

ORDINANCE NO. 21-005

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY BURCH HYDRO INC. OF FREDERICKTOWN, OHIO, FOR THE WASTEWATER TREATMENT PLANT (WWTP) DIGESTER CLEANOUT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the WWTP Digester Cleanout Project involved the removal of the sludge material and dewatered combined material from the Primary Anaerobic #2 Digester at the Wastewater Treatment Plant, including the hauling and disposal of the material in accordance with environmental regulations, and then cleaning of the digester; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed WWTP Digester Cleanout Project by Resolution No. 042-20R, passed on October 12, 2020; and

WHEREAS, this City Commission approved the awarding of the contract to Burch Hydro Inc. of Fredericktown, Ohio, for work to be performed for the WWTP Digester Cleanout Project by Ordinance No. 20-177, passed on November 23, 2020; and

WHEREAS, this First & Final Change Order reflects the deduction of the cost to dispose of the sludge material that was transferred and processed within the plant instead of hauled away and disposed of by contractor and the unused contingency amount; and

WHEREAS, the original contract with Burch Hydro Inc. of Fredericktown, Ohio, was \$69,991.00, and with the **deduction** of this First & Final Change Order in the amount of \$19,572.00, the final contract cost is \$50,419.00 which will be paid with Sewer 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 make final payment to the contractor for work already performed and equipment utilized 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. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the WWTP Digester

PAGE 2 - ORDINANCE NO. 21-005

Cleanout Project and to **deduct** from the contract amount the sum of Nineteen Thousand Five Hundred Seventy Two and 00/100 Dollars (\$19,572.00) resulting in the final contract cost of Fifty Thousand Four Hundred Nineteen and 00/100 Dollars (\$50,419.00) with Burch Hydro Inc. of Fredericktown, 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:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: January 25, 2021