CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-80:

AN ORDINANCE ACCEPTING A CHANGE ORDER FOR THE CROCKER PARK PHASE III SITE INFRASTRUCTURE AND PARKING GARAGE PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Director of Engineering have recommended that a change order be approved for the addition of the Maintenance and Operations Room, Alternate "G3" For the Crocker Park Phase III Site Infrastructure and Parking Garage Project.

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

Section 1: That Council hereby approves the change order for the addition of the Maintenance and Operations Room, Alternate "G3" for the Crocker Park Phase III Site Infrastructure and Parking Garage Projects and hereby further authorizes and directs the Mayor to execute said change order on behalf of the City of Westlake, which change order is attached hereto as Exhibit "A".

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to this legislation 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 including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 3: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to approve change order for continuation of project, and further provided it 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.

Passed: 5/21/15

Michael F. Killeen
President of Council

Presented to Mayor: 5/22/15

Approved: 5/22/15

ATTEST:

Denise L. Rosenbaum, Clerk of Council

Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-80 adopted 5/21/15 was duly posted on 5/22/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.

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Change Order

PROJECT *(Name and address)*:	**CHANGE ORDER NUMBER:** 002	**OWNER:** ☒
Crocker Park Phase III Site Infrastructure and Parking Garages FPG, GPG and HPG	**DATE:** March 12, 2015	**ARCHITECT:** ☒
		CONTRACTOR: ☒
TO CONTRACTOR *(Name and address)*:	**ARCHITECT'S PROJECT NUMBER:** 1130	**FIELD:** ☐
Panzica Construction Company 739 Beta Drive Mayfield Village, OH 44143	**CONTRACT DATE:** March 26, 2014 **CONTRACT FOR:** General Construction	**CITY OF WESTLAKE:** ☒

THE CONTRACT IS CHANGED AS FOLLOWS:
(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)
See attached contract change order Exhibits A, B and C.

The original Contract Sum was	$	52,133,100.00
The net change by previously authorized Change Orders	$	0.00
The Contract Sum prior to this Change Order was	$	52,133,100.00
The Contract Sum will be increased by this Change Order in the amount of	$	300,100.00
The new Contract Sum including this Change Order will be	$	52,433,200.00

The Contract Time will be increased by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is May 9, 2016

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

See Exhibit C	See Exhibit C	See Exhibit C
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
ADDRESS	**ADDRESS**	**ADDRESS**
BY *(Signature)*	**BY** *(Signature)*	**BY** *(Signature)*
(Typed name)	*(Typed name)*	*(Typed name)*
DATE	**DATE**	**DATE**

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User Notes:
(1198548056)

EXHIBIT A

Crocker Park - Phase 3
Garage Alternates

GARAGE F - ALTERNATES	Add/Deduct	AMOUNT
Alternate F1 - Fewer Parking Levels FPG	Deduct	$ (1,258,400)
Alternate F2 - Alternate Garage Layout FPG-ALT	Add	$ 1,312,500
Alternate F3 - Maintenance and Operations Room FPG	Add	$ 381,300
Alternate F4 - Storage Room FPG	Add	$ 147,300
Alternate F5 - Concrete Finish FPG	Add	$ 165,000
Alternate F6 - Galvanized Connections and Embedments	Deduct	$ (180,000)

GARAGE G - ALTERNATES	Add/Deduct	AMOUNT
Alternate G1 - Connection GPG to Garage HPG	Add	$ 598,700
Alternate G2 - Additional Parking Level GPG	Add	$ 1,636,300
Alternate G3 - Maintenance and Operations Room GPG	Add	$ 300,100
Alternate G4 - Concrete Finish GPG	Add	$ 80,200
Alternate G5 - Galvanized Connections and Embedments	Deduct	$ (102,200)

GARAGE H - ALTERNATES	Add/Deduct	AMOUNT
Alternate H1 - Connection HPG to Garage GPG	Add	$ (87,700)
Alternate H2 - Concrete Finish HPG	Add	$ 273,000
Alternate H3 - Third and Fourth Level Spandrel HPG	Add	$ 146,100
Alternate H4 - Overhead Coiling Door Grille HPG	Add	$ 28,300
Alternate H5 - Galvanized Connections and Embedments	Deduct	$ (200,000)
Alternate H6 - Garage HPG Delay	Add	$ 45,000

EXHIBIT B

Crocker Park Phase III Site Infrastructure and Parking Garages FPG, GPG & HPG

Contract Summary

Crocker Park Phase III Infrastructure and Parking Garages Contract Summary

Original GMP:	**$52,133,110.00**
Alt G-3 Change Order (CO #2):	**$ 300,100.00**
Revised GMP:	**$52,433,200.00**

Block K Contract Summary – Separate Schedule of Values from CP Phase III Above

Block K Approved GMP per CO 1:	**$3,703,969**

CROCKER PARK PHASE III SITE INFRASTRUCTURE AND PARKING GARAGES FPG, GPG AND HPG
CONTRACT CHANGE ORDER #2
EXHIBIT-C

WHEREAS, bids for the Construction Manager at Risk Contract (the "Contract") for the CROCKER PARK PHASE III SITE INFRASTRUCTURE AND GARAGES FPG, GPG & HPG (the "Project") were opened on November 21, 2013 by the City of Westlake (the "City") and Crocker Park, LLC (the "Construction Agent");

WHEREAS, Panzica Construction Company ("CMR") was the apparent lowest, most responsive and most responsible bidder and, as such, the Contract was awarded to Panzica as of March 26, 2014;

NOW, THEREFORE, in consideration of the mutual promises herein contained, the City, the Construction Agent and Panzica hereby agree as follows

1. The Garage G Alternate G-3 is hereby awarded to Panzica and such scope of work is incorporated into the Contract, subject to the following modifications:
   A. The Garage G – Alternate G3: Maintenance and Operations Room pricing included in CMR's bid and attached to the Contract has been accepted.
   B. The work identified as Alternate G-3 incorporated in the Parking Garage G Drawings dated 10/22/2013 is hereby added to the Work. Such drawings include but are not limited to A101, M101, P101 and E103 and all referenced details and sections;
   C. An increase to the CMR Contract GMP for Crocker Park Phase III Site Infrastructure and Parking Garages FPG, GPG and HPG of $300,100.00 shall be issued by the City in exchange for the change in scope of work as set forth in Paragraphs A & B above. The Garage Alternative Bid Sheet has been attached as Exhibit A;
   D. There will be zero (0) days added to the Contract Time due to this change in Work;
   E. In accordance with Section GC 7.2.2 of the Contract, the CMR certifies that the elements of the Change Order described in Section GC 7.2.1 of the Contract are completely satisfied and waives all rights, if any, to seek further adjustment of the GMP or Contract Time, or both, at a later date with respect to the associated change in Work including on account of the "cumulative impact" of the associated change in the Preconstruction Services or the Work in combination with one or more other changes in the Preconstruction Services or the Work;
   F. CMR certifies that, as of the time of the issuance of this change in Work, there are sufficient funds remaining in the Contingency to fund this change;
   G. The parties hereby agree that Panzica shall perform the Work as modified pursuant to the foregoing paragraphs for the maximum sum of $52,433,200 (the "Revised Crocker Park Phase III Site Infrastructure and Parking Garages FPG, GPG and HPG GMP"); the breakdown of this number is included on Exhibit B.

2. All other provisions of the Documents for the Project remain the same.

By signing this document, the Architect recommends to the Construction Agent and The City of Westlake their approval of this change in Work.

BIALOSKY & PARTNERS ARCHITECTS
(the "Architect")

By: _____

Name: _____

Title: _____

CROCKER PARK, LLC
(the "Construction Agent")

By: _____

Name: _____

Title: _____

PANZICA CONSTRUCTION COMPANY (the "CMR")

By: _____

Name: _____

Title: _____

CITY OF WESTLAKE (the "City")

By: _____

Name: _____

Title: _____