

**ORDINANCE NO. 2019-46
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1
WITH GREENSPACE CONSTRUCTION SERVICES (GCS)
FOR THE FIRE DEPARTMENT EXPANSION AND
RENOVATION PROJECT, AND DECLARING AN
EMERGENCY**

WHEREAS, Resolution No. 2018-11, adopted by the Council of the City on February 19, 2018, authorized the Mayor to negotiate and enter into an Agreement with Greenspace Construction Services, Inc. to provide construction manager at risk services in connection with the Fire Station Expansion and Renovation Project; and

WHEREAS, Resolution No. 2019-38, adopted by the Council of the City on May 6, 2019, authorized the Mayor to amend the Agreement by accepting the guaranteed maximum price; and

WHEREAS, as is common with any demolition, after the contract work was commenced a hazardous materials survey was conducted where asbestos and other hazardous materials were identified on the site which must be abated; and

WHEREAS, the survey and abatement are outside of and in addition to the scope of work previously priced and bid; and

WHEREAS, GCS has solicited bids for the abatement of identified asbestos or other hazardous materials already identified as well as unit costs for any that may be subsequently discovered within closed walls; and

WHEREAS, it is necessary to enter into a Change Order to allow for the abatement, monitoring and proper disposal of all hazardous materials as required by law. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with Greenspace Construction Services, Inc. for the additional amount of Thirty-Five Thousand Nine Hundred Forty-Six Dollars and Fifty-Three Cents (\$35,946.53), in addition to the Contract heretofore authorized by this Council, to survey, abate, monitor and dispose of all hazardous materials, all as more fully set forth in Change Order No. 1, dated May 31, 2019, which is fully incorporated herein. The Construction Manager has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to pay the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. The Mayor be and he is hereby authorized to execute all documents necessary to facilitate the abatement work identified in this Change Order.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the completion of the aforesaid Project. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: June 3, 2019

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on June 13, 2019 and June 20, 2019.

Clerk of Council

First Reading: June 3, 2019

Second Reading: Suspended

Third Reading: Suspended