

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 222

By: Mayor Perciak and Mr. Carbone

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE AGREEMENT BETWEEN MARLIN MECHANICAL, LLC AND THE CITY OF STRONGSVILLE DATED JULY 30 2013, FOR ADDITIONAL SERVICES AND ITEMS ASSOCIATED WITH THE PURCHASE, REPLACEMENT AND INSTALLATION OF A NEW AND COMPLETE AIR CONDITIONER SYSTEM WITH APPURTENANCES, FOR USE AT THE CITY'S SERVICE CENTER BUILDING ON FOLTZ PARKWAY, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2013-181, City Council authorized an agreement with Marlin Mechanical, LLC, which was entered into on July 30, 2013 (hereinafter the "Agreement"), for the purchase, replacement and installation of a new and complete air conditioner system with appurtenances, for use by the Department of Public Service at the City's Service Center Building on Foltz Parkway, without public bidding, for the total amount of \$45,772.00; and

WHEREAS, after installation of the air conditioner system, the City determined to proceed with purchase of additional items associated with integration of an automated building control system and installation of server software at the City's Communications Building associated with the control system; and

WHEREAS, the City Administration has advised that it will, therefore, be necessary to increase the contract amount by the total sum of \$11,759.00 in order to provide payment to Marlin for such additional items as reflected in the Amendment to Agreement attached hereto as Exhibit 1 with attached Exhibit A-1 and incorporated herein.

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

Section 1. That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it is immediately necessary to enter into an Amendment to Agreement, without public bidding, with **MARLIN MECHANICAL, LLC** for additional services and items in connection with integration of an automated building control system and installation of server software at the Communications Building associated with the control system for continued and efficient operation of the City's Service Center Building on Foltz Parkway, and for the

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 222

Page 2

benefit of the City's employees, visitors to the facility, and the general public health, safety and welfare.

Section 2. That, for the reasons aforesaid, this Council hereby approves and authorizes the Mayor to enter into an Amendment to Agreement with **MARLIN MECHANICAL, LLC**, without public bidding, in the total amount of \$11,759.00 for the aforementioned services and items, as more fully set forth in the document attached hereto as Exhibit 1, and incorporated herein by reference.

Section 3. That the funds for the purpose of this Amendment have been appropriated and shall be paid from the General 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, and for the further reason that the aforesaid Amendment is necessary in order to provide additional services and items necessary for the continuity and efficient operation of the City's Service Center building, to repair and protect City-owned property, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Michael J. Daymut
President of Council

Approved: James S. Birell
Mayor

Date Passed: November 17, 2014

Date Approved: November 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: Alissa Pientka
Clerk of Council

ORD. No. 2014-222 Amended: _____
 1st Rdg. 11-17-14 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 11-17-14 Defeated: _____

**AMENDMENT TO AGREEMENT
BETWEEN
CITY OF STRONGSVILLE, OHIO
AND
MARLIN MECHANICAL, LLC**

THIS AMENDMENT TO AGREEMENT made at Strongsville, Ohio, this ___ day of November, 2014, by and between the **CITY OF STRONGSVILLE**, Ohio, hereinafter designated as the "City" and **MARLIN MECHANICAL, LLC**, hereinafter designated as "Marlin".

WITNESSETH:

WHEREAS, pursuant to Ordinance No. 2013-181, City Council authorized an agreement with Marlin Mechanical, LLC, which was entered into on July 30, 2013 (hereinafter the "Agreement"), for the purchase, replacement and installation of a new and complete air conditioner system with appurtenances, for use by the Department of Public Service at the City's Service Center Building on Foltz Parkway for the total amount of \$45,772.00; and

WHEREAS, after installation of the air conditioner system, the City determined to proceed with purchase of additional items associated with integration of an automated building control system and installation of server software at the Communications Building associated with the control system; and

WHEREAS, the City Administration has advised that it will, therefore, be necessary to increase the contract amount by the total sum of \$11,759.00 in order to provide payment to Marlin for such additional items as reflected in detail on the invoice attached hereto as Exhibit A-1 and incorporated herein by reference; and

WHEREAS, on November 17, 2014 City Council accordingly approved Ordinance No. 2014-222, authorizing an Amendment to the Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth in the Agreement and herein, it is agreed as follows:

1. The Agreement be and is hereby amended to include the additional items and prices reflected on Exhibit A-1 in the total amount of \$11,759.00, which shall be remitted by the City to Marlin upon proper completion and acceptance by the City.
2. This Amendment to Agreement amends, modifies and supplements the Agreement only as specifically set forth herein. All rights and obligations of the City and Marlin Mechanical, LLC under the Agreement and all other provisions not specifically amended herein remain unmodified and in full force and effect.
3. This Amendment to Agreement shall be binding upon the City and Marlin and their respective successors and permitted assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Agreement the day and year first above written.

Signed in the presence of:

MARLIN MECHANICAL, LLC

By: _____

Its: _____

CITY OF STRONGSVILLE

Jim Pientka
Mary M. Skowski

By: *Thomas P. Perciak*
Thomas P. Perciak, Mayor

CERTIFICATE OF DIRECTOR OF FINANCE

I hereby certify that the amount of money required to meet the expenditures called for by this Amendment to Agreement is in the treasury, to the credit of the fund for which it is to be drawn, or in the process of collection, and not appropriated for any other purpose.

11-18-14
Date

[Signature]
Director of Finance

CERTIFICATE OF LAW DIRECTOR

I have hereby reviewed approved the form of the foregoing Amendment to Agreement this 18th day of November, 2014.

[Signature]
Law Director

Marlin Mechanical LLC
6600 Grant Avenue
Cleveland, OH 44105

Invoice: 6369

(216) 881-5155

Sold to CITY OF STRONGSVILLE
ATTN: JOSEPH M. WALKER
16099 FOLTZ PARKWAY
STONGSVILLE, OH 44149

Ship to CITY OF STRONGSVILLE-COMM BLDG
AUTOMATION SYSTEM REPLACEMENT

Account P.O. Num Ship Via Ship Date Terms Invoice Date Page
STRONGS 5807 A Net 30 10/15/13 1

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	0	MMLLC JOB NO. C10613 COMMUNICATIONS BUILDING AUTOMATION SYSTEM BUILDING CONTROL SYSTEM INTEGRATION		
		QUOTED JOB:	0.00	0.00*
	1	BUILDING CONTROL SYSTEM:	7,815.00	7,815.00*
	1	SERVER SOFTWARE INSTALLATION:	3,944.00	3,944.00*

* means item is non-taxable
PLEASE REMIT TO:
MARLIN MECHANICAL LLC
P.O. BOX 74280
CLEVELAND, OH 44194-4280

Subtotal 11,759.00

Total \$11,759.00

