

1 **BILL NO. S-22-10-17**

2 **SPECIAL ORDINANCE NO. S-131-22**

3
4 **AN ORDINANCE** amending the not to exceed amount
5 of construction contracts for POWELL PARK and
6 MCKINNIE COMMONS in southeast Fort Wayne.

7 **WHEREAS**, the Common Council previously passed Appropriation
8 Ordinance No. A-1-21 appropriating monies and approving construction contracts
9 for Powell Park in the not to exceed amount of \$250,000 and for McKinnie
10 Commons in the not to exceed amount of \$900,000 based on construction cost
11 estimates available at that time;

12 **WHEREAS**, the actual construction contract amount based on the
13 receipt of public bids and the award of construction to the lowest most responsive
14 bidder for Powell Park is \$379,208.17 with a final change order increasing the
15 amount by \$27,815.00 for a total construction contract amount of \$407,023.17.
16 The actual construction contract amount based on the receipt of public bids and the
17 award of construction to the lowest most responsive bidder for McKinnie Commons
18 is \$1,038,225.83 with a change order increasing the amount by \$150,255.00 for
19 a new construction contract amount of \$1,188,480.83.
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23 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
24 **CITY OF FORT WAYNE, INDIANA;**

25 **SECTION 1.** That the not to exceed construction contract amount for
26 Powell Park shall be \$407,023.17 and the not to exceed construction contract
27 amount for McKinnie Commons shall be \$1,188,480.83.
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY



Malak Heiny, City Attorney

CHANGE ORDER NO. 1
TO THE CONTRACT FOR
POWELL PARK CONSTRUCTION

This Change Order #1 is entered into by and between **Hamilton Hunter Builders, Inc.** ("Contractor") and the **City of Fort Wayne Community Development Division** ("City") for the consideration hereinafter named, to wit:

CHANGES TO THE CONSTRUCTION CONTRACT

1. The Contractor and the City entered into a Construction Contract dated January 20, 2022 in the amount of \$379,208.17 for the construction of Powell Park ("Contract").
2. During the course of work on the project, the following additional work was determined to be required, which additional work was not foreseen at the time that the scope of work was developed for the Project.
 - a) Light fixture to be changed to Night Sky
 - b) Entry monument sign post size change
 - c) Fence post size change
 - d) Additional concrete curb wall along north walk
 - e) Plaque pedestal
 - f) Enlarge stamped concrete
 - g) Change fence wall to 12" and increase footing
 - h) Add basketball goal foundation
 - i) Add piers for in ground mount picnic table
 - j) Add drainage for Stormwater Department
 - k) Unforeseen rubble/ debris removal
 - l) Raise storm structures
 - m) Add curb at pavilion
 - n) Sawcut and pour sidewalk for inlet connection
 - o) Tapping fee for water meter
 - p) Cut pedestal top and re-rub edges
 - q) Increased shipping costs
 - r) Dog waste station post and sign
 - s) Backflow preventer and blow off valve work
 - t) Concrete pad and cage for back flow preventer;all at an additional cost of \$45,879.00,

and the following work was determined to not be required for the Project:

- a) Sidewalks around the alternate playground that was not accepted at time of bid
 - b) Unit price quantities lower than planned amount;All at a cost reduction of \$18,064.00.
3. The total increase in the Contract price by this change order is Twenty-Seven Thousand Eight Hundred Fifteen and 00/100 Dollars (\$27,815.00).

AMENDED CONTRACT PRICE

The amended total Contract price is the not-to-exceed amount of Four Hundred Seven Thousand Twenty-Three and 17/100 Dollars (\$407,023.17)

EFFECT OF THE ORIGINAL CONTRACT

All terms and conditions of the Contract, whether or not repeated in this Change Order, are in all respects intact and are fully applicable to this Change Order, except as specifically modified by this Change Order.

IN WITNESS WHEREOF, the parties hereto have executed this Change Order as of the date of the last dated signature below.

CONTRACTOR

CITY

By: _____
Holly Hunter, President
Hamilton Hunter Builders, Inc.

By: _____
Nancy Townsend
Community Development Director

Attest:

Signature

Printed Name

Title

Date

Attest:

Signature

Printed Name

Title

Date

CHANGE ORDER NO. 1

**TO THE CONTRACT FOR
McKinnie Commons Improvements Construction**

This Change Order #1 is entered into by and between **Hamilton Hunter Builders, Inc.** ("Contractor") and the **City of Fort Wayne Community Development Division** ("City") for the consideration hereinafter named, to wit:

CHANGES TO THE CONSTRUCTION CONTRACT

1. The Contractor and the City entered into a Construction Contract dated January 20, 2022 in the amount of \$1,038,225.83 for the construction of McKinnie Commons ("Contract").
2. During the course of work on the project, the following additional work was determined to be required, which additional work was not foreseen at the time that the scope of work was developed for the Project.
 - a) Potholing gas lines/layout changes
 - b) Additional work for signal/pedestrian work
 - c) Christmas tree support sleeve change
 - d) Hydroexcavating gas lines at seat wall
 - e) Shipping increases from bid on site furnishingsall at an additional cost of \$150,255.00.
3. The total increase in the Contract price by this change order is One Hundred Fifty Thousand Two-Hundred Fifty-Five and 00/100 Dollars (\$150,255.00).

AMENDED CONTRACT PRICE

The amended total Contract price is the not-to-exceed amount of One Million One Hundred Eighty-Eight Thousand Four Hundred Eighty and 83/100 Dollars (\$1,188,480.83)

EFFECT OF THE ORIGINAL CONTRACT

All terms and conditions of the Contract, whether or not repeated in this Change Order, are in all respects intact and are fully applicable to this Change Order, except as specifically modified by this Change Order.

IN WITNESS WHEREOF, the parties hereto have executed this Change Order as of the date of the last dated signature below.

CONTRACTOR

CITY

By: _____
Holly Hunter, President
Hamilton Hunter Builders, Inc.

By: _____
Nancy Townsend
Community Development Director

Attest: _____
Signature

Attest: _____
Signature

Printed Name

Title

Date

Printed Name

Title

Date

DIGEST SHEET

TITLE OF ORDINANCE. An Ordinance amending the not to exceed amount of construction contracts for POWELL PARK and MCKINNIE COMMONS in southeast Fort Wayne.

DEPARTMENT REQUESTING RESOLUTION. Community Development

SYNOPSIS OF ORDINANCE. Amends the total not-to-exceed amount allotted for Powell Park from \$250,000 to \$407,023.17 and for McKinnie Commons from \$900,000 to \$1,188,480.83.

EFFECT OF PASSAGE. Passage of this amendment will allow for execution of the change orders for Powell Park and McKinnie Commons which will allow Hamilton Hunter to be paid for work completed at Powell Park and will allow Hamilton Hunter to finalize work at McKinnie Commons.

EFFECT OF NON-PASSAGE. Without approval of this amendment, the construction at McKinnie Commons will stop and cannot be completed.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). The additional \$157,023.17 for Powell Park and \$288,480.83 for McKinnie will come from the Infrastructure line of Community Development's CEDIT budget.

ASSIGNED TO COMMITTEE (PRESIDENT). _____



COMMUNITY DEVELOPMENT

Vibrant. Prosperous. Growing.

Thomas C. Henry, Mayor

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne, IN 46802

260 427-1127 fwcommunitydevelopment.org

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Community Development Division

From: Stacy Haviland, Community Development Administrator, 427-2147

Subject: Amending the not to exceed amount of construction contracts for POWELL PARK and MCKINNIE COMMONS in southeast Fort Wayne.

Date: October 20, 2022

The Community Development Division hereby requests that the Common Council consider and approve an amendment to the not to exceed construction contract amounts for Powell Park and McKinnie Commons.

The original amount approved for Powell Park was \$250,000. The construction contract amount for Powell Park is \$379,208.17 with change orders totaling \$27,815.00 increasing the final contract amount to \$407,023.17. An additional \$157,023.17 is needed for Powell Park which will come out of the Infrastructure line in Community Development's CEDIT budget, if approved.

The original amount approved for McKinnie Commons was \$900,000. The construction contract amount for McKinnie Commons is \$1,038,225.83 with a change order for \$150,255.00 increasing the total contract amount to \$1,188,480.83. An additional \$288,480.83 is needed for McKinnie Commons which will come out of the Infrastructure line in Community Development's CEDIT budget, if approved.

We respectfully request your approval of this ordinance. If you have any questions, please feel free to contact me at 427-2147.

Thank you in advance.

An Equal Opportunity Employer



BILL NO. S-22-10-17

REPORT OF COMMITTEE ON FINANCE

November 1, 2022

Russ Jehl Chair



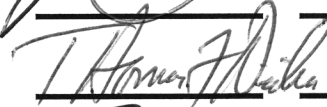

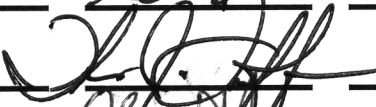
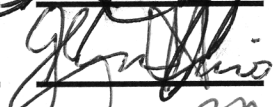

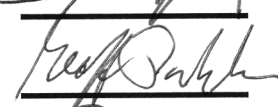

Sharon Tucker Co-Chair

All Council Members

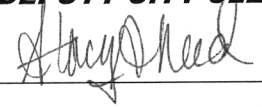
An Ordinance amending the not to exceed amount of construction contracts for Powell Park and McKinnie Commons in southeast Fort Wayne

Powell Park change order increase of \$27,815.00, McKinnie Commons change order increase of \$150,255.00

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY A. REED
DEPUTY CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Jehl.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilperson Jehl, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: November 8, 2022




 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Special Ordinance No. S-22-10-17 on the 8th day of November, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



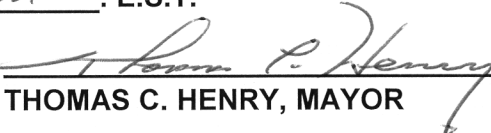
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th of November 2022, at the hour of 4:45 o'clock PM. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of November 2022, at the hour of 12:30 o'clock PM. E.S.T.



 THOMAS C. HENRY, MAYOR

