

**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 “Third Amendment”) is made as of January 10th, 2023, 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-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 second of three 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). The total amount of all amendments combined represent the total contract amount of \$8,529,852. 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 third of three 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 City of Norman and the Construction Manager hereby agree as follows:

1. Third 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 \$568,189 (derived from the total cost of work for the Construction Phase of \$518,374 + the Indirect Cost and Fee of \$49,815). 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 #3 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 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 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 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: 

Name: Aaron R. Stoops

Title: Vice President

Date: 1.3.23

ATTEST:

By: 

Subscribed and Sworn to me this 3 day of January, 2023.

Commission Number: 21009617

Expiration Date: 07/22/25



THE CITY OF NORMAN

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

Office of the General Counsel

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

By: _____

Larry Heikkila, Mayor

ATTEST:

By: _____

Brenda Hall, City Clerk

K-2122-81 Griffin Park - Exhibit A

December 30th, 2022

Wade Thompson
Parks Superintendent
City of Norman

RE: City of Norman – Griffin Park Phase 6-B
Recommendation Award Letter Bid Package #03 - Letter #3



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 five hundred sixty eight thousand one hundred and eighty-nine dollars (**\$568,189**).

Bids for the City of Norman Griffin Park Phase 6-B – Bid Package #3, were received and publicly read aloud in at 201 W. Gray, Norman, OK 73069 on December 22nd, 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.

<u>Subcontractor / Supplier</u>	<u>Total</u>
31A Earthwork (Ellsworth)	\$85,276
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Ellsworth, for this trade contract. Scope includes the entirety of trade contract 31A as detailed in Bid Package #03 documents.	
32A Site Concrete (Turning Point)	\$64,600
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Turning Point, for this trade contract. Scope includes the entirety of trade contract 32A as detailed in Bid Package #03 documents.	
32B Asphalt (Turning Point)	\$150,200
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Turning Point, for this trade contract. Scope includes the entirety of trade contract 32B as detailed in Bid Package #03 documents.	
32D Sodding (Ellsworth)	\$4,298
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Ellsworth, for this trade contract. Scope includes the entirety of trade contract 32D as detailed in Bid Package #03 documents.	
32B Storm Sewer Systems (Hook Construction)	\$214,000
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Hook Construction, for this trade contract. Scope includes the entirety of trade contract 33B as detailed in Bid Package #03 documents. Apparent low bidder was Ellsworth construction. Ellsworth did not include additional storm piping added in Addendum #2 and is considered non-responsive.	

K-2122-81 Griffin Park – Exhibit A

Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Lockwood', written in a cursive style.

Justin Lockwood
Director of Preconstruction
Crossland Construction Company

Enc: Bid Tab & Cost Summary and Divisional Bid Tabs

**EXHIBIT B
GMP AMENDMENT NO. 3
LIST OF DRAWINGS/SPECIFICATIONS/ADDENDA**

LIST OF DRAWINGS

C6.0 Paving General Layout
C6.1 Paving Plan and Profile
C6.2 Storm Sewer Plan & Profile Line A
C6.3 Paving Details
C6.4 Paving RCB Details
C6.5 Storm Sewer Details

LIST OF SPECIFICATIONS

Division 1 - General:

01050 Field Engineering
01152 Application for Payment 2
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

K-2122-81 Griffin Park

**EXHIBIT B
GMP AMENDMENT NO. 3**

LIST OF ADDENDA

CM Addendum #1 dated 12/19/2022

CM Addendum #2 dated 12/20/2022

OTHER CONTRACT DOCUMENTS

Crossland Construction Bid Package #3, Dated 12/1/2022

CEC Geotech Report Dated 6/2/2022

K-2122-81 Griffin Park

**EXHIBIT C
GMP AMENDMENT NO. 3**

LIST OF ALLOWANCES

No Allowances.

**EXHIBIT D
GMP AMENDMENT NO. 3**

Assumptions

No Assumptions.

**EXHIBIT E
GMP AMENDMENT NO. 3**

GMP Summary

Griffen Park East Road			
Bid Package # 3		CROSSLAND	
Bid Tab		CONSTRUCTION COMPANY, INC.	
Griffen Park East Road		Bid Package # 3	Subcontractor
Date:	1/13/2023		
BP#	Description	Bid Price	Subcontractor
31A	Earthwork	\$ 85,276	Ellsworth
32A	Site Concrete	\$ 64,600	Turning Point
32B	Asphalt	\$ 150,200	Turning Point
32D	Landscape, Irrigation, & Plantings	\$ 4,298	Ellsworth
33B	Storm Sewer Systems	\$ 214,000	Hook
	Subtotal Direct Costs	\$ 518,374	
	Construction Contingency	\$ 25,919	
	Insurance	\$ 3,888	
	Construction Phase Fee	\$ 20,009	
Construction Total		\$ 568,189	

**EXHIBIT E
GMP AMENDMENT NO. 3**

Bid Tab

31A Earthwork							
Trade Contractor - Bid Summary							
Contractor:	Hook	Ellsworth	K&M	D Owen	Hammer		
Base Bid:	\$ 132,000	\$ 85,276	\$ 131,274	\$ 120,000	\$ 140,000		
Alt 1							
Alt 2							
Alt 3							
Alt 4							
Alt 5							
Alt 6							
Alt 7							
Alt 8							
Total:							
Crossland Construction Recommendation							
Recommended Trade Contractor					Price		
BASE BID :	Ellsworth				\$	85,276.00	
TOTAL ALT:							

Trade Contract Identification							
32A Site Concrete							
Trade Contractor - Bid Summary							
Contractor:	Crossland	Turning Point	Connelly	Ellsworth	Rudy		
Base Bid:	\$ 145,000	\$ 64,600	\$ 69,780	\$ 121,285	\$ 91,000		
Alt 1							
Alt 2							
Alt 3							
Alt 4							
Alt 5							
Alt 6							
Alt 7							
Alt 8							
Total:							
Crossland Construction Recommendation							
Recommended Trade Contractor					Price		
BASE BID :	Turning Point				\$	64,600.00	
TOTAL ALT:							

Trade Contract Identification							
32B Asphalt							
Trade Contractor - Bid Summary							
Contractor:	Connelly	Ellsworth	Rudy	Turning Point			
Base Bid:	\$ 154,960	\$ 196,548	\$ 195,000	\$ 150,200			
Alt 1							
Alt 2							
Alt 3							
Alt 4							
Alt 5							
Alt 6							
Alt 7							
Alt 8							
Total:							
Crossland Construction Recommendation							
Recommended Trade Contractor					Price		
BASE BID :	Turning Point				\$	150,200.00	
TOTAL ALT:							

**EXHIBIT E
GMP AMENDMENT NO. 3**

Bid Tab

Trade Contract Identification								
32D Landscape, Irrigation & Plantings								
Trade Contractor - Bid Summary								
Contractor:	Ellsworth	Greenshade						
Base Bid:	\$ 4,298	\$ 80,367						
Alt 1								
Alt 2								
Alt 3								
Alt 4								
Alt 5								
Alt 6								
Alt 7								
Alt 8								
Total:								
Crossland Construction Recommendation								
	Recommended Trade Contractor		Price					
BASE BID :	Ellsworth		\$ 4,297.60					
TOTAL ALT:								

33B Storm Sewer Systems								
Trade Contractor - Bid Summary								
Contractor:	Hammer	Young	Hook	Ellsworth				
Base Bid:	\$ 267,375	\$ 230,000	\$ 214,000	\$ 112,665				
Alt 1								
Alt 2								
Alt 3								
Alt 4								
Alt 5								
Alt 6								
Alt 7								
Alt 8								
Total:								
Crossland Construction Recommendation								
	Recommended Trade Contractor		Price					
BASE BID :	Hook		\$ 214,000.00					
TOTAL ALT:								

Missed ODOT Scope

**EXHIBIT F
GMP AMENDMENT NO. 3**

SUBSTANTIAL COMPLETION

Substantial Completion date for Griffin Park Phase 6 is August 30th of 2023.

**EXHIBIT G
GMP AMENDMENT NO. 3**

ACCEPTANCE PERIOD

1. Acceptance of GMP No. 3 is required on or before February 15th, 2023
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.