

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0201

<p>Sponsored by: County Executive Budish/Department of Public Works</p>	<p>A Resolution authorizing an amendment to the Design-Build Agreement with Turner/Ozanne/VAA A Joint Venture establishing a final guaranteed maximum price in the amount not-to-exceed \$240,610,443.00 for design-build services for the Convention Center Hotel Project and the underground enclosure from Huntington Park Garage to the Hotel; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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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 (CE1300555-01) with the Design Builder in an amount not-to-exceed \$10,000,000.00; and,

WHEREAS, in Resolution No. R2014-0089 Council authorized a guaranteed maximum price (“GMP”) amendment number 1 with Design Builder for an amount not-to-exceed \$217,053,982.00 as the design-builder for the Convention Center Hotel Project; and

WHEREAS, the Cuyahoga County Board of Control approved GMP amendment number 2 under which County and Design-Builder amended the Agreement to include the scope of design and pre-construction services related to the underground enclosure from Huntington Park Garage to the Hotel (as defined in the Agreement) and an amended GMP amount not-to-exceed \$217,478,982.00; and

WHEREAS, in Resolution No. R2015-0275 Council authorized a GMP amendment number 3 with Design-Builder for an amount not-to-exceed \$238,600,233.00 to reconcile the scope of services and work as contemplated throughout the project and to include construction services related to the underground enclosure from Huntington Park Garage to the Hotel as defined in an amended Agreement; and,

WHEREAS, the County and Design-Builder wish to amend the Agreement to include change orders and to memorialize the final GMP for an amount not-to-exceed \$240,610,443.00 for the project.

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 final GMP amendment number 4 with Turner/Ozanne/VAA A Joint Venture for an amount not-to-exceed \$240,610,443.00 as the design-builder for the Convention Center Hotel Project and the underground enclosure from Huntington Park Garage to the Hotel. 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 \$240,610,443.00.

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. Tuma, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Tuma, Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 10, 2019

Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: September 24, 2019

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