

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 020

By: Mr. Maloney

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 5 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, by and through Ordinance No. 2014-230, passed December 1, 2014, the City, through the City Engineer, again determined and recommended that it would be in the best interests of the City to approve a change order to include as a part of the Project, generally being additional work requested by the City, which was

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 020

Page 2

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 of which resulted in an additional increase in the amount of \$97,699.05; and

WHEREAS, the City's Construction Manager, CT Consultants, Inc., and the City's Engineer now are recommending 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, to accelerate the opening of the road ahead of schedule and, among other things, provide for a change in the backfill required behind retaining walls, removal and replacement of a drive apron, and repair of sprinkler systems, 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 \$43,393.24 for a new total Project cost of \$7,530,155.09.

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. 5 to the contract in the amount of \$43,393.24, 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. 5 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 \$43,393.24, thereby increasing the total Project cost to \$7,530,155.09.

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: James B. Zierke
Mayor

Date Passed: February 2, 2015

Date Approved: Feb. 2, 2015

	<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 Pientka
Clerk of Council

ORD. No. 2015-020 Amended: _____
 1st Rdg. 02-02-15 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: 02-02-15 Defeated: _____

CHANGE ORDER

Change Order No.: 5
Date: _____
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 \$ 7,486,761.85

The CONTRACT PRICE due to this CHANGE ORDER
will be (**increased**) (decreased) by: \$ 43,393.24

The FINAL CONTRACT PRICE including this
CHANGE ORDER will be \$ 7,530,155.09

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 1/6/15
Maria Fearer, Vice President
Fabrizi Trucking & Paving (Date)

Recommended by: Thomas B. Gwydir, Jr. 1/19/15
Thomas B. Gwydir, Jr., P.E.
CT Consultants, Inc (Date)

Accepted by: Ken Mikula 2/3/15
Ken Mikula, P.E.
City of Strongsville (Date)

Federal Agency Approval
(where applicable) _____
(Date)



Summary of Review Totals

Proposed Change Order Number 5

<u>Item No.</u>		<u>Value of Extra Work</u>	
		<u>LOCAL Funding</u>	<u>ODOT Eligible</u>
5-1 <small>92</small>	Fabrizi incurred a cost for overtime to meet the City requested November 23 milestone date to open the road to traffic	\$ 10,073.56	
5-2 <small>93</small>	An electrical box needed to be brought to grade at Pearl Crossing Nursing Home. It was not shown on the plans.		\$ 800.00
5-3 <small>96</small>	East retaining wall had washed stone placed as backfill in lieu of topsoil as the topsoil would have damaged the trees.	\$ 11,789.56	
5-4 <small>95</small>	Mr. Dorr's driveway needed a partial removal for slope considerations to be addressed.	\$ 2,951.02	
5-5 <small>79</small>	Sprinkler system at Thornhill not on the plans. Extra cost to repair damage and reinstate.		\$ 2,115.44
5-6 <small>75</small>	Sprinkler system at Pearl Crossing not on the plans. Extra cost to locate, bring to new grade, and reinstate.		\$ 9,975.00
5-7 <small>65-2</small>	Full width asphalt paving of Boston Rd, from east side of project limits to west side. Extra 15.857 CY at \$292/CY of asphalt used over the proposed amount of \$44,789.25		\$ 4,630.29
	Sub-Total	\$ 24,814.14	\$ 17,520.73
	Bond Increase	2.50% \$620.35	\$438.02
	Totals	\$ 25,434.49	\$ 17,958.75
	Settled Amount of Change Order #5	\$43,393.24	