

NORTH CAROLINA
WAKE COUNTY

CONTRACT AMENDMENT #3

THIS CONTRACT AMENDMENT #3, dated August _____, 2021, is entered into by and between the Town of Apex, a North Carolina municipal corporation, (hereinafter referred to as the "Town") and J.M. Thompson Company (hereinafter referred to as the "Construction Manager at Risk" or "CMAR"). Town and CMAR may be collectively referred to as "Parties" hereinafter.

WHEREAS, the Town and the CMAR entered into a Construction Manager at Risk Pre-Construction and Construction Services Contract on or about December 18, 2019 (hereinafter the "Contract") for the CMAR to provide construction management services for the construction of the Town of Apex Pleasant Park (hereinafter "Project") to be located at Old US 1 Hwy, Apex, NC 27502; and

WHEREAS, on or about February 18, 2020, the Parties entered into an amendment to the Contract to establish the first Guaranteed Maximum Price (hereinafter "GMP-1") as provided for in the Contract; and

WHEREAS, on or about January 26, 2021, the Parties entered into an amendment to the Contract to establish the second Guaranteed Maximum Price (hereinafter "GMP-2") as provided for in the Contract; and

WHEREAS, the Parties desire to amend the Contract to establish the third Guaranteed Maximum Price (hereinafter "GMP-3") as provided for in the Contract and to reduce the terms of this amendment to writing; and

NOW THEREFORE, for and in consideration of the mutual promises and covenants as hereinafter set forth, the Parties hereto do mutually agree to amend the Contract as follows:

1. The Contract is hereby amended to establish GMP-3 in accordance with the terms of the Contract. GMP-3 for the Town of Apex Pleasant Park is \$13,226,438.60.
2. GMP-3 includes the scope of work for the portion of the Project covered by GMP-3 as described in detail in the attached document titled "Town of Apex Pleasant Park GMP 3", dated August 9, 2021, and labeled "Exhibit A." The budget, plans and specifications, and Project Schedule are detailed in Exhibit A. Exhibit A is incorporated into this Contract Amendment #3 as if fully set forth herein.

3. The amended Contract Amount is as follows:

Original Pre-Construction Amount:	\$181,710.00
Contract Amendment #1 (GMP-1):	\$9,219,199.39
Change Order #1 to GMP-1	\$218,312.11
Contract Amendment #2 (GMP-2):	\$4,537,077.23
Change Order #2 to GMP-1	\$955,800.93
Contract Amendment #3 (GMP-3)	\$13,226,438.60
PROJECT TOTAL:	\$28,338,538.26

Except as specifically modified by this Contract Amendment #3, all other terms, conditions and other provisions of the Contract and Contract Amendment #1 and #2 remain in full force and effect.

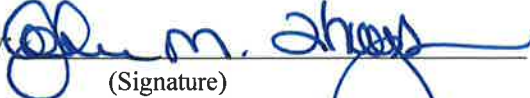
IN WITNESS WHEREOF, the contracting parties, by their authorized agents, affix their signatures and seals this the ____ day of August, 2021.

Construction Manager at Risk

Town of Apex

Name: J.M. THOMPSON CO.
J.M. Thompson Company


Catherine Crosby, Town Manager

By: 
(Signature)

Attest:

Printed Name/Title: JOHN M. THOMPSON
PRESIDENT

Donna Hosch, Town Clerk

Attest: 
(Secretary, if a corporation)

HAR M. THOMPSON / SECRETARY
Printed Name/Title

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Vance Holloman, Finance Director