

ORDINANCE NO. 21-128

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 2021 WASTEWATER TREATMENT PLANT (WWTP) DIGESTER #1 CLEANOUT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Wastewater Treatment Plant generates biosolids called sludge cake, along with other dewatered and compressed solid byproducts, during daily operations and these byproducts build up inside the Digesters which break down the waste; and

WHEREAS, the 2021 WWTP Digester #1 Cleanout Project provides for preventative maintenance and involves the removal of Class B Biosolids (sludge cake) and dewatered combined material from the #1 Digester at the Wastewater Treatment Plant and cleaning of the Digester and additionally includes an alternate bid for the disposal of sludge material to the Erie County landfill in accordance with environmental regulations, in the event that some of the material cannot be disposed of at the Wastewater Treatment Plant; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the 2021 WWTP Digester #1 Cleanout Project by Resolution No. 005-21R, passed on March 8, 2021; 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 2021 WWTP Digester #1 Cleanout Project by Ordinance No. 21-109, passed on July 12, 2021; and

WHEREAS, this First & Final Change Order reflects the deduction of the alternate bid to dispose of the sludge material that was able to be 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 \$43,456.62, and with the **deduction** of this First & Final Change Order in the amount of \$22,026.20, the final contract cost is \$21,430.42 which will be a savings to the 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,

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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 2021 WWTP Digester #1 Cleanout Project and to **deduct** from the contract amount the sum of Twenty Two Thousand Twenty Six and 20/100 Dollars (\$22,026.20) resulting in the final contract cost of Twenty One Thousand Four Hundred Thirty and 42/100 Dollars (\$21,430.42) 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: KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: August 23, 2021