

**CLEVELAND PUBLIC LIBRARY**

**Finance Committee**

February 19, 2019

**RESOLUTION ANNOUNCING CONSTRUCTION MANAGER AT RISK FOR THE  
MARTIN LUTHER KING, JR. BRANCH DETERMINED TO BE BEST VALUE AND  
AUTHORIZING AGREEMENTS**

WHEREAS, On August 29, 2016, the Board of Trustees of the Cleveland Public Library authorized the Library to enter into a development agreement with UC City Center LLC (“UC3”) for the development and relocation of the Martin Luther King, Jr. branch; and

WHEREAS, Under the development agreement, UC3, as the owner of the land on which the new MLK branch will be built, will hold the contract with the construction manager approved by the Library, and the Library will have the right to direct both UC3’s and the construction manager’s performance and to oversee administration of the agreement for construction management services; and

WHEREAS, On November 15, 2018 and November 29, 2018, the Library placed an ad in the Cleveland Plain Dealer requesting statements of qualifications for construction manager at risk services in connection with the new Martin Luther King, Jr. branch. On December 17, 2018, statements of qualification were submitted to the Library from the following construction manager firms: The Albert M. Higley Co., LLC; Turner Construction Company; Regency Construction Services, Inc.; Cleveland Construction, Inc.; Donley’s, Inc.; Ozanne Construction Company, Inc.; Panzica Construction Co.; AECOM Technical Services, Inc.; Greenspace Construction Services, LLC and RFC Contracting, LLC; and

WHEREAS, The Cleveland Public Library established an evaluation committee and authorized the evaluation committee to evaluate the statements of qualifications and to select no fewer than three firms which it considered most qualified. The evaluation committee met on January 4, 2019 and, utilizing evaluation criteria and a scoring method established prior to the announcement of the requests for qualifications, selected the following five construction manager firms as the most qualified for its short list: Donley’s, Inc.; Ozanne Construction Company, Inc.; Panzica Construction Co.; Turner Construction Company; and Regency Construction Services; and

WHEREAS, On January 9, 2018, the Library issued a Request for Pricing and Technical Proposal to the five short-listed firms, requiring that proposals be submitted to the Library by January 30, 2019 at 12 noon; and

WHEREAS, Proposals were timely received on January 30, 2019, and on February 11<sup>th</sup> and 13<sup>th</sup>, the evaluation committee interviewed all five short-listed firms. The evaluation committee then met on February 15, 2019 to evaluate and score the technical qualifications. Price proposals were evaluated separately and then combined with the technical proposal to determine the best value based on a weighted comparison of qualifications to price; and

WHEREAS, Based upon the ratings obtained from combining qualifications and pricing scores, the evaluation committee has ranked the short-listed firms in the following order:

|            |                 |
|------------|-----------------|
| 1) Panzica | \$ 902,516.00   |
| 2) Turner  | \$ 1,147,572.00 |
| 3) Donley  | \$ 1,324,724.00 |
| 4) Regency | \$ 1,422,853.00 |
| 5) Ozanne  | \$ 1,943,516.00 |

Now therefore be it

RESOLVED, That the Board of Library Trustees hereby accepts the recommendation of the evaluation committee, and announces the selection of the construction manager firm of **Panzica Construction Co.** as the firm presenting the pricing and technical proposal which represents the best value; and be it further

RESOLVED, That the Board authorizes the Executive Director, CEO or his designees to enter into negotiations with UC3 (as the Library's limited agent) and Panzica Construction Co. for a construction management at risk contract in accordance with the requirements of Ohio Revised Code Section 9.334. If the Library fails to negotiate a construction management contract with the highest ranked firm, then it shall proceed in accordance with Ohio Revised Code Section 9.334; be it further

RESOLVED, That upon completion of negotiations, the Executive Director is authorized to execute the contract on behalf of the Library and direct UC3, as the

Library's limited agent, to execute a contract with Panzica Construction Co, in an amount not to exceed \$902,516.00 which shall be paid from the funds budgeted for the new Martin Luther King, Jr. branch as approved by this Board. Should the Executive Director or his designees terminate negotiations with Panzica Construction Co. pursuant to Revised Code Section 9.334, then the Executive Director is hereby authorized to direct UC3 to enter into an agreement with the second most qualified firm and so on according to the procedure set forth in Revised Code Section 9.334. The contract with the construction manager at risk is subject to approval of the Chief Legal Officer; be it further

RESOLVED, That the Board authorizes the Executive Director to negotiate and execute a Construction Agency Agreement with UC3 to set forth its role as a limited agent of the Library, and such other agreements and instruments, including those in excess of \$25,000, as may be necessary to effectuate the terms and conditions of this Resolution, which agreements and instruments shall be subject to the approval of the Library's Chief Legal Officer.