

RESOLUTION NO. 39 , 2020

**A RESOLUTION AMENDING RESOLUTION NO. 9, 2020 APPROVING A MODIFICATION
TO THE CONSTRUCTION AGREEMENT WITH BRANDICORP, LLC FOR THE
MONTGOMERY QUARTER PROJECT IMPROVEMENTS**

WHEREAS, on March 4, 2020, Council did adopt Resolution No. 9, 2020 entitled *A Resolution Approving A Construction Agreement With Brandicorp, LLC For the Montgomery Quarter Public Improvements*; and

WHEREAS, the Construction Agreement as approved authorized a budget not to exceed \$10,000,000 for construction of public improvements in Stage 1 of the Project; and

WHEREAS, Stage 1 construction was further broken down into Sequences 1, 2 and 3 to timely initiate construction for the installation of the street grid, utilities and site grading, which Sequences 1 and 2 are nearing substantial completion; and

WHEREAS, with market fluctuations caused in part by the uncertainty of the COVID-19 pandemic, the costs for Sequence 1 and Sequence 2 were more than the anticipated budget; and

WHEREAS, the Planning Commission has approved the Final Development Plan for The Montgomery Community Improvement Corporation for the Sequence 3 public improvements which are anticipated to commence in the next twelve to eighteen months once construction has progressed on the Public Parking Facilities being directed by the Port of Greater Cincinnati Development Authority; and

WHEREAS, to obtain competitive pricing for the anticipated Sequence 3 improvements, the Administration has recommended that the not to exceed budget for the Construction Agreement be increased to \$14,500,000 to establish a targeted budget to be able to obtain pricing and if necessary adjust the anticipated public improvements to maintain the budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The not to exceed budget of \$10,000,000 as authorized by Resolution No. 9, 2020 is hereby increased to \$14,500,000 for the public improvements in Stage 1 of the Montgomery Quarter Project. The City Manager is authorized to take advantage of competitive market pricing to negotiate an appropriate Guaranteed Maximum Price under the terms and conditions of the Construction Manager at Risk Construction Agreement to contract for the anticipated Sequence 3 public improvements within the budget cap established herein.

SECTION 2. All other terms and conditions of the Construction Manager at Risk Agreement as approved by Resolution No. 9, 2020, including specifically the management fee and the allocated Shared Savings, are hereby reaffirmed.

SECTION 3. The City Manager is authorized to execute such additional documentation as may be necessary to complete the Construction Agreement to assure efficient and quality construction for the public improvements within Stage 1 of the Montgomery Quarter Project, including modifying the Final Development Plan as necessary to meet the Project budget, but to attain the high standard expected for this mixed-use public/private project.

SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: November 18, 2020

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director