

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 043

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 8 AND 9 FOR AN INCREASE IN THE CONTRACT PRICE CONSISTENT 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 Nos. 2023-137, 2023-158, 2024-011 and 2024-027 the City's authorized Owner's Representative for this Project, RFC Contracting, Inc. recommended, and the City Engineer determined it would be in the best interests of the City to approve Change Order Nos. 1 through 7, to include as part of the Project various additional work required for the Project to continue, all in the net total amount of \$494,360.00, for an increase in the total Project cost to \$9,396,139.00; 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 multiple sub-contractor costs and scope items, as requested by the City and necessary to the Project, all as more fully set forth in Change Order Nos. 8 and 9, attached hereto as Exhibits A and B respectively, and incorporated herein as if fully rewritten, in the total amount of \$74,650.00, for a new total Project cost of \$9,470,789.00; and

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 Nos. 8 and 9 to the contract in the total amount of \$74,650.00, as recommended by the City's Owner's Representative and City Engineer, and reflected on Exhibits A and B respectively; and after the issuance and approval of said Change Order Nos. 8 and 9 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 \$74,650.00, thereby increasing the total Project cost to \$9,470,789.00.

Section 2. That the funds necessary for this Ordinance have been appropriated and shall be paid from the Town Center Fund.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 - 043

Page 2

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 timely complete the Project, 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.

[Signature]
President of Council

Approved: *Thomas S. Bui*
Mayor

Date Passed: 04 15 2024

Date Approved: April 15, 2024

Attest: *Aimee Pietka*
Clerk of Council

| | <u>Yea</u> | <u>Nay</u> |
|----------|-------------------------------------|--------------------------|
| Carbone | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Clark | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Kaminski | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Kosek | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Roff | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Short | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Spring | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Ord. No. 2024-043 Amended: _____
 1st Rdg. 04-15-24 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

 Public Hrg. _____ Ref: _____
 Adopted: 04-15-24 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: 008
 Date: February 26, 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-11 Pavilion Foundation Drainage, Waterline to Bottle Filler, Concrete at Octagon Pavilion

| | |
|--|-----------------|
| The original Contract Sum was | \$ 8,901,779.00 |
| The net change by previously authorized Change Orders | \$ 494,360.00 |
| The Contract Sum prior to this Change Order was | \$ 9,396,139.00 |
| The Contract Sum will be increased by this Change Order in the amount of | \$ 46,766.00 |
| The new Contract Sum including this Change Order will be | \$ 9,442,905.00 |

The Contract Time will be unchanged by zero (0) 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)
 SIGNATURE *Nancy K. Nozik*
 PRINTED NAME AND TITLE
 Nancy Nozik, Vice President
 DATE *2-26-2024*

CONTRACTOR (Firm name) signed by Dan Focht
 DN: C=US,
 E=dfocht@gilbanecc.com
 O=Gilbane Building Company, OU=Project Manager, CN=Dan Focht
 Date: 2024.02.29
 PRINTED NAME AND TITLE
 DATE

City of Strongsville
 OWNER (Firm name)
 SIGNATURE *Thomas P. Perciak*
 PRINTED NAME AND TITLE
 Thomas P. Perciak, Mayor
 DATE *April 15, 2024*

EX.A



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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: 009
Date: March 18, 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-8r2: Masonry Lintels \$4,160.00
- COR-09: Pavilion Chase Wall, HVAC, Bottle Filler Winterization Pit \$8,404.00
- COR-12: Splashpad Drain Pit Revision \$6,716.00
- COR-18: Gas Piping due to Revised Gas Meter Location \$8,604.00


| | |
|--|-----------------|
| The original Contract Sum was | \$ 8,901,779.00 |
| The net change by previously authorized Change Orders | \$ 541,126.00 |
| The Contract Sum prior to this Change Order was | \$ 9,442,905.00 |
| The Contract Sum will be increased by this Change Order in the amount of | \$ 27,884.00 |
| The new Contract Sum including this Change Order will be | \$ 9,470,789.00 |

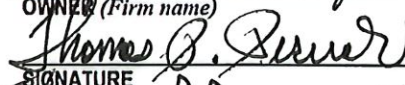
The Contract Time will be unchanged by zero (0) days.
The new date of Substantial Completion will be 08/09/2024

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)

SIGNATURE
 Nancy Nozik, Vice President
PRINTED NAME AND TITLE
 8/18/2024
DATE

CONTRACTOR (Firm name)
 Digitally signed by Dan Focht
 DN: C=US, E=dfocht@gilbaneco.com, O=Gilbane Building Company, OU=Project Manager, CN=Dan Focht
 Date: 2024.03.20 12:58:04-00'

SIGNATURE
 Daniel Focht
PRINTED NAME AND TITLE
DATE

City of Strongsville
OWNER (Firm name)

SIGNATURE
 Thomas P. PERLIAK, Mayor
PRINTED NAME AND TITLE
 April 15, 2024
DATE

EX.B