

BILL NO. R-24-10-07

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE AMENDING THE NOT-
TO-EXCEED AMOUNT OF A DEMOLITION
CONTRACT BETWEEN THE FORT WAYNE
REDEVELOPMENT COMMISSION AND AMOR
EXCAVATING FOR THE FORMER PEPSI
WAREHOUSE ON NORTH HARRISON STREET.

WHEREAS, on December 19, 2023, the Fort Wayne Common
Council ("Common Council") unanimously adopted Resolution R-23-12-13
approving the use of 2023 Supplemental LIT funds for a contract in the not-to-
exceed amount of Five Hundred Twenty-One Thousand Six Hundred Forty-One
and 95/100 Dollars (\$521,641.95) between the Fort Wayne Redevelopment
Commission ("Commission") and Amor Excavating for demolition of the former
Pepsi Warehouse located at 1207 North Harrison Street (the "Demolition"); and

WHEREAS, due to unforeseen circumstances the actual cost of the
Demolition exceeded the agreed-upon amount and therefore requires a change
order, attached hereto as Exhibit A, in the amount of One Hundred Fifty-Four
Thousand Three Hundred Sixty-Nine and 36/100 Dollars (\$154,369.36).

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the not-to-exceed construction contract amount
for the Demolition shall be Six Hundred Seventy-Six Thousand Eleven and 31/100
Dollars (\$676,011.31).

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

Exhibit A – Change Order

CHANGE ORDER

Date: 12/31/2020
Change Order #: 1 Resolution #: 0
Project: 1207 II Harrison Street Demolition - Pepsi Warehouse
W.O. #: 0
To: Amor Excavating
(CONTRACTOR)

The CONTRACTOR is directed to make the following changes in the contract documents as set forth in this change order and attachments.

SEE ATTACHED CONTRACT COST ANALYSIS SHEET

	<u>Decrease</u>	<u>Increase</u>
Total Decrease:	\$29,264.50	
Total Increase:		\$183,633.86
Net <u>increase</u> to contract price:		#####

The sum of \$154,369.36 hereby increases the total contract price, and the contract price shall be adjusted as follows:

Sum of prior Change Orders		\$0.00
Amount of Change Order #	1	Increase <u>\$154,369.36</u>
Original Contract Price:		\$521,641.95
Current Contract Price Adjusted By Previous Change Order (if any):		\$521,641.95
New Contract Price Including this Change Order:		\$676,011.31

The time provided for final completion of this project on this contract changed by 63 calendar days due to this Change Order. The date for final completion of all work shall be 8/30/2024. Furthermore, this document shall become an amendment to the contract and all provisions of the contract shall apply hereto.

JUSTIFICATION FOR CHANGE:

Had extra landfill costs because we could not crush as much concrete as we thought because of restraints from State regulators. Added topsoil to help shape land better for drainage and removed a big area of unexpected concrete that was not part of the original building footprint but within the project area.

DIGEST SHEET

TITLE OF ORDINANCE. A Resolution of the Common Council of the City of Fort Wayne Amending the Not-To-Exceed Amount of a Demolition Contract between the Fort Wayne Redevelopment Commission and Amor Excavating for the Former Pepsi Warehouse on North Harrison Street.

DEPARTMENT REQUESTING RESOLUTION. Redevelopment

SYNOPSIS OF ORDINANCE. On December 19, 2023, the Common Council unanimously adopted Resolution R-23-12-13, approving the use of 2023 Supplemental LIT funds for a contract not to exceed \$521,641.95 between the Fort Wayne Redevelopment Commission and Amor Excavating. This contract is for the demolition of the former Pepsi Warehouse located at 1207 North Harrison Street.

The proposed amendment would increase the not-to-exceed amount by \$154,369.36, bringing the total to \$676,011.31.

EFFECT OF PASSAGE. The additional funding is necessary to address unforeseen conditions, primarily increased landfill costs. During demolition, State regulators required that painted concrete be characterized as industrial waste, preventing it from being crushed and reused locally. This necessitated special handling and disposal procedures. The amendment also covers the cost of added topsoil to improve drainage and the removal of unexpected concrete found outside the original building footprint but within the project area.

EFFECT OF NON-PASSAGE. Without approval, the Commission would not be authorized to pay Amor Excavating with funds that were budgeted for the project.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). The change order of \$154,369.36 will be drawn from the 2023 Supplemental LIT. The original contract amount was significantly lower than the estimated project cost, so sufficient budgeted funds are available to cover this amendment.

ASSIGNED TO COMMITTEE (PRESIDENT). _____



COMMUNITY DEVELOPMENT REDEVELOPMENT

Sharon Tucker, Mayor

City of Fort Wayne
Community Development
200 E Berry Street, Suite 320
Fort Wayne, IN 46802
260-427-2150 fwcommunitydevelopment.org

October 3, 2024

MEMO

To: City of Fort Wayne Common Council
Copy: Fort Wayne Redevelopment Commission
From: Joe Giant, Community Development Administrator, 427-2144
Subject: Amending the not-to-exceed amount for a Demolition Contract with Amor Excavating for the former Pepsi Warehouse at 1207 North Harrison Street.

The Department of Redevelopment formally requests Common Council approval for an amendment to the not-to-exceed amount of a demolition contract between the Fort Wayne Redevelopment Commission and Amor Excavating. This contract pertains to the 7-acre former Pepsi Warehouse located at 1207 North Harrison Street. The source of funds for the contract and the amendment is 2023 Supplemental LIT, which requires Council approval for its use.

The proposed amendment would increase the not-to-exceed amount by \$154,369.36, bringing the total to \$676,011.31. This increase is due to unforeseen conditions, including:

- **Additional landfill costs:** State regulators determined that painted concrete required special handling and disposal procedures. This accounts for the majority of the additional costs.
- **Added topsoil** to improve land grading for better drainage.
- **Removal of unexpected concrete** found outside the original building footprint but within the project area.

The demolition work is substantially complete. The original contract amount was significantly lower than the estimated project cost, so sufficient budgeted funds are available to cover this amendment.

Please feel free to contact me directly with any questions.

Joe Giant

Redevelopment Administrator

O: 260.427.2144

Joe.Giant@cityoffortwayne.org