

# **CITY OF OBERLIN, OHIO**

## **ORDINANCE No. 19-12 AC CMS**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH N & N CONSTRUCTION COMPANY, INC. OF WAKEMAN, OHIO, FOR THE LOR-OBERLIN BIKE PATH TRAILHEAD PROJECT, ODOT PID 103853 IN THE CITY OF OBERLIN AND DECLARING AN EMERGENCY**

WHEREAS, by Ordinance 18-53 AC CMS Oberlin City Council awarded a contract to N & N Construction Company, Inc. of Wakeman, Ohio for the LOR-Oberlin Bike Path Trailhead Project in the amount of \$385,540.76; and

WHEREAS, during the course of the work, it has been discovered by the Public Works Department that additional work is necessary to properly complete the project, the necessity for such additional work could not have been foreseen prior to commencement of work on the project, and that the cost of such additional work will not exceed \$9,733.54.

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 N & N Construction Company, Inc., as approved by Ordinance No. 18-53 AC CMS for the LOR-Oberlin Bike Path Trailhead Project in the City of Oberlin, is hereby amended to authorize additional payment up to but not to exceed \$ 9,733.54 to N & N Construction 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.

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 payment for work completed and shall take effect immediately upon passage.


PASSED: 1<sup>st</sup> Reading: March 18, 2019 (E)

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 03/19/2019

EFFECTIVE DATE: 03/18/2019

**CHANGE ORDER**NUMBER: 3 Revised

OWNER: City of Oberlin

PROJECT: LOR Oberlin Bike Path Trailhead, PID 103853

QCI PROJECT No: 136-2018-740

DATE: March 12, 2019

CONTRACTOR: N&N Construction Company, Inc.

CONTRACT FOR: City of Oberlin

ORIGINAL CONTRACT COMPLETION DATE: February 28, 2019

ORIGINAL CONTRACT AMOUNT: \$385,540.76

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

Change Order #3 Revised reflects the costs for extra work added to the scope of the LOR Bike Path Trailhead project. The extra costs include the addition of a unit price for ¾" water line. A line item was not included in the contract for work that was necessary for the project. The extra work includes city requests to furnish and install electronic locks and LED fixtures. The extra work also includes the costs to extend ductwork and frame per ASI 4. The costs include force account to route cedar beams and modify the brackets in the pavilion. The extra costs also include an addition of a unit price for hangers not included in the bid.

New Ref Item	Description	Qty	UOM	Unit Cost	Increased (Decreased) Cost
3.1	¾" water line new unit price item	40	LF	\$20.00	\$800.00
3.2	Furnish and install electronic locks negotiated price	1	LS	\$4,163.71	\$4,163.71
3.3	Furnish LED light fixtures in lieu of specified light fixtures negotiated price	1	LS	\$986.00	\$986.00
3.4	ASI 4 Extend HVAC duct and frame wall negotiated price	1	LS	\$2,952.64	\$2,952.64
3.5	RFI 47 Route cedar beams Force Account	1	LS	\$831.19	\$831.19
				<b>Subtotal</b>	<b>\$9,733.54</b>

There is no extension of time associated with this Change Order.

**Total Amount of Change Order** = **\$9,733.54**

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

Contract price prior to this Change Order:	<u>\$385,540.76</u>
Net cost change resulting from this Change Order:	<u>\$9,733.54</u>
Current contract price including this Change Order:	<u>\$395,274.30</u>
Contract completion date prior to this Change Order:	<u>May 25, 2019</u>
Net Increase resulting from this Change Order:	<u>0 calendar days</u>
Current contract COMPLETION date including this Change Order:	<u>May 25, 2019</u>

N&N CONSTRUCTION COMPANY, INC. WILL NOT BE ENTITLED TO ANY IMPACT OR ADDITIONAL COSTS THAT MAY ARISE OR BE GENERATED BY THE PERFORMANCE OF THE WORK IDENTIFIED IN THIS CHANGE ORDER. N&N CONSTRUCTION COMPANY, INC. WILL NOT BE ENTITLED TO ANY IMPACT COSTS THAT MAY BE GENERATED BY THE PERFORMANCE OF THE WORK IDENTIFIED IN THIS CHANGE ORDER, INCLUDING, BUT NOT LIMITED TO, ACCELERATION OR DELAY OF ANY OF THE PROJECT WORK, INEFFICIENCY COSTS, FINANCING COSTS, SUBCONTRACTOR OR VENDOR RELATED COSTS, WEATHER RELATED COSTS, SCHEDULE ADJUSTMENT RELATED COSTS, SEQUENCE OF WORK RELATED COSTS, LOST OPPORTUNITY COSTS, LABOR COSTS, MATERIAL COSTS, AND CONSEQUENTIAL DAMAGES.

THE ABOVE CHANGES ARE APPROVED:

Jeff Baumann  
JEFF BAUMANN, CITY OF OBERLIN

DATE: 3.19.2019

THE ABOVE CHANGES ARE APPROVED:

Margaret A. Robinson  
MARGARET A. ROBINSON, P.E., CONSTRUCTION PROJECT ENGINEER,  
QUALITY CONTROL INSPECTION, INC.

DATE: 3/14/19

THE ABOVE CHANGES ARE ACCEPTED:

N&N Construction Company, Inc.  
N&N CONSTRUCTION COMPANY, INC.

DATE: 3-15-19

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