

**CLEVELAND PUBLIC LIBRARY**

**Finance Committee**

June 17, 2014

**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

**EXHIBIT 6**

WHEREAS, The Board of Library Trustees can it 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;

<b>Contractor</b>	<b>Change</b>	<b>Amount</b>
Marlin Mechanical	CO-M006 Add for installation of 4" gas line to boilers.	+\$ 14,981.40
	CO-M007 Add for new header and distribution Tubes for the RO system –installed AHU#3 and AHU#4 (material only)	+\$ 5,082.00
	<b>Net total increase</b>	<b>\$ 20,063.40</b>
	<b>TOTAL CONTRACT AMOUNT:</b>	<b>\$821,313.53</b>

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.

CHANGE ORDER

Attachment F - AIA Form G701

- OWNER
- ARCHITECT
- CONTRACTOR
- FIELD
- OTHER

IA DOCUMENT G701

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  
 CONTRACT DATE:  
 CONTRACT FOR: Mechanical Work

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

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

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

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

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

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

SPECTRUM CONSULT

ARCHITECT  
3346 ARBOR WAY

Address  
WESTLAKE, OH 44145

[Signature]

DATE 5/28/14

Marlin Mechanical LLC

CONTRACTOR  
6600 Grant Avenue

Address  
Cleveland, Ohio 44105

BY [Signature]

DATE 5/19/14

CLEVELAND PUBLIC LIBRARY

OWNER  
325 SUPERIOR AVE

Address  
CLEVELAND, OHIO 44114

BY \_\_\_\_\_

DATE \_\_\_\_\_

**ORDER PRICING REVIEW**

Date: December 12, 2013

Project No.: 160812

Customer: Ohio Realty Advisors/Goodyear Campus

County: Cuyahoga

Project: Cleveland Public Library

Description: Excavate and install new gas line into building

Contractor: Marlin Mechanical LLC

**TOTALS**

**LABOR:** (ID straight and overtime)

worker classification	<u>                    </u>	<u>0</u>	72	\$0.00
worker classification	<u>                    </u>	<u>0</u>	95	\$0.00
			hours x rate =	\$0.00

<b>EQUIPMENT RENTALS</b>		<u>0</u>	50	\$0.00
(Heavy/specialized equipment)		hour,day,week	x rate =	

<b>OWNED EQUIPMENT</b>		<u>0</u>	hrs. 0	\$0.00
(Specialty Tools/Torches/Equipment)		hour,day,week	x rate =	

<b>TRUCKING:</b>		<u>0</u>	hrs. 30	\$0.00
(Delivery charge - Portal - Portal)		hour,day,week	x rate =	

**Subtotal (A,B,C,D):** \$0.00

**OVERHEAD:** 0.075 % (on items A,B,C,D) \$0.00

**MATERIALS** \$0.00  
(Itemized on next pg.)

**Subtotal (A,B,C,D,E):** \$0.00

**PROFIT:** @ 5.0% (on items A,B,C,D,E,F) \$0.00

**Subtotal (A thru G):** \$0.00

**SUBCONTRACTOR**  
Plumbing and cement \$14,268.00

**SUBCONTRACTOR MARKUP** 5% \$713.40

**Subtotal (I and J):** \$14,981.40

**TOTAL COST (A thru H) + (I and J):** \$14,981.40

PHONE: (216) 831-5165

FAX: (216) 831-4359

REMIT TO: **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

*Dupl. inv  
Invoice*

Job Site & Location

Cleveland Public Library  
East 6<sup>th</sup> 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 *EP*

**Total Due:**.....\$14,268.00 *160812*

-Payment Due Upon Receipt of Invoice-

Thank You for Your Prompt Payment-  
Sincerely,

*John Prochazka*

John Prochazka

*510*  
*23679*  
*5*  
*JP 1/28*

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 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.

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.

### SUB CONTRACTORS

NAME	TRADE	AMOUNT DUE TO OR TO BECOME DUE FOR WORK AND MATERIAL FURNISHED TO DATE HEREOF.
"NO SUB-CONTRACTORS"		

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

### MATERIAL MEN

NAME	TRADE	AMOUNT DUE TO OR TO BECOME DUE FOR WORK AND MATERIAL FURNISHED TO DATE HEREOF.
"ALL MATERIAL FROM FULLY PAID STOCK"		

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

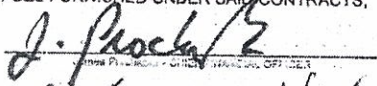
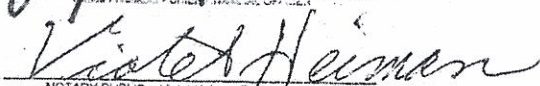
### LABOR

NAME	HOURS	AMOUNT DUE TO OR TO BECOME DUE FOR WORK AND MATERIAL FURNISHED TO DATE HEREOF.
"EVERY LABORER HAS BEEN PAID IN FULL"		

THAT THE AMOUNTS DUE OR TO BECOME DUE TO SAID SUBCONTRACTORS, MATERIAL MEN, AND LABORERS, FOR WORK DONE, OR MACHINERY, MATERIAL OR FUEL FURNISHED TO THE DATE HEREOF, TO JOHN PROCHAZKA PLUMBING & HEATING, INC. IS FULLY AND CORRECTLY SET FORTH OPPOSITE THEIR NAMES, RESPECTIVELY, IN THE AFORESAID STATEMENTS, AND FURTHER EVIDENCE BY CERTIFICATES OF EVERY PERSON FURNISHING MACHINERY, MATERIAL, OR FUEL, HERETO ATTACHED, AND MADE A PART HEREOF.

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 Chagrin Falls, this  
4th DAY December, 2013

  
  
 NOTARY PUBLIC - Violet Heiman Expires: 11/7/13

## 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 TO \_\_\_\_\_ FOR \_\_\_\_\_ 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 HEREON.

NAME	MACHINERY, MATERIALS, OR FUEL AND NATURE OF THE SAME.	COMMENCED FURNISHING	AMOUNT DUE TO OR TO BECOME DUE FOR WORK AND MATERIAL FURNISHED TO DATE HEREOF.

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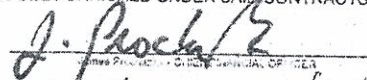
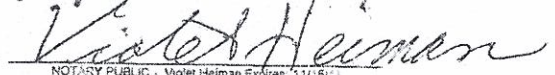
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SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, at Chagrin Falls, this 4th DAY December, 2013

  
James Prochazka - Chief Financial Officer, CP 1224  
  
NOTARY PUBLIC - Violet Heiman Expires 11/15/14

## 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 TO \_\_\_\_\_ FOR \_\_\_\_\_ 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 HEREON.

NAME	MACHINERY, MATERIALS, OR FUEL AND NATURE OF THE SAME.	COMMENCED FURNISHING	AMOUNT DUE TO OR TO BECOME DUE FOR WORK AND MATERIAL FURNISHED TO DATE HEREOF.

CHANGE  
ORDER

OWNER   
 ARCHITECT   
 CONTRACTOR   
 FIELD   
 OTHER

AIA 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: Martin 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

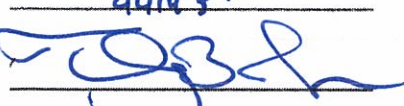
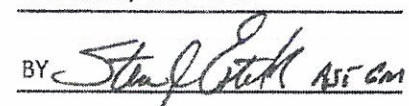
APPROVED:   
 Construction Management

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

The original (Contract Sum) (Guaranteed maximum Price) was	<u>\$639,455.92</u>
net change by previously authorized Change orders	<u>\$176,775.61</u>
The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was	<u>\$816,231.53</u>
The (Contract Sum) (Guaranteed maximum price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	<u>\$5,082.00</u>
The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be	<u>\$821,313.53</u>

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

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

	Martin Mechanical LLC	
ARCHITECT PROJ MGR	CONTRACTOR	OWNER
2314 ARBOR WAY	6600 Grant Avenue	
Address	Address	Address
WESTLAKE OH 44145	Cleveland, Ohio 44105	
	BY 	BY
DATE 	DATE 5/20/14	DATE





Marlin Mechanical LLC  
6600 Grant Ave  
Cleveland Ohio 44105  
Phone: (216) 881-5155  
Fax: (216) 881-2924

# MARLIN MECHANICAL LLC

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

*[Handwritten notes and signatures in the bottom right corner]*

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





Marlin Mechanical LLC  
6600 Grant Ave  
Cleveland Ohio 44105  
Phone: (216) 881-5155  
Fax: (216) 881-2924

# MARLIN MECHANICAL LLC

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.

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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

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Hvac and Plumbing  
An Equal Opportunity Employer*

