

OHIO TURNPIKE COMMISSION

Resolution Authorizing Modification to the Construction Management Services Agreement with Hill International, Inc. (Project No. 71-10-03)

WHEREAS, via Resolution No. 41-2010, the Commission awarded the Construction Management Agreement for the Mahoning Valley and Glacier Hills Service Reconstruction Project, Project No. 71-10-03, to **Hill International, Inc. of Broadview Heights, Ohio**; and

WHEREAS, Hill International's Fee Proposal for performance of the aforementioned Construction Management Services was in the not-to-exceed amount of **\$1,498,649.00**; and

WHEREAS, the Mahoning Valley and Glacier Hills Service Reconstruction Project (Contract No. 53-11-01 and 53-11-02) has experienced delays that are not the fault of the Construction Manager, which have caused the Project completion date to be extended into the Spring of 2013; and

WHEREAS, Hill International has submitted a supplemental Fee Proposal in the not-to-exceed amount of **\$643,318.00** to manage the Reconstruction Project through its completion, which Fee Proposal has been reviewed and deemed acceptable by the Commission's Chief Engineer; and

WHEREAS, the Commission's General Counsel has advised that the extra costs associated with the performance by Hill International under the Agreement will be factored into any liquidated damages that the Commission will withhold from the bonding company for the General Trades Contractor for the Reconstruction Project, Reginella Construction Company ("RCC"), as RCC's breach of contract and subsequent default under said General Trades Contract is the primary reason for the Project delay; and

WHEREAS, the continued expenditures by the Commission under the Construction Management Services Agreement will exceed ten percent of the original contract amount, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment of the Contract with Hill International; and

WHEREAS, the Executive Director has reviewed the recommendations submitted by the Chief Engineer and the General Counsel, and concurs that the Agreement for Project No. 71-10-03 should be amended to allow for the continued performance by Hill International of the required Construction Management Services through completion of the Mahoning Valley and Glacier Hills Service Reconstruction Project; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission concurs that **Hill International, Inc. of Broadview Heights, Ohio**, should perform all additional Construction Management Services required through the completion of the Mahoning Valley and Glacier Hills Service Reconstruction Project, and authorizes the Executive Director and the General Counsel to amend the Agreement with Hill International, to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Project No. 71-10-03, Hill International's response thereto and its fee proposals therefor; and

FURTHER RESOLVED, that the General Counsel is directed to take any and all actions necessary to recoup, as appropriate, the extra costs incurred by the Commission under the Construction Management Services Agreement with Hill International as they are related to the breach of contract and subsequent default under Contract No. 53-11-01 and 53-11-02 by the General Trades Contractor, Reginella Construction Company.

(Resolution No. 50-2012 adopted November 19, 2012)