

ORDINANCE NO. 23-017

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY MOSSER CONSTRUCTION INC., OF FREMONT, OHIO, FOR THE WASTEWATER TREATMENT PLANT (WWTP) EMERGENCY BACK-UP GENERATOR REPAIR PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the WWTP Emergency Back-up Generator Repair Project involved the rebuilding of an existing 1998 standby generator that operates the 36 MGD ultraviolet disinfection system, two effluent pumps, a 120-volt control panel, and a process gate at the Wastewater Treatment Plant, that became inoperable as the engine on the unit was damaged due to a leak of engine coolant into the crankcase, and the work includes disconnecting and reconnecting the generator, transport to and from the repair facility, all materials, and any temporary back-up power needed if supply chain issues delay service; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed WWTP Emergency Back-up Generator Repair Project by Resolution No. 005-22R, passed on January 10, 2022; and

WHEREAS, this City Commission approved the awarding of the contract to Mosser Construction Inc., of Fremont, Ohio, for work to be performed for the WWTP Emergency Back-up Generator Repair Project by Ordinance No. 22-033, passed on February 28, 2022; and

WHEREAS, this First & Final Change Order provides for unused allowances for crankshaft replacement, generator controls replacement, and generator allowances and additional costs for a temporary generator; and

WHEREAS, the original contract with Mosser Construction Inc. was \$485,000.00, and with the **deduction** of this First & Final Change Order in the amount of \$17,392.30, the final contract cost is \$467,607.70 and will initially be paid with Sewer Funds with partial reimbursement from Erie County pursuant to the Sewer Services Agreement; 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 process final payment to the contractor for work already provided 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 the Wastewater Treatment Plant (WWTP) Emergency Back-up Generator Repair Project and to **deduct** from the contract amount the sum of Seventeen Thousand Three Hundred Ninety Two and 30/100 Dollars (\$17,392.30) resulting in the final contract cost of Four Hundred Sixty Seven Thousand Six Hundred Seven and 07/100 Dollars (\$467,607.70) with Mosser Construction Inc., of Fremont, 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: February 13, 2023