

## **ORDINANCE NO. 10-27 AC CMS**

### **AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH KELLY BROTHERS CONSTRUCTION, INC. OF ELYRIA, OHIO, FOR THE CITY OF OBERLIN SOUTH MAIN STREET WATER LINE IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY**

WHEREAS, by Ordinance 09-86 AC CMS Oberlin City Council awarded a contract to Kelly Brothers Construction, Inc. of Elyria, Ohio, for the South Main Street Water Line Improvement Project in the amount of \$118,752.40; and

WHEREAS, during the course of the work, it has been discovered by the Public Works Department that it will be necessary for Kelly Brothers Construction, Inc. to perform additional unforeseen work to properly complete the project, and, as a result, the contract amount needs to be increased by \$35,500.00.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the contract between the City of Oberlin and Kelly Brothers Construction Inc., as approved by Ordinance No. 09-86 AC CMS, for the South Main Street Water Line Improvement Project in the City of Oberlin, is hereby amended to authorize the payment of an additional \$35,500.00 to Kelly Brothers Construction Inc. for additional necessary work, and the City Manager is hereby authorized and directed to execute an amendment to said contract authorizing said payment.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to allow for timely continuation of a project under construction" and shall take effect immediately upon passage.

PASSED: 1st Reading – April 19, 2010 (S, E)  
2nd Reading -  
3rd Reading -

ATTEST:



BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

POSTED: 04/20/2010

ORD10-27KellyBrothersConstruction.doc



KENNETH SLOANE  
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 04/19/2010

## CONTRACT CHANGE ORDER

**Change Order No.** 1  
**Project:** Contract 2009\_05 S Main Water Line Imp\_Ph 1  
**Date of Issuance:** April 28, 2010 **Effective Date:** April 28, 2010  
**Owner:** City of Oberlin, Ohio  
**Owner's Contract Designation:** Contract 2009\_05 S Main Water Line Imp\_Ph 1  
**Contractor:** Kelly Brothers Construction, Inc

The Contractor is hereby directed to make the following changes in the Contract Documents:  
**Description:** Offset waterline in the road way beginning at station 2+44 to Station 4+84 (approximately). Bore under 6' box culvert for approximately 30 feet.

**Reason for Change Order:** Revised alignment to avoid conflict with existing utilities.

**Attachments:** Summary Sheet for Contract Change Order

<p><b>CHANGE IN CONTRACT PRICE:</b></p> <p>Original Contract Amounts:                  Contract Price \$ <u>118,752.40</u></p>	<p><b>CHANGE IN CONTRACT TIMES:</b></p> <p>Original Contract Times:                  Substantial Completion: <u>May 15, 2010</u>                  Completion: <u>May 30, 2010</u>                  Ready for Final Payment: _____                  dates</p>
<p>Net Changes from Previous Change Orders                  Change Order No. <u>0</u> to No. <u>0</u>                  Contract Price Change \$ <u>-</u></p>	<p>Net Changes from Previous                  Change Orders No. <u>0</u> to No. <u>0</u>                  Substantial Completion: _____                  Completion: <u>May 30, 2010</u>                  Ready for Final Payment: _____                  days or dates</p>
<p>Contract Amounts prior to this Change Order                  Contract Price \$ <u>118,752.40</u></p>	<p>Contract Times prior to this Change Order                  Substantial Completion: _____                  Completion: <u>May 30, 2010</u>                  Ready for Final Payment: _____                  days or dates</p>
<p>Net increase (decrease) with this change order                  Contract Price Change \$ <u>35,500.00</u></p>	<p>Net increase (decrease) with this change order                  Substantial Completion: _____                  Completion: <u>0</u>                  Ready for Final Payment: _____                  days or dates</p>
<p>Contract Amounts with all approved change orders                  Contract Price \$ <u>154,252.40</u></p>	<p>Contract Times with all approved change orders                  Substantial Completion: <u>May 15, 2010</u>                  Completion: <u>May 30, 2010</u>                  Ready for Final Payment: _____                  days or dates</p>

All Changes in Contract Time are to be at no additional cost in the contract unless specifically stated in the above description, reason for change order of in an attachment hereto.

<p><b>RECOMMENDED:</b>                  By: <u><i>Russell K. ...</i></u>                  Engineer (Authorized Signature)                  Date: <u>5/4/10</u></p>	<p><b>APPROVED:</b>                  By: <u><i>[Signature]</i></u>                  City Manager (Authorized Signature)                  Date: <u>5/4/10</u></p>	<p><b>ACCEPTED:</b>                  By: <u><i>J. ...</i></u>                  Contractor (Authorized Signature)                  Date: <u>4-29-10</u></p>
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Summary Sheet For Contract Change Order

<b>Change Order No.</b>	<u>1</u>	<b>Authorized:</b>	<u>April 28, 2010</u>	<b>Ordinance No.:</b>	<u>10-27</u>
<b>Project:</b>	<u>Contract 2009_05 S Main Water Line Imp_Ph 1</u>			<b>Date:</b>	<u>April 28, 2010</u>
<b>Owner:</b>	<u>City of Oberlin, Ohio</u>			<b>Contractor:</b>	<u>Kelly Brothers Construction, Inc</u>
<b>Owner's Contract Designation:</b>	<u>Contract 2009_05 S Main Water Line Imp_Ph 1</u>				

Summary of Changes: (See Attachments for Descriptions)

C.O. Item No.	Description of Item	Quantity	Unit	Total Item Price
1.1	Bore underneath the existing 5-foot box culvert	1	ls	\$6,800.00
1.2	8" D.I.P under pavement, includes excavation and bedding. Does not include L.S.M backfill and pavement removal and repair.	1	ls	\$15,530.40
1.3	Increase Quantity Adjustment allowance for LSM, Curb removal/replacement/ Pavement removal and replacement	1	ls	\$13,169.60
1.4		1	ls	
1.5		1	ls	
1.6		1	ls	
1.7		1	ls	
1.8		1	ls	

<b>Change Order No.</b>	<u>1</u>	<b>- Total Amount</b>	\$35,500.00
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C.O. Items Itemized Below:

C.O. Item	Line Item	Description of Item	Quantity	Unit	Unit Price		Total Price		Subtotal Group Amt	Total Item Amount	Contract Price	
					Labor & Mat	Labor & Mat	Material	Material			Decrease	Increase
1.1		Bore underneath the existing 5-foot box culvert										
	1.1.1	Dig and shore bore pit and receiving pit	4	hrs	\$500.00		\$2,000.00					
	1.1.2	30-foot bore with 12" steel casing	30	ft	\$160.00		\$4,800.00					
		<b>Total for Above Change Order Item Total</b>					\$6,800.00		\$6,800.00	\$ -	\$ 6,800.00	
1.2		8" D.I.P under pavement, includes excavation and bedding. Does not include L.S.M backfill and pavement removal and repair.										
	1.2.1		240	FT		\$42.91	\$10,298.40					
	1.2.2		240	FT		\$21.80	\$5,232.00					
		<b>Subtotals Line Item Group for Above C.O. Item:</b>					\$15,530.40		\$15,530.40	\$ -	\$ 15,530.40	
1.3		Increase Quantity Adjustment allowance for LSM, Curb removal/replacement/ Pavement removal and replacement										
	1.3.1		1	ls	\$13,169.60		\$13,169.60					
	1.3.2											
	1.3.3											
	<b>Subtotals Line Item Group for Above C.O. Item:</b>					\$13,169.60		\$13,169.60	\$ -	\$ 13,169.60		
	<b>Total for Above Change Order Item Total</b>							\$13,169.60	\$13,169.60	\$ -	\$ 13,169.60	