

CHICAGO PUBLIC SCHOOLS – ELEMENTARY SCHOOLS
FIFTH AMENDMENT
PUBLIC BUILDING COMMISSION OF CHICAGO
CONTRACT NUMBER PS1069

THIS FIFTH AMENDMENT ("AMENDMENT") is made and entered into as of the 14th day of May, 2013, and shall be deemed and taken as forming a part of the Agreement for Design Architect for Chicago Public Schools – Elementary Schools ("Agreement") by and between the PUBLIC BUILDING COMMISSION OF CHICAGO, a municipal corporation of the State of Illinois ("Commission") and SCHROEDER MURCHIE NIEMIEC GAZDA-AUSKALNIS, LTD. ("Architect") dated May 8, 2007 with the like operation and effect as if the same were incorporated therein.

WITNESSETH:

WHEREAS, the Commission and Architect have heretofore entered into an Agreement dated the 8th day of May, 2007, wherein the Architect agreed to provide Design Architect Services for Chicago Public Schools – Elementary Schools; and

WHEREAS, the Commission and Architect now desire to amend the Agreement to include additional compensation for design architect services to be provided by the Architect for the 2013 School Investment Program and increase the maximum compensation of the Architect under the Agreement;

NOW THEREFORE, in consideration of the provisions and conditions set forth in the Agreement and herein, the parties hereto mutually agree to amend the Agreement as hereinafter set forth.

It is agreed by and between the parties hereto that the sole modifications of, changes in, and amendments to the Agreement pursuant to this Amendment are as follows:

TERMS

- 1. **Recitals**
THE ABOVE RECITALS ARE EXPRESSLY INCORPORATED IN AND MADE A PART OF THE AGREEMENT AS THOUGH FULLY SET FORTH HEREIN.
- 2. **Schedule D Compensation**
 - 2.1 **Section I. Fee** is revised to increase the fee by an amount of not to exceed \$3,000,000.00.
 - 2.2 Section I.A is revised as follows:
The maximum compensation to be paid to the Design Architect under the Agreement is a not-to-exceed amount of **\$5,500,000.00**. The Design Architect will not be entitled to compensation above this amount without a written amendment.

Execution of this Amendment by the Architect is duly authorized by the Architect, and the signature(s) of each person signing on behalf of the Architect have been made with the complete and full authority to commit the Architect to all terms and conditions of this Amendment.

All capitalized terms not defined herein shall have the meaning ascribed to them in the Agreement. Except as and to the extent that the terms of the Agreement are amended and modified herein, all terms of the Agreement shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have agreed and executed this Amendment No. 5.

ATTEST:

PUBLIC BUILDING COMMISSION
OF CHICAGO

BY: Ral Emanuel
Chairman

Date: _____

BY: [Signature]
Secretary

Date: 6/20/13

ARCHITECT

SCHROEDER MURCHIE NIEMIEC GAZDA-AUSKALNIS, LTD.

By: [Signature]
~~Jack Murchie~~ TOO NIEMIEC
President

Date: 5/14/13

Subscribed and sworn to me this

17 day of JANUARY 20 16

Allison Sorenson
Notary Public

My Commission expires: 1-17-16

(Seal of Notary)



Approved as to form and legality

Anne L. Zredd
Neal & Leroy, LLC

Date: May 28, 2013