

M r. Sidney Brackridge introduced the following resolution and moved its passage:

RESOLUTION NO. 29-19

**APPROVING GMP AMENDMENT NO. 2.1 TO THE CMR AGREEMENT  
WITH BARTON MALOW COMPANY AND THE LFI MOU FOR THE BUILDING PACKAGE  
FOR THE NEW PK-5 ELEMENTARY SCHOOL INCLUDED IN THE CFAP PROJECT  
AND AUTHORIZING EXECUTION OF THE AMENDMENT AND LFI MOU**

The Superintendent recommends approval of GMP Amendment No. 2.1 to the CMR Agreement with Barton Malow Company for the building package for the new PK-5 elementary school in the total amount of \$20,255,637, of which \$16,776,891 is co-funded work and \$3,478,746 is locally funded initiatives, and approval of the LFI MOU prepared for the new PK-5 elementary school portion of the CFAP Project.

Rationale:

1. The Warren Local District Board of Education ("Board") previously approved and entered into an agreement with Barton Malow Company ("CMR") as the construction manager at risk for the pre-construction stage services required for the co-funded Classroom Facilities Assistance Program Project (the "CFAP Project"), which includes a new PK-5 elementary school building (the "ES Project").
2. Based upon construction documents stage drawings, specifications, and other information prepared for the ES Project Building Package by Fanning/Howey & Associates, Inc., the design professional for the ES Project ("A/E"), the CMR prepared a guaranteed maximum price ("GMP") proposal for the ES Project Building Package, including supporting documentation and exhibits, all of which has been reviewed by the Core Team.
3. The GMP amount is in excess of the co-funded budget for the project by \$2,417,268 due to escalated labor and material costs (the "Budget Overage"). The Commission staff has indicated that the CFAP Project will be submitted to the Commission for a budget adjustment to cover the Budget Overage, but has requested that the entire amount of the Budget Overage be paid by the Board in the event that the Commission does not approve the budget adjustment.
4. The CMR prepared a LFI MOU Document for the ES Project Building Package to address improvements that are outside the scope of the co-funded CFAP Project and that are the responsibility of the Board for payment (both required LFI improvements and District-desired LFI improvements), which includes the Budget Overage under reservation of rights and indicates the submission by the District of a request for a budget adjustment to address Budget Overage with the ES Project and anticipated for future work covered by the CMR Agreement.
5. The CMR has addressed any questions and comments from the OFCC Project Manager and Core Team in the GMP proposal and LFI MOU submitted for the ES Project Building Package.
6. The OFCC staff prepared the amendment for GMP No. 2.1 to the CMR agreement for the ES Project, which has been reviewed and approved by the Project Manager and other members of the Core Team, and the Core Team has also reviewed and approved the LFI MOU for the ES Project at this time.

7. The Superintendent recommends approval of GMP Amendment No. 2.1 for the ES Project Building Package in the total amount of \$20,255,637, which increases the total amount of the cost of the work in the CMR Agreement for the ES Project by that amount, of which \$16,776,891 is co-funded work and \$3,478,746 is for locally funded initiatives (including the Budget Overage), and the LFI MOU for the ES Project Building Package.

The Warren Local School District Board resolves as follows:

1. GMP Amendment No. 2.1 to the CMR Agreement with Barton Malow is approved for the ES Project Building Package in the total amount of \$20,255,637, of which \$16,776,891 is co-funded work and \$3,478,746 is locally funded initiatives.
2. The LFI MOU for the ES Project Building Package, which evidences the improvements for which the Board is 100% responsible for costs and also references the budget adjustment to be requested for the CFAP Project and reservation of rights, is approved, subject to any further adjustments required by OFCC.
3. With regard to the requested budget adjustment, if approved by the OFCC, the Board acknowledges its obligation to share the Board's portion of an actual cost overrun in proportion to its respective contribution to the project construction fund.
4. The Board President, Superintendent, and Treasurer are authorized to sign GMP Amendment No. 2.1 in the final version reviewed and approved by OFCC and any related documents.
5. The Superintendent and Treasurer are authorized to sign the LFI MOU for the ES Project Building Package in the form presented by the CMR, subject to any OFCC required revisions.

Mrs. Debbie West seconded the motion and, after discussion, a roll call vote was taken and the resolution passed.

AYES: Mr. Allen, Mr. Brackridge, Mr. Cunn, Mrs. Proctor, Mrs. West NAYS: None

The resolution passed.

The foregoing is a copy of the action taken by the Warren Local School District Board of Education at its meeting on March 18, 2019.

Date: March 18, 2019

Melcie Wells  
Melcie Wells, Treasurer  
Warren Local School District