



NOTICE OF PUBLIC MEETING

**LOUISIANA STADIUM AND EXPOSITION DISTRICT (LSED)
BOARD MEETING NOTICE & AGENDA
THURSDAY, AUGUST 26, 2021 1:00 P.M.**

Please register at:

<https://bit.ly/3sE1cw1>

**Certification Under Act 302 of the 2020 Regular Session of the Louisiana Legislature
Related to Open Meetings**

The Board of the Louisiana Stadium and Exposition District (LSED) is unable to operate due to quorum requirements. Therefore, pursuant to Act No. 302 of the 2020 Regular Session of the Louisiana Legislature, the LSED will conduct the Thursday, August 26, 2021 regular monthly meeting of the Board of Commissioners electronically through Microsoft Teams. **The public is invited to observe and provide input to the LSED via e-mail only. A person may e-mail a comment related to a particular actionable agenda item upon which a vote is to be taken until 12:00 p.m. on Thursday, August 26, 2021.** This email will be read aloud by the Chairman at the meeting. All e-mail comments (including your name and the agenda item that you wish to comment on) should be sent to: LSEDboardmeetings@asmneworleans.com by 12:00 pm on Thursday, August 26, 2021. Further in accordance with Act 302, the Chairman hereby certifies that the meeting agenda is limited to matters set forth in Louisiana Revised Statute 42:17.1(a)(2)(a)-(c).

After the meeting is convened, the LSED Board of Commissioners will consider the following items:

- I. Call to Order.**
- II. Roll Call and Opening Remarks.**
- III. Public Comment:** The Louisiana Open Meetings law provides the public an opportunity to comment on any agenda items before the LSED Board of Commissioners. Pursuant to Act No. 302 of the 2020 Regular Session of the Louisiana Legislature, the LSED has solicited public comments related to actionable agenda items for which a vote is to be taken via email. All e-mail comments (including your name and the agenda item that you wish to comment on), will be read aloud by the Chairman (or an appointed individual) at the meeting.
- IV. Approval of Minutes of July 22, 2021 LSED Board Meeting.**

V. Reports by SMG:

- General Matters – *Doug Thornton (or his designee)*
- LSED Services Report – *Evan Holmes*
- Tab 2 Facility Operations Report – *Zane Collings*
- Tab 3 Finance Report – *David Weidler*
- Tab 4 LSED Capital Projects – *Eileen Long*

VI. Board Reports

- Tab 5 Legal Report – *Shawn M. Bridgewater*

VII. Review and Approval of Resolutions

The following Resolutions may be adopted in this public meeting:

(Tab 6) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes and approves an appropriation from the LSED Capital Reserve Account in the amount of \$201,497.10 to purchase equipment and make repairs necessary to maintain and operate the Caesar’s Superdome, the Smoothie King Center, and Champions Square for the 2021-2022 Fiscal Year, including the specific items described on the Capital Reserve Request attached to the Resolution. SMG has received competitive proposals for the equipment and the repairs related thereto. SMG (acting on behalf of the LSED) and/or Chairman Kyle M. France are authorized to sign the respective Purchase Requisitions and related documents for the specific equipment to be purchased and the repairs to be made by Crystal Clear Imaging, Bayou Electrical Service, Aero West International, Lion Grafix, Brand Safway, Insight, CT Traina, Tensator, A-1 Elevator. Tamis, Siemens and Daiken. Copies of each of the Purchase Requisition forms and related documents are attached to the Resolution. The funding source is the LSED Capital Reserve Account, and there are sufficient funds to support this Resolution.

(Tab 7) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby ratifies, authorizes and approves the execution of a Second Amendment to the AIA A133-2019 Agreement (“Second Amendment”), by and between Broadmoor, LLC (“Broadmoor”), dated December 18, 2020, as the Construction Manager at Risk (“CMAR Contract”), to extend the pre-construction services for Phase 3b through December 31, 2021 for the 2019 Superdome Capital Improvements Project (“Master Plan Project”). Pursuant to the terms and conditions of the Second Amendment, Broadmoor will perform additional pre-construction services through December 31, 2021 for a not to exceed fee of \$200,000.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect) and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funding for the Second Amendment is the Master Plan Project Budget, and there are sufficient funds to support this Resolution. The execution of the Second Amendment by Chairman Kyle M. France is hereby authorized, ratified, and approved.

(Tab 8) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes, ratifies, and approves Phase 1 Guaranteed Maximum Price Adjustment No. 17 (“Phase 1 GMP Adjustment No. 17”) to the Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC, dated May 1, 2019, with respect to the 2019 Superdome Capital Improvements Project (“Master Plan Project”). Phase 1 GMP Adjustment No. 17 (copy of which is attached to the resolution) provides for a no-cost 7-day extension of time to the Project’s Phase 1 Substantial Completion date due to the delay of work in connection with the Monster Jam Event at the Superdome.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect), and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The execution of the Phase 1 GMP Adjustment No. 17 by LSED Project Representative Commissioner Hilary H. Landry is hereby authorized, ratified, and approved.

(Tab 9) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes, ratifies, and approves Phase 2 Guaranteed Maximum Price Adjustment No. 7 (“Phase 2 GMP Adjustment No. 7”) to the Phase 2 Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to the 2019 Superdome Capital Improvements Project (“Master Plan Project”). Phase 2 GMP Adjustment No. 7 (copy of which is attached to the Resolution) provides for a no cost 7-day extension to the Project’s Phase 2 Substantial Completion date that results from a combination of manufacturing and shipping delays and delays relating to the hosting of the Monster Jam Event rehearsal at the Caesars Superdome.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect), and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The execution of the Phase 2 GMP Adjustment No. 7 by the LSED Project Representative, Commissioner Hilary Landry, is hereby authorized, ratified, and approved.

(Tab 10) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes, ratifies, and approves Phase 2 Guaranteed Maximum Price Adjustment No. 8 (“Phase 2 GMP Adjustment No. 8”) to the Phase 2 Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to the 2019 Superdome Capital Improvements Project (“Master Plan Project”). Phase 2 GMP Adjustment No. 8 (copy of which is attached to the Resolution) provides for (i) an increase in the amount of \$274,254.00 to the Master Plan Project for the additional construction costs that were incurred for the build-back that was required in connection with demolition of Level 200 stadium risers, and (ii) a no cost 4-day extension to the Project’s Phase 2 Substantial Completion date that relates to the State Fire Marshall’s delay in inspecting the Phase 2 scope of work.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect), and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Phase 2 GMP Adjustment No. 8 is the Master Plan Project Budget, and there are sufficient funds to support the

Resolution. The execution of the Phase 2 GMP Adjustment No. 8 by the LSED Project Representative, Commissioner Hilary Landry, is hereby authorized, ratified, and approved.

(Tab 11) By Resolution No. 21-15, the Louisiana Stadium & Exposition District (“LSED”) authorized and approved the execution of a Contract with East Bay Restaurant Supply, Inc. in the amount of \$402,400.00 (“Food Service Equipment Contract”) to provide food service equipment for Phase 2 of the 2019 Superdome Capital Improvements Project (“Project”).

Resolved that the LSED hereby authorizes, approves, and ratifies Change Order No. 002 to the Food Service Equipment Contract (a copy of which is attached to the Resolution), which provides for an increase in the amount of \$2,000.00 to the Contract amount for the purchase and installation of thirty-eight (38) Equipex Induction Warmers in the North End Zone suites and Suite 311.

Change Order No. 002 to the Food Service Equipment Contract has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect) and has been approved by the Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for Change Order No. 002 is the Project Budget, and there are sufficient funds to support this Resolution. The execution of Change Order No. 002 by Chairman Kyle M. France is hereby authorized, approved, and ratified.

(Tab 12) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes, approves, and ratifies the execution of four (4) separate Certificates of Substantial Completion (“Certificates”) with respect to the Contract for Construction Manager, as Contractor, where the Basis of Payment is the Cost of the Work, Plus a Fee with a Guaranteed Maximum Price, at Risk by and between the LSED and Broadmoor, LLC, dated May 1, 2019 and December 18, 2020, (collectively, the “Contract”) respectively, for the 2019 Superdome Capital Improvements Project (“Master Plan Project”). The Certificates (copies of which are attached to the resolution), consist of the following:

- (i) Phase 1 Master Plan Project Certificate of Substantial Completion No. 001, dated September 25, 2020, provides that a portion of the work with respect to Phase 1 Master Plan Project (as more fully described on the attached Phase 1 Certificate of Substantial Completion No. 001 attached to the Resolution) is, subject to the completion of certain punch list items, sufficiently complete in accordance with the Contract documents to allow the owner to occupy and/or utilize a portion of the work for its intended use.
- (ii) Phase 1 Master Plan Project Certificate of Substantial Completion No. 002, dated August 13, 2021, provides that the work performed with respect to Phase 1 of the Master Plan Project (as more fully described on the Phase 1 Certificate of Substantial Completion No. 002 attached to the Resolution) is, subject to completion of certain punch list items, sufficiently complete in accordance with the Contract documents to allow the owner to occupy and/or utilize the work for its intended use.
- (iii) Phase 2 Master Plan Project Certificate No. 001, dated July 30, 2021, provides that a portion of the work with respect to Phase 2 of the Master Plan Project (as more fully described on the Phase 2 Certificate of Substantial Completion No. 001 attached to the Resolution) is, subject to the completion of certain punch list items, sufficiently complete

in accordance with the Contract documents to allow the owner to occupy and/or utilize a portion of this work for its intended use.

- (iv) Phase 2 Master Plan Project Certificate No. 002, dated August 13, 2021, provides that the work performed with respect to Phase 2 of the Master Plan Project (as described on the Certificate of Substantial Completion No. 002 attached to the Resolution) is, subject to the completion of certain punch list items, sufficiently complete in accordance with the Contract documents to allow the owner to occupy and/or utilize the work for its intended use.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect), and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The signature of Chairman Kyle M. France to each of the Certificates of Substantial Completion is hereby authorized, approved, and ratified.

(Tab 13) By Resolution 21-66, the Louisiana Stadium & Exposition District (“LSED”) authorized the negotiation and execution of a Phase 3a Guaranteed Maximum Price Amendment with Broadmoor, LLC (“Phase 3a GMP Amendment”) with respect to Phase 3a of the 2019 Superdome Capital Improvements Project (“Master Plan Project”).

Resolved that the LSED hereby authorizes, approves, and ratifies the execution of the attached Phase 3a GMP Amendment by Chairman Kyle M. France (a copy of which is attached to the Resolution). Pursuant to the terms and conditions of the Phase 3a GMP Amendment, Broadmoor, LLC will perform the work described therein for a not to exceed sum of \$10,593,000.00, subject to additions and deletions as may or may not be made by the LSED in accordance with the Master Plan Contract Documents.

This Resolution has the Recommendation of Legends Hospitality (the Project Manager) and Trahan Architects (the Project Architect), and has been approved by the Master Plan Project Team, Consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Phase 3a GMP Amendment is the Master Plan Project Budget, and there are sufficient funds to support this Resolution.

(Tab 14) Pursuant to Louisiana Revised Statute 39:1702, the Louisiana Stadium and Exposition District (“LSED”), as an alternate cost-effective means of acquiring materials, supplies, and equipment, may procure such items through an existing public contract and, in so doing, rely upon the Office of State Procurement for the State of Louisiana that the contract has been adopted as a statewide cooperative contract.

Resolved that pursuant to, and in accordance with, the provisions of Louisiana Revised Statute 39:1702, the LSED hereby and herein (i) acknowledges and accepts the attached proposal of Trimark USA (“Trimark Proposal”) with respect to certain food service equipment that is required in connection with Phase 3a 2019 Superdome Capital Improvements Project (“Equipment”), and, upon receipt of the necessary contract approval and certification from the Office of State Procurement for the State of Louisiana, (ii) authorizes the negotiation and execution of a contract with Trimark on terms and conditions that are consistent with the Trimark Proposal and acceptable to LSED legal counsel and the Master Plan Project Team, subject to ratification by the LSED once executed.

This Resolution has the Staff Analysis Support and Recommendation of ASM Global and Legends Hospitality (copies of which are attached to the resolution), and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funding for the contract that is contemplated by this Resolution is the Master Plan Project Budget, and there are sufficient funds to support this Resolution.

(Tab 15) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes and approves negotiation of a Non-Exclusive Licensing Letter Agreement (“Letter Agreement”) by and between Electronic Arts, Inc. and ASM Global with respect to the limited, non-exclusive use of the Superdome image and Caesar’s Superdome image and name in connection with its EA Sports Madden NFL Football Games. The Letter Agreement will be on terms and conditions that are acceptable to Chairman Kyle M. France, LSED legal counsel, and ASM Global legal counsel.

(Tab 16) Pursuant to Resolution No. 21-31, the Louisiana Stadium & Exposition District authorized and approved the negotiation and execution of one or more confidential settlement agreements with respect to the lawsuits entitled: (i) “*Louisiana Stadium and Exposition District and The State of Louisiana v. GAF Materials, LLC and GAF Corporation*” Civil District Court for the Parish of Orleans, No. 17-10443, Division N, Section 8, and (ii) “*Louisiana Stadium and Exposition District and The State of Louisiana v. Brazos Industries, LLC*”, 19th Judicial District Court for the Parish of East Baton Rouge, No. 691760, Division F, Section 22, relating to the Superdome roof warranty. In accordance with the terms and conditions of the Confidential Settlement Agreements entered into pursuant to LSED Resolution 21-31, dated April 22, 2021, the LSED has entered into a Contract with Brazos Industries, LLC, dated June 15, 2021, to perform certain repairs and a re-coating of the Superdome roof (the “Roof Contract”).

Resolved that the LSED hereby (i) ratifies the execution of the Roof Contract by Chairman Kyle M. France and (ii) authorizes and approves Change Order No. 001 to the Roof Contract, which provides for an increase of an additional twenty-eight (28) days to the substantial completion date under the Roof Contract.

Change Order No. 001 has the Recommendation of ASM Global (the Project Manager) and has been approved by the LSED Construction Committee. The execution of Change Order No. 001 by Chairman Kyle M. France is hereby authorized, approved, and ratified.

(Tab 17) Resolved that the Louisiana Stadium & Exposition District (“LSED”) hereby authorizes, approves, and ratifies the execution of the attached Memorandum of Understanding between The State of Louisiana and the LSED, which sets forth the terms, conditions, and procedures for the release of LSED Capital Outlay funds as they are expended on approved LSED projects.

(Tab 18) Resolved that the Louisiana Stadium and Exposition District (“LSED”) hereby and herein authorizes, approves, and ratifies the execution by Chairman Kyle M. France of the Memorandum of Understanding by and among the LSED, the Louisiana Department of Revenue, and the Ernest N. Morial – New Orleans Exhibition Hall Authority (previously approved and authorized pursuant to LSED Resolution 21-50, dated June 24, 2021).

Other Business

The August 2021 meeting of the Louisiana Sports and Entertainment District has been cancelled, there being no business to come before the Board at this time.

VIII. Persons wishing to address Commission (limit 5 minutes)

IX. Adjournment