

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving Modifications to the Agreement with CDM Smith to Perform Phase IB – Design and Plan Preparation Services for the Rehabilitation of US Route 42 Bridge Over the Ohio Turnpike (Project No. 71-16-08) in the Not-to-Exceed Amount of \$171,123.00**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) selected CDM Smith, Inc., of Cleveland, Ohio (“CDM Smith”), through the Executive Director, to perform Phase IA – Site Inspection and Engineering Services (“Phase IA Services”) for the Rehabilitation of US Route 42 Bridge (Pearl Road) over the Ohio Turnpike at Milepost 161.1 in Cuyahoga County, Ohio (“Project”), under an Agreement dated November 3, 2016, through which the Commission accepted CDM Smith’s fee proposal to Perform Phase IA Services for the not-to-exceed amount of \$58,098.00; and

WHEREAS, the Commission retained options under the Agreement with CDM Smith to obtain additional services that are necessary to complete the possible Phase IB – Design and Plan Preparation Services (“Phase IB Services”) and Phase II – Construction Administration and Inspection Services (“Phase II Services”) for the Project; and

WHEREAS, CDM Smith has submitted a fee proposal dated May 30, 2017, in the not-to-exceed amount of \$171,123.00 to perform the required Phase IB Services, which amount the Chief Engineer and Assistant Chief Engineer have deemed to be reasonable and necessary; and

WHEREAS, the additional amount described in the fee proposal from CDM Smith, dated May 30, 2017, to perform the required Phase IB Services exceeds the Executive Director’s contracting authority under Article V, Section 1.00 of the Commission’s Bylaws, and Commission approval is necessary to authorize the modification to the Agreement incorporating the fee proposal; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and Assistant Chief Engineer, and approves the recommendation to authorize CDM Smith to perform Phase IB Services under Project No. 71-16-08; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the proposal from CDM Smith dated May 30, 2017 to perform the Phase IB – Design and Plan Preparation Services under Project No. 71-16-08 for the Rehabilitation of US Route 42 Bridge (Pearl Road) over the Ohio Turnpike at Milepost 161.1 in Cuyahoga County in the not-to-exceed amount of \$171,123.00 is approved, and the Executive Director is authorized to amend the Agreement with CDM Smith to perform such services in accordance with the terms and conditions of the Commission’s RFP for Professional Engineering Services, CDM Smith’s response and fee proposals; and

FURTHER RESOLVED, that the Executive Director has the authority under Article V, Section 1.00 of the Commission’s Code of Bylaws to further amend the Agreement with CDM Smith to perform additional Phase IB and/or Phase II services necessary for Project 71-16-08 that does not exceed ten percent of the total not-to-exceed amount approved to date, and approve such extra work or change orders under said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

**(Resolution No. 24-2017 adopted June 19, 2017)**