

ORDINANCE NO. 2005-159

**AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 003 AND 004 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND THE NELSON STARK COMPANY FOR PLUMBING CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

WHEREAS, the City of Mason is constructing a new Water Reclamation Plant (WRP) at 3200 Mason-Morrow-Millgrove Road, scheduled to be completed in early 2006; and

WHEREAS, the City of Mason entered into an Agreement (Contract "D") dated April 2, 2004, with The Nelson Stark Company, 7685 Fields Ertel Road, Cincinnati, Ohio 45241 (Nelson Stark) for plumbing construction of said WRP; and

WHEREAS, Contract "D" provides for the payment of a lump sum of \$372,500.00 for completion of the work specified in Contract "D"; and

WHEREAS, the City of Mason and Nelson Stark have previously executed Change Orders Nos. 001 and 002 to Contract "D", with a total increased amount of \$15,726.00; and

WHEREAS, the City of Mason and Nelson Stark now mutually desire to amend Contract "D" by the execution of Change Orders Nos. 003 and 004, which will modify the work specified in Contract "D" and will increase the total payment for completion of the work specified in Contract "D" by the amount of \$23,643.00; and

WHEREAS, Section 133.05 of the Codified Ordinances of Mason, Ohio requires that the Council approve any change order on an existing contract exceeding \$15,000.00.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, six members thereto concurring:

Section 1. That the City Manager of the City of Mason is hereby authorized to execute on behalf of the City Change Orders Nos. 003 and 004 to Contract "D" for the compensation of \$23,643.00.

Section 2. That the Finance Director of the City of Mason is hereby authorized to increase the amount of compensation payable to Nelson Stark under Contract "D" by the amount of \$23,643.00 upon satisfactory completion of the work agreed to in Change Orders Nos. 003 and 004.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 28<sup>th</sup> day of November, 2005.

Attest

  
Clerk of Council

  
Mayor