

ORDINANCE NO. 21-021

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND & FINAL CHANGE ORDER FOR WORK PERFORMED BY KOKOSING INDUSTRIAL, INC. OF TOLEDO, OHIO, FOR THE SHORELINE DRIVE REHABILITATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as part of the Bicentennial Vision Comprehensive Plan, the City proclaimed a desire to reconstruct Shoreline Drive in coordination with the rehabilitation of the Jackson Pier; and

WHEREAS, the Shoreline Drive Rehabilitation Project involved the rehabilitation and streetscape improvements of Shoreline Drive including a multipurpose path and upgrading utilities; and

WHEREAS, subsequent to a Request for Qualifications (RFQ) process, this City Commission approved an agreement with Osborn Engineering of Cleveland, Ohio, for professional Design Services for the preliminary engineering of the Shoreline Drive Rehabilitation Project by Ordinance No. 17-016, passed on February 13, 2017, and subsequently approved another agreement for Professional Design Services for the preparation of the design-build documents, bidding documents, and construction engineering by Ordinance no. 17-224, passed on December 11, 2017; and; and

WHEREAS, the City issued a Request for Qualifications (RFQ) pursuant to the Ohio Revised Code for eligible Design-Build Teams (DBT) and this City Commission approved a Design-Build Contract with Kokosing Industrial, Inc., of Toledo, Ohio, for the Shoreline Drive Rehabilitation Project by Ordinance No. 18-192, passed on October 9, 2018; and

WHEREAS, the City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of planning, design, and construction for the Shoreline Drive Rehabilitation Project by Ordinance No. 19-099, passed on May 28, 2019; and

WHEREAS, this City Commission approved the submission of an application for financial assistance through the Ohio Department of Natural Resources for Capital Improvement Funds for the Jackson Street Pier and Shoreline Drive Rehabilitation Projects by Resolution No. 001-20R, passed January 13, 2020; and

WHEREAS, the City Commission approved the First Change Order for an extension of the completion date from March 7, 2020, to May 2, 2020, and for additional work in the amount of \$1,207,937.30 and summarized as Hancock waterline, fire service at 115 W. Water Street and 131 E. Water Street, water service at 219 E. Water Street, east end traffic calming analysis, mile marker zero, overhead utility burial, drive apron at 131 E. Water Street and private utility burial by Ordinance No. 20-005, passed on January 13, 2020; and

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WHEREAS, this City Commission approved an amendment to the agreement with Osborn Engineering of Cleveland, Ohio, for additional Professional Design Services as a result of construction changes and delays and the necessity for continuing services through the construction phase of the Shoreline Drive Rehabilitation Project by Ordinance No. 20-023, passed on January 27, 2020; and

WHEREAS, this Second & Final Change Order reflects all final quantities, allowances, contingencies, savings, and expenditures related to the project; and

WHEREAS, the current contract with Kokosing Industrial, Inc. is \$9,997,814.30 and with the **deduction** of this Second & Final Change Order in the amount of \$35,708.94, the final contract cost is \$9,962,105.36 and will be paid as follows:

OWDA - Sewer Funds (Storm Water)	\$ 1,296,390.93
OWDA - Water Funds	\$ 1,205,623.00
OWDA - Sewer Funds (Sanitary)	\$ 1,672,630.98
CDBG Funds (FY 2018)	\$ 460,542.00
Capital Funds (Chesapeake TIF proceeds)	\$ 3,666,263.83
Issue 8 Funds (2018 Sandusky Bay Pathway)	\$ 300,000.00
Capital Funds (2018 Sandusky Bay Pathway)	\$ 168,332.00
Issue 8 Funds (2018 Road)	\$ 253,430.00
Grant (Wightman-Wieber Foundation)	\$ 500,000.00
Private Funding	\$ 17,114.00
CDBG Funds (FY 2019)	\$ 372,646.59
Capital Funds (Battery Park TIF)	\$ 45,632.03
State of Ohio ODNR Grant	\$ 3,500.00
Total	\$ 9,962,105.36

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 immediately approve the Second & Final Change Order and finalize the contract to allow the bonding agent to release the contractor's performance bond and close out this 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:

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Section 1. The City Manager is hereby authorized and directed to approve this Second & Final Change Order for work performed for the Shoreline Drive Rehabilitation Project and to **deduct** the contract amount the sum of Thirty Five Thousand Seven Hundred Eight and 94/100 Dollars (\$35,708.94) resulting in a final contract cost of Nine Million Nine Hundred Sixty Two Thousand One Hundred Five and 36/100 Dollars (\$9,962,105.36) with Kokosing Industrial, Inc., of Toledo, 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: February 22, 2021