

ORDINANCE NO. 23-242

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY JMJ INCORPORATED LTD, D.B.A. HULA CONSTRUCTION OF CASTALIA, OHIO, FOR THE 2023 SIDEWALK REPAIR & REPLACEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2023 Sidewalk Repair & Replacement Project consisted of over 8,184 square feet of sidewalk repairs and a portion of walk along North Depot Street receiving storm drainage tie-in within the walkway as there was heavy ponding from the roadway; and

WHEREAS, this project also included concrete work necessary at Fire Station #7 and additional walkway within Shoreline Park; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2023 Sidewalk Repair & Replacement Project by Resolution No. 018-23R, passed on April 10, 2023; and

WHEREAS, the City Commission approved the awarding of the contract to JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, Ohio, for work to be performed for the 2023 Sidewalk Repair & Replacement Project by Ordinance No. 23-117, passed on May 22, 2023; and

WHEREAS, this First & Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor as well as a substantial reduction in the contingency amount; and

WHEREAS, the original contract with JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, Ohio, was \$153,628.70, and with the **deduction** of this First & Final Change Order in the amount of \$12,483.81, the final contract cost is \$141,144.89 of which \$75,752.11 will be paid with Capital Projects Funds (Issue 8 Infrastructure) \$18,075.68 will be paid with American Rescue Act Funds and the remaining balance of \$47,317.10 will be paid with Capital Improvement 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 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 2023 Sidewalk Repair & Replacement Project and to **deduct** from the contract amount the sum of Twelve Thousand Four Hundred Eighty-Three and 81/100 Dollars (\$12,483.81) resulting in the final contract cost of One Hundred Forty-One Thousand One Hundred Forty-Four and 89/100 Dollars (\$141,144.89) with JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, 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: December 11, 2023