

**RESOLUTION NO. 43 , 2021**

**A RESOLUTION AMENDING RESOLUTION NO. 9, 2020 AND RESOLUTION NO. 39, 2020  
TO APPROVE A MODIFICATION TO THE CONSTRUCTION AGREEMENT WITH  
BRANDICORP, LLC FOR THE MONTGOMERY QUARTER PROJECT IMPROVEMENTS**

**WHEREAS**, Council previously adopted Resolution Nos. 9, 2020 and 39, 2020 to approve a Construction Agreement and modification to the Construction Agreement for the Montgomery Quarter Public Improvements; and

**WHEREAS**, the Construction Agreement as approved and modified authorized a budget not to exceed \$14,500,000 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 public parking, public plaza, street grid, utilities, site grading and streetscape; and

**WHEREAS**, Sequences 1 and 2 are nearing substantial completion, and design and bidding are being finalized for Sequence 3; and

**WHEREAS**, with market fluctuations caused in part by the limited availability of products as well as design changes to improve the Public Improvements, the costs are now projected to be more than the anticipated budget; and

**WHEREAS**, to obtain competitive pricing for the Sequence 3 improvements, the Administration has recommended that the not to exceed budget for the Construction Agreement be increased to \$15,250,000 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 \$14,500,000 as authorized by Resolution Nos. 9, 2020 and 39, 2020 is hereby increased to \$15,250,000 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, and modified by Resolution No. 39, 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 both efficient and quality construction for the Public Improvements within Stage 1 of the Montgomery Quarter Project, and 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: December 1, 2021

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

Craig D. Margolis  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director