

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 176

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 (FINAL) FOR AN ADJUSTMENT IN THE CONTRACT PRICE REFLECTING A NET DECREASE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC. IN CONNECTION WITH THE ALBION ROAD AND WEBSTER ROAD SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2022-151, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Co., Inc. for the construction of various sanitary sewer improvements in connection with the Albion Road and Webster Road Sanitary Sewer Project (the "Contract") in an amount not to exceed \$3,097,303.00 premised on certain plan quantities (the "Project"); and

WHEREAS, since then, additional work not contemplated in the original contract became necessary and was requested by the City, and certain non-performed contract items and plan quantities have been reconciled with field quantities; and

WHEREAS, Fabrizi Trucking & Paving Co., Inc., therefore, has submitted to the City Engineer a request for an adjustment in the contract price for the costs incurred due to the additional labor, materials and equipment to complete the aforesaid additional work and also for reconciliation of the quantities; and

WHEREAS, the City Engineer has recommended that it would be in the best interest of the City to include and authorize changes in work performed in connection with additional work requested by the City, and to approve final reconciliation of certain non-performed contract items with actual field quantities, as more fully detailed in Change Order No. 1 (Final) attached hereto as Exhibit A and incorporated herein, all resulting in a net change order decrease of \$332,638.93 and a final adjusted total Project cost of \$2,764,664.07.

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

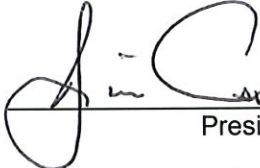
**Section 1.** That the Mayor be and is hereby authorized and directed to issue and approve Change Order No. 1 (Final) comprising additional work and reconciliation of quantities, all resulting in a net decrease in the amount of \$332,638.93, as recommended by the City Engineer; and after the issuance and approval of said Change Order No. 1 (Final) and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to **FABRIZI TRUCKING & PAVING CO., INC.** consistent with the adjusted and decreased total Project cost of \$2,764,664.07.

**Section 2.** That the funds for the purposes of this Ordinance and the Project have been appropriated and shall be paid from the Sanitary Sewer Fund, from the collection of special assessments to be levied by the City, and such other Federal, State and local funds made available for the Project.

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**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 changes in the work in order to properly and promptly complete the Project, to eliminate hazards and provide for a system of centralized sewage collection, disposal and treatment, 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: 12 18 2023

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

Date Approved: Dec. 18, 2023

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

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Clark	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Kaminski	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____

Ord. No. 2023-176 Amended: \_\_\_\_\_  
 1<sup>st</sup> Rdg. 12-18-23 Ref: \_\_\_\_\_  
 2<sup>nd</sup> Rdg. Suspended Ref: \_\_\_\_\_  
 3<sup>rd</sup> Rdg. Suspended Ref: \_\_\_\_\_

Public Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 12-18-23 Defeated: \_\_\_\_\_

**CHANGE ORDER**

Order No. # 1 Final  
Date: December 18, 2023  
Agreement Date: October 27, 2022

Name of PROJECT: **Albion Road/Webster Road Sewer Project**

CONTRACTOR: **Fabrizi Trucking and Paving, Inc.**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Project close out to actual quantities

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$3,097,303.00**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER: N/A

The CONTRACT PRICE due to this CHANGE ORDER will be **decreased** by: **\$332,638.93**

The new CONTRACT PRICE including this CHANGE ORDER will be: **\$2,764,664.07**

Change to CONTRACT TIME: N/A

The CONTRACT TIME will be (increased) (decreased) by  
\_\_\_\_\_ N/A \_\_\_\_\_ calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: \_\_\_\_\_  
**Fabrizi Trucking and Paving, Co.**

Recommended by: \_\_\_\_\_  
**Ken Mikula, P. E., City Engineer**

Accepted by: Thomas P. Perciak  
**Mayor Thomas P. Perciak**