

**GUARANTEED MAXIMUM PRICE ("GMP") AMENDMENT TWO-R
CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT
RICHARD EDWARDS ELEMENTARY SCHOOL ANNEX & RENOVATION
CONTRACT NUMBER PS2036**

This GMP Amendment to Agreement Number PS2036 is effective April 12, 2016 by and between the **Public Building Commission of Chicago**, a municipal corporation organized and operating under the Constitution of the State of Illinois and having its principal office at Room 200, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602 ("Commission"), and **Berglund Construction Company** ("Berglund"), an Illinois corporation, with offices at 8410 South Chicago Avenue, Chicago, Illinois 60617 ("Construction Manager") and hereby amends the Agreement for Construction Management Services "the Agreement" dated November 12, 2014, between the Commission and the Construction Manager as further set forth herein. This Amendment is a revision to Amendment Two and replaces that Amendment in its entirety.

RECITALS

WHEREAS, the Commission, on behalf of the Chicago Board of Education, has undertaken the design and construction of an Annex to the Richard Edwards Elementary School, located at 4815 South Karlov, Chicago, Illinois (the "Project"); and

WHEREAS, the Commission, on behalf of the Chicago Board of Education, has also undertaken to complete certain restoration and structural repairs to the Richard Edwards Elementary School (the "Project"); and

WHEREAS, the Commission requires certain construction management services (the "Services") described in this Agreement for the Project; and

WHEREAS, at its regular meeting on November 12, 2014 Board of Commissioners of the Public Building Commission of Chicago ("PBC Board") approved the appointment of Berglund Construction Company to be the Construction Manager for the Project; and

WHEREAS, at its regular meeting on April 9, 2015, the PBC Board approved a partial undertaking in an amount of \$10,250,000.00 to establish an Initial Guaranteed Maximum Price of \$7,639,197.00 with Berglund for the Project; and

WHEREAS, at its regular meeting on April 12, 2016, the PBC Board approved a revised undertaking in an amount of \$41,608,945.00 for the Project; and

WHEREAS, the Commission and Construction Manager desire to amend the Agreement and establish the Project GMP as provided for in Paragraph 4.03(f)(3) of the Agreement; and

WHEREAS, the Commission and the Construction Manager desire to amend the Agreement to establish a revised GMP for the entire Project (including the renovation scope) to facilitate the structural repairs required at the Richard Edwards Elementary School; and

WHEREAS, the Board of Commissioners of the Commission approved a revised Project GMP by Board action at its regular meeting on April 12, 2016; and

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Commission and Construction Manager (collectively, the "Parties"), the Parties hereby agree to amend the Agreement and establish a revised Project GMP as follows:

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CONSTRUCTION MANAGER'S FEE

Where noted in the original Construction Management at Risk Agreement and subsequent Amendments, unless the Commission and Construction Manager negotiate a fixed, lump sum fee, Construction Manager's fee shall not exceed 2.5% of the Cost of Work as described herein.

ARTICLE 2 – PROJECT GMP AND COST OF THE WORK

Pursuant to Sections 4.03 (f)(3) and 8.04 of the Agreement, the Guaranteed Maximum Price for the Project ("Project GMP") is \$33,792,856.00 and the Cost of the Work for the Project, as proposed by the Construction Manager and approved by the Commission is \$17,728,857.00 for the Annex, \$14,710,528.00 for the Renovation, and \$603,471.00 for Brick Order & Annex Façade Connection Repair, and \$750,000 for Project Contingency. The Project GMP and the Cost of the Work are further defined in in *Exhibit C(1) - Annex GMP, Exhibit C(2) - Renovation GMP, Exhibit C(3) – Brick Order & Annex Façade Connection Repair, and Exhibit C(4) – Commission Contingency* attached hereto, incorporated and made a part of this Amendment.

ARTICLE 4 - MODIFICATIONS TO AMENDMENT ONE

A. C.1 COMPENSATION FOR CONSTRUCTION MANAGEMENT SERVICES

DELETE C.1.1. in its entirety and **REPLACE** with the following:

C.1.1. CONSTRUCTION MANAGEMENT FEE. The Construction Manager shall be paid a negotiated, fixed lump sum fee of \$415,000.00 as the Construction Management Fee for the Annex. The management fees for renovation and brick order portions of the project shall be paid as noted within the subsequent Exhibits to this Amendment. The Construction Management Fee, in the absence of either a change in scope of the Project by the Commission or the issuance of Commission originated additive change orders, or both, constitutes the Construction Manager's full fee for the Construction Services described herein. The Construction Management Fee will be payable to Construction Manager in installments commensurate with the percentage of construction completed.

B. C.3 CONSTRUCTION MANAGER'S NOT-TO-EXCEED GENERAL CONDITIONS REIMBURSEMENT

DELETE C.3 in its entirety and **REPLACE** with the following:

C.3. REIMBURSEMENT FOR CONSTRUCTION MANAGER'S NOT-TO-EXCEED GENERAL CONDITIONS

C.3.1. Construction Manager shall be reimbursed for General Conditions and expenses actually incurred and required for the Project subject to a not-to-exceed \$335,331.00 for the Annex, \$178,536.00 for the Renovation, and \$6,946.00 for the Brick Order & Annex Façade Connection Repair. Construction Manager shall only be reimbursed for General Conditions costs and expenses actually incurred and required for this Project.

General Conditions Reimbursement will be paid pursuant to the reimbursement procedures set forth in **EXHIBITS C1-C4** and the payment procedures provided in Article 5.

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CONTRACT NUMBER PS2036

EXHIBIT C(1) - ANNEX GMP

DESCRIPTION	REFERENCE	AMOUNT
(1) Pre-Construction Fee <i>Construction Manager's fixed, lump sum fee for Preconstruction Services</i>	4.03(c)	\$159,308.00
(2) Cost of the Work =	4.03(d)	\$15,946,013.00
(a) Reimbursable Trade Contractor Costs +		\$14,684,518.00
(b) Commission Contingencies +		\$100,000.00
(c) Commission Allowance Item(s) +		\$100,000.00
(d) Construction Manager Allowances +		\$165,860.00
(e) Construction Manager's Contingency +		\$400,000.00
(f) Bond and Insurance.		\$495,635.00
(3) Construction Management Services =	4.03(e)	\$1,623,536.00
(a) a negotiated, fixed, lump sum Construction Management Fee +		\$415,000.00
(b) Construction Management Fixed General Conditions Reimbursement +		\$873,205.00
(c) Not-To Exceed General Conditions Reimbursement.		\$335,331.00
ANNEX GMP = (1) + (2)(a-f) + (3)(a-c):		\$17,728,857.00

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CONTRACT NUMBER PS2036

EXHIBIT C(2) – RENOVATION GMP

DESCRIPTION	REFERENCE	AMOUNT
(1) Pre-Construction Fee <i>Construction Manager's fixed, lump sum fee for Preconstruction Services</i>	4.03(c)	\$79,188.00
(2) Cost of the Work =	4.03(d)	\$13,404,803.00
(a) Reimbursable Trade Contractor Costs +		\$12,321,566.00
(b) Commission Contingencies +		\$0.00
(c) Commission Allowance Item(s) +		\$0.00
(d) Construction Manager Allowances +		\$170,000.00
(e) Construction Manager's Contingency +		\$499,663.00
(f) Bond and Insurance.		\$413,574.00
(3) Construction Management Services =	4.03(e)	\$1,226,537.00
(a) Construction Management Fee not-to-exceed 2.5% of the Cost of the Work +		\$322,628.00
(b) Construction Manager's Fixed General Conditions Reimbursement +		\$725,373.00
(c) Not-To Exceed General Conditions Reimbursement.		\$178,536.00
RENOVATION GMP = (1) + (2)(a-f) + (3)(a-c):		\$14,710,528.00

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EXHIBIT C(3) – BRICK ORDER & FAÇADE REPAIR WORK AT ANNEX CONNECTION

DESCRIPTION	REFERENCE	AMOUNT
(1) Pre-Construction Fee <i>Construction Manager's fixed, lump sum fee for Preconstruction Services</i>		\$0.00
(2) Cost of the Work =	4.03(d)	\$458,557.00
(a) Reimbursable Trade Contractor Costs +		\$433,484.00
(b) Commission Contingencies +		\$0.00
(c) Commission Allowance Item(s) +		\$0.00
(d) Construction Manager Allowances +		\$0.00
(e) Construction Manager's Contingency +		\$0.00
(f) Bond and Insurance.		\$25,073.00
(3) Construction Management Services =	4.03(e)	\$144,914.00
(a) Construction Management Fee not-to-exceed 2.5% of the Cost of the Work +		\$10,000.00
(b) Construction Manager's Fixed General Conditions Reimbursement +		\$127,968.00
(c) Not-To Exceed General Conditions Reimbursement.		\$6,946.00
BRICK ORDER & FAÇADE REPAIR WORK AT ANNEX CONNECTION = (1) + (2)(a-f) + (3)(a-c):		\$603,471.00

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CONTRACT NUMBER PS2036

EXHIBIT C(4) – COMMISSION CONTINGENCY

DESCRIPTION	REFERENCE	AMOUNT
(1) Commission Contingency <i>Commission Contingency for the Project's use (Annex and Renovation)</i>		\$750,000.00
COMMISSION CONTINGENCY:		\$750,000.00

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IN WITNESS WHEREOF, the parties hereto have agreed and executed this GMP Amendment

ATTEST:

PUBLIC BUILDING COMMISSION
OF CHICAGO

BY: Ral Emanuel
Chairman

Date: _____

BY: [Signature]
Secretary

Date: 12/30/16

CONSTRUCTION MANAGER

BERGLUND CONSTRUCTION COMPANY, INC.

By: [Signature]
Approved Signatory

Date: 11/28/16

Subscribed and sworn to me this

27th day of November 2016.

[Signature]
Notary Public

My Commission expires: 6/18/2020



(Seal of Notary)

Approved as to form and legality

Anne L. Zredl
Neal & Leroy, LLC

Date: 12-7-16