

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 21 -2011

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A MODIFICATION OF CONTRACT
9 NO. 6622 WITH SPANO BROTHERS CONSTRUCTION CO.,
10 INC., AND DECLARING AN EMERGENCY.

11
12 WHEREAS, under the authority of Ordinance 127-2010, the City, after competitive
13 bidding, entered into Contract No. 6622 with Spano Brothers Construction Co., Inc., for the
14 purposes of constructing Prospect Avenue between Second Street and Front Street; and
15

16 WHEREAS, it is necessary to adjust the unit quantities of labor and material in the
17 contract beyond what was originally estimated, and to authorize performance of additional
18 work outside the scope of the contract made necessary by unforeseen site conditions, in
19 order to complete the construction of Prospect Avenue between Second Street and Front
20 Street, which changes will increase the estimated total contract price by an amount not
21 exceeding \$67,628.22, which amount represents \$39,900 for emergency sewer repairs and
22 \$27,728.22 for unforeseen electric utility work,
23

24 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
25 County of Summit and State of Ohio, that:
26

27 Section 1. The Director of Public Service is hereby authorized to enter into a
28 modification of Contract No. 6622 with Spano Brothers Construction Co., Inc., increasing
29 the unit quantities of labor and material stated therein, and authorizing additional work
30 made necessary by unforeseen site conditions, as necessary in the opinion of the Director
31 of Public Service, but not to exceed an amount \$67,628.22 over the original estimated
32 contract price. Said modification shall be prepared in writing and signed by the Director of
33 Public Service, on behalf of the City, and the Contractor. The revised estimated contract
34 price, for purposes of Section 181.06 of the Codified Ordinances, is \$434,987.32.
35

36 Section 2. The Director of Finance is hereby authorized and directed to pay invoices
37 for work based upon the Contract as modified, in an amount not to exceed \$67,628.22 over
38 the original estimated contract price, \$39,900 of the overage to be paid from the Sewer
39 Fund, Line Item Capital Outlay, and \$27,728.22 of the overage to be paid from the Electric
40 Fund, Line Item Capital Outlay.
41

42 Section 3. Any other ordinances and resolutions or portions of ordinances and
43 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances
44 and resolutions or portions of ordinances and resolutions not inconsistent herewith and
45 which have not previously been repealed are hereby ratified and confirmed.
46

47 Section 4. It is found and determined that all formal actions of this Council
48 concerning and relating to the adoption of this ordinance were adopted in an open meeting
49 of this Council and that all deliberations of this Council and of any of its committees that
50 resulted in such formal action were in meetings open to the public, in compliance with all
51 legal requirements including, to the extent applicable, Chapter 107 of the Codified
52 Ordinances.
53

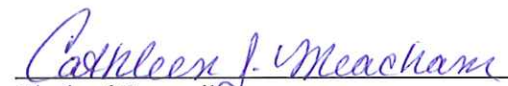
54 Section 5. This ordinance is hereby declared to be an emergency measure necessary
55 for the preservation of the public peace, health, safety, convenience and welfare of the City
56 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote
57 of two-thirds of the members elected or appointed to Council, it shall take effect and be in
58 force at the earliest period allowed by law.

59
60
61
62
63
64
65
66
67
68
69
70
71
72
73

Passed: 2-28-11

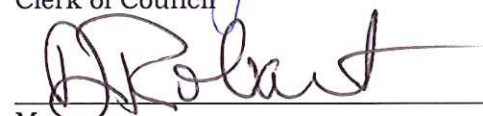


President of Council



Clerk of Council

Approved: 3/3/11



Mayor

2/14/11
O:\2011lords\Modify Prospect Ave. Ext. Contract.doc