

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 078

By: Mr. Maloney

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 2 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT PHASE II (CUY-42-0.00), AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2013-207, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Co., Inc. for improvements to a section of Pearl Road in connection with the Pearl Road Widening Project Phase II (Cuy-42-0.00) (the "Project") in the amount of \$7,052,132.40; and

WHEREAS, by and through Ordinance No. 2014-040, passed March 17, 2014, the City, through the City Engineer, determined it would be in the best interests of the City to approve a change order to include as a part of the Project additional work requested by the City, additional work required due to unforeseen conditions, and additional work required due to conflict with other utilities; and

WHEREAS, the City's Construction Manager, CT Consultants, Inc., and the City's Engineer have now recommended that 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 Fabrizi Trucking & Paving Co., Inc., generally being additional work requested by the City, which is necessary to avoid delay costs due to conflicts with utilities, all as more fully set forth in Exhibit "A" attached hereto and incorporated herein as if fully rewritten, and a full set of supporting documentation for which is on file with the City Engineer, and to provide additional payment for such changes in the work in the amount of \$135,330.45 for a new total Project cost of \$7,343,360.90.

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. 2 to the contract in the amount of \$135,330.45, as recommended by CT Consultants, Inc. and the City Engineer, and consistent with Sections 13 and 14 of the General Conditions to the contract, and, after the issuance and approval of said Change Order No. 2 and completion of such work, to direct the Director of Finance to make payment to **FABRIZI TRUCKING & PAVING CO., INC.** in the additional amount of \$135,330.45, thereby increasing the total Project cost to \$7,343,360.90.

**Section 2.** That the funds necessary for this Ordinance have been appropriated and shall be paid from the Pearl Road Capital Improvement Fund, Royalton Road and/or Pearl Road Tax Increment Financing Funds and such other Federal, State and local funds made available for the Project, including but not limited to State of Ohio, Ohio Public Works Commission funding, and/or Federal Highway Safety Program funds, and Federal Earmark Funds; and that the Director of Finance be and is hereby authorized and directed to issue his warrants for payment accordingly, and in accordance with the terms of any applicable grant agreements.

**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, to avoid potential legal entanglements, to comply with grant requirements, 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. Zinner  
Mayor

Date Passed: April 21, 2014

Date Approved: April 22, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Maloney	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Leanne Pientka  
Clerk of Council

ORD. No. 2014-078 Amended: \_\_\_\_\_  
1st Rdg. 04/21/14 Ref: \_\_\_\_\_  
2nd Rdg. suspended Ref: \_\_\_\_\_  
3rd Rdg. suspended Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: 04/21/14 Defeated: \_\_\_\_\_

**CHANGE ORDER**

Change Order No.: 2  
Date: March 31, 2014  
Agreement Date: October 18, 2013

Name of PROJECT: Pearl Road Widening Ph2 CUY-42-0.00; PID 88677

OWNER: City of Strongsville, Ohio  
CONTRACTOR: Fabrizi Trucking & Paving

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Referenced attached documentation  
\_\_\_\_\_  
\_\_\_\_\_

**Change to CONTRACT PRICE:**

Original CONTRACT PRICE: \$ 7,052,132.40  
Current CONTRACT PRICE adjusted by  
Previous CHANGE ORDER \$ 7,208,030.45  
The CONTRACT PRICE due to this CHANGE ORDER  
will be (**increased**) (decreased) by: \$ 135,330.45  
The FINAL CONTRACT PRICE including this  
CHANGE ORDER will be \$ 7,343,360.90

**Change to CONTRACT TIME:**

The CONTRACT TIME will be (increased) (decreased) by \_\_\_\_\_  
(Calendar Days)  
Original Completion Date May 9, 2015  
The date for completion of all WORK will be May 9, 2015  
(Date)

Requested by: Maria Fearer 4-2-14  
Maria Fearer, Vice President (Date)  
Fabrizi Trucking & Paving

Recommended by: Thomas B. Gwydir, Jr. 4-7-14  
Thomas B. Gwydir, Jr., P.E. tb 4-7-14 (Date)  
CT Consultants, Inc

Accepted by: \_\_\_\_\_  
Ken Mikula, P.E. (Date)  
City of Strongsville

Federal Agency Approval  
(where applicable) \_\_\_\_\_  
(Date)



# Summary of Review Totals

## Proposed Change Order Number 2

<u>Item No.</u>		<u>Value of Extra Work</u>	
		<i>LOCAL Funding</i>	<i>ODOT Eligible</i>
2-1 s	Due to starting work out of the proposed M-O-T, the waterline was installed first and a temporary concrete pavement cap was placed; 6 inches thick of MS concrete	\$ 128,227.32	X
<b>Sub-Total</b>		<b>\$ 128,227.32</b>	<b>\$ -</b>
<b>Bond Increase</b>	2.50%	\$3,205.68	\$0.00
<b>Totals</b>		<b>\$ 131,433.00</b>	<b>\$ -</b>
Bond Increase on Change Order #1		\$2,483.70	\$1,413.75

**Settled Amount of Change Order #2**

**\$135,330.45**