

**CLEVELAND PUBLIC LIBRARY**

**Finance Committee**

December 14, 2021

**RESOLUTION ESTABLISHING PROJECT BUDGET AND APPROVING  
GUARANTEED MAXIMUM PRICE AMENDMENT WITH REGENCY CONSTRUCTION  
SERVICES, INC. FOR THE EASTMAN BRANCH**

WHEREAS, On March 18, 2021, the Board of Trustees of the Cleveland Public Library authorized the Library to enter into a construction manager at risk master agreement with Regency Construction Services, Inc. (“Regency”) for the Phase 1B projects of the Library’s Facilities Master Plan and authorized Regency to commence preconstruction services in an amount not-to-exceed \$116,461. The Library and Regency executed the master agreement on April 13, 2021 (“Agreement”); and

WHEREAS, Regency has completed procurement of subcontractor construction bids for the work the Eastman branch and, as contemplated by the Agreement, Regency has prepared a Guaranteed Maximum Price Proposal, which sets forth a maximum construction budget for the project; and

WHEREAS, The Guaranteed Maximum Price (“GMP”) for the Eastman branch is \$2,246,319 and does not include the costs of professional design services, permitting, and other purchases that the Library will make directly and outside of the GMP; and

WHEREAS, The Library, in consultation with Regency, prepared a budget for the Eastman branch project, which consists of: 1) the GMP; 2) an Owner’s Contingency Fund to cover additional costs outside of the GMP that arise during construction; 3) estimated costs for furniture, fixtures, and equipment; 4) the architect fees approved by this Board; and 5) Owner Direct costs, all of which are set forth in Exhibit “A” to this Resolution; and

WHEREAS, This Board desires to authorize the Library to move forward with the Eastman branch project and to allocate funds from the Construction – Tax-

Exempt fund 402 account in order to accomplish this project; now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Executive Director, CEO or his designee to accept the Guaranteed Maximum Price proposal and enter into and execute an amendment to the agreement between the Cleveland Public Library and Regency Construction Services, Inc. approving the subcontract packages and establishing the Guaranteed Maximum Price for the Eastman branch in the amount of \$2,246,319 which shall be charged to the Construction Tax Exempt fund account 40273805-55300 (Construction/Improvements); be it further

RESOLVED, That the Executive Director, CEO or his designee, is authorized to establish an Owner's Contingency Fund for the Eastman branch project in the amount set forth in Exhibit "A" to this Resolution and to make expenditures and enter into contracts in excess of \$25,000 to pay the costs resulting from changes and additions to the Project which may be made in the future by the Library, and which are not included in the GMP. The Library shall report monthly to the Board on expenditures from the Owner's Contingency Fund; be it further

RESOLVED, That the Board of Library Trustees approves the total project budget for the Eastman branch project as set forth in Exhibit "A" to this resolution, which expenditures shall be charged to the Construction Tax Exempt fund account 40273805-55300 (Construction/Improvements), and authorizes the Executive Director, CEO, or his designee to move forward in taking the steps necessary to complete the Eastman branch project and to execute such instruments or documents as may be necessary or appropriate to effectuate the terms of this Resolution, including those in excess of \$25,000 and which are payable from the project budget established herein.

**EXHIBIT "A"**

<b>Eastman Branch</b>	
<b>Pre-Construction</b>	\$21,685
<b>Guaranteed Maximum Price</b>	\$2,246,319
<b>Owner's Construction Contingency</b>	\$100,486
<b>Furniture, Fixtures, and Equipment</b>	\$250,000
<b>Architect Fees<sup>1</sup></b>	\$ 235,367.66
<b>Owner Direct Costs<sup>2</sup></b>	\$180,500
<b>TOTAL PROJECT BUDGET</b>	<b>\$3,034,357.66</b>

<sup>1</sup> Architectural fees were separately approved by this Board on September 17, 2020.

<sup>2</sup>Owner Direct Costs include, but are not limited to, such project-related costs as surveys, environmental assessments, legal fees, property acquisition, and permits.