

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0089

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

Co-sponsored by: **Councilmembers Simon, Germana and Jones**

**A Resolution** authorizing an amendment to the Design-Build Agreement with Turner/Ozanne/VAA A Joint Venture establishing a definitive guaranteed maximum price in the amount not-to-exceed \$217,053,982.00 for design-build services for the Convention Center Hotel Project for the period 11/13/2013 - 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.

WHEREAS, in Resolution No. R2013-0234, County Council made an award on RQ28353 to Turner/Ozanne/VAA A Joint Venture ("Design Builder") and authorized the County Executive to negotiate, enter into, and execute an initial contract with the Design Builder in an amount not-to-exceed \$10,000,000.00; and,

WHEREAS, Council resolved in Resolution No. R2013-0234 that the final definitive contract/GMP amendment with Design Builder pursuant to RQ28353 shall be subject to Council's approval; and,

WHEREAS, the GMP amendment with Design Builder provides for the design and construction of the new Convention Center Hotel for a total price that will not exceed \$217,053,982.00 (the guaranteed maximum price or "GMP"), and it incorporates all services performed in connection with the Design-Build Agreement between the County and Design Builder dated November 13, 2013, authorized by County Council under Resolution No. R2013-0234;

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 GMP amendment with Turner/Ozanne/VAA A Joint Venture for an amount not-to-exceed

\$217,053,982.00 as the design-builder for the Convention Center Hotel Project for the period November 13, 2013, through September 1, 2016, and authorizes the County Executive to conclude the negotiations with Turner/Ozanne/VAA A Joint Venture, 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 amount exceed the herein authorized maximum of \$217,053,982.00.

**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.

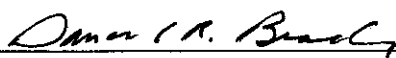
**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative 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: Germana, Gallagher, Schron, Conwell, Jones, Hairston, Simon, Miller and Brady

Nays: Greenspan

  
County Council Vice-President

4/22/2014  
Date

  
\_\_\_\_\_  
County Executive

4/23/14  
Date

  
\_\_\_\_\_  
Clerk of Council

4/22/2014  
Date

First Reading/Referred to Committee: March 25, 2014  
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading/Referred to Committee: April 8, 2014  
Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested on the Floor: April 22, 2014

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