

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-32 AC CMS

AN ORDINANCE AUTHORIZING A SECOND 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, Ordinance 19-12 AC CMS Oberlin City Council amended the contract with N & N Construction Company, Inc. to authorize the additional payment of \$9,733.54.00 for additional work necessary to properly complete the project; and

WHEREAS, during the continuing 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 \$12,625.03.

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 and amended by Ordinance No. 19-12 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 \$12,625.03 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: 1st Reading: May 20, 2019 (E)

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 05/20/2019

EFFECTIVE DATE: 05/21/2019

19 MAY 28 PM 12:24
19 MAY 28 PM 12:24

CHANGE ORDER

NUMBER: _____ 5

OWNER: City of Oberlin
PROJECT: LOR Oberlin Bike Path Trailhead, PID 103853
QCI PROJECT No: 136-2018-740
DATE: May 9, 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 #5 reflects the costs for extra work added to the scope of the LOR Bike Path Trailhead project. The extra costs include the costs for Bulletin 3 and 4, ASI #10, furnishing and installing hangers not included in the bid items and removing an existing concrete sidewalk.

New Ref Item	Description	Qty	UOM	Unit Cost	Increased (Decreased) Cost
5.1	Per Bulletin 3 Modify brackets to add bracing to the pavilion	1	LS	\$3,200.69	\$3,200.69
5.2	Furnish and install Simpson CJT5ZL Hangers not included in bid items	1	LS	\$5,335.56	\$5,335.56
5.3	Bulletin 4 Trim costs	1	LS	\$1,378.83	\$1,378.83
5.4	Remove existing concrete sidewalk	1	LS	\$781.00	\$781.00
5.5	Move light fixtures due to toilet partition interference	1	LS	\$352.00	\$352.00
5.6	Furnish rain chains per ASI #10	1	LS		\$1,576.95
				Subtotal	\$12,625.03

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

Total Amount of Change Order = **\$12,625.03**

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

Contract price prior to this Change Order:	<u>\$395,274.30</u>
Net cost change resulting from this Change Order:	<u>\$12,625.03</u>
Current contract price including this Change Order:	<u>\$407,899.33</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:

5-23-2019

THE ABOVE CHANGES ARE APPROVED:

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

DATE:

5/15/19

THE ABOVE CHANGES ARE ACCEPTED:

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

DATE:

5-15-19

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SIGNIFICANT CHANGE ORDER NOTIFICATION FORM

CO #	PID	LPA	PE/PS	Contractor
5	103853	City of Oberlin	M. A. Robinson	N&N Construction Company, Inc.

[illegible]

Submitted by:	<i>M.A.N.</i>	(CPE)	May 10, 2019	(Date)
Concurred by:	<i>Erol Scholtz</i>	(CM)	5-23-19	(Date)

APPENDIX L

LPA PRIOR CONCURRENCE CHANGE ORDER NOTIFICATION FORM (continued)

1. Why is the work necessary?

Change Order #5 reflects the costs for extra work added to the scope of the LOR Bike Path Trailhead project. The extra costs include the costs for Bulletin 3 and 4, ASI #10, furnishing and installing hangers not included in the bid items and removing an existing concrete sidewalk.

2. Why didn't the plan provide for the work?

These extra cost items resulted from details that were not provided by the architect. The architect provided Bulletin 3 and 4, ASI 10 and other information to revise the project details.

3. Is the work within the project's scope and within the work limits? If no, see Page 3 "Extension of Project Limits"

Change order #5 is not an extension of the project scope or work limits.

4. Is there any impact to the environmental documentation?

No.

5. What changes are involved and where are they to take place?

6. Who is responsible? (Indicate if plan error, owner request, contractor request.)

The extra costs are a result of missing details and information on the plans.

7. How will this impact the schedule? Will this result in a time extension?

No change to the project schedule as a result of change order #5.

The Final Completion Date is not changed by the change order. The Final Completion Date is May 25, 2019.

8. Is there a DBE involved? If so, state the DBE's involvement including time, money, work-type, etc.
DBE is not impacted by change order #5.

9. Does this involve a dispute/claim?

No

- 10.

**APPENDIX L
EXTENSION OF PROJECT LIMITS**

Description of the Added Work Within Extended Limits:

Original Project Limits (Describe):

County _____

Original Project Length:

Limits of Project Extension (Describe):

County _____

Length of Project Extension:

Revised Project Length: