

From the Director, D.A.S. Facilities Management Division, requesting authorization to pay Gilbane Building Company \$77,736.00 for pre - construction Professional Management Service under a retroactive Professional Services contract and requesting to waive MCCGO 56.30 (8) and (9) to pay for professional services rendered before a contract was signed, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Section 56.30(9) of the Milwaukee County Code of General Ordinances (the Code) requires that a written contract be signed and executed before an outside party performs professional services in an amount greater than \$2,000, while Section 56.30(8) of the Code states that the Milwaukee County Comptroller shall deny payment for professional services if the conditions of Chapter 56 have not been met; and

WHEREAS, in April 2018, Wisconsin enacted 2018 Act 185, that required the closure of the juvenile correction facilities at Lincoln Hills/Copper Lake by January 2021; allowed counties to create Secure Residential Care Centers for Children and Youth (SRCCCY) for females and youth; and created a grant funding program requiring grant applications including a project program, design, and estimate due by March 31, 2019; and

WHEREAS, Milwaukee County (the County) needed to hire a design professional and a pre-construction manager to address the grant requirements, so the terms of the Consultant Agreement (the Agreement) for the pre-construction professional management services include project scheduling, cost estimating for all project phases, and constructability advice during the project planning and design phases; and

WHEREAS, the grant application's March 31, 2019, deadline, and SRCCCY construction completion's January 2021, deadline were deemed extremely aggressive, and pre-construction professional management services were critical throughout the project to manage cost, scheduling, and constructability; and

WHEREAS, to address the aggressive construction deadline and maintain construction cost, the County and Gilbane Building Company (Gilbane) intended to negotiate and enter into a construction delivery method known as Construction Manager at Risk (CMAR), which required negotiation and editing of the typical CMAR agreement to assure compliance with County ordinances; and

WHEREAS, Gilbane has invoiced the Facilities Management Division, Department of Administrative Services, an amount of \$77,736 for services rendered prior to the Agreement being signed and executed; and

46 WHEREAS, the Committee on Finance, at its meeting of November 1, 2021,
47 recommended adoption of File No. 21-947 (vote 5-0-1); now, therefore,
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49 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby waives
50 Sections 56.30 (8) and (9) of the Milwaukee County Code of General Ordinances and
51 authorizes the Comptroller to pay Gilbane Building Company the amount of \$77,736 for
52 professional services under a Consultant Agreement for pre-construction professional
53 management services for the Secure Residential Care Center for Children and Youth
54 rendered before a contract was signed and executed.
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