

## **RESOLUTION NO. 2025-08**

### **A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE WHITING-TURNER CONTRACTING COMPANY FOR CONSTRUCTION MANAGER SERVICES RELATIVE TO THE BLACK RIVER LANDING AMPHITHEATER AND FESTIVAL VENUE PROJECT.**

**WHEREAS**, the Lorain Port Authority advertised for construction manager at risk (CMR) services for preconstruction and construction phased services for the completion of the Black River Landing Amphitheater and Festival Venue Project; and

**WHEREAS**, the Lorain Port Authority entered into a contract with The Whiting-Turner Contracting Company for CMR services through completion of this project; and

**WHEREAS**, the extent of the CMR services are outlined in contract documents AIA Document A133-2009, AIA Document A201-2007 and exhibits which dictates all fees and expenses; and

**WHEREAS**, the CMR services began with preconstruction work and additional phases of work for construction will be determined and executed based upon budget; and

**WHEREAS**, due to the delay of the project and the need for additional preconstruction staffing and the development of a new GMP there is an additional cost to be added to the project.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Lorain Port Authority:

**SECTION I.** The Executive Director or his designee is hereby authorized and directed to enter into an agreement with The Whiting-Turner Contracting Company for preconstruction staffing reconciliation and GMP Development in 2025 in the amount of \$139,151.

**SECTION II.** It is found and determined that all formal proceedings and actions of this Board concerning and relating to the passage of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal Requirements, including Section 121.22, of the Ohio Revised Code.

**Ayes: 9**

**Nays: 0**

**Abstain: 0**

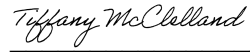
**Adopted: 04/15/2025**



[Brad Mullins \(Apr 18, 2025 20:21 EDT\)](#)

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Brad Mullins, Chairman



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Tiffany McClelland, Executive Director



## Owner Change Order

**Date:** April 02, 2025

**To Contractor:**

**Whiting-Turner Contracting Co**

1001 Lakeside Avenue

Suite 100

Cleveland, OH 44124

**Project No.:** 020291.PRE

**Project Name:** Black River Landing Amphitheater  
- Precon

**Contract Date:** 04/08/2023

**Contract Number:** 020291.PRE

**Change Order Number:** 00002

**Owner's CO Number:** 02

**The Contract is hereby revised by the following items:**

<b>CN</b>	<b>Description</b>	<b>Amount</b>
WT-002	Preconstruction Staffing Reconciliation Through 7/28/2024 and GMP Development in 2025.	\$ 139,151.00

The original Contract Value was	\$ 30,000.00
Sum of changes by prior Prime Contract Change Orders	\$ 153,443.00
The Contract Value prior to this Prime Contract Change Order was	\$ 183,443.00
The Contract Value will be changed by this Prime Contract Change Order in the amount of	\$ 139,151.00
The new Contract Value including this Prime Contract Change Order will be	<b>\$ 322,594.00</b>

The Contract Time will be changed by days to be determined.

The date of Substantial Completion as of the date of this Change Order is to be determined.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

Whiting-Turner Contracting Co  
CONTRACTOR

Lorain Port Authority  
OWNER

1001 Lakeside Ave.  
Suite 100  
Cleveland, OH 44114  
Address

319 Black River Lane  
Lorain, OH 44052  
Address

By:

By:

Title:

Title:

SIGNATURE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_



**Change Notification to Owner**

**WHITING-TURNER CONTRACTING CO**

1001 Lakeside Avenue, Suite 100, Cleveland, OH 44124

Tel: Fax:

**Project: Black River Landing Amphitheater - Precon**

319 Black River Lane  
Lorain, OH 44052

**Job Number:**

020291.PRE

**Date:**

08/01/2024

**CN Number:**

WT-002

**Project Area:**

**To:** Tom Brown  
Lorain Port Authority  
319 Black River Lane  
Lorain, OH 44052

**From:** Eric Betz  
WHITING-TURNER CONTRACTING CO  
1001 Lakeside Avenue  
Suite 100  
Cleveland, OH 44124

**DESCRIPTION:** Preconstruction Staffing Reconciliation Through 7/28/2024 and GMP Development in 2025.

**REASON:** Owner Request

**SOURCE:** Owner

**SCOPE OF WORK:** Reconciliation of Whiting-Turner preconstruction staffing due to project funding challenges and being placed on hold. Since the project was placed on-hold, Whiting-Turner is requesting the reconciled staffing through 7/28/2024. In addition, Whiting-Turner is requesting additional funding for preconstruction staffing to finalize the project rebid, provide recommendations for deferred scope opportunities, and develop the GMP.

**CONTRACTORS AFFECTED:**

**RELATED OBJECTS:**

**AUTHORIZATION**

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.

COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

**Cost: \$ 139,151.00**

**Funding:** Owner Change Order

**SCHEDULE:** ☐ NO IMPACT  
☐ POSSIBLE IMPACT - REVIEWING  
☒ IMPACT TO SCHEDULE AS FOLLOWS To be determined

**SCHEDULE NOTES:**

**OWNER DIRECTION:**

**DISTRIBUTION** ☐ ORIGINAL FILE  
☐ OWNER/OWNER REP.  
☐ ARCHITECT  
☐ LENDER

- ☐ PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
- ☐ PROCEED AND CONFIRM COST
- ☐ PROCEED FOR NTE COST INDICATED ABOVE
- ☐ PROCEED T&M
- ☒ PROCEED FOR LUMP SUM COST ABOVE
- ☐ PROCEED (NO IMPACT)
- ☐ PROCEED AND PRICE
- ☐ CANCEL
- ☐ REJECTED

Other: \_\_\_\_\_

\_\_\_\_\_  
OWNER'S REPRESENTATIVE

\_\_\_\_\_  
DATE

**COST BREAKDOWN**

**DATE:** 08/01/2024

**JOB NO:** 020291.PRE

**PROJECT AREA:**

**CN NO:** WT-002

Vendor	Description	Budget Code	Billing Amount
	Preconstruction Staffing Reconciliation Through 7/28/2024 and GMP Development in 2025.	020291.PRE.0000000.00721000.L	\$ 139,151.00
Total Cost of this work:			\$ 139,151.00

**APPROVAL:**

Whiting-Turner Contracting Co REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 139,151.00**

OWNER CHANGE REF: **02**

DATE:

SUBMITTED BY:

Whiting-Turner Contracting Co REPRESENTATIVE

DATE

APPROVED BY:

OWNER'S REPRESENTATIVE

DATE

## EXHIBIT D - Staffing Plan

### 2024 CONSTRUCTION SERVICE RATES - PROJECT MANAGEMENT AND SUPERVISION

TITLE	HOURS	HOURLY RATE*	TOTAL
Lead Project Manager		\$ 184.00	\$ -
Project Manager	96	\$ 134.00	\$ 12,864
MEP Manager		\$ 193.00	\$ -
Superintendent	88	\$ 126.00	\$ 11,088
Project Engineer	92	\$ 89.00	\$ 8,188
Field Engineer	60	\$ 82.95	\$ 4,977
Intern	72	\$ 47.00	\$ 3,384
Scheduling Manager	10	\$ 147.00	\$ 1,470
Quality Manager		\$ 132.00	\$ -
Safety Manager		\$ 102.00	\$ -
			<b>\$ 41,971</b>

### 2025 PRECONSTRUCTION SERVICES TO JUNE 1ST RELEASE

TITLE	HOURS	HOURLY RATE*	TOTAL
Lead Project Manager	100	\$ 197.00	\$ 19,700
Project Manager	280	\$ 141.00	\$ 39,480
MEP Manager	8	\$ 154.00	\$ 1,232
Superintendent	16	\$ 133.00	\$ 2,128
Asst Project Manager	280	\$ 106.00	\$ 29,680
Scheduling Manager	32	\$ 155.00	\$ 4,960
			<b>\$ 97,180</b>

<b>TOTAL Precon Change Order</b>	<b>\$</b>	<b>139,151</b>
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#### \*Fixed-Unauditable Billing Rates

Staffing Plan may be changed/updated prior to final execution of final agreement.

#### CD Scope of Service

- Participate in design coordination meetings with the A/E and owner to review Drawings that depict the alternate design status.
  - Provide constructability reviews and feedback
  - Provide recommendations for deferred scope opportunities
  - Engage with trade contractors as necessary
- Refine project construction schedule and site logistics plan
- Finalize project rebid; develop final GMP cost for each bid package.

#### CD DELIVERABLES

GMP proposal shall be prepared. This set shall include:

- a detailed estimate of construction costs for the work, organized by construction division and scope of work.
- a detailed breakdown of the CM's construction staffing and general condition costs
- a current project schedule, which shall be fully developed to reflect the work that is subject to the GMP proposal
- a complete list of qualifications and assumptions

#### TIMELINE:

Authorization to proceed with above services..... 04/21/25

Finalize project GMP..... 06/06/25

Authorization to proceed wiht the project..... 06/20/25