

ORDINANCE NO. 21-095

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY NORTH BAY CONSTRUCTION, INC. OF WESTLAKE, OHIO, FOR THE PIER TRACK PUMP STATION AND FARWELL PUMP STATION IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Pier Track Pump Station and Farwell Pump Station Improvements Project involves the replacement of three (3) pumps and the generator at the Pier Track Pump Station located along the eastern side of Cedar Point Road between Cleveland Road and First Street and major improvements to the Farwell Pump Station located along Farwell Street between Second Street and First Street; and

WHEREAS, the improvements to the Pier Track and Farwell Pump Stations were required by the Ohio Environment Protection Agency (OEPA) pursuant to negotiations related to the CSO General Plan; and

WHEREAS, this City Commission approved an agreement for Professional Design Services with Jones & Henry Engineers, Ltd., of Toledo, Ohio, for the Pier Track Pump Station and Farwell Pump Station Improvements Project by Ordinance No. 17-228, passed on December 11, 2017, and subsequently approved an amendment to the agreement for additional services by Ordinance No. 18-195, passed on October 9, 2018; and

WHEREAS, this City Commission approved the filing of an application with the Ohio Environmental Protection Agency (OEPA) for a loan through the Water Pollution Control Loan Fund (WPCLF) Program for the design and construction of the Pier Track Pump Station and Farwell Pump Station Improvements Project by Resolution No. 048-18R, passed on October 22, 2018; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Pier Track Pump Station and Farwell Pump Station Improvements Project by Resolution No. 007-19R, passed on February 11, 2019; and

WHEREAS, this City Commission approved the awarding of the contract to North Bay Construction, Inc. of Westlake, Ohio, for the Pier Track Pump Station and Farwell Pump Station Improvements Project by Ordinance No. 19-064, passed on April 8, 2019; and

WHEREAS, this First & Final Change Order provides for an extension of the final completion date from July 17, 2020, to June 1, 2021, and reflects the additions and deductions to the contract as summarized below:

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CONTINGENCY		
111	Project Contingency	-\$228,297.00
ALLOWANCES		
112	Allowance For Electrical Work - Pier Track (Ohio Edison)	-\$6,000.00
113	Allowance For Electrical Work - Farwell (Ohio Edison)	-\$5,000.00
114	Allowance for System Integrator - Pier Track	-\$2,685.00
115	Allowance for System Integrator - Farwell	-\$2,025.00
116	Allowance for New SCADA System - Pier Track	-\$4,763.49
117	Allowance for New SCADA System - Farwell	-\$424.42
118	Allowance for Cleveland Road Sewer Extension	-\$85,000.00
EXTRA WORK ITEMS		
Item #1	Add handholes to Pier Track pump volutes	\$5,016.68
Item #2	Pier Track Switchable exterior light	\$879.46
Item #3	Pier Track add riser to bypass manhole	\$10,448.26
Item #4	Calibration and start-up of Farwell 24 inch flow meter	\$1,923.93
Item #5	6 ft. access gate @ Pier Track	\$1,417.93
Item #6	Furnish step-down regulators on generator and MUA at Pier Track	\$1,817.40
Item #7	Farwell Integrate Ginty Pump Station with SCADA system	\$33,061.45
Item #8	VFD Components for By-pass Capabilities	\$32,176.31
Item #9	Farwell Odor Control Canister	\$2,936.88
Item #10	Farwell by-pass pump rental	\$15,547.16
Item #11	Paint existing items-additional areas Pier Track/Farwell	\$1,934.11
Item #12	Replace Farwell suction gate valve handwheels	\$3,647.20
Item #13	Farwell Step down regulator, painted by NBC	\$1,466.74
Item #14	Time extension-final completion June 1, 2021	\$0.00
TOTAL		-\$221,921.40

WHEREAS, the original contract with North Bay Construction, Inc., was \$2,752,444.00 and with the **deduction** of this First & Final Change Order in the amount of \$221,921.40, the final contract cost is \$2,530,522.60 that will be paid with a 0% interest Ohio Water Pollution Control Loan (WPCLF) which will be repaid with Sewer Funds and with partial reimbursement from Erie County pursuant to the Sewer Services Agreement and associated Amendments which is 55% for the Farewell Pump Station and 48% for the Pier Track Pump Station; 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 make payment to contractor in a timely manner for work already performed and to close out the completed project; 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,

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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 Pier Track Pump Station and Farwell Pump Station Improvements Project and to **deduct** from the contract amount the sum of Two Hundred Twenty One Thousand Nine Hundred Twenty One and 40/100 Dollars (\$221,921.40) resulting in the final contract cost of Two Million Five Hundred Thirty Thousand Five Hundred Twenty Two and 60/100 Dollars (\$2,530,522.60) with North Bay Construction, Inc. of Westlake, Ohio, and extending the final completion date from July 17, 2020 to June 1, 2021.

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

Passed: June 28, 2021