AMENDMENT NO 3 TO CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF NORMAN AND CROSSLAND CONSTRUCTION COMPANY

THIS AMENDMENT NO. 3 TO CONSTRUCTION MANAGER AT RISK AGREEMENT (this "First Amendment") is made as of March 22nd, 2022, between the City of Norman, and Crossland Construction Company, Inc. an Kansas corporation (the "Construction Manager").

RECITALS:

- A. The City of Norman and the Construction Manager entered into that certain Construction Manager at Risk Agreement (Contract No. K-2021-115), dated March 20th, 2021, (the "Agreement"), for construction management services for the Senior Wellness Center, now the Norman Senior Center project including plan review, design assistance, bidding services, and value engineering.
- B. Pursuant to Section 2.2 of the Agreement, (i) once the drawings and specifications are complete, and after the award of subcontracts to subcontractors, the Construction Manager shall propose a guaranteed maximum price ("GMP"), which shall be the sum of all subcontracts, lump sum self-perform amounts, including allowances and contingencies, and the Construction Manager's fee.
- C. The Construction Manager has submitted the third of four anticipated GMP Proposals based on the bids received.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, other such good and valuable consideration, the receipts and sufficiency of which are hereby acknowledged, and the promises and covenants set forth below, The City of Norman and the Construction Manager hereby agree as follows:

- 1. <u>Third GMP Established.</u> The Construction Manager's guaranteed maximum price for the Work inclusive of all subcontracts, lump sum self-perform amounts, including allowances and contingencies and the Construction Manager's fee, is hereby agreed to be \$1,295,200 (derived from the total cost of work for the Construction Phase of \$1,206,750 + the Indirect Cost and Fee of \$88,450. Preconstruction Services were billed separately not included in GMP_per previous Council approval attributable to the Norman Senior Center Project). The GMP is the total compensation from the City to the Construction Manager for its fee for the performance of the work in accordance with Contract Documents and Pursuant to any of the following documents, as applicable:
 - A. <u>Basis for GMP.</u> Refer **Exhibit** A to GMP#3 Letter and Summary
- B. <u>Contract Document Log.</u> Refer to **Exhibit _B** for a list of the Drawings and Specifications, including all addenda that were used in preparation of the GMP Proposal, is attached hereto as Exhibit B and incorporated herein by reference.

- C. <u>Allowances</u>. Refer to **Exhibit** _C_ for a list of allowances included by the Construction Manager in preparation of this GMP Proposal, is attached hereto as Exhibit _C_ and incorporated herein by reference.
- D. <u>Assumptions</u>. Refer to **Exhibit** _**D**_ for a list of the assumptions and clarifications made by the Construction Manager in the preparation of the GMP Proposal to supplement the information contained in the Drawings and Specifications is attached hereto as Exhibit _D_ and incorporated herein by reference.
- E. <u>Proposed GMP.</u> Refer to **Exhibit** _**E**_ for the proposed GMP, including a statement of the estimated cost organized by trade categories, allowances, contingency, General Conditions, and other items and the Fee that comprise the GMP is attached hereto as Exhibit _E_ and incorporated herein by reference.
- F. <u>Substantial Completion</u>. Refer to **Exhibit _F** for Substantial Completion date upon which the GMP Proposal is based and a schedule of the Construction Documents issuance dates upon which the date of Substantial Completion is based is attached hereto as Exhibit F and incorporated herein by reference.
- G. Acceptance Period. The time limit for acceptance of the GMP Proposal is attached hereto as part of $\mathbf{Exhibit}$ \mathbf{G} .
- 2. <u>Effect of Amendment.</u> In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.
- 3. <u>Non-Default.</u> By executing this Third Amendment, the Construction Manager affirmatively asserts that (i) The City of Norman is not currently in default, nor has been in default at any time prior to this Third Amendment, under any of the terms or conditions of this Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this Third Amendment are forever waived.

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[SIGNATURE ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this THIRD AMENDMENT in multiple copies on the respective dates herein below reflected to be effective on the date executed by the City of Norman.

CONSTRUCTION MANAGER (CROSSLAND CONSTRUCTION COMPANY, INC)

By: Clengton	d d	
Name:Aaron R. Stoops		
Title:Vice President		
Date: 3.17.21		
ATTEST:		
Ву:		4
Subscribed and Sworn to me this day	of	_, 2022.
Commission Number:		
Expiration Date:		
THE CITY OF NORMAN		
Reviewed and approved for form and legality	this day of	, 2022.
		General Counsel
Approved by The City of Norman on this	day of	, 2022.
By:		
Breea Clark, Mayor		
ATTEST:		
Ву:		
Brenda Hall, City Clerk		

CROSSLAND CONSTRUCTION COMPANY, INC.

EXHIBIT A GMP AMENDMENT

NO. 3

408 NE 145th Place Oklahoma City, OK 73013 tel 405.748.5043 fax 405.748.7214

March 22nd, 2022

Jason Olsen Director of Parks and Recreation City of Norman

RE: City of Norman Senior Center Recommendation Award Letter Bid Package #02 - Letter #3

Dear Mr. Jason Olsen,

For the above referenced project, we are proposing a guaranteed maximum price (GMP) of one million, two hundred and ninety-five thousand, two hundred dollars (\$1,295,200).

Bids for the City of Norman Senior Center – Bid Package #2, were received and publicly read aloud in at 201 W. Gray, Norman, OK 73069 on January 25th, 2022 at 2:00 PM CST. The bidding process was conducted in accordance with the Oklahoma Public Competitive Bidding Act, 61 O.S. 1974, §101

Crossland Construction Company has reviewed the bids for qualifications, completeness, responsiveness, cost, & best value to the owner. For additional information, see breakout pages & summaries below.

Subcontractor / Supplier

Total

Waggoners Mechanical (23A HVAC)

\$1,206,750

 Crossland Construction is recommending responsive low bidder, Waggoners Mechanical, for this trade contract. Scope includes the entirety of trade contract 23A as detailed in Bid Package #02 documents.

Please contact me should you have any questions.

Sincerely,

Aaron Stoops Vice President

Crossland Construction Company

See Exhibit E: GMP, Cost Summary & Divisional Bid Tabs

City of Norman Norman Senior Center **GMP Amendment No. 3**

LIST OF DRAWINGS/SPECIFICATIONS/ADDENDA

LIST OF DRAWINGS

Drawings dated 12/20/21 as may be amended via addenda during the bidding process:

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SURVEY/M	IAPPING							
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C-001 CD101	GENERAL NOTES, LEGEND AND ABBREVIATIONS DEMOLITION PLAN							
CS101	OVERALL SITE PLAN							
CG101	OVERALL GRADING PLAN							
CG201								
CG501	EROSION CONTROL PLAN							
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CU102	OVERALL UTILITY PLAN WATER LINE 1 PLAN AND PROFILE							
C-501	CIVIL DETAILS							
C-502	CIVIL DETAILS							
C-503	CIVIL DETAILS							
C-504	CIVIL DETAILS							
C-505								
V-001	CIVIL DETAILS ORIGINAL SURVEY							
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LA-02	LANDSCAPE DETAILS							
LI-01	IRRIGATION PLAN							
LI-02	IRRIGATION DETAILS							
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S-005A	SPECIAL INSPECTIONS							
S-003A	TYPICAL DETAILS - CFMF							
S-009A	TYPICAL DETAILS - CFMF							
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SB112 SB401 SB402	ENLARGED FOUNDATION AND SLAB PLANS ENLARGED FOUNDATION AND SLAB PLANS							
SB112 SB401 SB402 SB403	ENLARGED FOUNDATION AND SLAB PLANS ENLARGED FOUNDATION AND SLAB PLANS ENLARGED FOUNDATION AND SLAB PLANS							
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A-002	TOLET ACCESSORIES GUIDE
A-003	PARTITION TYPES
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AE120	COMPOSITE REFLECTED CEILING PLAN
AE121	REFLECTED CEILING PLAN - SECTOR A
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Marine Carlos Santon	
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AE403	FITNESS, LOCKER RESTROOMS INTERIOR ELEVATIONS
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AE406	ENLARGED RESTROOM PLAN AND INTERIOR ELEVATIONS
AE407	MULTI-PURPOSE, WET CRAFT INTERIOR ELEVATIONS
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City of Norman Norman Senior Center

GMP Amendment No. 3

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City of Norman Norman Senior Center

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SECTION 238239.16 - PROPELLER UNIT HEATERS
SECTION 238416.13 - OUTDOOR, MECHANICAL DEHUMIDIFICATION
UNITS

DIVISION 26 - ELECTRICAL

SECTION 260519 - LOW-VOLTAGE ELECTRICAL POWER CONDUCTORS AND CABLES
SECTION 260523 - CONTROL-VOLTAGE ELECTRICAL POWER CABLES
SECTION 260526 - GROUNDING AND BONDING FOR ELECTRICAL SYSTEMS
SECTION 260529 - HANGERS AND SUPPORTS FOR ELECTRICAL SYSTEMS
SECTION 260533 - RACEWAYS AND BOXES FOR ELECTRICAL SYSTEMS
SECTION 260536 - CABLE TRAYS FOR ELECTRICAL SYSTEMS
SECTION 260543 - UNDERGROUND DUCTS AND RACEWAYS FOR ELECTRICA
SECTION 260544 - SLEEVES AND SLEEVE SEALS FOR ELECTRICAL RACEWAYS AND CABLING
SECTION 260553 - IDENTIFICATION FOR ELECTRICAL SYSTEMS

- SECTION 260572 OVERCURRENT PROTECTIVE DEVICE SHORT-CIRCUIT STUDY
- SECTION 260573 OVERCURRENT PROTECTIVE DEVICE SHORT-CIRCUIT STUDY
- SECTION 260574 OVERCURRENT PROTECTIVE DEVICE ARC-FLASH STUDY
- SECTION 260943 NETWORK LIGHTING CONTROLS
- SECTION 262200 LOW-VOLTAGE TRANSFORMERS
- SECTION 262413 SWITCHBOARDS
- SECTION 262416 PANELBOARDS
- SECTION 262726 WIRING DEVICES
- SECTION 262816 ENCLOSED SWITCHES AND CIRCUIT BREAKERS
- SECTION 262923 VARIABLE-FREQUENCY MOTOR CONTROLLERS
- SECTION 264313 SURGE PROTECTION FOR LOW-VOLTAGE ELECTRICAL POWER CIRCUITS
- SECTION 265119 LED INTERIOR LIGHTING
- SECTION 265219 EMERGENCY AND EXIT LIGHTING
- SECTION 265613 LIGHTING POLES AND STANDARDS

DIVISION 27 - COMMUNICATIONS

- SECTION 270010 SUPPLEMENTAL REQUIREMENTS FOR COMMUNICATIONS
- SECTION 270526 GROUNDING AND BONDING FOR COMMUNICATIONS
- SECTION 270528 PATHWAYS FOR COMMUNICATIONS SYSTEMS
- SECTION 270528.29 HANGERS AND SUPPORTS FOR COMMUNICATIONS SYSTEMS
- SECTION 270536 CABLE TRAYS FOR COMMUNICATIONS SYSTEMS
- SECTION 270544 SLEEVES AND SLEEVE SEALS FOR COMMUNICATIONS PATHWAYS AND CABLING
- SECTION 270553 IDENTIFICATION FOR COMMUNICATIONS SYSTEMS
- SECTION 271100 COMMUNICATIONS EQUIPMENT ROOM FITTINGS
- SECTION 271116 COMMUNICATIONS RACKS, FRAMES, AND ENCLOSURES
- SECTION 271323 COMMUNICATIONS OPTICAL FIBER BACKBONE CABLING
- SECTION 271333 COMMUNICATIONS COAXIAL BACKBONE CABLING
- SECTION 271513 COMMUNICATIONS COPPER HORIZONTAL CABLING
- SECTION 271533 COMMUNICATIONS COAXIAL HORIZONTAL CABLING

DIVISION 28 - ELECTRONIC SAFETY AND SECURITY

SECTION 283111 - ADDRESSABLE FIRE ALARM SYSTEMS

DIVISION 31 - EARTHWORK

SECTION 311000 - SITE CLEARING

SECTION 312000 - EARTH MOVING

DIVISION 32 - EXTERIOR IMPROVEMENTS

City of Norman Norman Senior Center **GMP Amendment No. 3**

SECTION 321216 - ASPHALT PAVING

SECTION 321313 - CONCRETE PAVING

SECTION 321373 - CONCRETE PAVING JOINT SEALANTS

SECTION 321723 - PAVEMENT MARKINGS

SECTION 321726 - TACTILE WARNING SURFACING

SECTION 323113 - CHAIN LINK FENCES AND GATES

SECTION 328400 - LANDSCAPE IRRIGATION

SECTION 329100 - LANDSCAPE BOULDERS AND DECORATIVE STONE

SECTION 329200 - LAWNS AND GRASSES

SECTION 329300 - EXTERIOR PLANTS

DIVISION 33 - UTILITIES

SECTION 334100 - STORM UTILITY DRAINAGE PIPING

LIST OF ADDENDA

No. 1	CM Addendum 1	01/03/22
No. 2	CM Addendum 2	01/12/22
No. 3	CM Addendum 3	01/20/22

LIST OF ALLOWANCES

NO ALLOWANCES ARE INCLUDED OR PART OF THIS GMP AMENDMENT NO. 3

Assumptions

1. No assumptions

GMP Summary

Nor GMF Bid		CROSSLAND CONSTRUCTION COMPANY, INC.				
Norma	n Senior Center	Bid Package	State and the			
SF:	31,180	#2	Subcontractor			
23A	HVAC	1,206,750	Waggoners			
	Subtotal Direct Costs	1,206,750				
	Construction Contingency	36,203				
	General Conditions					
	Project Requirements					
	Insurance	6,637				
	Construction Phase Fee	45,610				
	Construction Total	1,295,200				

Bid Tab

Trade Contract Identification
23A HVAC

Trade Contractor - Bid Summary

Contractor:		Orcutt.	Y	Vagoners		Dhart		Go Forth	Ų	MBI						
Base Bid:	S	1,248,00D	Ş	1,206,750	5	1,298,700	5	1,306,970	5	1,393,908						
Alt 1							Г						T			
Alt 2																
Alt 3																
Alt 4	Т						П									
Alt 5																
Alt 6																
Alt 7	Т						Г									
Alt 8															-	
Total:	5	1,248,00D	5	1.206.750	S	1,298,700	Ś	1,306,970	Ś	1,393,908	5	+5	Ś	- 4	5	

V	Crossland Construction Recommendation	on .			
	Recommended Trade Contractor	Price			
BASE BID:	Wagoners	\$	1,206,750.00		
TOTAL ART:					

SUBSTANTIAL COMPLETION

N/A. Substantial Completion date and information will be provided and finalized in a future GMP Amendment.

ACCEPTANCE PERIOD

- 1. Acceptance of GMP No. 3 is required on or before March 26th, 2022 (60 days from the date bids/proposals were received.)
- 2. Should the pricing and terms of the GMP Amendment No. 3 not be accepted prior to the above referenced date, the pricing for the scope of work included with GMP Amendment No. 3 will be null and void and the work will be re-advertised and re-bid.