RESOLUTION AUTHORIZING CHANGE ORDERS FOR THE HEAT CONVERSION CONSTRUCTION PROJECT AT THE MAIN LIBRARY

WHEREAS, On November 15, 2012, the Board of Trustees of the Cleveland Public Library (the “Board”) awarded contracts for the Heat Conversion Construction Project to Marlin Mechanical LLC for mechanical work in the amount of $639,455.92, and to Siemens Industry Inc. for temperature controls work in the amount of $481,000, for conversion of the existing electrical heating system to a steam heating system at the Main Library building; and

WHEREAS, On March 21, 2013, the Board approved three (3) change orders to the contract with Marlin Mechanical LLC for the installation of gas boilers and electric humidification, for a net increase in the amount of $137,463; and

WHEREAS, On May 16, 2013, the Board approved two (2) changes orders to the contract with Marlin Mechanical LLC for work to fix leaking valves and to add a reverse osmosis system for humidification units, for an increase of $24,331.21; and

WHEREAS, Marlin Mechanical has presented a change order to cover the cost of installing a new four (4) inch gas line to service the new gas boilers installed, and a change order for installation of a new header and distribution tubes to address unexpected condensation dripping from the duct work; and

WHEREAS, In order to modify the contract with Marlin to accommodate these additional costs the Library Administration recommends that the Board of Library Trustees approve the changes orders attached to this Resolution and set forth below; and
WHEREAS, The Board of Library Trustees can, in its discretion, approve written change orders and subsequently amend the contract sum; and

WHEREAS, Spectrum Energy has reviewed the necessity of the following, has prepared and recommends acceptance of the change orders as detailed in the attached;

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Change</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marlin Mechanical</td>
<td>CO-M006</td>
<td>+$ 14,981.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Add for installation of 4” gas line to boilers.</td>
</tr>
<tr>
<td></td>
<td>CO-M007</td>
<td>+$ 5,082.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Add for new header and distribution Tubes for the RO system –installed AHU#3 and AHU#4 (material only)</td>
</tr>
</tbody>
</table>

**Net total increase**  $ 20,063.40

**TOTAL CONTRACT AMOUNT:**  $821,313.53

Now therefore be it

RESOLVED, That the above listed change orders are hereby approved with a $20,063.40 increase to the Marlin Mechanical LLC contract being charged to the Building & Repair Fund Account 40190105-55300-12901.
PROJECT: Cleveland Public Library
325 Superior Avenue
Cleveland, Ohio 44114

CHANGE ORDER NUMBER: M-6
DATE: 5/19/2014
SPECTRUM PROJECT: Main Library Heat Conversion Project

CONTRACTOR: Martin Mechanical, LLC
6600 Grant Avenue, Cleveland, Ohio 44105

CONTRACT DATE: 
CONTRACT FOR: Mechanical Work

The Contract is changed as follows:
ADD for Excavate and Install new gas line into CPL. See attached cost recap and Sub-Contractor Invoice's.

APPROVED: 
Construction Management

This change is valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed maximum Price) was $639,455.92
The change by previously authorized Change orders $161,794.21
The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was $801,250.13
The (Contract Sum) (Guaranteed maximum price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of $14,981.40
The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be $816,231.53

The Contract Time will be (increased) decreased (unchanged) by
The date of Substantial Completion as of the date of this Change Order therefore is

DATE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

8/24/14

CONTRACTOR

Cleveland Public Library
325 Superior Ave

Architect

Contract

Address

Cleveland, Ohio 44145

ARCHITECT

CONTRACTOR

Address

Cleveland, Ohio 44105

BY: 
DATE 5/19/14

OWNER

G701-1987

AIA Form G701
<table>
<thead>
<tr>
<th>Project No.: 160612</th>
<th>Description: Excavate and install new gas line into building</th>
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</thead>
<tbody>
<tr>
<td>Contractor: Martin Mechanical LLC</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Labor: (10 straight and overtime)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>worker classification</td>
<td>0</td>
</tr>
<tr>
<td>worker classification</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
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<table>
<thead>
<tr>
<th>Equipment Rentals</th>
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</tr>
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<tbody>
<tr>
<td>(Heavy/specialized equipment)</td>
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</tr>
<tr>
<td><strong>TOTALS</strong></td>
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<thead>
<tr>
<th>Owned Equipment</th>
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<tbody>
<tr>
<td>(Specialty Tools/Torches/Equipment)</td>
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</tr>
<tr>
<td><strong>TOTALS</strong></td>
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<thead>
<tr>
<th>Trucking:</th>
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<tbody>
<tr>
<td>(Delivery charge - Portal - Portal)</td>
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<tr>
<td><strong>TOTALS</strong></td>
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<table>
<thead>
<tr>
<th>Overhead:</th>
<th>0.075 %</th>
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<tbody>
<tr>
<td>(on items A,B,C,D)</td>
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<table>
<thead>
<tr>
<th>Materials</th>
<th></th>
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<tbody>
<tr>
<td>(Itemized on next pg.)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Profit:</th>
<th>@ 5.0%</th>
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<tbody>
<tr>
<td>(on items A,B,C,D,E,F)</td>
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<table>
<thead>
<tr>
<th>Subcontractor</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumbing and cement</td>
<td>$14,268.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor Markup</th>
<th></th>
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<tbody>
<tr>
<td>5%</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
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</tbody>
</table>

| **TOTAL COST (A thru H) + (I and J):** | **$14,981.40** |
JOHN PROCHAZKA
PLUMBING & HEATING, Inc.
P O BOX 427
CHAGRIN FALLS, OHIO 44022-0427

December 4, 2013
Invoice # 13052-L-CPL-C

Marlin Mechanical LLC
Attention: Ed Paul
6600 Grant Avenue
Cleveland, OH 44105
e-mail: edpaul@marlinmech.com
P: 216-881-5155 F: 216-881-2924

Job Site & Location
Cleveland Public Library
East 6th and Rockwell
Cleveland, OH

Date of Service: Various see Labor Dates

Labor and Material for:
Plumber snaked the main saw cut and remove sidewalk, excavate and install 4" gas line.

Labor- 11/26/13 - (16) Hours at $80.00 per hour ........................................ $1,280.00
11/27/13 - (16) Hours at $80.00 per hour ........................................ $1,280.00
11/29/13 - (24) Hours at $80.00 per hour ........................................ $1,920.00
12/02/13 - (24) Hours at $80.00 per hour ........................................ $1,920.00
12/03/13 - (24) Hours at $80.00 per hour ........................................ $1,920.00

Shop Fabrication - (8) Hours at $80.00 per hour ................................. $640.00

Rental- Saw (8) Hours ........................................................................ $100.00
Bobcat (16) Hours .......................................................................... $600.00
Welder (16) Hours ........................................................................ $200.00
Dump Truck (8) Hours ..................................................................... $640.00

Materials .......................................................................................................... $3,768.00

Total Due: ................................................................................................. $14,268.00

Payment Due Upon Receipt of Invoice

Thank You for Your Prompt Payment-
Sincerely,

John Prochazka

Terms: Net 30 Days
Past Due Amounts Subject to 1.5% Per Month (18.0) per Annum) Interest
AFFIDAVIT OF (SUB ORIGINAL) CONTRACTOR

Project Name: Cleveland Public Library  Date: December 4, 2013

STATE OF OHIO, Cuyahoga COUNTY, SS:

JAMES PROCHAZKA, BEING DULY SWORN, SAYS THAT HE IS CHIEF FINANCIAL OFFICER OF JOHN PROCHAZKA PLUMBING & HEATING, INC., THE SUB ORIGINAL CONTRACTOR HAVING A CONTRACT WITH MARVIN MECHANICAL LLC, THE GENERAL CONTRACTOR FOR GENERAL CONTRACTING WORK SITUATED ON OR AROUND OR IN FRONT OF THE FOLLOWING DESCRIBED: CLEVELAND PUBLIC LIBRARY WHERE OF: __________ WAS THE OWNER, PART OWNER OR LESSEE.

AFFIANT FURTHER SAYS THAT THE FOLLOWING SHOWS THE NAMES OF EVERY SUBCONTRACTOR IN THE EMPLOY OF SAID JOHN PROCHAZKA PLUMBING & HEATING, INC., GIVING THE AMOUNT, IF ANY, WHICH IS DUE, OR TO BECOME DUE, TO THEM, OR ANY OF THEM, FOR WORK DONE OR MACHINERY, MATERIAL, OR FUEL FURNISHED TO DATE HEREOF, UNDER SAID CONTRACTS.

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<tr>
<td>&quot;ALL MATERIAL FROM FULLY PAID STOCK&quot;</td>
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SAID AFFIANT FURTHER SAYS THAT THE FOLLOWING SHOWS THE NAMES OF EVERY UNPAID LABORER IN THE EMPLOY OF JOHN PROCHAZKA PLUMBING & HEATING, INC., FURNISHING LABOR UNDER SAID CONTRACT, GIVING THE AMOUNT, IF ANY, WHICH IS DUE, OR TO BECOME DUE FOR LABOR DONE TO DATE HEREOF.

NOTE: IF THE FACT IS THAT EVERY LABORER HAS BEEN PAID IN FULL, THEN REPEAT: "EVERY LABORER HAS BEEN PAID IN FULL." IF NOT, THEN GIVE EACH UNPAID LABORER'S NAME AND THE AMOUNT DUE OR TO BECOME DUE.

<table>
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<tr>
<th>NAME</th>
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AFFIANT FURTHER SAYS THAT JOHN PROCHAZKA PLUMBING & HEATING, INC., HAS NOT EMPLOYED OR PURCHASED OR PROCURED MACHINERY, MATERIAL, OR FUEL HERE FROM, OR SUBCONTRACTED WITH ANY PERSON, FIRM, OR CORPORATION OTHER THAN THOSE ABOVE MENTIONED, AND OWES FOR NO LABOR PERFORMED, OR MACHINERY, MATERIAL OR FUEL FURNISHED UNDER SAID CONTRACTS, OTHER THAN ABOVE SET FORTH.

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, at Chardon Falls, this 4th DAY DECEMBER, 2013

[Signature]

NOTARY PUBLIC - VICE HEINZER EUGENIE 1725-3

CERTIFICATE OF MATERIAL MEN

CLEVELAND, OHIO, December 4, 2013

THE UNDERSIGNED CERTIFY THAT TO THE DATE HEREOF THEY HAVE FURNISHED MACHINERY, MATERIAL, OR FUEL, AS SET OUT HEREIN FOR DESCRIBED IN THE FOREGOING AFFIDAVIT; THAT THE NATURE OF SAID MACHINERY, MATERIAL, OR FUEL FURNISHED, THE DATE WHEN THEY COMMENCED FURNISHING THE SAME AND THE AMOUNT NOW DUE OR OWING TO EACH OF THEM, IS CORRECTLY STATED AND SET OPPOSITE THEIR RESPECTIVE NAMES OR THEY HAVE BEEN PAID IN FULL, IF SO ACKNOWLEDGED HEREOF.

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AFFIDAVIT OF (SUB ORIGINAL) CONTRACTOR

STATE OF OHIO, Cuyahoga COUNTY, SS:

JAMES PROCHAZKA BEING DULY SWORN, SAYS THAT HE IS CHIEF FINANCIAL OFFICER OF JOHN PROCHAZKA PLUMBING & HEATING, INC., THE SUB ORIGINAL CONTRACTOR HAVING A CONTRACT WITH MARLIN MECHANICAL LLC, THE GENERAL CONTRACTOR FOR GENERAL CONTRACTING WORK SITUATED ON OR AROUND OR IN FRONT OF THE FOLLOWING DESCRIBED, CLEVELAND PUBLIC LIBRARY, WHERE OF: ___________ WAS THE OWNER, PART OWNER OR LESSEE.

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SUB CONTRACTORS

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MATERIAL MEN

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LABOR

<table>
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SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, at Chagrin Falls, this 4th DAY December, 2013

CERTIFICATE OF MATERIAL MEN

CLEVELAND, Ohio, December 4, 2013

THE UNDERSIGNED CERTIFY THAT TO THE DATE HEREOF THEY HAVE FURNISHED MACHINERY, MATERIAL, OR FUEL AS SET OUT HEREFOR TO, SITUATED ON OR AROUND OR IN FRONT OF THE PROPERTY DESCRIBED IN THE FOREGOING AFFIDAVIT; THAT THE NATURE OF SAID MACHINERY, MATERIAL, OR FUEL, FURNISHED, THE DATE WHEN THEY COMMENCED FURNISHING THE SAME AND THE AMOUNT NOW DUE OR OWING TO EACH OF THEM, IS CORRECTLY STATED AND SET OPPOSITE THEIR RESPECTIVE NAMES OR THEY HAVE BEEN PAID IN FULL, IF SO ACKNOWLEDGED HEREOF.

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CHANGE ORDER

IA DOCUMENT G701

PROJECT: Cleveland Public Library
325 Superior Avenue
Cleveland, Ohio 44114

CHANGE ORDER NUMBER: M-7

DATE: 5/19/2014

SPECTRUM PROJECT: Main Library Heat Conversion Project

CONTRACTOR: Marlin Mechanical, LLC
6600 Grant Avenue, Cleveland, Ohio 44105

CONTRACT DATE: 
CONTRACT FOR: Mechanical Work

The Contract is changed as follows:
ADD for New Header and Distribution Tubes for the RO system installed in AHU#3 and AHU#4

APPROVED:

Construction Management

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed maximum Price) was $639,455.92

# of Change by previously authorized Change orders $176,775.61

The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was $816,231.53

The (Contract Sum) (Guaranteed maximum price) will be (increased) (decreased) $5,082.00

unchanged) by this Change Order in the amount of $821,313.53

The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be

The Contract Time will be (increased) decreased (unchanged) by

The date of Substantial Completion as of the date of this Change Order therefore is

DTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Marlin Mechanical LLC
CONTRACTOR
6600 Grant Avenue
Cleveland, Ohio 44105

OWNER

Address


DATE: 5/19/14

G701-1987

AIA Form G701
May 20, 2014

Cleveland Public Library
325 Superior Avenue
Cleveland, Ohio 44114

Attn: Project Team

**Sent VIA Email**

RE: Main Library Energy Conservation Project – Electric Steam Humidification System

As you are aware the newly installed Humidification Equipment has not alleviated the excess condensate issues you had with your previous humidification system. It was Marlin Mechanical’s intention to try and utilize the legacy’s systems Distribution Tubes as a cost savings measure for the project. Unfortunately this approach has not worked as evidenced by the excess condensation dripping from the duct work onto the floor.

After consulting with the Manufacturer and Supplier of the system, it has become necessary to replace the Legacy Distribution Tubes and Header Assembly in AHU#3 and AHU#4.

Please note that our previous Change Order M-2 did not include the cost of replacing the old tubes or header. It only allowed for “Minor Allowance for repairs to existing distribution tubes, as needed.”

The new Header Assembly and Tubes will be installed per the Manufacturer’s recommendation in a horizontal orientation.

Please note that our enclosed Change Order Request – M7 is only for the material cost associated with this change. Marlin Mechanical LLC will cover the cost of Labor to install the new unit under its previous change order M-2.

Again, thank you for your patience as we address this issue.

Sincerely,

Steven J. Estok
Assistant GM

CC: File

---

Pipe Fabrication, Process Piping,
Hvac and Plumbing
An Equal Opportunity Employer
May 20, 2014

Cleveland Public Library
325 Superior Avenue
Cleveland, Ohio 44114

Attn: Project Team

Sent VIA Email

RE: Main Library Energy Conservation Project – Electric Steam Humidification System

As you are aware the newly installed Humidification Equipment has not alleviated the excess condensate issues you had with your previous humidification system. It was Marlin Mechanical's intention to try and utilize the legacy’s systems, Distribution Tubes as a cost savings measure for the project. Unfortunately this approach has not worked as evidenced by the excess condensation dripping from the duct work onto the floor.

After consulting with the Manufacturer and Supplier of the system, it has become necessary to replace the Legacy Distribution Tubes and Header Assembly in AHU#3 and AHU#4.

Please note that our previous Change Order M-2 did not include the cost of replacing the old tubes or header. It only allowed for “Minor Allowance for repairs to existing distribution tubes, as needed.”

The new Header Assembly and Tubes will be installed per the Manufacturer’s recommendation in a horizontal orientation.

Please note that our enclosed Change Order Request – M7 is only for the material cost associated with this change. Marlin Mechanical LLC will cover the cost of Labor to install the new unit under its previous change order M-2.

Again, thank you for your patience as we address this issue.

Sincerely,

Steven J. Estok
Assistant GM

CC: File

Pipe Fabrication, Process Piping, Hvac and Plumbing
An Equal Opportunity Employer