

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2015 – 165**

**By: Mr. Maloney**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 7 (FINAL) 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 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, by and through Ordinance No. 2015-107, the City's Construction Manager and the City Engineer further determined that it would be necessary to extend the required time period for completion of the contract from May 9, 2015 to July 10, 2015, all as more fully set forth in Change Order No. 6; 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 and authorize further changes in the work performed or to be performed by Fabrizi Trucking and Paving Co., Inc., in connection with certain additional work requested by the City such as surveying costs, fiber optic work, various electrical work, installing a retaining wall and irrigation, and reconciliation of actual field quantities with plan quantities, all as more fully detailed in the Change Order 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 \$117,220.23 for a new total and final Project cost of \$7,647,375.32.

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. 7 (Final) comprising additional work requested by the City and reconciliation of actual field quantities with plan quantities, all as recommended by CT Consultants, Inc. and the City Engineer; and after the issuance and approval of Change Order No. 7 (Final) and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to **FABRIZI TRUCKING & PAVING CO., INC.**, consistent with the adjusted total Project and contract amount of \$7,647,375.32.

**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; 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 provide safe roads in the City, to facilitate payment to the contractor for changes in the work, to avoid potential legal entanglements, 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.

  
\_\_\_\_\_  
President of Council

Approved:   
\_\_\_\_\_  
Mayor

Date Passed: September 8, 2015

Date Approved: September 9, 2015

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	<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: Aimee Pientka  
Clerk of Council

ORD. No. 2015-165 Amended:         
1st Rdg. 09-08-15 Ref:         
2nd Rdg. Suspended Ref:         
3rd Rdg. Suspended Ref:       

Pub Hrg.        Ref:         
Adopted: 09-08-15 Defeated:

## CHANGE ORDER

Change Order No.: 7 FINAL  
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 \$ 7,530,155.09

The CONTRACT PRICE due to this CHANGE ORDER  
will be *increased* by: \$ 117,220.23

The FINAL CONTRACT PRICE including this  
CHANGE ORDER will be \$ 7,647,375.32

### 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 July 10, 2015  
(Date)

### Requested by:

\_\_\_\_\_  
Maria Fearer, Vice President  
Fabrizi Trucking & Paving (Date)

### Recommended by:

\_\_\_\_\_  
Thomas B. Gwydir, Jr., P.E.  
CT Consultants, Inc (Date)

### Accepted by:

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

Federal Agency Approval  
(where applicable)

\_\_\_\_\_  
(Date)

EX. A

## Summary of Review Totals

### Proposed Change Order Number 7 FINAL

<u>Item No.</u>		<u>Value of Extra Work</u>	
		<u>LOCAL Funding</u>	<u>ODOT Eligible</u>
7-1	City requested the corner of Ellsworth/Pearl to be graded with a swale to prevent flooding to the west. City did not pursue the restoration.	\$ 399.00	
88	Surveyor costs are reflected.		
7-2	City desires South Shore to install the fiber optic connections and splices as they are familiar with the existing set-up in the City. South Shore's pricing is a bit higher than contract. Contract items non-performed.	\$ 8,426.25	
102			
7-3	The underground electrical work at Thornhill occurred on a Saturday. Overtime charges incurred as a result.		\$ 3,273.12
33			
7-4	There is an electrical line at Ellsworth that needs to be re-connected. It is for the sign in the island.		\$ 2,644.99
99			
7-5	A retaining wall was installed at the Ellsworth Dr island. The plans did not provide for trees and shrubbery in the grading plan.		\$ 7,404.74
105			
7-6	A sprinkler system was discovered at Ellsworth Drive island. It had to be removed and reset as a result of construction.		\$ 4,725.00
85			
7-7	At the intersection of Pearl & Boston, 9 conductor wire was required as opposed to plan 7 conductor.		\$ 967.50
69			
7-8	Added saw cutting of curb for the CWD drive apron enlargement. City directed and ODOT approved during the punchlist walk through.		\$ 675.00
114			
7-9	104.02 adjustment for underperformed items		\$ 7,699.94
	Line item reconciliation		\$ 78,145.66
<b>Sub-Total</b>		<b>\$ 8,825.25</b>	<b>\$ 105,535.95</b>
<b>Bond Increase</b>		<b>2.50%</b>	<b>\$220.63</b>
			<b>\$2,638.40</b>
<b>Totals</b>		<b>\$ 9,045.88</b>	<b>\$ 108,174.35</b>

**Settled Amount of Change Order #7 FINAL**

**\$117,220.23**