

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 053

By: Mr. Southworth

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 1 AND 2 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND APEX CONSTRUCTION & MANAGEMENT CO., INC., IN CONNECTION WITH THE REMOVAL AND REPLACEMENT OF THE EXISTING ARCHED CEILING OVER THE SPA AT THE AQUATIC CENTER OF THE CITY OF STRONGSVILLE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2013-279, passed December 2, 2013, Council authorized the Mayor to enter into a contract with Apex Construction & Management Co., Inc. for removal and replacement of approximately 4500 square feet of light gauge metal studs, drywall, insulation and finished materials for the arched ceiling over the spa at the Aquatic Center of the Walter F. Ehrnfelt Recreation & Senior Center (the "contract"), in an amount not to exceed \$57,950.00 (the "Project"); and

WHEREAS, in the process of performing the work on the Project, Apex Construction & Management Co., Inc. subsequently identified additional work that was necessary due to various unanticipated conditions in the field, including but not limited to the installation of two (2) steel access doors and new caulking around a window, all of which work was not originally contemplated as part of the Project; and

WHEREAS, Apex Construction & Management Co., Inc., therefore, has submitted to the City Building Department requests for an increase in the contract price for the costs incurred due to the additional labor, materials and equipment to complete the extra work; and

WHEREAS, the City Building Department has recommended that it would be in the best interest of the City to provide payment to Apex Construction & Management Co., Inc. in the total additional amount of \$1,794.00, for a final total Project cost of \$59,744.00 for the additional labor, materials and equipment required to complete the work, all as more fully set forth in the change orders and supporting documentation marked as Exhibits "A" and "B" attached hereto and incorporated herein by reference.

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. 1 and 2 (Final) in the total amount of \$1,794.00, as

CITY OF STRONGSVILLE, OHIO

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recommended by the City Building Department; and, after the issuance and approval of said Change Orders and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to **APEX CONSTRUCTION & MANAGEMENT CO., INC.**, in the total additional amount of \$1,794.00, thereby increasing the final total Project cost to \$59,744.00.

Section 2. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Recreation Capital Improvement Fund and the Multi-Purpose Complex Fund.

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 the payment of the aforesaid sum is immediately necessary in order to avoid legal entanglements, to provide compensation for additional work performed by the contractor on the Project, 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.

Michael Daymut
President of Council

Approved: Thomas B. Surider
Mayor

Date Passed: March 17, 2014

Date Approved: March 18, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Aimee Puntke
Clerk of Council

ORD. No. 2014-053 Amended: _____
 1st Rdg. 03-17-14 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 03-17-14 Defeated: _____

APEX CONSTRUCTION AND MANAGEMENT CO. INC.

24381 Aurora Road Suite A-6

Cleveland, Ohio 44146

Phone(440) 786-7220 Fax (440) 786-7227

apexco1@sbcglobal.net

2/13/2014 :DATE

COR #1

Strongsville Rec.
ATTN: Tony Biondillo
16099 Foltz Parkway
Strongsville, Ohio 44149

Additional Add - 2 access Doors 2' by 2' Steel

Contractor: APEX CONSTRUCTION

Matl 2 ea @ \$85.00

170

1 day \$45* 8hr

360 \$ 580.00

Delivery

50

Subtotal

\$ 580.00

Overhead (10%)

\$ 58.00

Subtotal

\$ 638.00

Profit (5%)

\$ 31.90

Subtotal

\$ 669.90

Bond & Insurance (3.0%)

\$ 17.40

Grand Total

\$ 687.30

Delivery

Please approval within seven days of the date to avoid additional schedule extension

Approval



signage

Shaju A. Shahjahan
President

Anthony J. Biondillo
Building Commissioner
City of Strongsville

Website: apexcleveland.com

EX. A

APEX CONSTRUCTION AND MANAGEMENT CO. INC.

24381 Aurora Road Suite A-6
Cleveland, Ohio 44146
Phone(440) 786-7220 Fax (440) 786-7227
apexco1@sbcglobal.net

2/17/2014 :DATE

COR #2

Strongsville Rec.
ATTN: Tony Biondillo
16099 Foltz Parkway
Strongsville, Ohio 44149

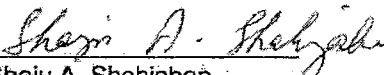
Additional Add - New caulk around the window

Contractor: APEX CONSTRUCTION

	Matl caulk and backer rod	160	
	1 day \$45* 16hr	720	\$ 930.00
	Delivery	50	
Subtotal			\$ 930.00
Overhead (10%)			\$ 93.00
Subtotal			\$ 1,023.00
Profit (5%)			\$ 51.15
Subtotal			\$ 1,074.15
Bond & Insurance (3.5%)			\$ 32.55
Grand Total			\$ 1,106.70


Delivery

Please approval within seven days of the date to avoid additional schedule extension


Shaju A. Shahjahan
President

Website: apexcleveland.com

Approval


Anthony J. Biondillo
Building Commissioner
City of Strongsville

signage

PAYMENT APPLICATION

TO: City of Strongsville
 16099 Foltz Pkwy,
 Strongsville, OH 44149
 Attn: Accounts Payable

PROJECT NAME AND LOCATION: Walter F. Ehrnfelt Recreation & Senior Center
 18100 Royal Road, Strongsville, OH 44149

ARCHITECT:

FROM: Apex Construction & Management Co., Inc.
 24381 Aurora Road, Suite A-6
 Bedford Heights, OH 44146

FOR: Walter F. Ehrnfelt Recreation & Senior Center

APPLICATION # 2 **Distribution to:**
PERIOD THRU: 02/20/2014 OWNER
PROJECT #s: ARCHITECT
DATE OF CONTRACT: 02/19/2014 CONTRACTOR

CONTRACTOR'S SUMMARY OF WORK

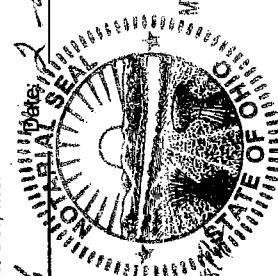
Application is made for payment as shown below. Continuation Page is attached.

1. CONTRACT AMOUNT	\$57,950.00
2. SUM OF ALL CHANGE ORDERS	\$1,794.00
3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)	\$59,744.00
4. TOTAL COMPLETED AND STORED (Column G on Continuation Page)	\$59,744.00
5. RETAINAGE:	
a. of Completed Work (Columns D + E on Continuation Page)	
b. of Material Stored (Column F on Continuation Page)	
Total Retainage (Line 5a + 5b or Column I on Continuation Page)	\$2,318.00
6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total)	\$57,426.00
7. LESS PREVIOUS PAYMENT APPLICATIONS	\$55,632.00
8. PAYMENT DUE	\$1,794.00
9. BALANCE TO COMPLETION (Line 3 minus Line 6)	\$2,318.00

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$1,794.00	\$0.00
Total approved this month	\$0.00	\$0.00
TOTALS	\$1,794.00	\$0.00
NET CHANGES	\$1,794.00	

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Apex Construction & Management Co., Inc.
 By: *Shaju Shahjahan*
 State of: *Ohio*
 County of: *Cuyahoga*
 Subscribed and sworn to before me this *20th* day of *Feb.* 2017.
 Notary Public: *Shaju Shahjahan*
 My Commission Expires: *09-2017*



ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT
(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT: _____
 By: _____ Date: _____

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CONTINUATION PAGE

PROJECT: **Walter F. Ehmfelt Recreation** APPLICATION #: **2**
Walter F. Ehmfelt Recreation & Senior Center DATE OF APPLICATION: **02/20/2014**
& Spa Ceiling Repair Project PERIOD THRU: **02/20/2014**
 Payment Application containing Contractor's signature is attached. PROJECT #s:

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		E AMOUNT THIS PERIOD	F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
1000	Project Manager	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	\$0.00	
1001	Supervision	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1002	Registration	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	\$0.00	
1003	Bond & Insurance	\$2,100.00	\$2,100.00	\$0.00	\$0.00	\$0.00	\$2,100.00	\$0.00	
1004	Mobilization	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1005	General Conditions	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1006	Equipment Rental	\$3,850.00	\$3,850.00	\$0.00	\$0.00	\$0.00	\$3,850.00	\$0.00	
2070	Selective Demolition	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
4000	Masonry Repairs	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$0.00	
7000	Insulation	\$8,000.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$8,000.00	\$0.00	
9200	Gypsum Wall Board	\$27,000.00	\$27,000.00	\$0.00	\$0.00	\$0.00	\$27,000.00	\$0.00	
9900	Painting	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
15000	HVAC	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$3,000.00	\$0.00	
15001	CO # 1	\$687.30	\$0.00	\$687.30	\$0.00	\$0.00	\$687.30	\$0.00	
15002	Change Order # 2	\$1,106.70	\$0.00	\$1,106.70	\$0.00	\$0.00	\$1,106.70	\$0.00	
TOTALS		\$59,744.00	\$57,950.00	\$1,794.00	\$0.00	\$0.00	\$59,744.00	\$0.00	