

ORDINANCE NO. 63-23

AN ORDINANCE TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER FOR THE CHERRY STREET, PEAR STREET, WILLO ROAD, & JENNIE STREET PAVEMENT RESURFACING PROJECT FOR THE PERFORMANCE OF ASPHALT RESURFACING ON CERTAIN PORTIONS OF CARLEEN AVENUE AND OLD COLORADO AVENUE AND DECLARING AN EMERGENCY

WHEREAS, Avon City Council passed Ordinance No. 33-23 on February 27, 2023, which authorized the award of a construction contract in the amount of \$350,718.50 to the Barbicas Construction Company, Inc. for the Cherry Street, Pear Street, Willo Road, & Jennie Street Resurfacing Project; and

WHEREAS, due primarily to normal wear and tear and increased traffic, the Avon Service Department has deemed it necessary to plane, repair, and resurface the asphalt pavement within certain portions of Carleen Avenue and Old Colorado Avenue, as depicted on the attached Exhibit A, during the 2023 construction season; and

WHEREAS, the Avon Service Department has consulted with the Barbicas Construction Company, Inc. and verified that said company is willing to undertake the Carleen Avenue and Old Colorado Avenue asphalt resurfacing work under the same contract specifications and at the same unit prices as is part of its current contract for the Cherry Street, Pear Street, Willo Road, & Jennie Street Asphalt Resurfacing project; and

WHEREAS, the City Engineer has formulated an estimate of additional cost, based on the previously established contract unit rates, to perform the additional work on Carleen Avenue and Old Colorado Avenue that totaled to \$163,320.50, as shown on the attached Exhibit B; and

WHEREAS, the revised contract amount for the Cherry Street, Pear Street, Willo Road, & Jennie Street Asphalt Resurfacing Project would increase from \$350,718.50 to \$514,039.00; and

WHEREAS, Council finds that it is in the best interest of the health, safety, and welfare of the Community that the City amend the construction contract with Barbicas Construction Company, Inc. via the approval of a Change Order for the Cherry Street, Pear Street, Willo Road, & Jennie Street Resurfacing Project to increase the contract amount from \$350,718.50 to \$514,039.00 so to include the planing, repairing, and asphalt resurfacing of certain areas of Carleen Avenue and Old Colorado Avenue as detailed on the attached [Exhibit A](#) & [Exhibit B](#) and as directed by the City Engineer.

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

Section 1 – The City Administration is recommending that certain areas of Carleen Avenue and Old Colorado Avenue, as detailed on the attached Exhibit A & Exhibit B, be improved as described herein and as directed by the City Engineer. Such work shall be undertaken via a Change Order to amend the contract documents for the Cherry Street, Pear Street, Willo Road, & Jennie Street Resurfacing Project to increase the total contract amount from \$350,718.50 to \$514,039.00.

Section 2 – That Council authorizes the Change Order to amend the construction contract with Barbicas Construction Company, Inc. for the Cherry Street, Pear Street, Willo Road, & Jennie Street Resurfacing Project to increase the total contract amount from \$350,718.50 to \$514,039.00 based on unit prices as established in the public bid submitted by the same. The Finance Director is hereby authorized to reappropriate the funds required to meet the financial obligation of this Change Order. (See Ordinance No. 61-23)

Section 3- That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4- That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to include additional work associated with certain areas of Carleen Avenue and Old Colorado Avenue to the Cherry, Pear, Willo and Jennie Project during the 2023 construction season; therefore, this resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Ordinance No. 63-23 (Con't)

POSTED: _____
Electronically and at City Hall
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director