AMENDMENT NO 6 TO CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF NORMAN AND CROSSLAND CONSTRUCTION COMPANY

THIS AMENDMENT NO. 6 TO CONSTRUCTION MANAGER AT RISK AGREEMENT (this "First Amendment") is made as of December 14th, 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 submitted the first of six anticipated GMP Proposals to the City Council on December 14, 2021. GMP No. 1 was approved for a total contract amount of \$2,022,408.00 (derived from the total cost of work for the Construction Phase of \$1,200,00.00 + the indirect Cost and Fee of \$822,408.00). The Construction Manager also submitted the second of six GMP Proposals to the City Council on February 11, 2022. GMP No. 2 was approved for an added contract amount of \$2,758,144.00 (derived from the total cost of work for the Construction Phase of \$2,569,790.00 + the indirect Cost and Fee of \$188,354.00). The Construction Manager also submitted the third of six GMP Proposal's to the City Council on March 22, 2022. GMP No. 3 was approved for an added contract amount of \$1,295,200.00 (directed from the total cost of work for the Construction Phase of \$1,206,750.00 + the indirect Cost and Fee of \$88,450.00). The Construction Manager also submitted the fourth of six GMP Proposal's to the City Council on May 24, 2022. GMP No. 4 was approved for an added contract amount of \$5,056,449.00 (derived from the total cost of work for the Construction Phase of \$4,851291.00 + the indirect Cost and Fee of \$205,258.00). The Construction Manager also submitted the fifth of six GMP Proposal's to the City Council on June 14, 2022. GMP No. 5 was approved for an added contract amount of \$423,737.00 (derived from the total cost of work for the Construction Phase of \$406,579.00 + the indirect Cost and Fee of \$17,158.00. The total amount of all amendments combined represent the total contract amount of \$11,555,938.00. Preconstruction Services were billed separately and are not included in GMP per previous Council approval attributed to the Senior Wellness Center Project.
- D. The Construction Manager now submits the sixth of six 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. <u>Sixth GMP Established.</u> The Construction Manager's guaranteed maximum price for the Work inclusive of all subcontracts, lump sum self-performs amounts, including allowances and contingencies and the Construction Manager's fee, is hereby agreed to be \$1,191,117.77 (derived from the total cost of work for the Construction Phase of \$1,012,662.77 + the Indirect Cost and Fee of \$178,455.00. 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 #6 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 Sixth 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 Sixth 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 Sixth Amendment are forever waived.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]
[SIGNATURE ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this SIXTH 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: Non Jan	-
N D G	======================================
Title:Vice President	
Date: 12.7.22	
ATTEST:	
By:	
Subscribed and Sworn to me this day	y of, 2022.
Commission Number:	
Expiration Date:	
THE CITY OF NORMAN	
Reviewed and approved for form and legality	y this day of, 2022.
	Office of the General Counsel
Approved by The City of Norman on this	day of, 2022.
By:	
Larry Heikkila, Mayor	
ATTEST:	
By:	
Brenda Hall, City Clerk	



EXHIBIT A GMP AMENDMENT

NO. 6

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

December 7th, 2022 Jason Olsen Director of Parks and Recreation City of Norman

RE: City of Norman Senior Center Recommendation Award Letter Bid Package #04 - Letter #6

Dear Mr. Jason Olsen,

For the above referenced project, we are proposing a guaranteed maximum price (GMP) of dollars (\$1,191,117.77).

Bids for the City of Norman Senior Center – Bid Package #4, were received and publicly read aloud in at 201 W. Gray, Norman, OK 73069 on December 1st, 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

C&N Masonry (4A Masonry)

\$228,000

Crossland Construction is recommending responsive low bidder, C&N Masonry, for this
trade contract. Scope includes the entirety of trade contract 4A as detailed in Bid
Package #04 documents. Apparent low bidder, CIA Masonry, formally recalled there bid
stating a major scope omission.

Reiss Painting (9C Painting)

\$201,000

 Crossland Construction is recommending responsive low bidder, Reiss Painting, for this trade contract. Scope includes the entirety of trade contract 9C as detailed in Bid Package #04 documents.

Vital Signs (10B Signage)

\$46,985

 Crossland Construction requested quotes from three sign contractors and is recommending the lowest quote, Vital Signs, for this trade contract. Scope includes the entirety of trade contract 10B as detailed in Bid Package #04 documents.

Russell Interiors (12A Window Treatments)

\$45.640

 Crossland Construction requested quotes from three window treatment contractors and is recommending the lowest quote, Vital Signs, for this trade contract. Scope includes the entirety of trade contract 12A as detailed in Bid Package #04 documents.

City of Norman Norman Senior Center **GMP Amendment No. 6**

EXHIBIT A GMP AMENDMENT

NO. 6

High Tech-Tronics (28A Fire Alarm)

\$49.076

 Crossland Construction is recommending responsive low bidder, High Tech Tronics, for this trade contract. Scope includes the entirety of trade contract 28A as detailed in Bid Package #04 documents.

Turning Point (32B Asphalt Paving)

\$168.500

 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 #04 documents.

Lyon Fencing (32C Fencing)

\$10,295

 Crossland Construction requested quotes from three fence contractors and is recommending the lowest quote, Lyon Fencing, for this trade contract. Scope includes the entirety of trade contract 32C as detailed in Bid Package #04 documents.

Tape / Bed / Texture (Gypsum Wall Texturing Finishing)

\$41,600

 Crossland Construction requested quotes from three painting contractors and is recommending the lowest quote, Reiss Painting, for this scope of work. Scope includes the wall finishing and texturing as detailed in the project documents.

Alternate 13 - Wall Tile Elevations

\$31.161.80

 Alternate 13 from Bid Package 03 for the wall tile elevations is being accepted into the overall project scope of work.

Alternate 14 - Flooring in Kitchen

\$5,002.56

 Alternate 14 from Bid Package 03 for the flooring in the kitchen is being accepted into the overall project scope of work.

Alternate 15 - Stage Curtains

\$35,802.72

 Alternate 15 from Bid Package 03 for the stage curtains is being accepted into the overall project scope of work.

Please contact me should you have any questions.

Sincerely,

Justin Lockwood Director of Preconstruction Crossland Construction Company

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

City of Norman Norman Senior Center **GMP Amendment No. 6**

LIST OF DRAWINGS

GENERAL			Τ	STRUCTURAL				STRUC. CON'T			
Sheet	Rev.	<u>Date</u>		Sheet	Rev.	Date		Sheet	Rev.	Date	
G-002b	ASI-02	6.10.2022	Т	S-001	ASI- 02	6.10.2022		SF- 201	ASI- 02	6.10.2022	
V-001	ASI-01	5.24.2022		S-002	N/A	12.14.202 1		SF- 202	ASI- 02	6.10.2022	
G-101	N/A	12.14.202 1		S-003	ADD - 01	11.29.202 1		SF- 203	ADD - 04	4.05.2022	
G-102	ADD- 03	3.11.2022		S-004	ADD - 01	11.29.202 1		SF- 204	ADD - 04	4.05.2022	
G-103	ASI-02	6.10.2022		S-005	ADD - 01	11.29.202 1		SF- 205	ADD - 04	4.05.2022	
G-104	ADD- 03	3.11.2022		S-006	ADD - 04	4.05.2022		SF- 206	ASI- 02	6.10.2022	
				S-007	ADD - 01	11.29.202 1		SF- 401	ADD - 03	3.11.2022	
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C-001	ASI-01	5.24.2022		S-009	ADD - 01	11.29.202 1		SF- 502	ADD - 04	4.05.2022	
C-501	ASI-01	5.24.2022		S- 009A	N/A	12.14.202 1		SF- 503	ADD - 04	4.05.2022	
C-502	ASI-01	5.24.2022		S-010	ASI- 08	10.04.202		SF- 504	ADD - 03	3.11.2022	
C-503	ASI-01	5.24.2022		S-011	ASI- 02	6.10.2022		SF- 505	ADD - 03	3.11.2022	
C-504	ASI-01	5.24.2022		SB- 100	ADD - 03	3.11.2022		SF- 506	ADD - 04	4.05.2022	
C-505	ASI-01	5.24.2022		SB- 101	ASI- 08	10.04.202 2		SF- 507	ASI- 02	6.10.2022	

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C-506	ASI-04	7.28.2022	SB- 102	ASI- 02	6.10.2022		SF- 508	ADD- 04	4.05.2022	
C-306	A31-04	7.20.2022	SB-	ASI-	10.04.202		SF-	ADD-	4.03.2022	₩
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CG-201	ASI-01	5.24.2022	401	02	6.10.2022		511	04	4.05.2022	
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CG-501	ASI-01	5.24.2022	402	03	3.11.2022		512	03	3.11.2022	<u> </u>
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CS-101	ASI-04	7.28.2022	403 SB-	O2 ASI-	6.10.2022		513 SF-	03 ASI-	3.11.2022	₩
CU-101	ASI-04	7.28.2022	404	02	6.10.2022		514	05	7.28.2022	
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CU-103	ASI-01	5.24.2022	502	08	2		517	04	4.05.2022	
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LA-02	03	3.11.2022	102	02	6.10.2022					⊢
LI-01	ASI- 04.1	8.16.2022	SF- 103	ADD- 04	4.05.2022					
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A-002	ASI-02	6.10.2022	409	02	6.10.2022		I-002	N/A	1	<u> </u>
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AE-101	ASI-11	2	502	03	3.11.2022		I-005	03	3.11.2022	
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AE-102	ASI-11	2	503	07	9.07.2022	Ш	1-006	03	3.11.2022	匚
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AE-104	03	3.11.2022	505	05	7.28.2022		I-008	03	3.11.2022	⊢
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AE-110	04	4.05.2022	506	03	3.11.2022		I-09	03	3.11.2022	⊢
AE-111	ADD- 03	3.11.2022	AE- 507	ADD- 03	3.11.2022		1-009	N/A	12.14.202 1	
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AE-112	ADD- 03	3.11.2022	AE- 510	ADD- 04	4.05.2022		I-010	N/A	12.14.202 1	
AL-112	ADD-	5.11.2022	AE-	ADD-	4.03.2022	\vdash	1-010	ADD-	1	\vdash
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AE-121	03	3.11.2022	512	02	6.10.2022		101	N/A	1	
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AE-122	ASI-09	2	513	03	3.11.2022		102	N/A	1	
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AE-130	ASI-05	8.17.2022	515	03	3.11.2022		500	03	3.11.2022	
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AE-201	ASI-09	2	517	05	8.17.2022		102	03	3.11.2022	
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AE-202	04	4.05.2022	600	05	7.28.2022		103	03	3.11.2022	L
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AE-203	ASI-07	9.07.2022	601	N/A	1					╙
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AE-301	03	3.11.2022	610	03	3.11.2022		FI	RE PROT	ECTION	⊢
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AE-302	04	4.05.2022	611	03	3.11.2022	\vdash	<u>Sheet</u>	Rev.	<u>Date</u>	⊢
AE-303	ADD- 04	4.05.2022	AE- 612	ADD- 03	3.11.2022		F-001	ASI- 02	6.10.2022	
AE-303		4.05.2022			3.11.2022	\vdash	F-001	02		⊢
AE-304	ADD- 03	3.11.2022	AE- 613	ADD- 03	3.11.2022		F-101	N/A	12.14.202 1	
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AE-305	03	3.11.2022	614	03	3.11.2022		F-102	03	3.11.2022	
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AE-307	ASI-07	9.07.2022	615	03	3.11.2022		F-401	03	3.11.2022	
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AE-308	04	4.05.2022	616	03	3.11.2022	ı I	F-601	N/A	1	ı

AE-401	ASI-02	6.10.2022	AS- 100	ASI- 02	6.10.2022		F-701	N/A	12.14.202 1	
AL-401	A31-02	0.10.2022	AS-	ADD-	0.10.2022	\vdash	F-701	IN/A		\vdash
AE-402	ASI-05	8.17.2022	101	03	3.11.2022					
AE-403	ASI-02	6.10.2022								
AE-404	ADD- 03	3.11.2022								
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P-402	ASI-10	9.27.2022	102	09	2		211	12	2	
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P-601	ASI-02	6.10.2022	101	N/A	1	\vdash	301	12	2	_
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M-001	N/A	1	105	N/A	12.14.202		404	12	2	
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M-702	N/A	1	702	13	2					
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M-801	N/A	1	703	N/A	1					
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M-802	N/A	1	101	13	2					
		12.14.202	ES-		12.14.202					
M-803	N/A	1	501	N/A	1					
		12.14.202	ET-		12.14.202					
M-804	N/A	1	101	N/A	1					
MH-		10.19.202	ET-		12.14.202					
101	ASI-11	2	102	N/A	1					
MH-		10.19.202	ET-		12.14.202					
102	ASI-11	2	103	N/A	1					Ш
MP-		10.19.202	ET-		12.14.202					
101	ASI-11	2	104	N/A	1					Ш
MP-		10.12.202	ET-	l .	12.14.202					
102	ASI-09	2	501	N/A	1					Ш
MR-		10.19.202	ET-		12.14.202					
101	ASI-11	2	502	N/A	1					Н
MR-		10.19.202	ET-		12.14.202					
102	ASI-11	2	503	N/A	1					Н
			ET-		12.14.202					
			600	N/A	1					\vdash
			ET-	NI/A	12.14.202					
			601	N/A	1 12 14 202	\vdash				\vdash
			ET- 602	N/A	12.14.202 1					
		 	ET-	IV/A	12.14.202					\vdash
			603	N/A	12.14.202					
			003	IV/A		\vdash				\vdash

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26-0526 GROUNDING AND BONDING FOR ELECTRICAL SYSTEMS	26-0523	CONTROL VOLTAGE ELECTRICAL POWER CABLES
	26-0526	GROUNDING AND BONDING FOR ELECTRICAL SYSTEMS

26-0529	HANGERS AND SUPPORTS FOR ELECTRICAL SYSTEMS
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26-0543	UNDERGROUND DUCTS AND RACEWAYS FOR ELECTRICAL SYSTEMS
26-0544	SLEEVES AND SLEEVE SEALS FOR ELECTRICAL RACEWAYS AND CABLING
26-0553	IDENTIFICATION FOR ELECTRICAL SYSTEMS
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32-9300	EXTERIOR PLANTS
33-4100	STORM UTILITY DRAINAGE PIPING

LIST OF ALLOWANCES

Pickleball Court System

\$140,000

Cost to future bid the Pickleball Court System

Assumptions

1. No assumptions

GMP Summary

Norma Bid Ta	an Senior Center ab			CROSSLAND CONSTRUCTION COMPANY, INC.							
Norman	Senior Center										
SF:	31,180	GMP 1	GMP 2	GMP 3	GMP 4	GMP 5	GMP 6	Subcontractor			
	12/7/2022										
BP#	Description	Bid Price	Bid Price		Bid Price			Subcontractor			
2A	Demolition	Dia Trice	37,325		Dia Trice			Subcontractor			
3A	Concrete		569,000								
4A	Masonry		307,000		235,000			Sun Valley Masonry			
4B	Architectural Stone Masonry						228,000	C&N Masonry			
5A	Structural Steel	1,200,000					-,	,			
5B	Misc. Metals & Railings	, ,			164,090			Weibee			
6A	Architectural Millwork				217,110			FADCO			
7A	Roofing				691,150			OK Roofing			
7B	Joint Sealants					22,965		Bone Dry			
7C	Metal Panels				22,882			OK Roofing			
7D	EIFS		293,430			44,180	<u> </u>				
8A	Door Assemblies – Supply		102,000								
8B	Door Assemblies – Install		8,200								
8C	Glass & Glazing				786,810			Crystal			
8D	Overhead Doors				32,547			DH Pace			
9A	Gypsum Assemblies				688,282			Midwest			
9B	Flooring & Wall Tile					249,765	201.000	Bryan's			
9C	Painting & Wall Covering						201,000	Reiss Painting			
9G	Athletic Flooring		88,638			56 772		6 . 1.			
10A	Specialties					56,773	46.005	Czarniecki			
10B	Signage		46.700				46,985	Vital			
10C 10D	Lockers Operable Partitions		46,700			32,896		Best			
11A	Food Service Equipment					32,890		Oswalt			
11B	Stage Equipment					+		Janson			
11C	Sports Equipment	+						OK Specialty Sales			
12A	Window Treatments						45,640	Russell			
13A	Pool		780,188				15,010	reasser			
21A	Fire Suppression		78,840								
22A	Plumbing		70,010		706,694			Waggoners			
23A	HVAC			1,206,750	,,,,,,,						
26A	Electrical			-,= -,,,	847,000		9,600	KL Bradley			
27A	Data & Communications				Í			Tesco			
28A	Fire Alarm						49,076	High Tec			
28B	Access Control										
31A	Earthwork		201,350								
32A	Site Concrete		212,900				<u> </u>				
32B	Asphalt			-			168,500	Turning Point			
32C	Fencing						10,295	Lyon Fencing			
32D	Landscape, Irrigation, & Plantings		151,219								
33A	Site Utilities (Gas, Water, Sewer)				186,040			G & P			
33B	Storm Sewer Systems	1			110,429		110 ***	G & P			
	Allowances				80,000		140,000				
	Subtotal Direct Costs	1,200,000	2,569,790	1,206,750	4,768,034	406,579	899,096	11,050,249			
	Construction Contingency	36,000	77,094	36,203			133,870				
	General Conditions	487,320									
	Project Requirements	221,270									
	Insurance	6,600	14,134	6,637	26,224	2,236	4,945				
1	Construction Phase Fee	71,218	97,127	45,610	174,990	14,922	37,884	i			

Alternates for GMP #6		
# Description		Price
Alt. XX Tape/ Bed / Texture Drywall		\$43,355.55
Alt. 13 Wall Tile Elevations		\$31,161.80
Alt. 14 Flooring in Kitchen		\$5,002.56
Alt. 15 Stage Curtains		\$35,802.72

GMP 6 Alternates	\$115,322.64
Total GMP 6	\$1,191,117.77
GMP's 1 through 5	\$11,555,938.00
Total Project	\$12,747,055.77

Bid Tab

Trade Contract Identification	
04B - Architectural Stone Masonry	

Trade Contractor - Bid Summary

Contractor:	C&N Masonry	CIA Masonry					
Base Bid:	\$ 228,000	\$ 115,000		П			
				П			
				П			
Total:	\$ 228,000	\$ 115,000	\$ -	\$	-	\$	-

Crossland Construction Recommendation

	Recommended Trade Contractor	
BASE BID :	CIA Masonry	\$ 115,000.00
TOTAL ALT:		

Trade Contract Identification						
09C - Painting & Wallcoverings						

Trade Contractor - Bid Summary

Contractor:	Reiss Painting		Modern Coatings		Advanced Comm					
Base Bid:	\$	201,000	\$	342,700	\$	227,900				
Total:	\$	201,000	\$	342,700	\$	227,900	\$	\$	-	

Crossland Construction Recommendation

	Recommended Trade Contractor	
BASE BID :	Reiss Painting	\$ 201,000.00
TOTAL ALT:		

Bid Tab

Trade Contract Identification							
32B - Asphalt Paving							

Trade Contractor - Bid Summary

Contractor:	1	Turning Point											
Base Bid:	\$	168,500											
ALT 1	\$	208,800											
Total:	\$	377,300	\$		-	\$			\$		-	\$ 	-

Crossland Construction Recommendation

	Recommended Trade Contractor	
BASE BID :	Turning Point	\$ 377,300.00
TOTAL ALT:	Turning Point	

Trade Contract Identification	
28A - Fire Alarm System	

Trade Contractor - Bid Summary

Contractor:	High-Tech Tronics Johnson Controls				
Base Bid:	\$ 49,076	\$ 53,000			
Total:	\$ 49,076	\$ 53,000	\$ -	\$ -	\$ -

Crossland Construction Recommendation

Recommended Trade Contractor					
BASE BID :	High-Tech Tronics	\$	49,076.00		
TOTAL ALT:					

SUBSTANTIAL COMPLETION

N/A. Substantial	Completion •	date and	information	will be	provided	and fi	nalized i	in a	future	GMP
Amendment.										

ACCEPTANCE PERIOD

- 1. Acceptance of GMP No. 6 is required on or before January 1st, 2023
- 2. Should the pricing and terms of the GMP Amendment No. 6 not be accepted prior to the above referenced date, the pricing for the scope of work included with GMP Amendment No. 6 will be null and void and the work will be re-advertised and re-bid.