

**ORDINANCE NO. 20-127**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND CHANGE ORDER FOR WORK PERFORMED BY DONLEY'S, INC., OF CLEVELAND, OHIO, FOR THE JACKSON STREET PIER REHABILITATION PROJECT IN THE AMOUNT OF \$279,500.00; 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 Jackson Street Pier Rehabilitation Project involves the rehabilitation and landscape of the Jackson Street Pier, including the parklet at the Chesapeake lofts; 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

**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 Donley's Inc., of Cleveland, Ohio, for the Jackson Street Pier Rehabilitation Project by Ordinance No. 18-193, passed on October 9, 2018; and

**WHEREAS**, this City Commission approved the First Change Order for additional work for the Ticket House & Foundation and Pavilion Facility in the amount of \$178,693.00 and for the extension of the completion date from March 14, 2020, to May 22, 2020, by Ordinance No. 20-030, passed on February 10, 2020; and

**WHEREAS**, this Second Change Order provides for an extension of the completion date from May 22, 2020, to June 12, 2020, and for additional work including the U.S. Customs and Border Protection facility in the amount of \$279,500.00; and

**WHEREAS**, the current contract with Donley's, Inc. was \$8,044,686.00 and with the addition of this Second Change Order in the amount of \$279,500.00, the revised contract cost is \$8,324,186.00 and will be paid as follows:

OWDA - Sewer Funds (Storm Water)	\$	349,542.00
OWDA - Water Funds	\$	476,580.00
OWDA - Sewer Funds (Sanitary)	\$	166,585.00

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CDBG Funds (Revolving Loan Fund)	\$ 210,157.00
Capital Funds (Chesapeake TIF proceeds)	\$ 4,361,129.00
ODNR Grant Funds	\$ 70,000.00
Private Funding	\$ 2,247,000.00
<b>Private Funding (Owen Sound Transportation)</b>	<b>\$ 279,500.00</b>
Economic Development Incentive Committee	\$ 15,000.00
Appropriation	
<u>Programming / Marketing Funds</u>	<u>\$ 148,693.00</u>
<b>Total</b>	<b>\$ 8,324,186.00</b>

**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 Second Change Order to avoid further project delays and make timely payment to the contractor for work already performed; 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 Second Change Order for work to be performed for the Jackson Street Pier Rehabilitation Project in an amount **not to exceed** Two Hundred Seventy Nine Thousand Five Hundred and 00/100 Dollars (\$279,500.00) resulting in a revised contract cost of Eight Million Three Hundred Twenty Four Thousand One Hundred Eighty Six and 00/100 Dollars (\$8,324,186.00) with Donley's, Inc., of Cleveland, Ohio, and to extend the completion date from May 22, 2020, to June 12, 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.

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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.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: 

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MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: August 24, 2020