

## ORDINANCE NO. 20-159

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY D.L. SMITH CONCRETE, LLC, OF NORWALK, OHIO, FOR THE BUCHANAN STREET RECONSTRUCTION PROJECT – HAYES AVENUE TO CAMPBELL STREET IN THE AMOUNT OF \$5,672.89; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street involved the reconstruction of Buchanan Street between Hayes Avenue and Thomas Street and the resurfacing of Buchanan Street from Thomas Street to Campbell Street; and

**WHEREAS**, this City Commission authorized the submission of an application to the Ohio Public Works Commission (OPWC) to participate in their State Capital Improvement and/or Local Transportation Improvement Programs for the for the Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street by Resolution No. 033-18R, passed on August 27, 2018, and subsequently the City was awarded funds in the amount of \$175,000.00; and

**WHEREAS**, this City Commission declared the necessity to proceed with the proposed Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street by Resolution No. 036-19R, passed on September 9, 2019; and

**WHEREAS**, this City Commission approved the awarding of the contract to D.L. Smith Concrete, LLC, of Norwalk, Ohio, for work to be performed for the Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street by Ordinance No. 19-169, passed on October 14, 2019; and

**WHEREAS**, this First & Final Change Order reflects the actual work performed in the field by the contractor and the actual quantities used; and

**WHEREAS**, the original contract with D.L. Smith Concrete, LLC, was \$407,220.61 and with the addition of this First & Final Change Order in the amount of \$5,672.89, the final contract cost is \$412,893.50 of which \$175,000.00 will be paid with OPWC funds and the remaining balance of \$237,893.50 will be paid with Issue 8 Infrastructure Funds from the Capital Projects Fund; 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 contractor in a timely manner for work already performed 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

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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 & Final Change Order for work performed for Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street in an amount **not to exceed** Five Thousand Six Hundred Seventy Two and 89/100 Dollars (\$5,672.89) resulting in the final contract cost of Four Hundred Twelve Thousand Eight Hundred Ninety Three and 50/100 Dollars (\$412,893.50) with D.L. Smith Concrete, LLC, of Norwalk, 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.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST:

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MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION