

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0234

Sponsored by: **County Executive FitzGerald/Department of Public Works**

A Resolution making an award on RQ28353 to Turner/Ozanne/VAA a Joint Venture for design-builder services for the Convention Center Hotel Project; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Turner/Ozanne/VAA a Joint Venture in the amount not-to-exceed \$10,000,000.00 for the period 11/13/2013 - 9/1/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, pursuant to Chapter 504 of the Cuyahoga County Code, the Department of Public Works issued a Request for Qualifications (RFQ28353) and received statements of qualifications from design builders for the Convention Center Hotel project; and,

WHEREAS, the Department then issued an RFP to the qualified design builders pursuant to Chapter 504 of the County Code; and,

WHEREAS, the County evaluated the qualifications and proposals of the design builders who responded to the RFQ and RFP and Turner/Ozanne/VAA a Joint Venture received the highest rankings; and,

WHEREAS, due to the complexity of the project and the scope involved, it is not possible to determine with a reasonable amount of certainty the maximum not-to-exceed value of the contract with Turner/Ozanne/VAA a Joint Venture before completion of additional work on the project; and,

WHEREAS, it is necessary to authorize the recommended Design Builder to proceed with the initial phase of work necessary, including, but not limited to, providing for pre-construction and construction services, including preparation of construction documents based on information supplied by the Criteria Architect; abatement and demolition of the vacated County Administration Building; sheeting and shoring the mass excavation of the site, and preparation for a foundations package, and,

WHEREAS, Council has determined to award an initial contract to Turner/Ozanne/VAA a Joint Venture for an amount not to exceed \$10 million; and,

WHEREAS, the final definitive contract/GMP amendment with Turner/Ozanne/VAA a Joint Venture shall be subject to County Council's approval; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that the time-sensitive project can continue proceeding on schedule and that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. County Council hereby makes an award on RQ28353 to Turner/Ozanne/VAA a Joint Venture for design-builder services for the Convention Center Hotel and authorizes the County Executive to negotiate and enter into an initial contract with Turner/Ozanne/VAA a Joint Venture for an amount not to exceed \$10 million for the period November 13, 2013, through September 1, 2016. To the extent that any exemptions, if any, are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution. The final negotiated terms of the contract, including the maximum not to exceed amount and risk management protections, shall be subject to the approval of the Law Director, but in no event shall the maximum amount exceed the herein authorized \$10 million.

SECTION 2. The final definitive contract with Turner/Ozanne/VAA a Joint Venture shall be subject to Council's approval.

SECTION 3. The County Executive is hereby authorized to execute a contract and all other documents, as approved to legal form and correctness by the Director of Law or his designee, in accordance with this Resolution.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schron, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally

Nays: None


County Council President

11/12/13
Date


County Executive

11/14/13
Date


Clerk of Council

11/12/2013
Date

First Reading/Referred to Committee: October 22, 2013

Committee(s) Assigned: Committee of the Whole

Legislation Substituted on the Floor: October 22, 2013

(Note: Technical corrections made by Clerk of Council with approval of Law Director: November 6, 2013)

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