

ORDINANCE NO. 24-065

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND & FINAL CHANGE ORDER FOR WORK PERFORMED BY ERIE BLACKTOP, INC. OF SANDUSKY, OHIO, FOR THE EAST MONROE STREET RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the East Monroe Street Resurfacing Project provided for improvements to East Monroe Street from Decatur Street to Meigs Street and includes the milling of existing pavement, resurfacing with intermediate and surface courses of asphalt, full depth and partial depth base repairs, limited curb and gutter improvements, adjustments to manholes, monument boxes, ADA curb ramps, and pavement markings; and

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 East Monroe Street Resurfacing Project and, if awarded, approving an LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) by Resolution No. 040-18R, passed on September 24, 2018; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed East Monroe Street Resurfacing Project by Resolution No. 059-22R, passed on October 24, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Erie Blacktop, Inc. of Sandusky, Ohio, for work to be performed for the East Monroe Street Resurfacing Project by Ordinance No. 23-004, passed on January 9, 2023; and

WHEREAS, the City Commission approved the First & Final Change Order for work performed by Erie Blacktop, Inc. of Sandusky, Ohio, for the East Monroe Resurfacing Project by Ordinance No. 23-241, passed on December 11, 2023, in which \$13,472.18 was deducted from the contract; and

WHEREAS, during the final project audits, it was discovered that an additional deduction of \$9,200.00 was incurred on the project; and

WHEREAS, this Second & Final Change Order reflects the deduction as well as an extension of the completion date from October 31, 2023, to February 8, 2024; and

WHEREAS, the revised contract with Erie Blacktop, Inc. of Sandusky, Ohio, resulting from the First Change Order was \$755,662.09, and with the **deduction** of this Second & Final Change Order in the amount of \$9,200.00, the final contract cost is \$746,462.09 of which \$581,704.35 (80% of eligible costs) will be paid with ODOT funds and the City's share of \$164,757.74 will be paid with Capital Projects 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

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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 Second & Final Change Order for work performed for the East Monroe Street Resurfacing Project (PID #110322), and to **deduct** from the contract amount the sum of Nine Thousand Two Hundred and 00/100 Dollars (\$9,200.00) resulting in the final contract cost of Seven Hundred Forty-Six Thousand Four Hundred Sixty-Two and 09/100 Dollars (\$746,462.09) with Erie Blacktop, Inc. of Sandusky, Ohio, and to extend the completion date from October 31, 2023, to February 8, 2024.

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: March 25, 2024