

**AMENDMENT TWO
CONSTRUCTION MANAGEMENT RISK (CMAR) SERVICES
LOCKE ELEMENTARY SCHOOL RENOVATIONS
CONTRACT NUMBER PS3025D**

This Amendment to Agreement Number **PS3025D** (“**Amendment**”) is entered into as of July 17, 2020 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** with offices located at 8410 South Chicago, Chicago, Illinois (“**Berglund**” or “**Construction Manager**”) and hereby amends the Agreement for the Josephine Locke Elementary School (the “**Agreement**”) dated February 13, 2019, between the Commission and the Construction Manager as further set forth herein. Collectively, PBC and Berglund 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 Josephine Locke Elementary School (the “**Project**”) located at 2828 North Oak Park 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 Berglund to be the Construction Manager for the Project; and

WHEREAS, the Commission approved an Initial Guaranteed Maximum Price (“**GMP**”) of \$6,329,632.13 with Berglund for the Project; and

WHEREAS, the Commission approved a Partial Guaranteed Maximum Price (“**GMP**”) of \$23,500,000.00 with Berglund for the Project; and

WHEREAS, the Commission and Construction Manager desire to amend the Agreement to establish a revised GMP in the amount of **\$24,160,000** (including the \$23,500,000 previously approved) as provided in this Amendment that is within the amount that has been authorized by the PBC Board for the Project; and;

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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 "Partial Guaranteed Maximum Project Cost" and **REPLACE** with the "Interim Guaranteed Maximum Project Cost"

(Remainder of the page is intentionally left blank)

INTERIM GUARANTEED MAXIMUM PROJECT COST


Berglund Construction

Josephine Locke Elementary School - PS3025D

Amendment Two

DESCRIPTION	COST
1. General Conditions	<u>\$994,959.43</u>
2. Payment and Performance Bond & Insurance	
Payment and Performance Bond	\$143,000.00
Insurance	\$271,075.00
Subcontractor Default Insurance	\$225,441.00
	<u>\$639,516.00</u>
3. Construction (A+B)	
A. Pre-Construction Services	<u>\$143,000.00</u>
B. Cost of the Work	
Cost of Construction (General Requirements + Cost of Construction)	<u>\$18,071,672.90</u>
Site Work Allowance	\$25,000.00
Concrete Repair Work Allowance	\$400,000.00
Environmental Allowance	\$75,000.00
Masonry Allowance	\$225,000.00
CM's Contingency	\$615,853.00
Commission's Contingency	\$2,000,000.00
C. Allowances and Contingencies TOTAL	<u>\$3,340,853.00</u>
TOTAL Cost of the Work (Pre-Construction, Cost of Construction + Allowances + CM Contingency + Commission's Contingency) (A+B+C)	<u>\$21,555,525.90*</u>
	<u>\$21,555,525.90</u>
4. Construction Manager's Fee (percentage of the total value of line 3)	<u>4.5%</u>
	<u>\$969,998.67</u>
The Guaranteed Maximum Project Cost Proposal will be the added values of Lines 1 + 2 + 3 + 4	<u>\$24,160,000</u>

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

Signature: 

Date: 8-6-20

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IN WITNESS WHEREOF, the parties hereto have agreed and executed this Amendment 2.

ATTEST:
PUBLIC BUILDING COMMISSION OF CHICAGO

Louis E. Sinfelt
Chairman

Carina E. Sejchay
Secretary

Date: _____

Approved as to form and legality:

Anne L. Tredell
Neal & Leroy, LLC

Date: 8-10-2020

CONSTRUCTION MANAGER:

Berglund Construction

Fred Berglund
President or Authorized Designee Fred Berglund, President

August 6, 2020

Date

AFFIX CORPORATE
SEAL, IF ANY, HERE

County of COOK
State of IL

Subscribed and sworn to me this 6th day of AUGUST, 2020.

Christina Maria Carroll
Notary Public

My Commission expires: Dec. 29, 2021
(SEAL OF NOTARY)

