, Gilbane