

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 138

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 12 THROUGH 14 FOR AN INCREASE IN THE CONTRACT PRICE CONSISTENT WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND DIGIOIA-SUBURBAN EXCAVATING, LLC, IN CONNECTION WITH THE PROSPECT ROAD STORM SEWER IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2023-130, Council authorized the Mayor to enter into a contract with Digioia-Suburban Excavating, LLC in connection with the Prospect Road Storm Sewer Improvements Project from Albion Road to Fair Road, in the City of Strongsville, (the "Project"), in an amount not to exceed \$3,607,488.50; and

WHEREAS, by and through Ordinance Nos. 2024-044 and 2024-097, Council authorized the Mayor to approve Change Order Nos. 1 through 11, as recommended by the City Engineer, and that it would be in the City's best interest to include as part of the Project additional work required by the Cleveland Water Department and further work required due to unforeseen conditions encountered in connection with a watermain break, together with additional work required to open cut Prospect Road for sanitary sewer lateral connections, all in the amount of \$379,527.86 for an increase in the total Project cost to \$3,987,016.36; and

WHEREAS, the City's Engineer has now recommended that it would be in the best interests of the City to include changes in the work performed or to be performed on the Project by Digioia-Suburban Excavating, LLC, generally being additional work required for sanitary sewer long connections, removal of an unknown/abandoned gas line, and unforeseen field conditions encountered, all as more fully set forth collectively on Exhibit A attached hereto and incorporated herein as if fully rewritten, and to provide additional payment for such changes in the work in the amount of \$96,892.59, for a new total Project cost of \$4,083,908.95.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized and directed to issue and approve Change Order Nos. 12 through 14 to the contract in the amount of \$96,892.59, as recommended by the City Engineer and reflected collectively on Exhibit A; and after the issuance and approval of said Change Order Nos. 12 through 14 and completion of such work, to direct the Director of Finance to make payment to **DIGIOIA-SUBURBAN EXCAVATING, LLC** in the additional amount of \$96,892.59, thereby increasing the total Project cost to \$4,083,908.95.

Section 2. That the funds necessary for this Ordinance have been appropriated and shall be paid from the General Capital Improvement Fund, and that the Director of Finance be and is hereby authorized and directed to issue the City's warrants for payment accordingly, and in accordance with the terms and conditions of the contract and change orders.

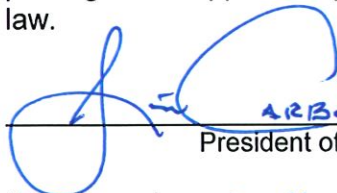
CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 - 138

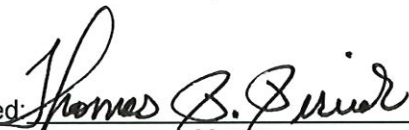
Page 2

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for changes in the work in order to properly and timely complete the Project, to facilitate payment to the contractor for unanticipated changes in the work, to avoid potential legal problems, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

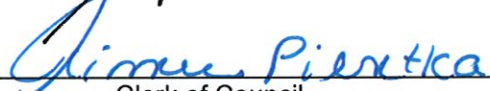


ARBON
President of Council
Date Passed: 09 16 2024

Approved: 

Mayor

Date Approved: Sept. 16, 2024

Attest: 

Clerk of Council

| | <u>Yea</u> | <u>Nay</u> |
|----------|-------------------------------------|------------|
| Carbone | <input checked="" type="checkbox"/> | _____ |
| Clark | <input checked="" type="checkbox"/> | _____ |
| Kaminski | <input checked="" type="checkbox"/> | _____ |
| Kosek | <input checked="" type="checkbox"/> | _____ |
| Roff | <u>Absent</u> | _____ |
| Short | <input checked="" type="checkbox"/> | _____ |
| Spring | <input checked="" type="checkbox"/> | _____ |

Ord. No. 2024-138 Amended: _____
1st Rdg. 09-16-24 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Public Hrg. _____ Ref: _____
Adopted: 09-16-24 Defeated: _____

CHANGE ORDER

Order No. # 12-14
Date: September 16, 2024
Agreement Date: September 15, 2023

Name of PROJECT: **Prospect Road Storm Sewer Improvements – Albion to Fair Road**

CONTRACTOR: **DiGioia-Suburban Excavating, LLC**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Additional work and unforeseen conditions

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$3,607,488.50**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER: **\$3,987,016.36**

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by: **\$96,892.59**

The new CONTRACT PRICE including this CHANGE ORDER will be: **\$4,083,908.95**

Change to CONTRACT TIME: **N/A**

The CONTRACT TIME will be (increased) (decreased) by
 N/A calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: _____
DiGioia-Suburban Excavating, LLC

Recommended by: *Ken Mikula*
Ken Mikula, P. E., City Engineer

Accepted by: *Thomas P. Perciak*
Mayor Thomas P. Perciak

Change Order Request

No. 00012



DIGIOIA-SUBURBAN EXCAVATING, LLC
11293 Royalton Rd.
North Royalton, OH 44133

Phone: 440-237-1978
Fax: 440-237-1976
www.digioiasuburban.com

TITLE: Open Cut Sanitary Connections **DATE:** 5/29/2024
PROJECT: Prospect Road Storm Sewer Improvements **JOB NO:** 23-113
TO: City of Strongsville **CONTRACT NO.:** 0
16099 Foltz Pkwy
Strongsville, OH 44149
Phone: 440-580-3100 Fax:
ATTN: Jamie Kilbane

Description of Change Order Request

Please refer to the included "Extra Work Forms" for additional information and work descriptions

Total Amount of Change Order Request: **\$58,054.32**

COLLECTED CHANGES

| Item | Date | EWO# | Title | Amount |
|---|-----------|------|--|----------------------|
| 001 | 2/29/2024 | N/A | Attempted 6" Long Side Laterals-February | \$48,456.11 |
| Subtotal Collected Changes: | | | | \$48,456.11 |
| Collected Changes (Labor): | | | | \$29,319.34 |
| Collected Changes (Equipment): | | | | \$25,121.77 |
| Collected Changes (Material): | | | | \$5,715.00 |
| Collected Changes (Subcontractor): | | | | \$0.00 |
| Collected Changes (Misc/Fees): | | | | \$0.00 |
| Collected Changes (Unit Prices): | | | | (\$11,700.00) |
| OH Labor & Equipment (15.0%): | | | | \$8,166.17 |
| OH Material (15.0%): | | | | \$857.25 |
| OH Subcontractor (15.0%): | | | | \$0.00 |
| OH Misc/Fees (15.0%): | | | | \$0.00 |
| OH Unit Prices | | | | \$0.00 |
| Subtotal: | | | | \$57,479.52 |
| Bond (1.0%): | | | | \$574.80 |
| Total Change Order Request Cost: | | | | \$58,054.32 |

By: _____
Printed Name: _____
Company: _____
Date: _____

By: _____
Printed Name: _____
Company: _____
Date: _____

Change Order Request No. 00013



DIGIOIA-SUBURBAN EXCAVATING, LLC
11293 Royalton Rd.
North Royalton, OH 44133

Phone: 440-237-1978
Fax: 440-237-1976
www.digioiasuburban.com

TITLE: Existing Gas Line Removal **DATE:** 8/2/2024
PROJECT: Prospect Road Storm Sewer Improvements **JOB NO:** 23-113
TO: City of Strongsville **CONTRACT NO.:** 0
16099 Foltz Pkwy
Strongsville, OH 44149
Phone: 440-580-3100 Fax:
ATTN: Jamie Kilbane

Description of Change Order Request

This change request is for the removal of 4,750 LF of existing unknown gas line in the storm trench.

Total Amount of Change Order Request: **\$30,875.00**

COLLECTED CHANGES

| Item | Date | EWO# | Title | Amount |
|----------------------------------|----------|------|---|-------------|
| 001 | 8/2/2024 | N/A | Existing Gas Line Removal - \$6.50 / LF | \$30,875.00 |
| Subtotal Collected Changes: | | | | \$30,875.00 |
| Total Change Order Request Cost: | | | | \$30,875.00 |

By: _____
Printed Name: _____
Company: _____
Date: _____

By: _____
Printed Name: _____
Company: _____
Date: _____

Change Order Request

No. 00014



DIGIOIA-SUBURBAN EXCAVATING, LLC
11293 Royalton Rd.
North Royalton, OH 44133

Phone: 440-237-1978
Fax: 440-237-1976
www.digioiasuburban.com

TITLE: Water Main Break Delay **DATE:** 7/8/2024
PROJECT: Prospect Road Storm Sewer Improvements **JOB NO:** 23-113
TO: City of Strongsville **CONTRACT NO.:** 0
16099 Foltz Pkwy
Strongsville, OH 44149
Phone: 440-580-3100 Fax:
ATTN: Jamie Kilbane

Description of Change Order Request

Please refer to the included "Extra Work Forms" for additional information and work descriptions.

Total Amount of Change Order Request: \$7,963.27

COLLECTED CHANGES

| Item | Date | EWO# | Title | Amount |
|---|-----------|------|----------------------------------|-------------------|
| 001 | 5/22/2024 | JR93 | Existing Watermain Break @ 34+75 | \$6,856.03 |
| Subtotal Collected Changes: | | | | \$6,856.03 |
| Collected Changes (Labor): | | | | \$3,342.14 |
| Collected Changes (Equipment): | | | | \$3,138.89 |
| Collected Changes (Material): | | | | \$0.00 |
| Collected Changes Sales Tax (0.0%): | | | | \$0.00 |
| Collected Changes (Subcontractor): | | | | \$375.00 |
| Collected Changes (Misc/Fees): | | | | \$0.00 |
| OH Labor & Equipment (15.0%): | | | | \$972.15 |
| OH Material (15.0%): | | | | \$0.00 |
| OH Subcontractor (15.0%): | | | | \$56.25 |
| OH Misc/Fees (15.0%): | | | | \$0.00 |
| Subtotal: | | | | \$7,884.43 |
| Bond (1.0%): | | | | \$78.84 |
| Total Change Order Request Cost: | | | | \$7,963.27 |

By: _____
Printed Name: _____
Company: _____
Date: _____

By: _____
Printed Name: _____
Company: _____
Date: _____