

ORDINANCE NO. 23-217

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK PERFORMED BY SPEER BROS., INC. OF SANDUSKY, OHIO, FOR THE PERKINS AVENUE WATERLINE AND RESURFACING PROJECT IN THE AMOUNT OF \$642,393.02; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Perkins Avenue Waterline and Resurfacing Project will provide for the replacement of the waterline with a new, larger size line, allowing better flows and water quality in the immediate and adjacent areas, fire hydrants, service lines and water meters, limited sidewalks, driveway aprons, catch basins, asphalt resurfacing, ADA ramps, and curbing on Perkins Avenue beginning at Anita Avenue and ending at the Mills Creek bridge, just west of the old YMCA, for a total length of nearly two (2) miles and additionally includes 52nd Street; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with GPD Group of Cleveland, Ohio, for the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 21-078, passed on May 24, 2021; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Perkins Avenue Waterline and Resurfacing Project by Resolution No. 050-22R, passed on September 12, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Speer Bros., Inc. of Sandusky, Ohio, for work to be performed for the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 22-208, passed on October 24, 2022; and

WHEREAS, the City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of construction for the storm sewer, sanitary and water, as part of the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 22-209, passed on October 24, 2022; and

WHEREAS, this First Change Order reflects changes in quantities of pavement repair and full depth concrete pavement removal, and additional work for State Route 4 and Perkins Avenue 30" transmission waterline repair and for Columbus Avenue 16" waterline repair and railroad tie removal; and

WHEREAS, the original contract with Speer Bros., Inc. of Sandusky, Ohio, was \$5,411,227.34, and with the addition of this First Change Order in the amount of \$642,393.02, the revised contract cost is \$6,053,620.36 and will be paid as follows:

PAGE 2 - ORDINANCE NO. 23-217

	Original	Change Order	Revised
OWDA Loan - Water	\$ 3,807,537.15	\$ (1,367,859.59)	\$ 2,439,677.56
OWDA Loan - Storm/Sewer	\$ 518,547.30	\$ 270,395.50	\$ 788,942.80
OPWC Loan	\$ 145,049.00	\$ (145,049.00)	\$ -
OPWC Grant	\$ 325,000.00	\$ -	\$ 325,000.00
Issue 8	\$ 615,093.89	\$ (615,093.89)	\$ -
ODOD Grant	\$ -	\$ 2,500,000.00	\$ 2,500,000.00
	\$ 5,411,227.34	\$ 642,393.02	\$ 6,053,620.36

WHEREAS, approval is being requested in companion legislation to accept grant funds from the Department of Development through the Water and Wastewater Infrastructure Program for the Perkins Avenue Waterline and Resurfacing Project, in the amount \$2.5 million; 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 allow for prompt payment of approved work to the contractor for work already performed and items already installed in the field; 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 Change Order for work performed for the Perkins Avenue Waterline and Resurfacing Project in an amount **not to exceed** Six Hundred Forty-Two Thousand Three Hundred Ninety-Three and 02/100 Dollars (\$642,393.02) resulting in a revised contract cost of Six Million Fifty-Three Thousand Six Hundred Twenty and 36/100 Dollars (\$6,053,620.36) with Speer Bros., Inc. of Sandusky, 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

PAGE 3 - ORDINANCE NO. 23-217

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: November 13, 2023