

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 230

By: Mr. Maloney

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 4 FOR A FURTHER 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 for an increase in the contract price of \$155,898.05; and

WHEREAS, by and through Ordinance No. 2014-078, passed April 21, 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 required because of conflict with other utilities, for an increase in the contract price of \$135,330.45; and

WHEREAS, by and through Ordinance No. 2014-131, passed July 7, 2014, the City, through the City Engineer, further 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 which was necessary to avoid delay costs due to conflicts with utilities, unknown field conditions, and a change in material specifications for signal poles, all of which resulted in an increase in the contract price in the amount of \$45,701.90; 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, among other things, conflicts with utilities, adjustments for water service, and asphalt pavement installation at Boston Road, 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 \$97,699.05 for a new total Project cost of \$7,486,761.85.

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. 4 to the contract in the amount of \$97,699.05, 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. 4 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 \$97,699.05, thereby increasing the total Project cost to \$7,486,761.85.

**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 Dayton  
President of Council

Approved: Thomas S. Bruer  
Mayor

Date Passed: December 1, 2014

Date Approved: December 2, 2014

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

Attest: Jim Pientka  
Clerk of Council

ORD. No. 2014-230 Amended: \_\_\_\_\_  
1st Rdg. 12-1-14 Ref: \_\_\_\_\_  
2nd Rdg. Suspended Ref: \_\_\_\_\_  
3rd Rdg. Suspended Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: 12-1-14 Defeated: \_\_\_\_\_

**CHANGE ORDER**

Change Order No.: 4  
Date: November 8, 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 \$ 7,389,062.80

The CONTRACT PRICE due to this CHANGE ORDER  
will be (**increased**) (decreased) by: \$ 97,699.05

The FINAL CONTRACT PRICE including this  
CHANGE ORDER will be \$ 7,486,761.85

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 11/10/14  
Maria Fearer, Vice President  
Fabrizi Trucking & Paving (Date)

Recommended by: Thomas B. Gwydir, Jr. 11/11/14  
Thomas B. Gwydir, Jr., P.E.  
CT Consultants, Inc (Date) *TCB 11-10-14*

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

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



# Summary of Review Totals

## Proposed Change Order Number 4

<u>Item No.</u>		<u>Value of Extra Work</u>	
		<i>LOCAL Funding</i>	<i>ODOT Eligible</i>
4-1 60	Water service in conflict with the stone wall. Service was lowered.		\$ 419.06
4-2 68	Andros requested extra work to re-dress the property, eliminating a severe slope grading issue.		\$ 2,988.53
4-3 63	Set outlet structures on Boston Rd. Required by contract but not defined with a pay item		\$ 224.34
4-4 74	Price for replacement of valve boxes on the 24" watermain. They are to be adjusted but full replacement was necessary. 13 each @ \$750 per		\$ 9,750.00
4-5 77	NTH recommended wire mesh be placed on the 24" watermain trench for additional protection.		\$ 27,014.40
4-6 78	Underground electrical services are in conflict with the pavement at Pearl/Ellsworth. The conduit and conductors needed lowered.		\$ 3,680.00
4-7 65-2	Full width asphalt paving of Boston Rd, from east side of project limits to west side.		\$ 44,798.25
4-8 84	Cut in an access road to the Glenrock subdivision to maintain access for the subdivision contractor. Condition not present at time of bid.		\$ 2,699.57
4-9 59	The pole and mirror opposite 19784 will be moved to behind the new curb. Homeowner requested the mirror to remain for sight issues.		\$ 3,742.00

	<b>Sub-Total</b>	\$	-	\$	<b>95,316.15</b>
<b>Bond Increase</b>	2.50%		\$0.00		\$2,382.90
	<b>Totals</b>	\$	-	\$	<b>97,699.05</b>

**Settled Amount of Change Order #4** **\$97,699.05**