

ORDINANCE NO. 23-173

AN ORDINANCE AMENDING ORDINANCE NO. 23-146, PASSED ON JULY 10, 2023; AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY UNDERGROUND UTILITIES, INC. OF MONROEVILLE, OHIO, FOR THE MEIGS STREET RECONSTRUCTION & MULTI-USE PATH PROJECT IN THE AMOUNT OF \$41,646.13; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved the submission of an application to the Erie Regional Planning Commission Metropolitan Planning Organization (MPO) for financial assistance for the Meigs Street Reconstruction & Multi-Use Path Project and, if awarded, approving an LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) by Resolution No. 056-16R, passed on September 26, 2016; and

WHEREAS, the Meigs Street Reconstruction & Multi-Use Path Project involved the reconstruction of two (2) blocks of Meigs Street, as well as replacing the water main, installing a sanitary sewer, resurfacing four (4) other blocks adding a bike path for all six (6) blocks as well as new driveway aprons for the East side of the road and resurfacing six (6) blocks south of Washington Street; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Meigs Street Reconstruction & Multi-Use Path Project by Resolution No. 006-22R, passed on January 10, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Underground Utilities, Inc. of Monroeville, Ohio, for work to be performed for the Meigs Street Reconstruction & Multi-Use Path Project by Ordinance No. 22-048, passed on March 14, 2022; and

WHEREAS, this First & Final Change Order reflects additional work performed and materials needed during the contract period and includes adjustments to grade south of Washington Street, more aggregate base on the bike path and in construction than estimated, additional variable depth of paving at Market Street and Washington Street intersection, additional material required due to water and sewer trenches at Washington and Water Streets extended south of Washington Street, more pipe used than planned, unmarked sewers that were damaged and required reconnection, adding catch basin due to grading issue caught prior to final paving, as well as extending the completion date from September 2, 2022 to November 11, 2022; and

WHEREAS, subsequent to approval of Ordinance No. 23-146, an audit was performed, and an error was found that resulted in increased funding from the Ohio Department of Transportation for construction activity previously thought to be paid with City funds, and therefore, it is necessary to amend Ordinance No. 23-146 to reflect the correct funding splits; and

WHEREAS, the original contract with Underground Utilities, Inc. of Monroeville, Ohio, was \$1,808,334.80 and with the addition of this First & Final Change Order in the amount of \$41,646.13, the final contract cost is \$1,849,990.93, and the change order will increase the amounts to be paid with

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ODOT funds in the amount of **\$19,791.65**, Sewer Funds in the amount of **\$7,022.67**, and Issue 8 Street Funds in the amount of **\$15,703.71**, and the Water Funds will be decreased by **\$871.90**; 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. This City Commission hereby amends Ordinance No. 223-146, passed on July 10, 2023.

Section 2. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Meigs Street Reconstruction & Multi-Use Path Project in an amount **not to exceed** Forty-One Thousand Six Hundred Forty-Six and 13/100 Dollars (\$41,646.13) resulting in the final contract cost of One Million Eight Hundred Forty-Nine Thousand Nine Hundred Ninety and 93/100 Dollars (\$1,849,990.93) with Underground Utilities, Inc. of Monroeville, Ohio, and to extend the completion date from September 2, 2022, to November 11, 2022.

Section 3. 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 4. 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

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law.

Section 5. 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: August 28, 2023