

ORDINANCE NO. 21-105

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY GREAT LAKES DEMOLITION COMPANY, LLC, OF VICKERY, OHIO, FOR THE MCCARTNEY ROAD RECONSTRUCTION, STORM SEWER, AND STORM PUMP STATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project involves the reconstruction of McCartney Road, including a new storm drainage system, new pump station, new culvert under Barrett Road, along with the resurfacing of Ward Street, Church Street, and the north section of Niagara Street; and

WHEREAS, this City Commission authorized the submission of an application for financial assistance to the Ohio Public Works Commission (OPWC) for the McCartney Road Reconstruction Project by Resolution No. 044-17R, passed on August 28, 2017; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an agreement for Professional Design Services with CT Consultants, Inc., of Mentor, Ohio, for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project by Ordinance No. 17-167, passed on August 28, 2017; and

WHEREAS, the City was not awarded grant funding but was notified by OPWC in April of 2018, of excess funding available and was offered a loan in the amount of \$175,000.00 with zero percent (0%) interest to be repaid over the useful life of the project, which is twenty (20) years and this City Commission authorized and directed the City Manager to enter into a Project Loan Agreement with the Director of OPWC for the McCartney Road Reconstruction Project by Ordinance No. 18-150, passed on July 23, 2018; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an Amendment to the Agreement for Professional Design Services with CT Consultants, Inc., of Mentor, Ohio, for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project by Ordinance No. 18-196, passed on October 9, 2018; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project by Resolution No. 016-19R, passed on April 8, 2019; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into a Professional Services Agreement with Red Barn Engineering, Inc. of Kenmore, Washington, for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project and relating to the Barrett Road Culvert Replacement by Ordinance No. 19-148, passed on August 26, 2019; and

WHEREAS, the City Commission approved the awarding of the contract to Great Lakes Demolition Company, LLC, of Vickery, Ohio, for work to be performed for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project by Ordinance No. 19-199, passed on November 25, 2019; and

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WHEREAS, this City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of construction for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project by Ordinance No. 19-200, passed on November 25, 2019; and

WHEREAS, this First & Final Change Order reflects the actual work performed and actual quantities used in the field by the contractor and the extension of the completion date from July 17, 2020 to June 1, 2021; and

WHEREAS, the original contract with Great Lakes Demolition Company, LLC, of Vickery, Ohio, was \$1,565,540.55, and with the **deduction** of this First & Final Change Order in the amount of \$173,788.39, the final contract cost is \$1,391,752.16 and will be paid with OPWC loan funds in the amount of \$108,215.73 and OWDA loan funds in the amount of \$1,283,536.43; 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 for the contractor to be paid for work already completed and items already installed in the field 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 Services, 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 & Final Change Order for work performed for the McCartney Road Reconstruction, Storm Sewer, and Storm Pump Station Project and to **deduct** from the contract amount the sum of One Hundred Seventy Three Thousand Seven Hundred Eighty Eight and 39/100 Dollars (\$173,788.39) resulting in the final contract cost of One Million Three Hundred Ninety One Thousand Seven Hundred Fifty Two and 16/100 Dollars (\$1,391,752.16) with Great Lakes Demolition Company, LLC, of Vickery, 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

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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: July 12, 2021