

**AMENDMENT NO. 1 TO
CONSTRUCTION MANAGER AT RISK AGREEMENT
BETWEEN
THE CITY OF NORMAN, NORMAN MUNICIPAL AUTHORITY AND
CROSSLAND CONSTRUCTION COMPANY, INC.**

THIS AMENDMENT NO. 1 TO CONSTRUCTION MANAGER AT RISK AGREEMENT (this "Second Amendment") is made as of February, 8th, 2022, between the Norman Municipal Authority, a public trust having as its sole beneficiary, the City of Norman, Oklahoma ("NMA") and CROSSLAND CONSTRUCTION COMPANY, INC., an Oklahoma corporation (the "Construction Manager").

RECITALS:

A. NMA 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 design phase review and complete construction services related to the Municipal Complex Renovation Project, located at 201 West Gray Street, Norman, Oklahoma (the "Municipal Complex"). Agreement No. 1 is for the Development Center portion of the project. Unless otherwise set forth herein, all capitalized terms used in this First Amendment shall have the meanings ascribed to them in the Agreement.

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 GMP Proposal 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 receipt and sufficiency of which are hereby acknowledged, and the promises and covenants set forth below, NMA and the Construction Manager hereby agree as follows:

1. 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 \$1,370,970. 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. A written statement of its basis for the GMP proposal is attached hereto as Exhibit A and incorporated herein by reference.

B. Documents. 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. A list of allowances related to the Work and a statement of their basis is attached hereto as Exhibit C and incorporated herein by reference.

D. Assumptions. 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. 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. The 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 First Amendment, the Construction Manager affirmatively asserts that (i) NMA is not currently in default, nor has been in default at any time prior to this First 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 First Amendment are forever waived.

[SIGNATURES ON FOLLOWING PAGES]

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

**CONSTRUCTION MANAGER
(CROSSLAND CONSTRUCTION COMPANY, INC.)**

By: 
Name: AAKON STOOPS
Title: UP-ACC
Date: 2.2.22

ATTEST:

By: RONALD SMITH

Subscribed and Sworn to me this 2 day of FEB., 2022.

Commission Number: 21003738

Expiration Date: 03/18/25



NORMAN MUNICIPAL AUTHORITY

Reviewed and approved for form and legality on the ____ day of _____, 2021.

General Counsel

Approved by the Norman Municipal Authority on ____ day of _____, 2022.

By: _____

Name: Breea Clark

Title: Chairperson

Date: _____

ATTEST:

Brenda Hall, Secretary

**EXHIBIT A
GMP AMENDMENT NO. 1**



January 31st, 2022

Wade Thompson
Parks Superintendent
City of Norman

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

RE: City of Norman – Griffin Park Phase 5
Recommendation Award Letter Bid Package #01 - Letter #1

Dear Mr. Wade Thompson,

For the above referenced project, we are proposing a guaranteed maximum price (GMP) of one million, three hundred and seventy thousand, nine hundred and seventy dollars (\$1,370,970).

Bids for the City of Norman Senior Center – Bid Package #1, were received and publicly read aloud in at 201 W. Gray, Norman, OK 73069 on January 27th, 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>
Midwest Wrecking 2A (Demolition)	\$89,110
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Midwest Wrecking, for this trade contract. Scope includes the entirety of trade contract 2A as detailed in Bid Package #01 documents.	
WH Baca and Sons 9C (Painting)	\$10,000
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, WH Baca and Sons, for this trade contract. Scope includes the entirety of trade contract 9C as detailed in Bid Package #01 documents.	
Hook Construction 31A (Earthwork)	\$249,973
<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 31A as detailed in Bid Package #01 documents.	
Connelly Paving 32A (Site Concrete)	\$47,370
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Connelly Paving, for this trade contract. Scope includes the entirety of trade contract 32A as detailed in Bid Package #01 documents.	
Cooks Fence 32C (Fencing)	\$44,619
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, Cooks Fencing, for this trade contract. Scope includes the entirety of trade contract 2A as detailed in Bid Package #01 documents.	
United Turf and Track 32D (Landscape)	\$527,000
<ul style="list-style-type: none">Crossland Construction is recommending responsive low bidder, United Turf and Track, for this trade contract. Scope includes the entirety of trade contract 32D as detailed in Bid Package #01 documents.	

Please contact me should you have any questions.

Sincerely,



Aaron Stoops
Vice President
Crossland Construction Company

Enc: Bid Tab & Cost Summary, Allowances, Divisional Bid Tabs, General Conditions Matrix, & Project Requirements

City of Norman
Griffin Park Phase 5

GMP Amendment No. 1

**EXHIBIT B
GMP AMENDMENT NO. 1**

LIST OF DRAWINGS/SPECIFICATIONS/ADDENDA

LIST OF DRAWINGS

Drawings #	Description	Date Issued
i	COVER AND SEALS PAGE	12/17/21
EC-1	EXISTING CONDITIONS PLAN	12/17/21
DP-1	OVERALL DEMOLITION PLAN	12/17/21
DP-2	DEMOLITION PLAN	12/17/21
DP-3	DEMOLITION PLAN	12/17/21
DP-4	DEMOLITION PLAN	12/17/21
SP-1	OVERALL SITE PLAN	12/17/21
SP-2	3 FIELD SITE PLAN	12/17/21
LP-1	FIELD LAYOUT PLAN	12/17/21
LP-2	ENLARGED LAYOUT PLANS	12/17/21
G-1	FIELD GRADING PLAN	12/17/21
SOD-1	SODDING PLAN	12/17/21
IR-1	IRRIGATION PLAN	12/17/21
IR-2	IRRIGATION DETAILS	12/17/21
D-1	CONSTRUCTION DETAILS	12/17/21
D-2	EROSION CONTROL DETAILS	12/17/21

EXHIBIT B
GMP AMENDMENT NO. 1
LIST OF SPECIFICATIONS

Specification	Description	Date Issued
01340	SUBMITTALS	12/17/21
01380	PRE-CONSTRUCTION PHOTOGRAPHS	12/17/21
01500	TEMPORARY FACILITIES & CONTROLS	12/17/21
01510	SITE ACCESS	12/17/21
01700	CONTRACT CLOSEOUT	12/17/21
01720	PROJECT RECORD DOCUMENTS	12/17/21
01730	OPERATIONS & MAINTENANCE DATA	12/17/21
02000	SITE WORK	12/17/21
02070	SELECTIVE DEMOLITION	12/17/21
02100	SITE PREPERATION	12/17/21
02211	ROUGH GRADING	12/17/21
02220	EARTHWORK	12/17/21
02265	FINISH GRADING	12/17/21
02400	SITE DRAINAGE	12/17/21
02445	VINYL COATED CHAIN LINK FENCE	12/17/21
02810	IRRIGATION	12/17/21
02934	SODDING	12/17/21
02939	SPRIGGING	12/17/21
03100	CONCRETE FORMWORK	12/17/21
03210	STEEL REINFORCEMENT	12/17/21
03300	CAST-IN-PLACE CONCRETE	12/17/21
03345	CONCRETE FINISHING	12/17/21
07900	SEALANTS	12/17/21

LIST OF ADDENDA

1	CM Addendum 1	12/27/2021
2	CM Addendum 2	1/18/2022
3	CM Addendum 3	1/25/2022

**EXHIBIT C
GMP AMENDMENT NO. 1**

LIST OF ALLOWANCES

Spread Topsoil	\$75,000
• Allowance to spread excess topsoil onsite.	
Temporary Fencing	\$20,000
• Allowance for temporary fencing.	
Sanitary Line Removal	\$11,320
• Allowance to cap and remove sanitary sewer line.	

**EXHIBIT D
GMP AMENDMENT NO. 1**

Assumptions

No Assumptions.

EXHIBIT E
GMP AMENDMENT NO. 1

GMP Summary

Griffin Park Phase 5			
Bid Package # 1		Bid Tab	
Griffin Park Phase 5		Bid Package # 1	Subcontractor
BP#	Description		
2A	Demolition	89,110	Midwest
9C	Painting & Wall Covering	10,000	WH Baca
31A	Earthwork	249,973	Hook
32A	Site Concrete	47,370	Conelly
32C	Fencing	44,619	Cooks
32D	Landscape, Irrigation, & Plantings	527,000	United
A1	Allowance to Spread Topsoil	75,000	Allowance
A2	Allowance for Temp Fencing	20,000	Allowance
A3	Allowance for Sanitary Line Removal	11,320	Allowance
Subtotal Direct Costs		1,074,392	
	Construction Contingency	32,232	
	General Conditions	137,040	
	Project Requirements	70,970	
	Insurance	8,058	
	Construction Phase Fee	48,278	
Construction Total		1,370,970	

EXHIBIT E **GMP AMENDMENT NO. 1**

Bid Tab

Trade Contract Identification									
2A Demolition									
Trade Contractor - Bid Summary									
Contractor:	Thomahawk	Midwest	K&M	M&M	Native	Total			
Base Bid:	\$ 109,715	\$ 89,110	\$ 103,500	\$ 117,304	\$ 167,442	\$ 267,390			
Alt 1	\$ 10,000	\$ 11,320	\$ 5,450	\$ 5,700	\$ 7,749	\$ 16,800			
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 109,715	\$ 89,110	\$ 103,500	\$ 117,304	\$ 167,442	\$ 267,390	\$ -	\$ -	

Crossland Construction Recommendation		
	Price	
BASE BID:	Midwest	\$ 89,110.00
TOTAL ALT:		\$ -

Trade Contract Identification									
9C Painting & Wall Covering									
Trade Contractor - Bid Summary									
Contractor:	WH Baca	Silva							
Base Bid:	\$ 10,000	\$ 41,800							
Alt 1									
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 10,000	\$ 41,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Crossland Construction Recommendation		
	Recommended Trade Contractor	Price
BASE BID:	WH Baca	\$ 10,000.00
TOTAL ALT:		

Trade Contract Identification									
31A Earthwork									
Trade Contractor - Bid Summary									
Contractor:	Crossland	Hook	D Owen						
Base Bid:	\$ 349,000	\$ 249,973	\$ 540,000						
Alt 1									
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 349,000	\$ 249,973	\$ 540,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Crossland Construction Recommendation		
	Recommended Trade Contractor	Price
BASE BID:	Hook	\$ 249,973.00
TOTAL ALT:		

EXHIBIT E GMP AMENDMENT NO. 1

Bid Tab

Trade Contract Identification
32A Site Concrete

Trade Contractor - Bid Summary

Contractor:	Conelly	Crossland							
Base Bid:	\$ 47,370	\$ 65,000							
Alt 1									
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 47,370	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Crossland Construction Recommendation

	Recommended Trade Contractor	Price
BASE BID:	Conelly	\$ 47,370.00
TOTAL ALT:		

Trade Contract Identification
32C Fencing

Trade Contractor - Bid Summary

Contractor:	American	Cooks							
Base Bid:	\$ 64,000	\$ 44,619							
Alt 1									
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 64,000	\$ 44,619	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Crossland Construction Recommendation

	Recommended Trade Contractor	Price
BASE BID:	Cooks	\$ 44,619.00
TOTAL ALT:		

Trade Contract Identification
32D Landscape, Irrigation & Plantings

Trade Contractor - Bid Summary

Contractor:	United	Greenshade							
Base Bid:	\$ 527,000	\$ 558,067							
Alt 1									
Alt 2									
Alt 3									
Alt 4									
Alt 5									
Alt 6									
Alt 7									
Alt 8									
Total:	\$ 527,000	\$ 558,067	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Crossland Construction Recommendation

	Recommended Trade Contractor	Price
BASE BID:	United	\$ 527,000.00
TOTAL ALT:		

EXHIBIT E GMP AMENDMENT NO. 1

General Conditions

General Conditions																			<div>CROSSLAND</div> <div>CONSTRUCTION COMPANY, INC.</div>	
Team Members	(\$/hr)	Staff Assignments	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Total Hours	Total \$
Construction Staffing																				
TBD	\$ 110	Sr. Project Manager																	0	\$
TBD	\$ 100	Project Manager		87	87	87	87												348	\$ 34,800.00
TBD	\$ 90	Asst. Project Manager																	0	\$
TBD	\$ 85	Project Engineer		87	87	87	87												348	\$ 29,580.00
TBD	\$ 105	Project Superintendent		173	173	173	173												692	\$ 72,660.00
TBD	\$ 95	Asst. Superintendent																	0	\$
TBD	\$ 90	Field Engineer																	0	\$
TBD	\$ 75	Safety Inspector																	0	\$
Total Labor in General Conditions																			1,350	\$ 137,040.00

EXHIBIT E GMP AMENDMENT NO. 1

Project Requirements


Project Requirements			
		Project Duration (mo)	4
		Total \$F	1
<div>  </div>			
Construction Services	\$	Cost Type	Notes for Clarity
1 CM Field Office, Furniture, & Furnishings	\$ -	PRs	\$0 or 4 mo & \$0
2 Office Supplies	\$ 2,000.00	PRs	\$500 or 4 mo & \$0
3 Project Signs	\$ 500.00	PRs	\$500 or 1 each & \$0
4 Superintendent Vehicles	\$ 4,000.00	PRs	\$1000 or 4 mo & \$0
4 PM Vehicles	\$ 4,000.00	PRs	\$1000 or 4 mo & \$0
5 Superintendent Fuel Expense	\$ 2,400.00	PRs	\$600 or 4 mo & \$0
5 PM Fuel Expense	\$ 2,400.00	PRs	\$600 or 4 mo & \$0
6 Jobsite Radios/Phones & Internet	\$ 1,000.00	PRs	\$400 or 4 mo & \$0
7 Copy Machine & Maintenance	\$ -	NC	No Charge
8 Computers, Usage, Software & Maintenance	\$ 600.00	NC	\$100 or 6 mo & \$0
9 Reproduction Expenses	\$ 300.00	NC	\$50 or 6 mo & \$0
10 Field Office Telephone & Internet	\$ -	NC	No Charge
11 Postage & Expressage	\$ -	NC	No Charge
12 Office Janitorial	\$ -	NC	No Charge
13 Mobilization / Demobilization	\$ 1,000.00	PRs	\$1000 or 1 ea & \$0
14 Hand/Flat/Misc	\$ 800.00	PRs	\$200 or 4 mo & \$0
15 Construction Photo's & Video's	\$ 800.00	PRs	\$800 or 1 ea & \$0
16 Job Meetings & Ceremony Expenses	\$ -	NC	No Charge
17 Record Drawings / Closeout Manuals	\$ -	NC	No Charge
18 Material Handling	\$ 12,000.00	PRs	\$5500 or 2 mo & \$1000
19 Temporary Electric Service	\$ 6,000.00	PRs	\$0 or 1 ea & \$3000
20 Temporary Water	\$ 800.00	PRs	\$200 or 4 mo & \$0
21 Temporary Gas	\$ -	PRs	\$0 or 1 ea & \$0
22 Temporary Construction Services - Fencing	\$ -	PRs	Included in Allowances
23 Security	\$ -	NC	No Charge
24 Temporary Toilets	\$ 1,350.00	PRs	\$150 or 2 ea per mo & \$150
24 Water/Dr	\$ 400.00	PRs	\$100 or 1 ea per mo & \$0
25 Temporary Tool /Storage Trailers	\$ 5,800.00	PRs	\$600 or 2 ea per mo & \$1000
26 Dumpsters	\$ 3,400.00	PRs	\$125 or 2 ea per mo & \$0
27 Safety	\$ 1,500.00	PRs	\$1500 or 1 LS & \$0
28 Weekly Cleanup	\$ 3,520.00	PRs	\$880 or 4 mo & \$0
29 Final Cleanup	\$ 5,000.00	PRs	\$1000 or 1 LS & \$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 Teaching Laboratory Services	\$ 1,000.00	PRs	
35 Building Permit	\$ -	PRs	
36 Misc Site Repairs/Rod at Demobilization	\$ -	Cost of Work	
37 Site Survey Control Points	\$ 5,000.00	PRs	\$5000 or 1 ea & \$0
38 Dewatering	\$ 1,000.00	PRs	\$100 or 10 days & \$0
39 Layout Control & Verification	\$ 4,000.00	PRs	\$400 or 10 days & \$0
40 Floor Protection	\$ -	PRs	\$0 or 1 ea & \$0
Total Construction GCs & PRs		\$	70,970.00

EXHIBIT F
GMP AMENDMENT NO. 1

SUBSTANTIAL COMPLETION

Substantial Completion date for Griffin Park Phase 5 is July 1 of 2022.

EXHIBIT G
GMP AMENDMENT NO. 1

ACCEPTANCE PERIOD

1. Acceptance of GMP No. 1 is required on or before February 25th, 2022 (30 days from the date bids/proposals were received.)
2. Should the pricing and terms of the GMP Amendment No. 1 not be accepted prior to the above referenced date, the pricing for the scope of work included with GMP Amendment No. 1 will be null and void and the work will be re-advertised and re-bid.