



RESOLUTION 2026-44

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH 2K GENERAL CONTRACTING FOR THE LECHLER BUILDING ADDITION PROJECT TO ESTABLISH A PROJECT CONTINGENCY IN AN AMOUNT NOT TO EXCEED \$100,000.00.

WHEREAS, by Resolution 2026-24, adopted April 21, 2026, this Council authorized the City Manager to enter into a contract with 2K General Contracting for the Lechler Building Addition Project located at 453 Murphy Parkway, in the amount of \$1,300,592.00, and the City-Contractor Agreement was executed effective April 24, 2026; and

WHEREAS, the contract documents for the Project were prepared using the City-Contractor Agreement, under which the general contractor does not carry a construction contingency because the owner maintains its own, and no Project contingency has previously been established by this Council; and

WHEREAS, Change Orders CO-001, CO-002, and CO-003, as described in the staff memorandum accompanying this Resolution, have been reviewed and recommended by the Design Professional and City staff, and further changes to the Work arising from conditions concealed at the time of bidding are anticipated; and

WHEREAS, staff recommend that a Project contingency be established in an amount not to exceed \$100,000.00, and appropriations sufficient to fund the contingency are provided by Ordinance 2026-17; and

WHEREAS, Section 7.1 of the City-Contractor Agreement provides that no modification is effective against the City unless executed by a person having express authority pursuant to legislation duly adopted by the City;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:

Section 1: That the City Manager is hereby authorized and directed to amend the contract with 2K General Contracting for the Lechler Building Addition Project, in a form acceptable to the Director of Law, to establish a Project contingency in an amount not to exceed \$100,000.00, thereby increasing the maximum authorized Contract Sum to \$1,400,592.00.

Section 2: That the City Manager is hereby authorized to approve and execute change orders drawing against the contingency established by Section 1, together with any associated extensions of contract time, provided that no change order shall be executed which would cause the total Contract Sum to exceed \$1,400,592.00, which would change the general character of the Work, or which is not supported by a certification that the funds required are lawfully appropriated and available.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of Council and any of the decision-making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

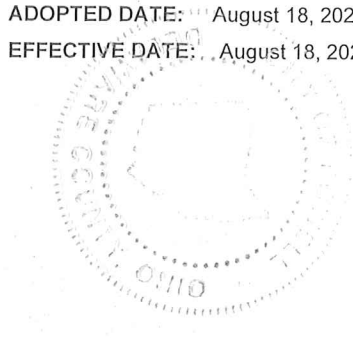
Heather E. Karr 8/18/2026
Heather Karr Date
Mayor

Elaine McCloskey 8/18/2026
Elaine McCloskey Date
City Clerk

ADOPTED DATE: August 18, 2026
EFFECTIVE DATE: August 18, 2026

This legislation has been posted in accordance with
the City Charter on this date 8/19/2026

Em McCloskey City Clerk





OFFICE OF THE CITY MANAGER

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MEMO

From: Andrew D. White, City Manager

To: Members of the City Council

Initiated By: Jeffrey S. Tyler, RA, Assistant City Manager

Re: RESOLUTION 2026-44: A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH 2K GENERAL CONTRACTING FOR THE LECHLER BUILDING ADDITION PROJECT TO ESTABLISH A PROJECT CONTINGENCY IN AN AMOUNT NOT TO EXCEED \$100,000.00.

Date: August 18, 2026

Summary

Resolution 2026-44 authorizes the City Manager to amend the construction contract with **2K General Contracting** for the Lechler Building Addition Project to establish a Project contingency in an amount **not to exceed \$100,000.00**, and to execute change orders drawing against it.

Background

Resolution 2026-24, adopted April 21, 2026, authorized a contract with 2K General Contracting in the amount of \$1,300,592.00. The Agreement was executed effective April 24, 2026, and requires Substantial Completion within 183 calendar days of the Notice to Proceed. Construction is underway.

The bid documents were prepared using the City of Powell's **City-Contractor Agreement**, under which the general contractor is not required to carry a construction contingency because the owner maintains its own. 2K General Contracting is therefore not carrying a contingency, and none has been established by Council for this Project. As a result, every change to the Work, including changes arising from conditions concealed at the time of bidding, must return to Council before it can be executed.

The contingency does not shift risk to the City. Defective work, and work within the scope of the bid documents, remains the Contractor's responsibility at the Contractor's cost.

Change Orders Identified to Date

No.	Description	Basis	Amount	Days
CO-001	Removal of unforeseen materials concealed above existing ceiling (RFI-008)	Differing condition	\$0.00	0
CO-002	Six (6) bollards at breezeway overhead doors (RFI-011)	Owner requested	\$7,057.00	2
CO-003	Replacement and relocation of electrical feeder and meter required by AEP (Bulletin 01)	Differing condition	\$19,797.00	2
	Total		\$26,854.00	4

CO-001 is proposed as a no-cost change, offsetting removal of the concealed materials against demolition work shown in the Contract Documents that will not be performed. CO-002 was requested by the City to protect the overhead door frames and tracks where equipment is driven between the buildings; it is an

operational betterment rather than a code requirement. CO-003 responds to AEP's requirement that the existing feeder and meter be replaced and relocated.

Anticipated Changes

Additional changes are expected but not yet priced:

- Concrete footing detail within the breezeway.
- Time-and-material repair of existing masonry.
- Structural repairs to an existing pilaster and to existing roof trusses.

The structural repairs are the most time sensitive. The design must be completed before the scope can be priced and constructed. The project is still on schedule to be completed within One Hundred Eighty-Three (183) calendar days of the City's issuance of the Notice to Proceed which was May 27, 2026.

Financial Impact

Original contract sum (Resolution 2026-24)	\$1,300,592.00
Proposed contingency (not to exceed)	\$100,000.00
Maximum amended contract sum	\$1,400,592.00
Change orders identified to date	\$26,854.00
Contingency remaining for anticipated changes	\$73,146.00

The contingency represents approximately 7.7% of the original contract sum, within the customary range for renovation of an existing building of this age. Appropriation is provided by **Ordinance 2026-17**. Because the amount exceeds the sum certified at contract execution, the Finance Director will issue an additional Fiscal Officer's Certificate under Section 5705.41 of the Ohio Revised Code following adoption.

The Ordinance authorizes a ceiling rather than a lump sum. No change order may be executed that would cause the contract sum to exceed \$1,400,592.00 or that changes the general character of the Work, and the City Manager will report to Council bi-monthly on amounts drawn and the balance remaining. Any amount beyond the ceiling would return to Council.

Legal Review

The Law Director has reviewed the Ordinance and approved as to form.

Financial Review

The Finance Director has reviewed the Ordinance and supports the recommendation.

Recommendation

Staff recommends approval of Resolution 2026-44, authorizing the City Manager to amend the contract with **2K General Contracting** to establish a Project contingency in an amount not to exceed **\$100,000.00**, for a maximum amended contract sum of **\$1,400,592.00**. The Project is under construction subject to a fixed date for Substantial Completion and liquidated damages of \$1,000.00 per day, and delay in authorizing the contingency would delay the Work and potentially increase Project cost.