

**CLEVELAND PUBLIC LIBRARY**

**FINANCE COMMITTEE**

September 18, 2018

**RESOLUTION APPROVING GUARANTEED MAXIMUM PRICE AMENDMENT TO AGREEMENT WITH ALBERT M. HIGLEY CO. FOR SOUTH BRANCH RENOVATION PROJECT**

WHEREAS, On October 20, 2016, the Board of Trustees of the Cleveland Public Library authorized the Library to enter into an agreement with Albert M. Higley Co., LLC (“Higley”) in the amount of \$368,353.75 to perform construction management services for the South Branch Renovation Project (the “Project”), and the Library executed the agreement on November 11, 2016 (“Agreement”); and

WHEREAS, On January 16, 2018, this Board approved an amendment to the Agreement with Higley establishing a Guaranteed Maximum Price (“GMP”) of \$3,768,400.63 for the South Branch Renovation Project; and

WHEREAS, As of September 10, 2018, there have been four change orders approved, totaling \$106,927.28, which increased the GMP to \$3,875,327.91; and

WHEREAS, The GMP included a \$75,000 allowance for low voltage wiring and equipment; and

WHEREAS, The scope of the low voltage wiring and equipment has been devised, initial bids from contractors have been received, and the cost of the low voltage wiring and equipment will not exceed \$55,000; and

WHEREAS, The Library desires to reduce the low voltage wiring and equipment allowance by \$20,000, thus reducing Higley’s GMP by \$20,000, which would then be allocated to the Owner’s Contingency and Permit fund to cover unanticipated costs that may arise during the remainder of the project; now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Executive Director, CEO or his designee to enter into and execute an amendment to the Agreement between the Cleveland Public Library and the Albert M. Higley Co.

reducing the current Guaranteed Maximum Price from \$3,875,327.91 to \$3,855,327.91, effective upon signing change order 4 on September 10, 2018, which amendment shall be subject to the approval of the Chief Legal Officer; and be it further

RESOLVED, That the Executive Director, CEO or his designee is further authorized to increase the Owner's Contingency and Permit Fund by \$20,000.00 from \$156,131.37 to \$176,131.37, effective upon signing change order 4 on September 10, 2018, 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; and be it further

RESOLVED, That the CM Fee, SDI, and any other sums affected by this deduction will be tracked and resolved as part of final calculations and project closeout.