

CLEVELAND PUBLIC LIBRARY

Finance Committee

November 15, 2016

**RESOLUTION TO AMEND DESIGN SERVICES AGREEMENT WITH BOSTWICK
DESIGN PARTNERSHIP FOR DIGITAL HUB DESIGN SERVICES AND
AUTHORIZING TRANSFER OF FUNDS**

WHEREAS, On December 20, 2013 the Board of Trustees approved an agreement between the Cleveland Public Library and Bostwick Design Partnership (“Bostwick”), to provide design services for the Digital Hub Project, in the amount of \$280,245.00 (“Agreement”); and

WHEREAS, In June of 2014, the Library awarded the Digital Hub construction contract to R.L. Hill Management, Inc. (“R.L. Hill”), which contract included the installation of new carpeting; and

WHEREAS, In February of 2015, this Board approved a change order to the contract with R.L. Hill for the purchase and installation of an acrylic picture frame cover and handrail for the protection of the Coltman painting located in the Digital Hub; and

WHEREAS, Disputes with the contractor over defective carpet tile, the contractor’s failure to install the painting protection, and other contract work, delayed the completion of the project and ultimately resulted in the Library entering into a settlement agreement in January of 2016 with R.H. Hill to close out the project, with the Library taking over the completion of the unfinished work and retaining funds; and

WHEREAS, Bostwick provided additional services that were not in the original scope of the Agreement by assisting the Library in resolving these disputes, and is requesting additional fees for these services in the amount of \$1,802.41; and

WHEREAS, Recognizing that Bostwick expended time in excess of the amount it presently seeks, the Library Administration recommends making this payment. No funds remain in the Digital Hub project budget. However,

funds remain in the Main Phase 2 project budget that can be transferred to the Digital Hub project fund to cover this expenditure; now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Executive Director, CEO, or his designee to execute an amendment the Agreement with Bostwick Design Partners for additional services in connection with the Digital Hub as described in this Resolution, in an amount not-to-exceed \$1,802.41. This Board further authorizes funds to be transferred from the Building and Repair Fund Account 40190105-55300-11901(ML Reconfiguration Phase 2 Project) to 40190105-55300-10419 (Digital Hub Project) to which these expenditures will be charged. The amendment shall be subject to the review and approval of the Chief Legal Officer.



MEMORANDUM

DATE: 3 Nov 2016 CLIENT: Cleveland Public Library
TO: Joyce Dodrill, CPL PROJECT NAME: Cleveland Digital Public Library
FROM: Rick Ortmeyer, BDP BDP PROJECT NUMBER: 13099
COPY TO: Eric Herman, CPL CLIENT'S NUMBER: NA
Carrie Krenicky, CPL

Background: This summarizes our 31 Oct 2016 discussion regarding our request for payment of two invoices totaling \$1,802.41 of Additional Services for the CDPL

Attachments: 20 Jan 2015 Fee and Add Service Request Summary
30 Nov 2015 Additional Services Request 01
BDP Invoices 13099D.01 and 13099.15

Summary of Additional Work

- Design: Access to staff limited and CPL participation inconsistent. Union negotiations eliminated access to Preservation staff for weeks. 8 meetings proposed, 14 meetings actual.
- Design: North Workroom originally not in scope, added in full. Required meetings with Special Collections staff and inventory of current/future needs.
- Design: Multimedia scope/fees removed from contract, still required substantial coordination.
- Construction: Original schedule identified 'turnover to CPL' on 5 Nov 2014.
- Construction: Eight change orders, 5 at CPL request, added necessary scope / documentation.
- Construction: GC schedule slippage generally, and carpet issue specifically required extra documentation and delayed completion. Final acceptance of carpet was 28 Jan 2015.

20 Jan 2015 spreadsheet summarized the following:

- BDP spent \$53,762 over approved fee, waived \$21,162 as loss = \$32,600 total fee requested
- BDP requested new fees of \$8,600 (\$32,600 less \$24,000 budgeted contingency)
- CPL recognized issue but not able to compensate, BDP waived remaining \$8,600 as loss

Remainder of 2015 and into 2016:

- BDP assisted with contractor disputes regarding contractual scope never completed, including access control + painting protection, at no cost to CPL.

30 Nov 2015 ASR #01:

- BDP requested \$3,300 allowance from remaining CDPL budget, to compensate time from Dec 2015 and after assisting CPL to resolve issues with RL Hill.

Invoice Summary and Current Status:

- Invoices are for BDP time spent in Dec 2015 and Jan 2016 until outstanding matters were resolved. However, no budget remained in CDPL budget in Feb 2016 to compensate BDP.
- BDP requests payment of \$1,802.41 in full for two invoices, via transfer from balances available from Phase 2 budget.
- BDP recognizes additional \$500 incurred for wall repair at painting, requesting consideration of previous losses, and no-cost services on behalf of CDPL project as payment.

END OF MEMORANDUM