

**AMENDMENT FIVE**  
**CONSTRUCTION MANAGEMENT RISK (CMAR) SERVICES**  
**DIRKSEN ELEMENTARY SCHOOL ANNEX AND RENOVATIONS**  
**CONTRACT NUMBER PS3021B**

This Amendment to Agreement Number PS3021B ("Amendment") is entered into as of August 3, 2023 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 **Paschen Bowa Joint Venture** with offices located at 5515 North East River Road, Chicago, Illinois ("PBJV" or "Construction Manager") and hereby amends the Agreement for the Dirksen Elementary School (the "Agreement") dated December 12, 2018, between the Commission and the Construction Manager as further set forth herein. Collectively, PBC and BOWA or Construction Manager are referred to herein as the "Parties."

**RECITALS**

**WHEREAS**, the Commission, on behalf of the Chicago Public Schools ("CPS"), has undertaken the renovation, rehabilitation, improvement, and construction of the Dirksen Elementary School (the "Project") located at 8601 West Foster Avenue, Chicago, Illinois; and

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

**WHEREAS**, at its annual meeting on October 1, 2018, the Board of Commissioners of the Public Building Commission of Chicago (PBC Board) approved a partial undertaking for the Project; and

**WHEREAS**, at its regular meeting on February 13, 2019, the PBC Board approved the appointment of Paschen Bowa Joint Venture to be the Construction Manager for the Project; and

**WHEREAS**, the Commission approved an Initial Guaranteed Maximum Price ("GMP") of \$18,000,000 with Paschen Bowa Joint Venture for the Project; and

**WHEREAS**, the Commission approved a Partial Guaranteed Maximum Price ("GMP") of \$29,000,000 with Paschen Bowa Joint Venture for the Project; and

**WHEREAS**, the Commission approved an Interim Guaranteed Maximum Price ("GMP") of \$32,139,100 with Paschen Bowa Joint Venture for the Project; and

**WHEREAS**, the Commission approved an Amendment Three Guaranteed Maximum Price ("GMP") of \$32,370,405 with Paschen Bowa Joint Venture for the Project; and

**WHEREAS**, the Commission approved an Amendment Four Guaranteed Maximum Price ("GMP") of \$32,070,564.22 with Paschen Bowa Joint Venture for the Project; and

**WHEREAS**, the Commission and Construction Manager desire to amend the Agreement to establish a revised GMP in the amount of **\$32,727,104.87** (including the previously approved) as provided in this Amendment that is within the amount that has been authorized by the PBC Board for the Project; and;

**AMENDMENT FIVE  
CONSTRUCTION MANAGEMENT RISK (CMAR) SERVICES  
DIRKSEN ELEMENTARY SCHOOL ANNEX AND RENOVATIONS  
CONTRACT NUMBER PS3021B**

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

**AMENDMENT**

**I. TERMS AND CONDITIONS**

The recitals set forth are hereby incorporated in and made a part of the Agreement.

**II. COMPENSATION**

**DELETE** the form in Exhibit H of the Agreement "Amendment Four Guaranteed Maximum Project Cost and **REPLACE** with the "Amendment Five Guaranteed Maximum Project Cost."

*(Remainder of the page is intentionally left blank)*

**AMENDMENT FIVE  
CONSTRUCTION MANAGEMENT RISK (CMAR) SERVICES  
DIRKSEN ELEMENTARY SCHOOL ANNEX AND RENOVATIONS  
CONTRACT NUMBER PS3021B**

IN WITNESS WHEREOF, the parties hereto have agreed and executed this **Amendment 5**.

ATTEST:

**PUBLIC BUILDING COMMISSION OF CHICAGO**

  
\_\_\_\_\_  
Chairman Brandon Johnson

  
\_\_\_\_\_  
Secretary

Date: 9/18/2023

**CONSTRUCTION MANAGER**

**F.H. Paschen, SN Nielsen & Associates LLC (Joint Venture)**

**The Bowa Group, Inc. (Joint Venture)**

  
\_\_\_\_\_  
President or Authorized Designee

  
\_\_\_\_\_  
President or Authorized Designee

9/8/23  
\_\_\_\_\_  
Date

9/8/23  
\_\_\_\_\_  
Date

Subscribed and sworn to me this 8<sup>th</sup> day of September, 2023.


  
\_\_\_\_\_  
Notary Public Signature

(SEAL OF NOTARY)

My Commission expires: 10/11/26



**Approved as to form and legality:**

  
\_\_\_\_\_  
Neal & Leroy, LLC

Date: 9/11/2023

**GUARANTEED MAXIMUM PROJECT COST**  
**Paschen Bowa Joint Venture**  
**Dirksen Elementary School Annex and Renovations - PS3021B**  
**Amendment Five**

DESCRIPTION	COST
1. General Conditions	<b><u>\$2,698,451.60</u></b>
2. Payment and Performance Bond & Insurance	<b><u>\$1,050,273.49</u></b>
Payment and Performance Bond	\$327,271.05
Insurance	\$327,271.05
Subcontractor Default Insurance	\$395,731.39
3. Construction (A+B)	
A. Pre-Construction Services	<u>\$299,971.00</u>
B. Cost of the Work	
Cost of Construction (General Requirements + Cost of Construction)	<u>\$25,428,416.34</u>
Site Work Allowance	\$23,134.50
Moisture Mitigation Allowance	\$243,375.00
CCTV Allowance	\$123,875.86
Environmental Allowance	\$0
CM's Contingency	\$676,409.57
Commission's Contingency	\$803,274.47
C. Allowances and Contingencies TOTAL	<u>\$1,870,069.40</u>
TOTAL Cost of the Work (Pre-Construction, Cost of Construction + Allowances + CM Contingency + Commission's Contingency) (A+B+C)	<u>\$27,598,456.74</u>
4. Construction Manager's Fee (percentage of the total value of line 3)	<u>5.00%</u>
The Guaranteed Maximum Project Cost Proposal will be the added values of Lines 1 + 2 + 3 + 4	<b><u>\$32,727,104.67</u></b>

<sup>1</sup> Unused portions of all contingencies and allowances will be returned to the Project's budget and ultimately, the User Agency (CPS)

Signature: 

Date: 9/8/23