

## ORDINANCE NO. 22-021

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY GERKEN PAVING OF NAPOLEON, OHIO, FOR THE 2021 LOCAL STREET RESURFACING PROJECT IN THE AMOUNT OF \$69,210.31; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the 2021 Local Street Resurfacing Project involved the resurfacing with asphalt overlay of many of the worst asphalt street segments in the City, encompassing approximately 173 blocks, or 14.8 miles, covering almost 14% of the entire public street network, in the largest single street resurfacing project in the City's history; and

**WHEREAS**, the City Commission declared the necessity to proceed with the proposed 2021 Local Street Resurfacing Project by Resolution No. 011-21R, passed on March 22, 2021; and

**WHEREAS**, the City Commission approved the awarding of the contract to Gerken Paving of Napoleon, Ohio, for work to be performed for the 2021 Local Street Resurfacing Project by Ordinance No. 21-077, passed on May 24, 2021; and

**WHEREAS**, this First & Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor for unforeseen and emergent storm and sanitary sewer repairs necessary prior to paving and include sinkholes repaired on the southern blocks of Central Avenue caused by disjointed sewer services and road sub-base repairs on Bardshar Road near the Firelands Winery due to erosion causing the road to start falling into the ditch; and

**WHEREAS**, the original contract with Precision Paving, Inc. of Milan, Ohio, was \$2,927,211.90, and with the addition of this First & Final Change Order in the amount of \$69,210.31, the final contract cost is \$2,996,422.21 of which \$1,861,609.87 will be paid with American Rescue Plan Act Stimulus Funds, \$105,989.79 will be paid with State Gas Tax Funds, \$312,005.76 will be paid with Issue 8 Funds from the Street (Capital Projects) Fund, \$210,211.75 will be paid with Water Funds, and the remaining balance of \$506,605.04 will be paid with Sewer 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 make payment to the contractor for work already performed 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 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 & Final Change Order for work performed for the 2021 Local Street Resurfacing Project in an amount **not to exceed** Sixty Nine Thousand Two Hundred Ten and 31/100 Dollars (\$69,210.31) resulting in the final contract cost of Two Million Nine Hundred Ninety Six Thousand Four Hundred Twenty Two and 21/100 Dollars (\$2,996,422.21) with Gerken Paving of Napoleon, 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.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: February 14, 2022