



## Mayor's Office of Capital Projects

Date: February 16, 2022

To: Mark D. Griffin, Chief Legal Counsel  
Law Department

From: James D. DeRosa, Interim Director  
Mayor's Office of Capital Projects

Subject: Request for Legislation to modify Contract No. PI 2021-01 for additional cost increase to Public Auditorium Music Hall Roof

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Ordinance 637-2019 was passed on July 25, 2019.

This Department requests legislation to modify existing contract PI2021-01 to pay for the additional cost increase to the project.

That the Director of Capital Projects authorized to expend additional funds, in the amount of \$443,012.00 due to unforeseen conditions which requires additional design and construction work. These unforeseen conditions include:

- Corroded structural members, requiring testing and structural analysis and additional structural reinforcing.
- Structural assemblies which differed from available existing documentation, requiring analysis and additional structural reinforcing and modifications to roof detailing.

The new contract amount totals \$1,376,511.00

If you have any questions, please let us know. Thank you.

JD/mkc

Encl.

Cc: Ryan Puente, Chief Government Affairs Officer  
Elise Hara Auvil, Chief Administrative Officer  
Bradford J. Davy, Chief Strategy Officer  
Bonnie Teeuwen, Chief Operating Officer  
Carter Edman, Manager, Architecture & Site Development  
Meredith Carey, Legislative Liaison  
Nancy Lanzola, Department of Law

**LEGISLATIVE SUMMARY  
MAYOR'S OFFICE OF CAPITAL PROJECTS**

**Public Auditorium Music Hall Phase II  
Subsidiary Agreement**

**Ordinance No.** 218-2022

**Purpose:** This Department requests legislation to modify existing contract PI2021-01 to \$1,376,511.00

**Description:** During the course of construction, unforeseen conditions were uncovered which require additional design and construction work. These unforeseen conditions include:

- Corroded structural members, requiring testing and structural analysis and additional structural reinforcing.
- Structural assemblies which differed from available existing documentation, requiring analysis and additional structural reinforcing and modifications to roof detailing.

**Public Hall Roof:  
Phase II** \$933,499.00 – Original Cost  
\$ 443,012.00 – Additional Cost  
\$1,376,511.00 – New Cost

**Funding Source:** GO Bonds

**Ward (s):** 3, Council Member Kerry McCormack

## FACT SHEET

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**Item:** Legislation to amend ord 637-19, passed July 24, 2019 to agreement PI2021-01 for the additional cost increase to the project.

**Project:** Public Auditorium Music Hall Roof Phase II Subsidiary Agreement

**Status:** Agreement signed by all by November 2021  
Finance provided the funding by December 13, 2021  
Council – last meeting held December 6  
Finance – shut down December 3 (for RL submittal)

**Contractor/Consultant:** Town Center Construction

**Total Contract Amount:**

Original Contract:	\$933,499.00
Additional Increase:	\$443,012.00
Total Contract:	\$1,376,511.00

**Comments:** Would like to move forward with RL request.

Mayor's Office of Capital Projects  
Division of Architecture & Site Development

Decision Memo – Music Hall Roof Subsidiary Agreement

Summary:

- Finance established program C20-321 for renovations to Music Hall Roof Phase 2 in the amount of \$933,499.00. There are currently no remaining available funds in this program.
- During the course of construction, unforeseen conditions were uncovered which require additional design and construction work. These unforeseen conditions include:
  - Corroded structural members, requiring testing and structural analysis and additional structural reinforcing
  - Structural assemblies which differed from available existing documentation, requiring analysis and additional structural reinforcing and modifications to roof detailing.
- MOCAP has received and reviewed in detail proposals from the architect of record and the contractor to conduct the design and construction services, respectively. The proposal amounts are:

Design	\$ 103,208.50
<u>Construction</u>	<u>\$ 443,012.00</u>
Total	\$ 546,220.50

Recommendation:

Request finance transfer \$546,220.50 to C20-321 in order to complete this work.

Funding:

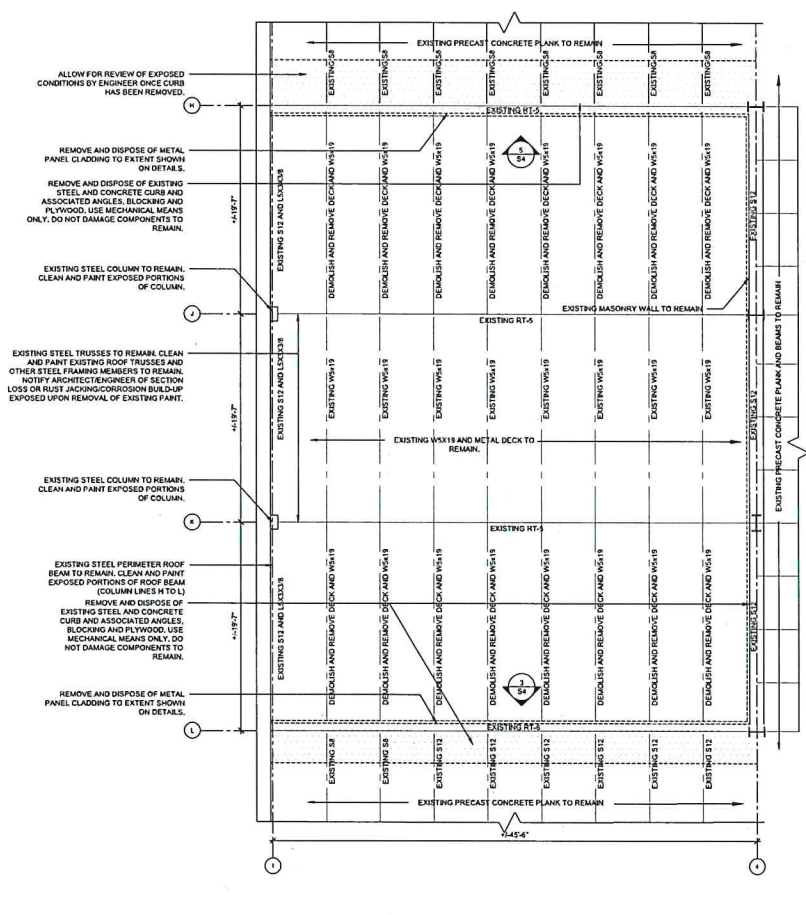
Transfer \$546,220.50 to C20-321

Approved:

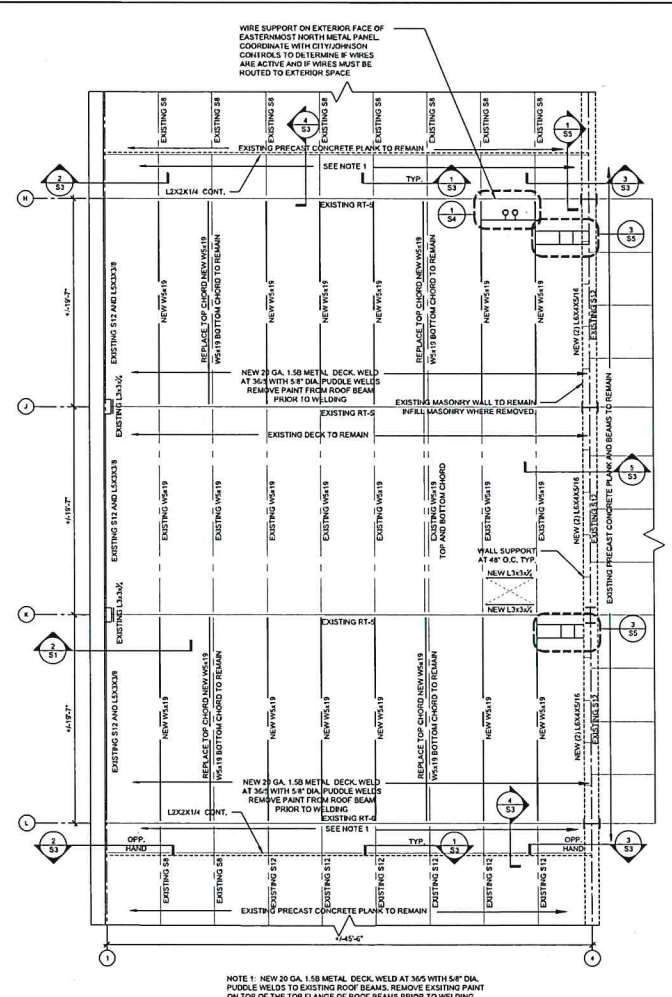
  
Darnell Brown, Chief Operating Officer

12-1-21  
Date

1 **DEMOLITION PLAN**  
SCALE: 1/8" = 1'-0"



2 **ROOF FRAMING PLAN**  
SCALE: 3/8" = 1'-0"



City of Cleveland  
 Mayor's Office of Capital Projects  
**Division of Architecture  
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 Cleveland City Hall, 601 Lakeside Avenue, Room 517A  
 Cleveland, OH 44114-1015  
 Phone: (216) 664-2374 Fax: (216) 664-4220

**WJE**  
 ENGINEERS  
 ARCHITECTS  
 MATERIALS SCIENTISTS  
 3602 Sandusky Avenue, Suite 3  
 Cleveland, Ohio 44122  
 216.642.2200 tel.  
www.wje.com

PROJECT NAME: 2018R4798.6

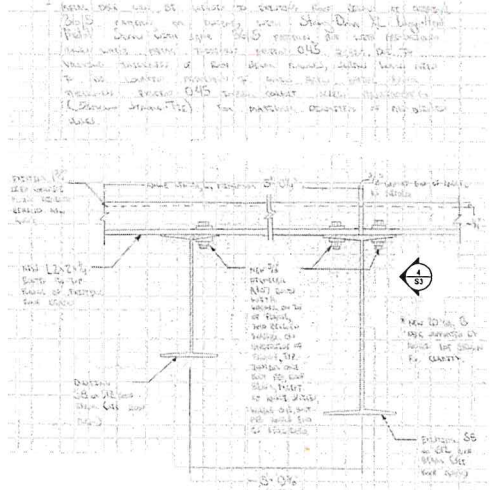
**CITY OF CLEVELAND**  
**DEPARTMENT OF PUBLIC WORKS**  
**CLEVELAND PUBLIC AUDITORIUM MUSIC HALL**  
**ROOF REPLACEMENT**  
 CLEVELAND PUBLIC AUDITORIUM  
 500 LAKESIDE AVE., CLEVELAND, OH 44114 - W3

DATE	BY	REVISION
11/29/2019	DSF	ISSUED FOR BIDDING
11/29/2019	AEH	OWNER REVIEW SET
11/29/2019	DSF	FOR BIDDING
11/29/2019	AEH	EXCELLENCE

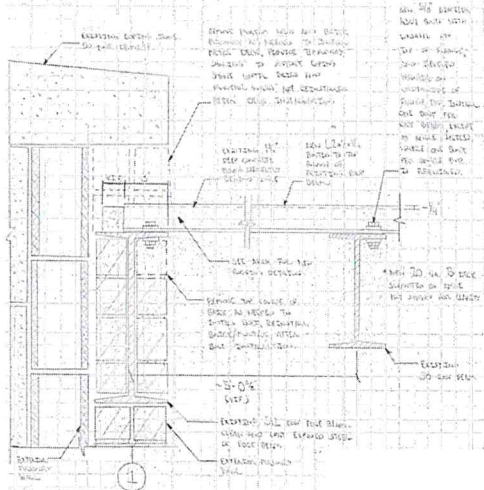
  

TITLE:	STRUCTURAL FRAMING PLAN
DATE:	11/29/2019
DRAWN BY:	DSF
CHECKED BY:	AEH
DATE:	11/29/2019
SCALE:	As Noted
SHEET NO:	S2

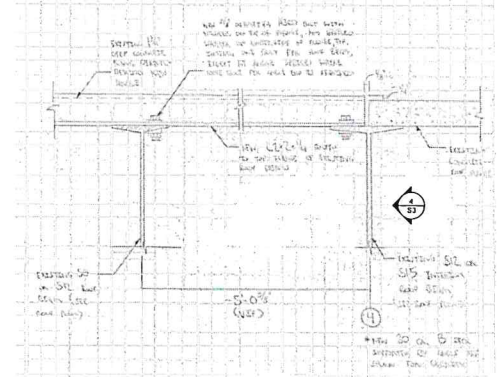
File: 18-2021-10 PM 4/11/2019 11:44 AM Job Name: 2018-2019-2020-2021-2022 - Cleveland Public Auditorium Music Hall Roof Replacement Structural Details.dwg



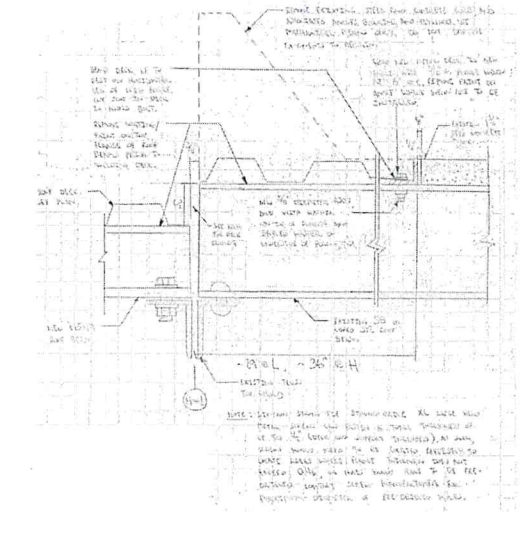
**1 SUPPORT FOR E-W EDGE OF METAL DECK AT TYP. ROOF BEAM**  
SCALE: 1/4" = 1'-0"



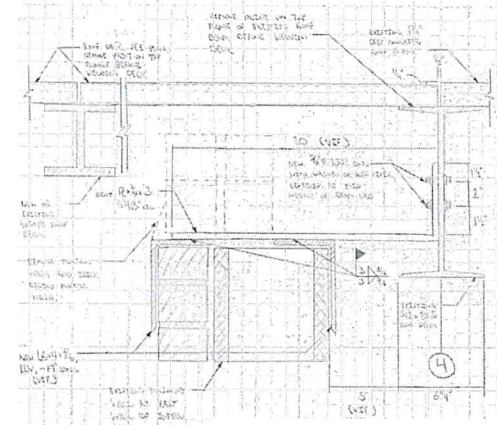
**2 SUPPORT FOR E-W EDGE OF METAL DECK AT WEST WALL**  
SCALE: 1/4" = 1'-0"



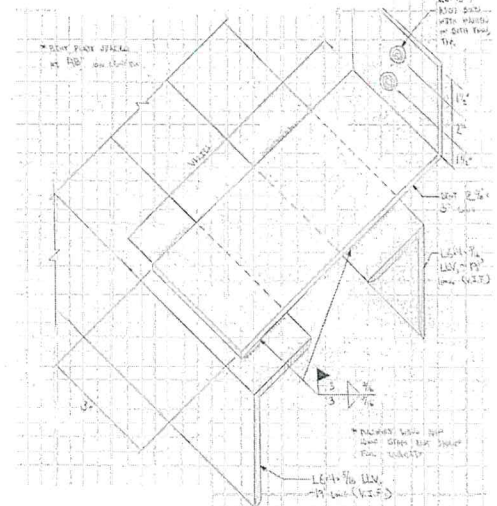
**3 SUPPORT FOR E-W EDGE OF METAL DECK AT EAST END**  
SCALE: 1/4" = 1'-0"



**4 SUPPORT FOR E-W DECK SECTION**  
SCALE: 1/4" = 1'-0"



**5 LATERAL SUPPORT FOR EAST MASONRY WALL**  
SCALE: 1/4" = 1'-0"



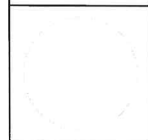
**6 LATERAL SUPPORT FOR EAST WALL DETAIL**  
SCALE: 1/4" = 1'-0"

City of Cleveland  
 Mayor's Office of Capital Projects  
**Division of Architecture  
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 Cleveland City Hall, 601 Lakeside Avenue, Room 517A  
 Cleveland, OH 44114-1015  
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**WJE**  
 ENGINEERS  
 ARCHITECTS  
 MATERIALS SCIENTISTS  
 Wm. J. Eitner Associates, Inc.  
 9802 Swanton Road, Suite 3  
 Cleveland, Ohio 44125  
 216.642.2300 fax  
 www.wje.com

PROJECT NAME: 2018-2019-2020-2021-2022

CITY OF CLEVELAND  
 DEPARTMENT OF PUBLIC WORKS  
**CLEVELAND PUBLIC AUDITORIUM MUSIC HALL  
 ROOF REPLACEMENT**  
 CLEVELAND PUBLIC AUDITORIUM  
 500 LAKESIDE AVE., CLEVELAND, OH 44114-1W3



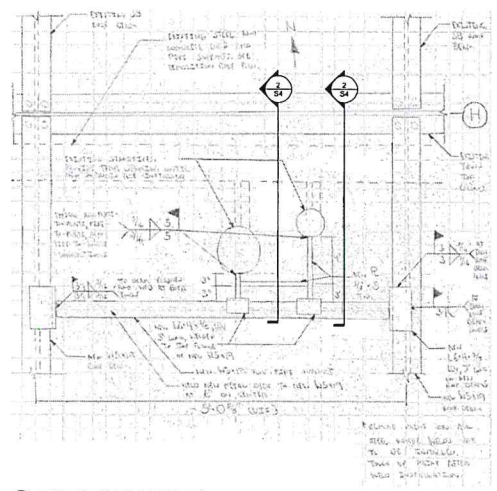
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2	11/27/2019 ISSUED FOR BIDDING
3	10/19/2022 SUBMITTAL

STRUCTURAL DETAILS

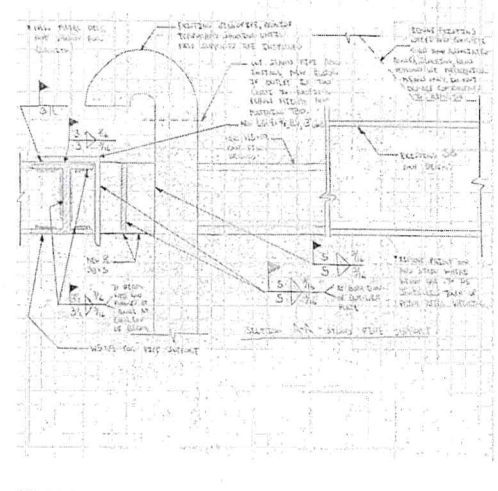
DATE	BY	CHK	APP
11/29/2019	DSF	MRN	AEH
11/29/2019	AEH	MRN	DSF
11/29/2019	MRN	DSF	AEH

SCALE: As Noted  
 SHEET NO: S3

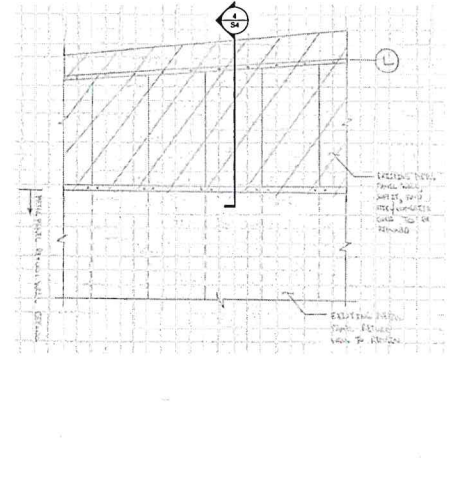
Project: 198-2021-111 P10 by Hays, Allen & Associates, Inc. 2100 East 12th Street, Suite 100, Cleveland, OH 44115-1205  
 Drawing: 198-2021-111 P10 by Hays, Allen & Associates, Inc. 2100 East 12th Street, Suite 100, Cleveland, OH 44115-1205  
 Title: STRUCTURAL DETAILS



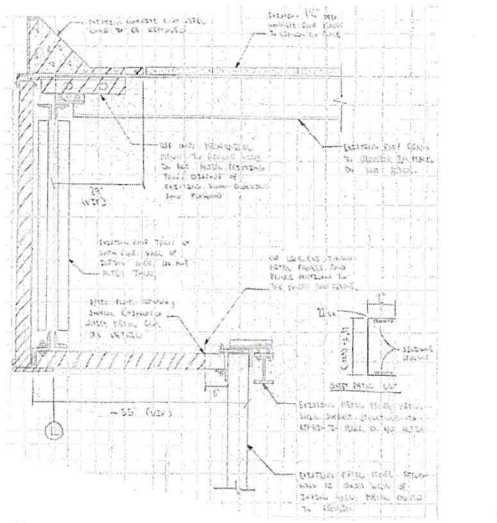
1 PIPE SUPPORT DETAIL  
SCALE: 1/4" = 1'-0"



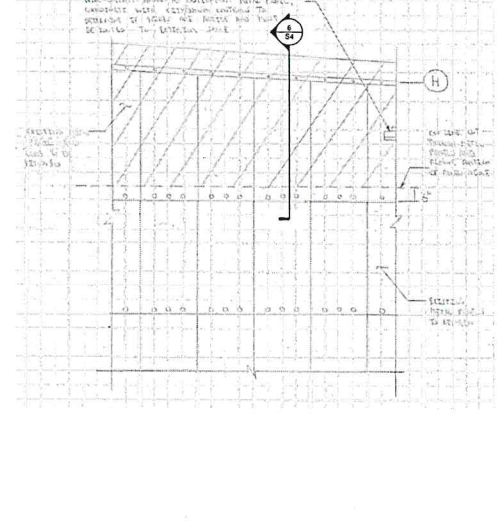
2 PIPE SUPPORT SECTION  
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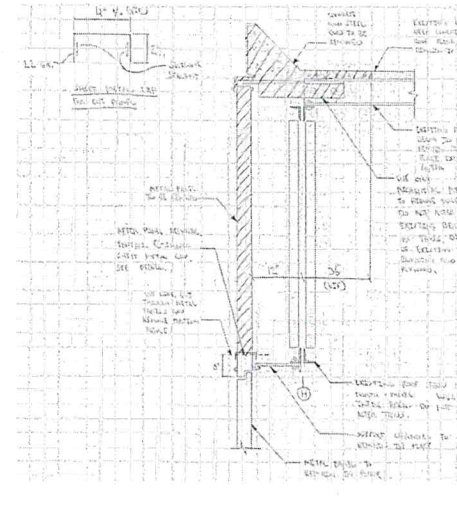
3 SOUTH WALL PANEL REMOVAL ELEVATION  
SCALE: 1/4" = 1'-0"



4 SOUTH WALL PANEL REMOVAL SECTION  
SCALE: 1/4" = 1'-0"



5 NORTH WALL PANEL REMOVAL ELEVATION  
SCALE: 1/4" = 1'-0"



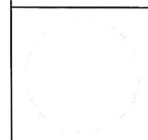
6 NORTH WALL PANEL REMOVAL SECTION  
SCALE: 1/4" = 1'-0"

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 Cleveland Public Auditorium, Room 517A  
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 MATERIALS SCIENTISTS  
 Wirtz, Janney, Elstner Associates, Inc.  
 8555 Sycamore Valley Drive, Suite 300  
 Columbus, OH 43245  
 216.642.2300 (tel)  
 www.wje.com

PROJECT NAME: 2018.4798.5

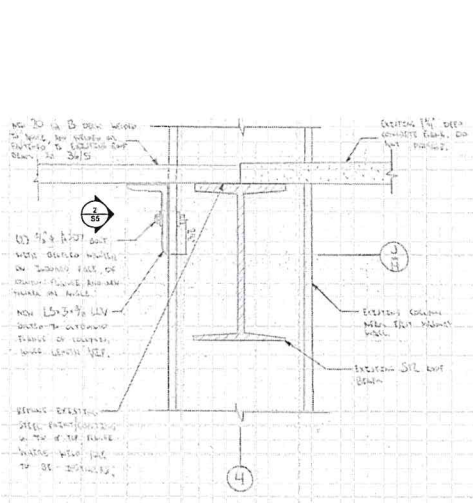
CITY OF CLEVELAND  
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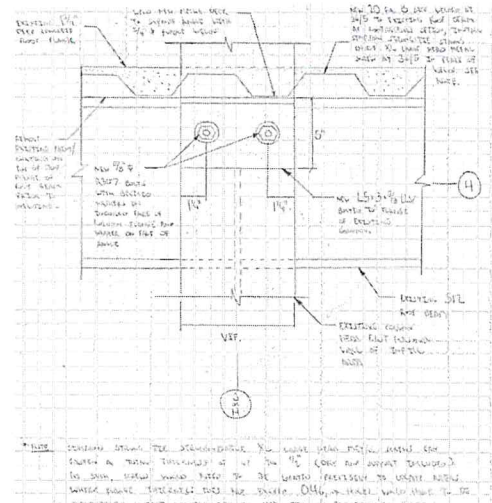
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2	12/2/2019	ISSUED FOR BIDDING
3	12/22/2019	ISSUED FOR BIDDING

TITLE: STRUCTURAL DETAILS

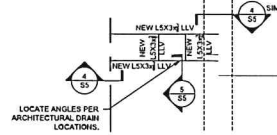
DESIGNED BY:	DSF	DATE:	11/29/2019
CHECKED BY:	AEH	DATE:	11/29/2019
ORDERED BY:	MRN	DATE:	11/29/2019
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SHEET NO.:	S4		



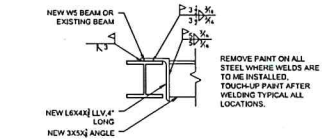
**1 SUPPORT FOR METAL DECK AT EAST COLUMNS**  
SCALE: NTA



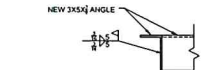
**2 SUPPORT FOR METAL DECK AT EAST COLUMNS ELEVATION**  
SCALE: NTA



**3 DRAIN SUPPORT PLAN**  
SCALE: 3/4\"/>



**4 DECK SUPPORT ANGLE**  
SCALE: 1/2\"/>



**5 ANGLE TO ANGLE DETAIL**  
SCALE: 1/2\"/>

City of Cleveland  
 Mayor's Office of Capital Projects  
**Division of Architecture and Site Development**  
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 Cleveland, OH 44114-1015  
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 5600  
 Cleveland, Ohio 44125  
 216.642.2300 tel.  
 www.wje.com

PROJECT NAME: 2018.4798.S

CITY OF CLEVELAND  
 DEPARTMENT OF PUBLIC WORKS  
 CLEVELAND PUBLIC AUDITORIUM MUSIC HALL  
 ROOF REPLACEMENT  
 CLEVELAND PUBLIC AUDITORIUM  
 500 LAKESIDE AVE. CLEVELAND, OH 44114-WJ

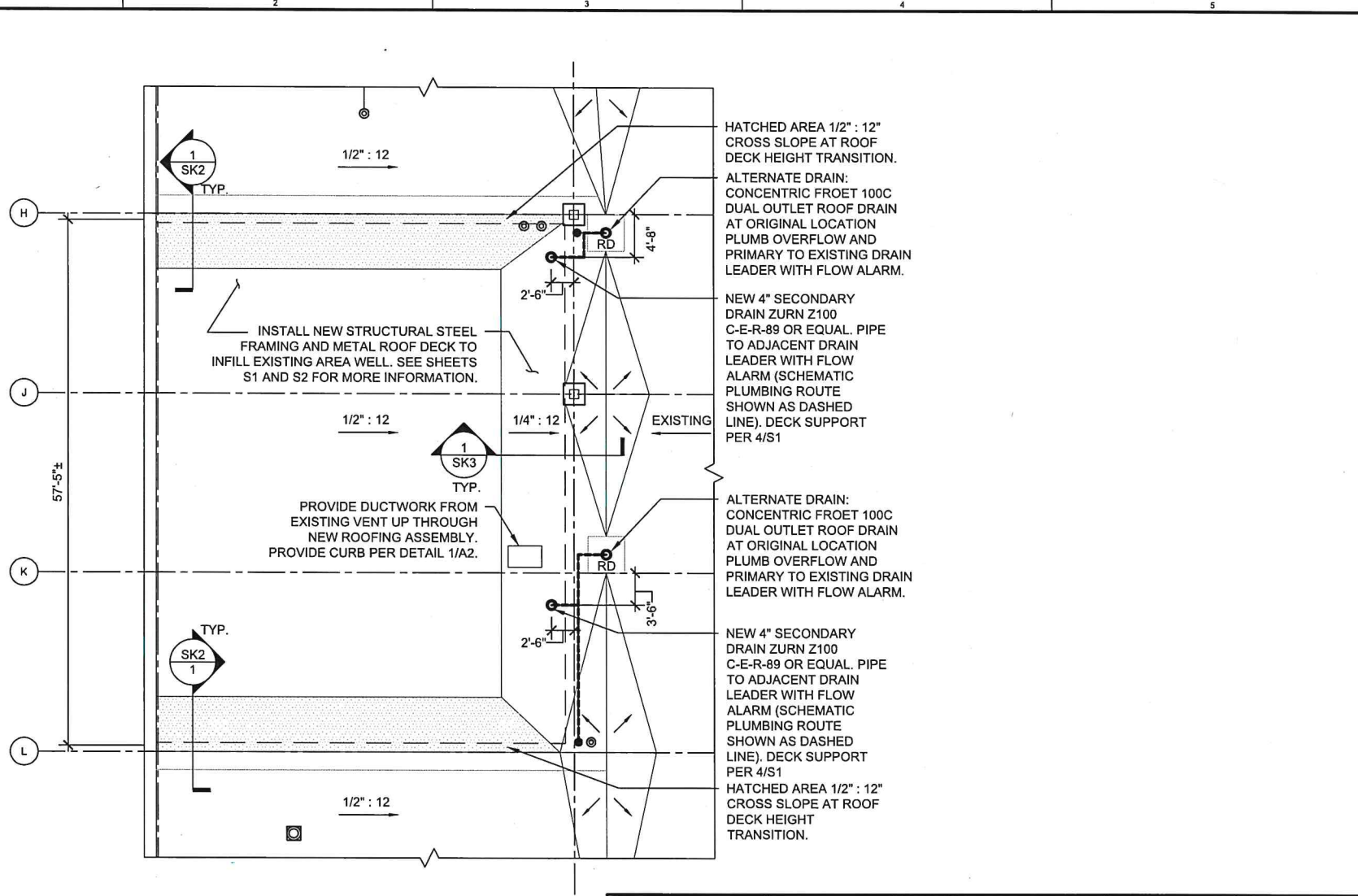
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2	1/2/2019	ISSUED FOR BIDDING		
3	3/19/2019	EXCELLENCE 1		

TITLE:  
**STRUCTURAL DETAILS**

DESIGNED BY	DSF	DATE	11/29/2019
RECHECKED BY	AEH	DATE	11/29/2019
OWNER BY	MRN	DATE	11/29/2019
NOTE	As Noted		
SHEET NO.	S5		



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HATCHED AREA 1/2" : 12" CROSS SLOPE AT ROOF DECK HEIGHT TRANSITION.

ALTERNATE DRAIN: CONCENTRIC FROET 100C DUAL OUTLET ROOF DRAIN AT ORIGINAL LOCATION PLUMB OVERFLOW AND PRIMARY TO EXISTING DRAIN LEADER WITH FLOW ALARM.

NEW 4" SECONDARY DRAIN ZURN Z100 C-E-R-89 OR EQUAL PIPE TO ADJACENT DRAIN LEADER WITH FLOW ALARM (SCHEMATIC PLUMBING ROUTE SHOWN AS DASHED LINE). DECK SUPPORT PER 4/S1

ALTERNATE DRAIN: CONCENTRIC FROET 100C DUAL OUTLET ROOF DRAIN AT ORIGINAL LOCATION PLUMB OVERFLOW AND PRIMARY TO EXISTING DRAIN LEADER WITH FLOW ALARM.

NEW 4" SECONDARY DRAIN ZURN Z100 C-E-R-89 OR EQUAL PIPE TO ADJACENT DRAIN LEADER WITH FLOW ALARM (SCHEMATIC PLUMBING ROUTE SHOWN AS DASHED LINE). DECK SUPPORT PER 4/S1

HATCHED AREA 1/2" : 12" CROSS SLOPE AT ROOF DECK HEIGHT TRANSITION.

INSTALL NEW STRUCTURAL STEEL FRAMING AND METAL ROOF DECK TO INFILL EXISTING AREA WELL. SEE SHEETS S1 AND S2 FOR MORE INFORMATION.

PROVIDE DUCTWORK FROM EXISTING VENT UP THROUGH NEW ROOFING ASSEMBLY. PROVIDE CURB PER DETAIL 1/A2.

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 9655 Sweet Valley Drive, Suite 3  
 Cleveland, Ohio 44125  
 216.642.2300 tel  
 www.wje.com

Project	CLEVELAND PUBLIC AUDITORIUM MUSIC HALL 500 LAKESIDE AVE., CLEVELAND, OH 44114-W3
Sheet Title	BULLETIN 1 REVISED ROOF PLAN

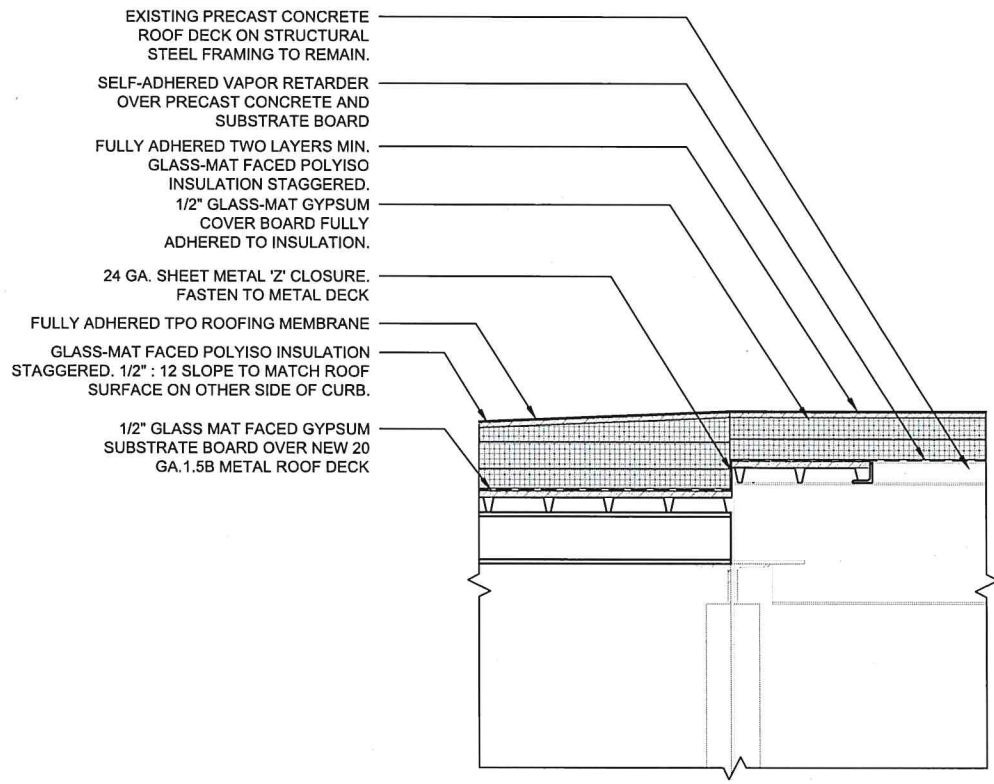
Proj. No.	2018.4798.5
Date	10/08/2021
Drawn	AEH
Checked	BK
Scale	As Noted

**SK1**



1 2 3 4 5

D  
C  
B  
A



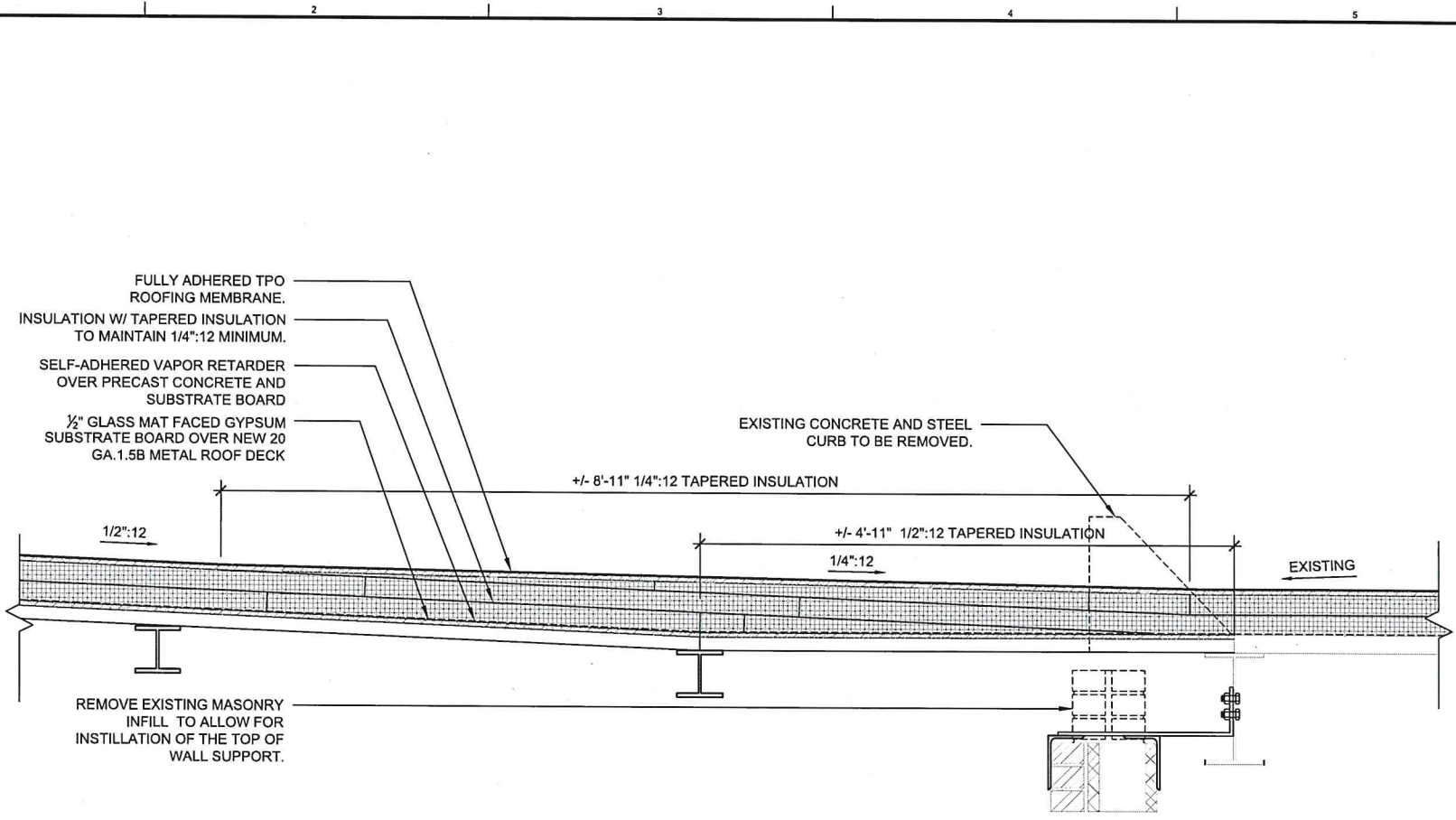
- EXISTING PRECAST CONCRETE ROOF DECK ON STRUCTURAL STEEL FRAMING TO REMAIN.
- SELF-ADHERED VAPOR RETARDER OVER PRECAST CONCRETE AND SUBSTRATE BOARD
- FULLY ADHERED TWO LAYERS MIN. GLASS-MAT FACED POLYISO INSULATION STAGGERED.
- 1/2" GLASS-MAT GYPSUM COVER BOARD FULLY ADHERED TO INSULATION.
- 24 GA. SHEET METAL 'Z' CLOSURE. FASTEN TO METAL DECK
- FULLY ADHERED TPO ROOFING MEMBRANE
- GLASS-MAT FACED POLYISO INSULATION STAGGERED. 1/2" : 12 SLOPE TO MATCH ROOF SURFACE ON OTHER SIDE OF CURB.
- 1/2" GLASS MAT FACED GYPSUM SUBSTRATE BOARD OVER NEW 20 GA. 1.5B METAL ROOF DECK

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	Sheet Title <b>BULLETIN 1</b> <b>METAL DECK TO CONCRETE DECK REVISED DETAIL</b>	Drawn AEH Checked BK Scale As Noted	

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	Sheet Title <b>BULLETIN 1</b> <b>METAL DECK TO CONCRETE DECK TRANSITION</b>	Drawn AEH Checked BK Scale As Noted

**SUBSIDIARY AGREEMENT CHECKLIST**

CONTRACT NO. : CT7011 PI2021-01 PROJECT NAME : Public Auditorium - Music Hall Roof Phase II  
CONTRACTOR : Town Center Construction, LLC ORIGINAL CONTRACT AMOUNT : \$933,499.00  
SUBSIDIARY AMOUNT REQUEST : \$443,012.00 TOTAL CONTRACT AMOUNT : \$1,376,511.00  
% INCREASE OF ORIGINAL CONTRACT : 47%

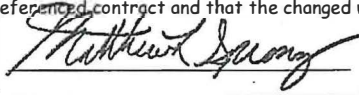
**Explanation for Change:**

During construction, structural conditions were uncovered which require remediation and revisions to the planned design of the roof replacement. These conditions include deterioration/corrosion that has occurred as well as unforeseen original construction conditions. These issues could not be observed prior to start of construction because they were enclosed within the existing roof and masonry of the building.

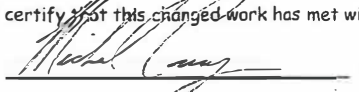
**Reason for Change Order :**

Unforeseen Field Condition       Regulatory Agency Requirement       Change in Specification due to :  
a . omission  
b . ambiguity  
c . design error  
d . substitution of materials methods

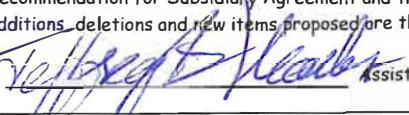
**Director Certification :**

I certify that this changed work was neither originally specified nor reasonably implied as a requirement of the above-referenced contract and that the changed work is necessary to complete the project as originally contemplated.  
 Director      Date \_\_\_\_\_  
Mayor's Office of Capital Projects


**Office of Equal Opportunity Certification :**

I certify that this changed work has met with the compliance requirements of the Office of Equal Opportunity.  
 Director, Office of Equal Opportunity      Date 11/3/2021

**Law Department Determination :**

The attached recommendation for Subsidiary Agreement has been submitted to me for review. Based upon my review of the Recommendation for Subsidiary Agreement and the information contained in the above checklist, I have determined that the additions, deletions and new items proposed are the proper subject of a Subsidiary Agreement.  
 Assistant Director of Law      Date 11/5/21

**Chief Operating Officer Approval :**

Based upon my review of the attached Recommendation for Subsidiary Agreement, the Checklist above and the determination from the Law Department, I hereby approve the Recommendation for the Subsidiary Agreement to be presented to the Mayor for signature.  
 Chief Operating Officer      Date 11-11-21

**RECOMMENDATION FOR SUBSIDIARY AGREEMENT**  
**10/29/21**

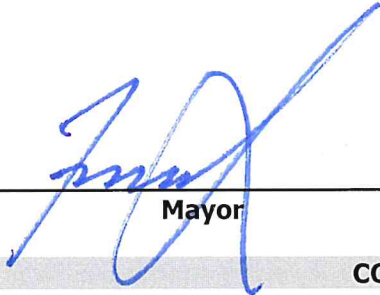
I hereby recommend that the following alterations and modifications in Contract No. CT7011 PI2021-01, for

**Public Auditorium – Music Hall Roof Phase II**

be made at the prices herein set forth, which were agreed to by the Contractor on \_\_\_\_\_, to wit:

Said alterations and modifications are made necessary by reasons as described on the attached documentation, Subcontractor allocations are addressed on the attached documentation.

Countersigned:

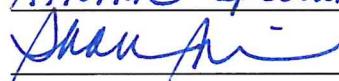
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Matthew Spronz, Director  
Mayor's Office of Capital Projects

**CONSENT OF SURETY**

We, the undersigned, surety on Contract No. CT7011 PI2021-01 do hereby consent to the within alterations and modifications and agree that the same shall have the same force and effect as if specifically included in our original obligation, and shall not in any manner impair, diminish, release or otherwise prejudice our liability as such Surety on said contract.

**INSURANCE COMPANY:**

*Atlantic Specialty Insurance Co*  
 *11-3-2021*  
\_\_\_\_\_  
Attorney-In-Fact / Date

\*\*\*\*\*

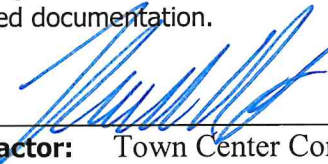
**Subsidiary Agreement**

**PART ONE**

Date : \_\_\_\_\_

To Contract No. CT7011 PI2021-01 for **Public Auditorium – Music Hall Roof Phase II**

The Contractor on Contract No. \_\_\_\_\_ hereby agrees with the Director of Capital Projects, that when and if the following alterations or modifications are made in said contract, the price to be paid therefore shall be as described on the attached documentation.

  
\_\_\_\_\_  
**Contractor:** Town Center Construction LLC

  
\_\_\_\_\_  
Matthew Spronz, Director  
Mayor's Office of Capital Projects

**PART TWO**

**This Agreement** made this \_\_\_\_\_ day of \_\_\_\_\_ by and between the parties to Contract No. CT7011 PI2021-01

**Witnesseth** : That whereas it has become necessary in the opinion of the Director of **Capital Projects** to make certain alterations and modifications in said contract as herein set forth, which alterations or modifications have been authorized by Ordinance Nos. 637-19, adopted July 24, 2019, by the Council of the City of Cleveland, upon the written recommendation of said Director, countersigned by the Mayor, and

**Whereas**, the contractor has heretofore, prior to the adoption of said Resolution, agreed to the price to be charged for such work or material, or both, as hereinbefore set forth.

**Now Therefore**, in consideration of the mutual covenants, herein contained and for other good and valuable consideration, the parties hereto agree as follows:

1. That Contract No. CT7011 PI2021-01 shall be modified and altered by the inclusion therein of the doing of the work or furnishing of the materials, or both, at the prices contained in the price agreement set forth in Part One hereof, which alterations and modifications and said price agreement are hereby incorporated in and made a part of, and of the same force and effect as if originally set forth in said contract.

2. That the Contractor shall furnish such materials and perform such work at the prices set forth in the same manner as provided in said Contract No. CT7011 PI2021-01
3. Nothing in this agreement shall in any way release either party from any of the obligations of the original Contract and in all of the terms, specifications and conditions contained in the original contract shall govern the work to be done under this subsidiary agreement, is so far as they are in any way applicable; and the contractor agrees that all provisions as to indemnity of the city for loss or damage of any kind, which are contained in the original contract, as well as all provisions in said original contract for the protection and safety of persons and property shall apply to all work done under this subsidiary agreement as fully as though herein contained and set forth at length.

**In Witness Whereof**, the parties hereto have caused this subsidiary agreement to be duly signed and executed as of the date aforesaid.


**THE CITY OF CLEVELAND**

  
 \_\_\_\_\_  
**Matthew Spronz, Director - Mayor's Office of Capital Projects**

  
 \_\_\_\_\_  
**Contractor: Town Center Construction LLC**

We the undersigned, surety on Contract No. CT7011 PI2021-01 do hereby consent to the within alterations and modifications and agree that the same shall have the same force and effect as if specifically included in our original obligation, and shall not in any manner impair, diminish, release or otherwise prejudice our liability as such Surety on said contract.

**INSURANCE COMPANY:**

*Atlantic Specialty Insurance*  
 \_\_\_\_\_  
 / 11-3-2021  
**Attorney-In-Fact / Date**

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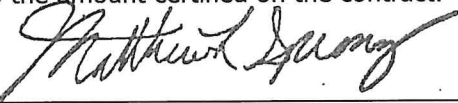
Subsidiary Agreement No. ( 1 )  
 Contract No. CT7011 PI2021-01  
 Improvement:

**Public Auditorium – Music Hall Roof  
 Phase II**

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The amount certified on Contract No. CT7011 PI2021-01 is **not** sufficient to cover the cost of items provided for in this subsidiary agreement.

An Amount of \$443,012.00 will have to be added to the amount certified on the contract.

  
 \_\_\_\_\_  
**Matthew Spronz, Director  
 Mayor's Office of Capital Projects**

Date : \_\_\_\_\_

\*\*\*\*\*

The sum of ( \_\_\_\_\_ )  
 \_\_\_\_\_ Dollars  
 required for this Contract was on  
 \_\_\_\_\_, and is at this date in the City  
 Treasury, or in process of collection to the credit of  
 \_\_\_\_\_ Fund and not  
 appropriated for any other purpose.

\_\_\_\_\_  
**Director of Finance** Date : \_\_\_\_\_

\_\_\_\_\_  
**Commissioner of Accounts**

Entered by \_\_\_\_\_  
**Appropriation Clerk**

The legal form and correctness of the within instrument is hereby approved.

**Barbara Langhenry, Director of Law**

By \_\_\_\_\_  
**Director of Law**