

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0237

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution authorizing a final definitive contract with Cooper Carry, Inc. in the amount not-to-exceed \$6,500,000.00 for criteria architectural services for the Convention Center Hotel Project for the period 8/13/2013 - 9/1/2016; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in Resolution No. R2013-0171, County Council made an award on RQ27969 to the architectural firm of Cooper Carry, Inc. and authorized the County Executive to negotiate, enter into, and execute an initial 90-day contract with Cooper Carry, Inc. in the amount not-to-exceed \$1,500,000.00; and,

WHEREAS, Council resolved in Resolution No. R2013-0171 that the final definitive contract with Cooper Carry, Inc. pursuant to RQ27969 shall be subject to Council's approval; and,

WHEREAS, the final definitive contract with Cooper Carry, Inc. provides for criteria architectural services, including programming, schematic design, and design development services; services in connection with establishment of Design-Build GMP; review of construction documents prepared by the Architect of Record for conformance with design intent; and other specified services on behalf of the County during the construction documents, construction administration and closeout phases of the project; and,

WHEREAS, the final definitive contract with Cooper Carry, Inc. will not exceed \$6.5 million, and it incorporates all services performed in connection with the October 3, 2013 Letter Agreement authorized by County Council under Resolution No. R2013-0171;

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 authorizes a final definitive contract with Cooper Carry, Inc. for an amount not to exceed \$6.5 million as the criteria architect for the Convention Center Hotel Project for the period August 13, 2013, through September 1, 2016, and authorizes the County Executive to conclude the negotiations with Cooper Carry, Inc. and to enter into said contract. To the extent that any exemptions 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 actual maximum not to exceed amount and risk management protections, shall be subject to the approval of the Director of Law, but in no event shall the finally negotiated maximum exceed the herein authorized maximum of \$6.5 million.

SECTION 2. The County Executive is authorized to execute the contract and all other related documents, as approved to legal form and correctness by the Director of Law or his designee, consistent with this Resolution.

SECTION 3. 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 4. 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: Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally

Nays: Greenspan

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 22, 2013

Committee(s) Assigned: Committee of the Whole

Journal CC012

November 12, 2013