

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5248

**AN ORDINANCE AMENDING ORDINANCE NO. 4717 AND
THE AGREEMENT WITH THENDESIGN ARCHITECTURE
FOR DESIGN AND CONSTRUCTION SERVICES FOR THE
AQUATICS FACILITY PROJECT; AND DECLARING
AN EMERGENCY**

WHEREAS, at its meeting of January 17, 2017, the Council approved Ordinance No. 4717, authorizing a Design and Construction Services Agreement with ThenDesign Architecture for the Brecksville Aquatics Facility Project; and

WHEREAS, at its meeting of December 19, 2017, the Council approved Ordinance No. 5147, authorizing an Amendment to the Agreement with ThenDesign Architecture for Design and Construction Services for the Aquatics Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be and he hereby is authorized to enter into a Second Amendment to the Agreement with ThenDesign Architecture for Design and Construction Services for the Aquatics Facility approved by Ordinance No. 4717, a copy of which Amendment is attached hereto as Exhibit "A" and incorporated herein as if by reference.

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

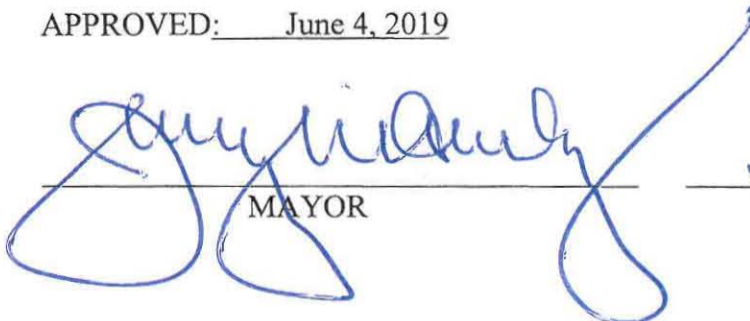
SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is to proceed with the project, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5248 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 20 19 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 20 19.

PASSED: June 4, 2019

APPROVED: June 4, 2019


CLERK OF COUNCIL


MAYOR


CLERK OF COUNCIL

EXHIBIT "A"

AMENDMENT NO. 2

This amendment is made to the agreement dated January 2017 previously executed by and between THENDESIGN ARCHITECTURE, hereinafter called "The Architect" and THE CITY OF BRECKSVILLE, hereinafter called "The Owner" for the New Aquatic Facilities Project, hereinafter called "The Project".

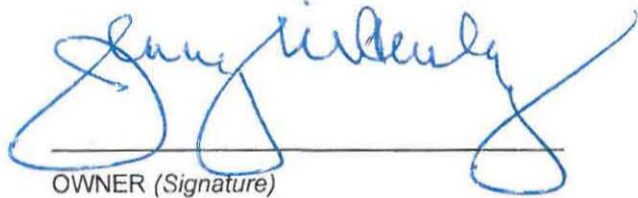
It is mutually understood and agreed by and between the undersigned contracting parties to amend that previously executed agreement as follows:

Exhibit G – Architect's Compensation. The Architect's compensation shall be adjusted to the actual construction estimate of \$7,124,100 per Seitz Construction Bid. Therefore, the Architect's compensation shall be $\$7,124,100 \times 7\% = \$498,687.00$

All other terms and conditions that are not hereby amended are to remain in full force and effect.

THENDESIGN ARCHITECTURE, LTD.

CITY OF BRECKSVILLE



ARCHITECT (Signature)

OWNER (Signature)

Christopher Smith, Managing Partner

Jerry N. Hruby, Mayor

Printed Name and Title

Printed Name and Title

May 21, 2019

Date

Date