City of Oberlin, Ohio

ORDINANCE No. 12-01 AC CMS

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

WHEREAS, by Ordinance 11-71 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; and

WHEREAS, said contract specifies an interim completion date of January 2, 2012 and, as a result of the installation requirements for the synthetic slate shingles, it is now necessary to extend said interim completion date.

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 extend the interim completion date to April 30, 2012, and the City Manager is hereby authorized and directed to execute an amendment to said contract authorizing said extension.

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 contract extension of a project under construction" and shall take effect immediately upon passage.

PASSED: 1st Reading - January 17, 2012 (S, E) 2nd Reading -3rd Reading - Page 2 – Ordinance No. 12-01 AC CMS

ATTEST:

BELINDA B. ÁNDERSON, CMC CLERK OF COUNCIL

POSTED: 01/18/2012

RÓNNIE J. RIMBERT PRESIDENT OF COUNCIL

EFFECTIVE DATE: 01/17/2012

01-23-12A10:34 RCVD

CHANGE ORDER NUMBER: _____ OWNER: City of Oberlin Gasholder Building Renovation Phase 1 - Exterior Restoration **PROJECT:** QCI PROJECT No: 136-11-7617 DATE: December 8, 2011 CONTRACTOR: R. W. Clark Company, Inc. ODOT LPA PID 75844 **CONTRACT FOR:** ORIGINAL CONTRACT COMPLETION TIME (CALENDAR DAYS) / DATE INTERIM 60 DAYS - JANUARY 2, 2012 / FINAL 225 DAYS - JUNE 14, 2012 \$377,100.00 ORIGINAL CONTRACT AMOUNT: \$0.00 CHANGE ORDER #(1)N/A_____ CHANGE ORDER # () N/A CHANGE ORDER # () \$377,100.00 CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER

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:

The purpose of the Non-Compensable Contract Time Extension Agreement, which is attached hereto as Attachment No. 1 and is made a part hereof by reference, is to provide additional time for the contractor to complete the roof work, which is an interim completion date. The roof work is weather sensitive and can not be performed in the winter months.

Total Amount of Change Order

\$ 000.00

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(Attach all detail to change order)

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

Contract price prior to this Change Order.	\$377,100.00
Net cost change (decrease) resulting from this Change Order.	\$0.00
Current contract price including this Change Order:	\$377,100.00
Contract completion time/date prior to this Change Order.	<u>Interim 60 Calendar Days 01/02/12</u> Final 225 Calendar Days 06/14/12
Net In/Decrease resulting from this Change Order. Current contract time/date including this Change Order.	<u>Interim add 121 daysFinal no change</u> Interim 181 Calendar Days 04/30/12 Final 225 Calendar Days 06/14/12

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**

JEFF BADMANN, PUBLIC LACKS MARCENCE Date: 1.19-2012 By:

The above changes are approved:

CITY OF OBERLIN

By:

ERIL NORENBERG MANACER

The above changes are accepted.

R. W. CLARK COMPANY, INC.

By:

RESIDENT, R. W. CLARK COMPANY

Above changes recommended by:

QUALITY CONTROL INSPECTION, INC.

By:

MARGARET A. ROBINSON, P.E. CONSTRUCTION PROJECT ENGINEER

C\WORK\QCI\SHARED\OBERLIN\GASHOLDER BLDG RENOVATION 136-11-7617\CHANGE ORDERS\CO1.DOC

Date: 1/22/12

12/19/11 Date:

Date: 12/9/11

CITY OF OBERLIN GASHOLDER BUILDING RENOVATIONS PHASE 1 – EXTERIOR RENOVATIONS

Change Order Number 1, Attachment No 1 Contract Time Extension Agreement

The Contract Time Extension Agreement (Agreement) between R.W. Clark Company, Inc. (Clark) and the City of Oberlin (Oberlin) amends the contract documents as described by the following terms and conditions:

- Form of Proposal Page 1 1.06 Completion of Work Pay Item 3 Roof Work *delete:* "Complete work within 60 consecutive calendar days after the receipt of Notice to Proceed." and add: the following:
 - o "Complete work within 181 consecutive calendar days after receipt of Notice to Proceed."
- Notice to Proceed *delete:* 'The interim completion date is 60 days from the date of this Notice to Proceed or January 2, 2012. *and add:* the following:
 - "The interim completion date is 181 days from the date of the Notice to Proceed or April 30, 2012."
- This contract time extension agreement is necessary as a result of non-compensable delays, due to no fault of the contractor, caused by the contract award in November. Roof work is weather sensitive and can not be performed in the winter. The time extension allows the roof work to be performed in the spring of 2012.
- The Engineer, Quality Control Inspection, Inc., for Owner, has recommended that the Owner agree to and execute this agreement.
- The Contractor shall waive the right to any and all additional costs, remedies, and time extensions, and any other matter related to the project including those described in ODOT CMS 109.05D and pertaining to any and all delays encountered from abnormal weather, extra work, and any other related matters up to the date of this Agreement.
- Any and all contract provisions not amended herein shall remain in effect.

Signed:	May 1 Barn	Date: 1.19.2012	
	Jeff Bauman, City of Oberlin		

Signed:

Date: 12/9/

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