

City of Oberlin, Ohio

ORDINANCE No. 12-59 AC CMS

AN ORDINANCE AUTHORIZING A FIFTH AMENDMENT TO THE CONTRACT WITH R.W. CLARK COMPANY, INC., OF CLEVELAND, OHIO, TO AMEND THE PROJECT SCHEDULE AND FOR ADDITIONAL WORK ON THE GASHOLDER BUILDING RENOVATION, PHASE I EXTERIOR IMPROVEMENTS, IN THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

WHEREAS, by Ordinance 11-71 AC CMS City Council awarded a contract to R.W. Clark Company, Inc. of Cleveland, Ohio, for the Gasholder Building Renovation, Phase I Exterior Improvements, in the City of Oberlin in the amount of \$377,100.00; and

WHEREAS, said contract was subsequently amended by Ordinance 12-01 AC CMS to extend the interim completion date to April 30, 2012; and

WHEREAS, said contract was subsequently amended by Ordinance 12-32 AC CMS to authorize the payment of an additional \$10,338.21 to the R.W. Clark Company to add snow guards and to adjust the allowable quantities of various unit price items; and

WHEREAS, said contract was subsequently amended by Ordinance 12-54 AC CMS to authorize the payment of an additional \$1,934.00 to the R.W. Clark Company to adjust the allowable quantities of various unit price items; and

WHEREAS, said contract was subsequently amended by Ordinance 12-55 to authorize the payment of an additional \$7,100.00 to the R.W. Clark Company for structural shoring; and

WHEREAS, during the course of the work, the project architect, Moody-Nolan, Inc., has recommended the addition of a lightning protection system, the cost of which is \$3,206.50, and, in order to install the lightning protection system, it is necessary to extend the final completion date to September 30, 2012.

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 the R.W. Clark Company, Inc. of Cleveland, Ohio, for the Gasholder Building Renovation, Phase I Exterior Improvements, is hereby amended to authorize the payment of an additional \$3,206.50 to the R.W. Clark Company, Inc. for additional necessary work, and the City Manager is hereby authorized and directed to execute an amendment to said contract authorizing said payment and extending the final completion date of said contract.


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 – August 20, 2012
2nd Reading – September 4, 2012
3rd Reading – September 17, 2012 (Amended) (E)

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



SHARON F. SOUCY
ACTING PRESIDENT OF COUNCIL

POSTED: 09/18/2012

EFFECTIVE DATE: 09/17/2012

11-19-12 P01:27 RCVD

CHANGE ORDER

NUMBER: 5 Revision 2

OWNER: City of Oberlin
PROJECT: Gasholder Building Renovation Phase 1 - Exterior Restoration
QCI PROJECT No: 136-11-7617
DATE: September 11, 2012
CONTRACTOR: R. W. Clark Company, Inc.
CONTRACT FOR: ODOT LPA PID 75844
ORIGINAL CONTRACT COMPLETION TIME (CALENDAR DAYS) / DATE INTERIM 60 DAYS - JANUARY 2,
2012 / FINAL 225 DAYS - JUNE 14, 2012
ORIGINAL CONTRACT AMOUNT: \$377,100.00
CHANGE ORDER # 1 \$ 0.00
CHANGE ORDER # 2 \$ 10,338.21
CHANGE ORDER # 3 \$ 1,934.00
CHANGE ORDER # 4 \$ 7,100
CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER \$396,472.21

THIS CHANGE ORDER, WHICH REPRESENTS A REVISION TO THE ABOVE "APPROVED" CONTRACT DOCUMENTS, CONSTITUTES AUTHORITY TO PROCEED WITH SAID REVISION, AS DESCRIBED BELOW:

NATURE AND JUSTIFICATION OF CHANGES:

This change order reflects a cost increase to the original contract resulting from additional work to furnish and install lightning protection as attached. There is a time extensions associated with this change order.

The contract completion date is hereby extended One hundred and eight (108) calendar days to provide additional time for the contractor to complete the lightning protection system. The addition of the lightning protection system was recognized as necessary very close to the time of the contract completion date of June 14, 2012. Additional time was required to finalize scope and cost and to perform the work. Additional time was also required to test the lightning protection system.

All support documentation has been attached for your review and consideration.

Total Amount of Change Order = \$3,206.50

THIS CHANGE RESULTS IN THE FOLLOWING ADJUSTMENTS OF THE CONTRACT PRICE AND/OR CONTRACT COMPLETION TIME:

Contract price prior to this Change Order:	<u>\$396,472.21</u>
Net cost change (decrease) resulting from this Change Order:	<u>\$3,206.50</u>
Current contract price including this Change Order:	<u>\$399,678.71</u>
Contract completion time/date prior to this Change Order:	<u>Interim 60 Calendar Days 01/02/12</u> <u>Final 225 Calendar Days 06/14/12</u>
Net In/Decrease resulting from this Change Order:	<u>108 Calendar Days</u>
Current contract time/date including this Change Order:	<u>Interim 181 Calendar Days 04/30/12</u> <u>Final 333 Calendar Days 09/30/12</u>

THE TERMS OF THIS CHANGE ORDER SHALL NOT AFFECT ANY OF THE TERMS OF THE CONTRACT, EXCEPT AS EXPRESSLY STATED HEREIN. FURTHER, THE CONTRACTOR AGREES THAT THE CONSIDERATION FOR THE CHANGE ORDER AS CONTAINED HEREIN IS THE FULL AMOUNT THE CONTRACTOR SHALL BE ENTITLED AND THAT NO ADDITIONAL TIME IS NECESSARY TO COMPLETE THIS CONTRACT.

The above changes are approved:
CITY OF OBERLIN

By:  Date: 11-8-2012
JEFF BAUMANN

The above changes are approved:
CITY OF OBERLIN

By:  Date: 11/8/12
City Manager

The above changes are accepted:
R. W. CLARK COMPANY, INC.

By:  Date: Sept. 11, 2012
ROBERT CLARK, PRESIDENT, R. W. CLARK COMPANY

Above changes recommended by:
QUALITY CONTROL INSPECTION, INC.

By:  Date: 9/11/12
MARGARET A. ROBINSON, P.E., CONSTRUCTION PROJECT ENGINEER

**CITY OF OBERLIN
GASHOLDER BUILDING RENOVATION PHASE 1, PID 75844**

Change Order 5 Revision 2 - Extra Work Description

Lightning Protection System furnished and installed for the Gasholder Building

At the recommendation of Rex Hagerling, Moody Nolan and at the direction of Jeff Baumann, City of Oberlin, the contractor furnished, installed and tested a lightning protection system at the Gasholder Building. The lightning protection system is a recommended safety measure to prevent property damage in the event of a lightning strike. QCI takes no exception to the claim as submitted.

Total = \$ 3,206.50

TOTAL CHANGE ORDER NUMBER 5 Revision 2

TOTAL = \$ 3,206.50

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