

**AMENDMENT NO 4 TO CONSTRUCTION MANAGER AT RISK AGREEMENT
BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND CROSSLAND
CONSTRUCTION COMPANY**

THIS AMENDMENT NO. 4 TO CONSTRUCTION MANAGER AT RISK AGREEMENT (this “Fourth Amendment”) is made as of August 8th, 2023, between the Norman Municipal Authority, and Crossland Construction Company, Inc. a Kansas corporation (the “Construction Manager”).

RECITALS:

A. The Norman Municipal Authority and the Construction Manager entered into that certain Construction Manager at Risk Agreement (Contract No. K-2122-81), dated March 24, 2020, (the “Agreement”), for construction management services for the Griffin Community Park 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 submitted the third of four anticipated GMP Proposals to the City Council. The original contract value for preconstruction services was \$14,450. GMP No. 1 was approved on February 8th, 2022, for a total contract amount of \$1,370,970 (derived from the total cost of work for the Construction Phase of \$1,074,392 + the indirect Cost and Fee of \$296,578). GMP No. 2 was approved on July 26th, 2022, for a total contract amount of \$6,576,243 (derived from the total cost of work for the Construction Phase of \$5,566,310 + the Indirect Cost and Fee of \$1,009,933). GMP No. 3 was approved on January 10th, 2023, for a total contract amount of \$568,189 (derived from the total cost of work for the Construction Phase of \$518,374 + the Indirect Cost and Fee of \$49,815). The total amount of all amendments combined represent the total contract amount of \$8,862,883. Preconstruction Services were billed separately and are not included in GMP per previous Council approval attributed to the Griffin Park Project.

D. The Construction Manager now submits the fourth of the final anticipated GMP Proposals based on 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 Norman Municipal Authority and the Construction Manager hereby agree as follows:

1. Fourth GMP Established. 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 \$333,031 (derived

from the total cost of work for the Construction Phase of \$251,755 + the Indirect Cost and Fee of \$81,276. Preconstruction Services were billed separately not included in GMP per previous Council approval attributable to the Griffin Park 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. Basis for GMP. Refer **Exhibit _A_** to GMP #4 Letter
- B. Contract Document Log. 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. Allowances. 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. Assumptions. 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. Proposed GMP. 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. Substantial Completion. 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 **Exhibit _G_**.

2. Effect of Amendment. 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. Non-Default. By executing this Fourth Amendment, the Construction Manager affirmatively asserts that (i) The Norman Municipal Authority is not currently in default, nor has been in default at any time prior to this Fourth 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 Fourth Amendment are forever waived.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURE ON FOLLOWING PAGE]

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

CONSTRUCTION MANAGER (CROSSLAND CONSTRUCTION COMPANY, INC)


By: 

Name: Aaron R. Stoops

Title: Vice President

Date: 8.16.23

ATTEST:

By: 

Subscribed and Sworn to me this 16 day of August, 2023.

Commission Number: 21009617

Expiration Date: 07/22/25



THE NORMAN MUNICIPAL AUTHORITY

Reviewed and approved for form and legality this _____ day of _____, 2023.

Office of the General Counsel

Approved by The City of Norman Authority on this _____ day of _____, 2023.

By: _____

Larry Heikkila, Mayor

ATTEST:

By: _____

Brenda Hall, City Clerk

K-2122-81 Griffin Park - Exhibit A

August 8th, 2023

Wade Thompson
Parks Superintendent
City of Norman

RE: City of Norman – Griffin Park Phase 6-C
East Road North Extension
Recommendation Award Letter #4

CROSSLAND
CONSTRUCTION COMPANY, INC.

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

Dear Mr. Wade Thompson,

For the above referenced project, we are proposing a guaranteed maximum price (GMP) of three hundred thirty-three thousand thirty-one dollars (**\$333,031**).

These funds are to be utilized as an allowance. The intent is to price with existing subcontractors to award as change orders. All contractual limits to be 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.

Exhibit E is the basis for the GMP. This budget was figured from the Griffin Soccer Complex Phase 6 - East Road North Extension plans dated 07-20-2023.

Please contact me should you have any questions.

Sincerely,

Ethan James
Preconstruction Engineer
Crossland Construction Company

**EXHIBIT B
GMP AMENDMENT NO. 4
LIST OF DRAWINGS/SPECIFICATIONS**

LIST OF DRAWINGS

C6.0 Paving General Layout
C6.1 Paving Plan and Profile
C6.2 Paving Plan and Profile
C6.3 Paving Plan
C6.4 Paving Plan
C6.5 Paving Details

LIST OF SPECIFICATIONS

Division 1 - General:

01050 Field Engineering
01152 Application for Payment
01200 Project Meetings
01340 Submittals
01380 Pre-Construction Photographs
01500 Temporary Facilities and Controls
01510 Site Access
01700 Contract Closeout
01720 Project Record Documents
01730 Operation and Maintenance Data

Division 2 - Site Work:

02000 Site Work
02070 Selective Demolition
02100 Site Preparation
02211 Rough Grading
02220 Earthwork
02265 Finish Grading
02400 Site Drainage
02445 Vinyl Coated Chain Link Fencing
02810 Irrigation
02934 Sodding
02939 Sprigging

Division 3 - Concrete:

03100 Concrete Formwork
03210 Steel Reinforcement
03300 Cast-In-Place Concrete
03345 Concrete Finishing

Division 7 – Moisture Protection:

07900 Sealants

Structural Specifications:

- Table of Contents
042200 Concrete Unit Masonry
061000 Rough Carpentry
061753 Shop Fabricated Wood Trusses

**EXHIBIT C
GMP AMENDMENT NO. 4 LIST OF
ALLOWANCES**


All GMP line items to be utilized as an allowance. Pricing to be approved by City of Norman.

EXHIBIT D
GMP AMENDMENT NO. 4 Assumptions

1. City of Norman to provide and install all landscaping.
2. City of Norman to complete demolition as required per plans and specifications.
3. Specifications and materials submitted for Griffin Park Phase 6 are to be used for the East Road – North Extension.

**EXHIBIT E
GMP AMENDMENT NO. 4**

GMP Summary

East Road North Extension			
Project: East Road - North Extension			
Date: August 8, 2023			
Trade Package #	Trade Package Description		Subcontractor
31A	Demo and Earthwork	\$ 89,455	Hook Construction
32B	Asphalt and Site Concrete	\$ 162,300	Turning Point
SUBTOTAL DIRECT COSTS		\$ 251,755	
3.0%	Contractor Contingency	\$ 7,553	
1.5 MO	Gen. Conditions	\$ 40,350	
1.5 MO	Project Requirements	\$ 18,938	
0.85%	Insurance	\$ 2,708	
3.65%	Construction Mgmt. Fee	\$ 11,728	
TOTAL ESTIMATED CONSTRUCTION COST		\$ 333,031	

Bid Tab



Jason Lohaus - Estimator
turningpoint.lohaus@gmail.com
Cell: 405-255-3395
Office: 405-579-7663
Fax: 405-579-1693
Federal ID: 71-0913108
PO Box 1805 | Blanchard OK 73010

July 27, 2023 REVISED

RE: Griffin Sports Complex Phase 6 (Add North Road) – 1001 E Robinson St, Norman

PAVING PROPOSAL:

- Per revised civils dated 7/20/23
- Concrete @ curbs to be 3500 PSI A/E per current project specs
- Stabilize 6" of subgrade utilizing 4% Lime beneath asphalt paving per current project specs and Geo
- Install 32" concrete curb and gutter per detail SH C6.3
- Place five and a quarter inch (5.25") thick asphaltic paving – 3.25"/ S3 REC & 2"/ S5 REC per detail SH C6.3
- Saw cut control joints in curbs
- Add 2 PC flumes
- Add 3 yield stencils, 3 yield signs, 3 yield bars and painted gores
- Construction Staking
- Payment and Performance Bonding
- (Labor, Material & Equipment included to perform above scope of work, U.N.O)

TOTAL:

\$162,300.00

ASPHALT PRICING BASED OFF JULY 1st ODOT BINDER INDEX – PRICING SUBJECT TO CHANGE AFTER SEPT 30th

Exclusions: Testing, Site Grading exceeding +/- a 10th, Sealers, Erosion/Traffic Control, Backfill, Location-Relocation or Repair of Utilities, Utility Lay Out, Sleeves, Storm Water Collection Devices/Work, Demo, Offsite Washout, Head/Slope Walls, Rip-Rap Retaining Walls/Foundations, Handrails, Misc. Site Footings, CIP Steps/Ramps, Dirt work, ROW Permitting, Landscaping, Etc.

Bid Tab



PROPOSAL

TURKEY CIVIL CONSTRUCTION

July 31, 2023

Crossland Construction Company

Griffin Soccer North Drive Change

SCOPE OF WORK

Strip site & Stockpile

Cut fill and compact new road area to subgrade

Leave any excess materials stockpiled on site

Machine finish grade to +/- one tenth of a foot

Machine backfill curbs and replace topsoil

TOTAL ----- **\$89,455.00**


Bill Estell

Hook Construction, LLC
304 S Czech Hall Road Tuttle, Ok 73089
Mailing: PO Box 3125 Coppell, Tx 75019
Phone: 405 740 3031
E-mail: Bill@dirtpush.com

General Conditions

General Conditions		CROSSLAND											
East Road North Extension		CONSTRUCTION COMPANY, INC.											
Team Members	(\$/hr)	Staff Assignments	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	Total Hours	Total \$	
Construction Staffing			1	2	3	4	5	6	7	8			
TBD	\$ 125	Sr. Project Manager									0	\$ -	
Blake Madden	\$ 100	Project Manager	87	44							131	\$ 13,050.00	
TBD	\$ 80	Asst. Project Manager									0	\$ -	
TBD	\$ 70	Project Engineer									0	\$ -	
Codey Bellomy	\$ 105	Project Superintendent	173	87							260	\$ 27,300.00	
TBD	\$ 85	Asst. Superintendent									0	\$ -	
TBD	\$ 75	Field Engineer									0	\$ -	
TBD	\$ 65	Safety Inspector									0	\$ -	
Total Labor in General Conditions											391	\$ 40,350.00	

Project Requirements

Project Requirements				
		Project Duration (mo)	1.5	
		Total SF	0	
East Road North Extension				
Construction Services	\$	Cost Type	Notes for Clarity	
1	CM Field Office, Furniture, & Furnishings	\$ -	PRs	\$0 @ 1.5 mo & \$0
2	Office Supplies	\$ -	PRs	\$0 @ 1.5 mo & \$0
3	Project Sign	\$ -	PRs	\$0 @ 1 each & \$0
4	Superintendent Vehicles	\$ 1,500.00	PRs	\$1000 @ 1.5 mo & \$0
4	PM Vehicles	\$ 1,500.00	PRs	\$1000 @ 1.5 mo & \$0
5	Superintendent Fuel Expense	\$ 900.00	PRs	\$600 @ 1.5 mo & \$0
5	PM Fuel Expense	\$ 900.00	PRs	\$600 @ 1.5 mo & \$0
6	Jobsite Radios/Phones & Internet	\$ 225.00	PRs	\$150 @ 1.5 mo & \$0
7	Copy Machine & Maintenance	\$ -	NC	\$0 @ 1.5 mo & \$0
8	Computers, Usage, & Maintenance	\$ -	NC	No Charge
9	Reproduction & Plan Software	\$ 750.00	PRs	\$500 @ 1.5 mo & \$0
10	Field Office Telephone & Internet	\$ -	NC	\$0 @ 1.5 mo & \$0
11	Postage & Expressage	\$ -	NC	No Charge
12	Office Janitorial	\$ -	NC	\$0 @ 1.5 mo & \$0
13	Mobilization / Demobilization	\$ 1,500.00	PRs	\$1500 @ 1 ea & \$0
14	Punchlist/Misc	\$ 2,000.00	PRs	\$2600 @ 6 wks & \$0
15	Construction Photos, Drone, & Videos	\$ -	PRs	\$0 @ 1.5 mo & \$2500
16	Job Meetings & Ceremony Expenses	\$ -	NC	No Charge
17	Record Drawings / Closeout Manuals	\$ -	NC	No Charge
18	Material Handling	\$ -	PRs	\$0 @ 1 sf & \$0
19	Temporary Electric Service	\$ -	Owner	\$0 @ 0 sf & \$0
20	Temporary Water	\$ 1,500.00	PRs	\$1000 @ 1.5 mo & \$0
21	Temporary Gas	\$ -	Owner	\$0 @ 0 sf & \$0
22	Temporary Construction Services: Fencing	\$ -	PRs	\$0 @ 200 lf & \$200
23	Security	\$ -	NC	No Charge
24	Temporary Toilets	\$ -	PRs	\$0 @ 4 ea per mo & \$150
24	Water/Ice	\$ 300.00	PRs	\$200 @ 1 ea per mo & \$0
25	Temporary Tool /Storage Trailers	\$ -	PRs	\$350 @ 1 ea per mo & \$1000
26	Dumpsters	\$ 2,182.50	PRs	\$485 @ 3 ea per mo & \$0
27	Safety	\$ -	PRs	\$0.1 @ 1 sf & \$0
28	Weekly Cleanup	\$ 1,680.00	PRs	\$1120 @ 1.5 mo & \$0
29	Final Cleanup	\$ -	PRs	\$0.5 @ 0 sf & \$0
30	Meals & Lodging	\$ -	Cost of Work	
31	Utility Connection Permits	\$ -	Cost of Work	
32	Concrete Testing & Inspections	\$ -	Owner	
33	Operational Permits	\$ -	Cost of Work	
34	Testing Laboratory Services	\$ -	Owner	
35	Building Permit	\$ -	PRs	
36	Misc Site Repairs/Sod at Demobilization	\$ -	PRs	
37	Site Survey Control Points	\$ 2,000.00	PRs	\$5000 @ 1 ea & \$0
38	Dewatering	\$ 2,000.00	PRs	\$100 @ 10 days & \$0
39	Temporary Heat	\$ -	PRs	\$480 @ 30 days & \$0
40	Floor Protection	\$ -	PRs	\$0.09 @ 0 sf & \$0
Total Construction PRs		\$ 18,937.50		

**EXHIBIT F
GMP AMENDMENT NO. 4 SUBSTANTIAL**

COMPLETION

Substantial Completion date for Griffin Park Phase 6 – North Extension is October 11th of 2023.

**EXHIBIT G
GMP AMENDMENT NO. 4**

ACCEPTANCE PERIOD

1. Acceptance of GMP No. 4 is required on or before August 22nd, 2023.
2. Should the pricing and terms of the GMP Amendment No. 4 not be accepted prior to the above referenced date, the pricing for the scope of work included with GMP Amendment No. 4 will be null and void and the work will be re-advertised and re-bid.