

ORDINANCE NO. 20-005

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK BEING PERFORMED BY KOKOSING INDUSTRIAL, INC. OF TOLEDO, OHIO, FOR THE SHORELINE DRIVE REHABILITATION PROJECT IN THE AMOUNT OF \$1,207,937.30; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as part of the Bicentennial Vision Comprehensive Plan, the City proclaimed a desire to reconstruct Shoreline Drive in coordination with the rehabilitation of the Jackson Pier; and

WHEREAS, the Shoreline Drive Rehabilitation Project involves the rehabilitation and streetscape improvements of Shoreline Drive including a multipurpose path and upgrading utilities; and

WHEREAS, subsequent to a Request for Qualifications (RFQ) process, this City Commission approved an agreement with Osborn Engineering of Cleveland, Ohio, for professional Design Services for the preliminary engineering of the Shoreline Drive Rehabilitation Project by Ordinance No. 17-016, passed on February 13, 2017, and subsequently approved another agreement for Professional Design Services for the preparation of the design-build documents, bidding documents, and construction engineering by Ordinance No. 17-224, passed on December 11, 2017; and; and

WHEREAS, the City issued a Request for Qualifications (RFQ) pursuant to the Ohio Revised Code for eligible Design-Build Teams (DBT) and this City Commission approved a Design-Build Contract with Kokosing Industrial, Inc., of Toledo, Ohio, for the Shoreline Drive Rehabilitation Project by Ordinance No. 18-192, passed on October 9, 2018; and

WHEREAS, this First Change Order provides for an extension of the completion date from March 7, 2020, to May 2, 2020, and for additional work as summarized below:

Hancock Waterline	\$ 28,058.00
Jackson Street Bump-outs	\$ 49,861.06
Fire service, 115 West Water Street	\$ 6,000.00
Fire service, 131 East Water Street	\$ 6,000.00
Water service, 219 East Water Street	\$ 2,324.00
East End Traffic Calming Analysis	\$ 7,220.40
Mile Marker Zero	\$ 126,342.92
Overhead Utility Burial	\$ 958,036.90
Drive Apron, 131 East Water Street	\$ 2,790.00
<u>Private Utility Burial</u>	<u>\$ 21,304.02</u>
Total	\$ 1,207,937.30

WHEREAS, the original contract with Kokosing Industrial, Inc. was \$8,789,877.00 and with the addition of this First Change Order in the amount of

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\$1,207,937.30, the revised contract cost is \$9,997,814.30 and will be paid as follows:

OWDA - Sewer Funds (Storm Water)	\$ 1,305,579.00
OWDA - Water Funds	\$ 1,205,623.00
OWDA - Sewer Funds (Sanitary)	\$ 1,709,517.00
CDBG Funds (FY 2018)	\$ 460,542.00
Capital Funds (Chesapeake TIF proceeds)	\$ 3,655,898.68
Issue 8 Funds (2018 Sandusky Bay Pathway)	\$ 300,000.00
Capital Funds (2018 Sandusky Bay Pathway)	\$ 168,332.00
Issue 8 Funds (2018 Road)	\$ 253,430.00
Grant (Wightman-Wieber Foundation)	\$ 500,000.00
Private Funding	\$ 17,114.00
CDBG Funds (FY 2019)	\$ 372,646.59
Capital Funds (Battery Park TIF)	\$ 45,632.03
State of Ohio ODNR Grant	\$ 3,500.00
Total	\$ 9,997,814.30

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately approve the change order and costs to allow payment to be made to the contractor for work already performed and to continue working on the project to avoid downtime and possible cost increase and also allow the contractor to disburse funds to Ohio Edison to begin performing the utility burial work; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this First Change Order for work to be performed for the Shoreline Drive Rehabilitation Project in an amount **not to exceed** One Million Two Hundred Seven Thousand Nine Hundred Thirty Seven and 30/100 Dollars (\$1,207,937.30) resulting in a revised contract cost of Nine Million Nine Hundred Ninety Seven Thousand Eight Hundred Fourteen and 30/100 Dollars (\$9,997,814.30) with

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Kokosing Industrial, Inc., of Toledo, Ohio, and to extend the completion date from March 7, 2020, to May 2, 2020.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2020