

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 107

By: Mr. Maloney

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 6 FOR AN EXTENSION OF THE COMPLETION DATE 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 Nos. 2014-040, 2014-078, 2014-131, 2014-230 and 2015-020, the City, through the City Engineer, and as recommended by the City's Construction manager, CT Consultants, Inc., determined it would be in the best interests of the City to approve Change Orders 1 through 5, to include as a part of the Project various additional work required for the Project to continue, all in the total amount of \$478,022.69; and

WHEREAS, the City's Construction Manager, CT Consultants, Inc., and the City's Engineer now are recommending that due to the unusually long and harsh winter weather conditions, it will be necessary and in the best interests of the City to extend the required time period for completion of the contract by sixty-two (62) calendar days, from May 9, 2015 to July 10, 2015, all as more fully set forth in Change Order No. 6 marked as Exhibit A, and attached hereto and incorporated herein as if fully rewritten.

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. 6 to the contract, thereby extending the required time period for completion of the contract by an additional sixty-two (62) days, from May 9, 2015 to July 10, 2015, as recommended by CT Consultants, Inc. and the City Engineer, and consistent with Section 15 of the General Conditions to the contract with **FABRIZI TRUCKING & PAVING CO., INC.**

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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 contract date in order to properly 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. Brind
 Mayor

Date Passed: June 1, 2015.

Date Approved: June 2, 2015.

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

Attest: Christina Menech
 Assistant Clerk of Council

ORD. No. 2015-107. Amended: _____
 1st Rdg. 06/01/15 Ref: _____
 2nd Rdg. suspended Ref: _____
 3rd Rdg. suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 06/01/15 Defeated: _____

CHANGE ORDER

Change Order No.: 6
Date: May 6, 2015
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: Time extension for project completion

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$ 7,052,132.40
Current CONTRACT PRICE adjusted by
Previous CHANGE ORDER \$ 7,530,155.09
The CONTRACT PRICE due to this CHANGE ORDER
will be (increased) (decreased) by: \$ 0.00
The FINAL CONTRACT PRICE including this
CHANGE ORDER will be \$ 7,530,155.09

Change to CONTRACT TIME:

The CONTRACT TIME will be **increased** by 62
(Calendar Days)
Original Completion Date May 9, 2015
The date for completion of all WORK will be July 10, 2015
(Date)

Requested by: Maria Fearer 5/6/15
Maria Fearer, Vice President (Date)
Fabrzi Trucking & Paving

Recommended by: Thomas B. Gwydir, Jr. 5-8-15
Thomas B. Gwydir, Jr., P.E. (Date)
CT Consultants, Inc

Accepted by: Ken Mikula 6-2-15
Ken Mikula, P.E. (Date)
City of Strongsville

Federal Agency Approval
(where applicable) _____ (Date)

Summary of Review Totals

Proposed Change Order Number 6

<u>Item No.</u>		<u>Value of Extra Work</u>	
		<i>LOCAL Funding</i>	<i>ODOT Eligible</i>
6-1	Time Extension for Final Completion to July 10, 2015.	\$ -	\$ -
	Sub-Total	\$ -	\$ -
Bond Increase	2.50%	\$0.00	\$0.00
	Totals	\$ -	\$ -
Settled Amount of Change Order #6		\$0.00	

NOTICE TO PROCEED

To: **Fabrizi Trucking & Paving Co., Inc.**

Date: Nov 5, 2013

PROJECT Description: **PEARL ROAD WIDENING PROJECT (CUY-42-0.00).**

You are hereby notified to commence WORK in accordance with the Agreement dated October 18, 2013 on or before November 15, 2013, and you are to complete the WORK within 540 consecutive calendar days thereafter. The date of completion of all WORK is therefore May 9, 2015.

You are required to return an acknowledged copy of this NOTICE TO PROCEED to the OWNER.

CITY OF STRONGSVILLE

Owner

By Thomas P. Perciak

Name **THOMAS P. PERCIAK**

Title **MAYOR**

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged

By [Signature]
this the 5th day
of November, 2013.
Name Emilio Fabrizi
Title President