

ORDINANCE NO. 20-156

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY SMITH PAVING & EXCAVATING, INC., OF NORWALK, OHIO, FOR THE 2018 SIDEWALK REPAIR & REPLACEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2018 Sidewalk Repair & Replacement Project by Resolution No. 021-18R, passed on May 14, 2018; and

WHEREAS, this City Commission approved the awarding of the contract to Smith Paving & Excavating, Inc., of Norwalk, Ohio, for work to be performed for the 2018 Sidewalk Repair & Replacement Project by Ordinance No. 18-120, passed on June 11, 2018; and

WHEREAS, the 2018 Sidewalk Repair & Replacement Project consisted of sidewalk and curb repairs at residential locations as well as improvements to Central Park, as part of the overall park improvements, curb ramps at the Amtrak Station, Meigs Street Pier, and the sidewalk in the block of Harborview Senior Living on Franklin Street; and

WHEREAS, the contractor was unable to perform the concrete repairs on the external face and surface on the Meigs Street Pier due to high bay elevations and weather conditions that began towards the end of 2018 and furthermore, all of the materials purchased to complete this work have exceeded their expiration date and can no longer be used; and

WHEREAS, the City and Smith Paving & Excavating Inc. have agreed to non-perform this remaining task resulting in this First & Final Change Order which reflects the actual work performed in the field by the contractor and the actual quantities used; and

WHEREAS, the original contract with Smith Paving & Excavating, Inc., was \$150,986.70 and with the **deduction** of this First & Final Change Order in the amount of \$36,150.20 the final contract cost is \$114,836.50, which was paid in 2018 with Capital Projects Funds, Sandusky Neighborhood Initiative Funds, and Issue 8 Infrastructure Funds; and

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 close out the project and to release the contractor's bond and insurance; 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,

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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 & Final Change Order for work performed for 2018 Sidewalk Repair & Replacement Project and to **deduct** from the contract amount the sum of Thirty Six Thousand One Hundred Fifty and 20/100 Dollars (\$36,150.20) resulting in the final contract cost of One Hundred Fourteen Thousand Eight Hundred Thirty Six and 50/100 Dollars (\$114,836.50) with Smith Paving & Excavating, Inc., of Norwalk, Ohio.

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:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION