

ORDINANCE NO. 22-22

FIRST READING: 3-28-22
SECOND READING: 4.11.22
THIRD READING: 4.25.22

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT FOR A CONTRACT MODIFICATION WITH NORTH BAY CONSTRUCTION, INC. FOR ADDITIONAL IMPROVEMENT WORK FOR THE WWTP 2017-2020 CAPITAL IMPROVEMENTS PROJECT AT THE CITY OF ROCKY RIVER WASTEWATER TREATMENT PLANT (RRWWTP) IN AN AMOUNT NOT TO EXCEED \$100,694.03, AS FURTHER DESCRIBED IN EXHIBIT "A"

WHEREAS: as detailed in Ordinance 39-18, the City of Rocky River entered into an agreement with North Bay Construction for the WWTP 2017-2020 Capital Improvements (Project) at the RRWWTP in an amount not to exceed One Million Six Hundred Ninety Three Thousand Seven Hundred Dollars and 00/100 (\$1,693,700.00); and

WHEREAS: the City of Rocky River recognizes the need to supplement the original contract agreement to accommodate a modification of One Hundred Thousand Six Hundred Ninety Four Dollars and 03/100 (\$100,694.03) of additional work with North Bay Construction for the modifications to the SCOPE resulting in change orders to complete the Project, as further described in Exhibit "A"; and

WHEREAS: at its March 23, 2022 meeting, the WWTP Management Committee recommended the authorization of the contract modification and appropriations for funding to complete the Project.

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

SECTION 1. That the Mayor of the City of Rocky River is hereby authorized to enter into a supplemental agreement for a contract modification with North Bay Construction, Inc., 25800 First Street, Westlake, OH 44145 in an amount not to exceed One Hundred Thousand Six Hundred Ninety Four Dollars and 03/100 (\$100,694.03) for the modifications to the SCOPE resulting in change orders to complete the Project, as further described in Exhibit "A".

SECTION 2. That funds for said supplemental agreement shall be paid from the WWTP Capital Fund.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the further reason that it is necessary to complete the Project, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 25th, 2022

James W. Moran
JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: April 25th, 2022 APPROVED, April 25th, 2022

ATTEST:
Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 25th day of April, 2022.

Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

It is hereby certified that the amount required for the execution of this Ordinance has been lawfully appropriated or authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the fund described herein free from any obligation or certification now outstanding.

Michael Thomas
MICHAEL THOMAS, CPA, Director of Finance

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 22-22 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 20th DAY OF April, 2022 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF ARE OF RECORD IN ORDINANCE RECORD NO. 22-22

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 20th DAY OF April, 2022

Angela H. Boud
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

INTEROFFICE MEMORANDUM

TO: Mayor Bobst,
Law Director O'Shea

DATE: March 23, 2022

FROM: Nicholas Barille
Rocky River WWTP Superintendent

SUBJECT: City of Rocky River WWTP
Change Orders resulting in supplemental funding for completion of 2017-
2020 Capital Improvement Project

The project started in July 2017 to address Capital Improvements associated with the Wastewater Treatment Plant's Primary and Final Clarifiers. The project was expected to be completed in 2020, but due to issues that arose in 2019 the project was put on hold. The contract was associated with Ordinance 39-18 and had a not to exceed value of \$1,693,700.00 with North Bay Construction.

A Mutual Release and Settlement Agreement was Executed November 25, 2020 between City of Rocky River and AECOM Technical Service, Inc. to address Changes Orders resulting with the issues that arose during construction. This Settlement Agreement resulted in the City receiving \$100,000.00 for the purchase of two (2) new primary sludge pumps, associated variable frequency drives, related electrical equipment, and all necessary engineering services for completion of the project. This Agreement was presented to Rocky River City Council and approved on November 23, 2020 and is associated with Emergency Ordinance 94-20.

Further delays in project construction and costs occurred due to the impacts of the COVID-19 and material lead times. This project has recently resumed and is expected to be completed May 31, 2022. Three change orders are required for the completion of this project: Change Order# 19, 20, & 21. The remaining SCOPE of work in addition to the three change orders yields \$489,770.22 to complete the project. This will bring the total new contract amount to \$1,794,394.03, exceeding the initial contract amount by \$100,694.03.

Superintendent Barille received Management Committee's recommendation to add additional appropriations on March 23, 2022 and is now seeking approval, through Ordinance, for supplemental funding in the amount not to exceed \$100,694.03 to complete the remainder of the project.

Cc: Rich Snyder, Safety-Service Director
Michael Thomas, Director of Finance
WWTP Special Counsel Matty
Councilman David W. Furry
Councilwoman Christina Morris



CITY OF ROCKY RIVER

21012 Hilliard Blvd.
Rocky River, Ohio 44116
Pamela E. Bobst, Mayor

CHANGE
ORDER

PROJECT:

(name, address)

Rocky River Wastewater Treatment Plant
2017-20 Capital Improvements Project
22303 Lake Road
Rocky River, OH 44116

CHANGE ORDER NO: 03 Contract Increase

DATE: February 9, 2022

ENGINEER'S PROJECT NO. 60553646

TO CONTRACTOR:

(name, address)

North Bay Construction, Inc.
25800 First Street
Westlake, Ohio 44145

CONTRACT DATE:

July 24, 2018 Start
December 31, 2021 Finish
May 31, 2022 Revised

CONTRACT FOR:

\$1,693,700.00

You are hereby directed to make the following change(s) to the work:

Increase the contract amount to account for Changes 19, 20, and 21. The additional cost is required to install the new sludge pumps, VFDs and starters. Additionally, controls need to be reworked to eliminate the existing annunciator panel and the existing pumps will be rewired to the new MCC to allow for the pumps to be operated for emergency use.

These Modifications are required because:

This modification is required to increase the contract amount to account for additional work to complete the project. Work order changes #19, 20 and 21 included as attachments document these changes. Work order #19 is for the replacement sludge pumps, VFDs and miscellaneous items to replace the pumps that could not meet the operational conditions. Work order #20 is for the time and materials to rework the unforeseen controls between the clarifier building and press building to allow for eliminating the old annunciator relay panel. Work order #21 is for additional work to power the old sludge pumps from the new MCC as these pumps were intended to be removed under this contract. This change gives the plant the benefit of having the existing pumps as backup in an emergency situation.

PROPOSED CHANGE

The proposed basis of adjustment to the Contract Sum is:

Original Contract Total:	<u>\$1,693,700.00</u>
Total changes to contract to date:	<u>\$0.00</u>
Lump Sum change for the above stated work:	<u>\$100,694.03</u>
Total New Contract Amount:	<u>\$1,794,394.03</u>

When signed by the Owner and Engineer and received by the Contractor, this document becomes effective IMMEDIATELY as a Change Order, and the Contractor shall proceed with the change(s) described above.

Rocky River

21012 Hilliard Blvd.

Rocky River, Ohio 44116

Owner

AECOM

1300 E. Ninth St, Suite 500

Cleveland, Ohio 44114

Engineer

By

By

2/9/2022

Signature by the Contractor indicates the Contractor's agreement with the proposed adjustment in this Change Order.

North Bay Construction, Inc.
25800 First Street
Westlake, Ohio 44145

Contractor

By

