

**AMENDMENT TWO  
CONSTRUCTION MANAGEMENT RISK (CMAR) SERVICES  
POE CLASSICAL ELEMENTARY SCHOOL ANNEX & RENOVATIONS  
CONTRACT NUMBER PS3021E**

This Amendment to Agreement Number **PS3021E** (“**Amendment**”) is entered into as of January 7, 2022 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 Poe Classical Elementary School (the “**Agreement**”) dated December 12, 2018, 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 Poe Classical Elementary School (the “**Project**”) located at 10538 South Langley 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 December 12, 2018, 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 \$6,000,000.00 with BA for the Project; and

**WHEREAS**, the Commission approved an Partial Guaranteed Maximum Price (“**GMP**”) of \$13,978,000.00 with BA for the Project; and

**WHEREAS**, the Commission and Construction Manager desire to amend the Agreement to establish a revised GMP in the amount of **\$15,010,250.00** (including the \$13,978,000.00 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 "Amendment Two Guaranteed Maximum Project Cost"

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

**GUARANTEED MAXIMUM PROJECT COST**  
**Berglund Construction**  
**Poe Classical School Annex & Renovations - PS3021E**  
**Amendment Two**

DESCRIPTION	COST
1. General Conditions	<b><u>\$1,323,178.00</u></b>
2. Payment and Performance Bond & Insurance	
Payment and Performance Bond	\$96,000.00
Insurance	\$144,131.00
Subcontractor Default Insurance	\$155,574.00
	<b><u>\$395,705.00</u></b>
3. Construction (A+B)	
A. Pre-Construction Services	<u>\$202,650.00</u>
B. Cost of the Work	
Cost of Construction (General Requirements + Cost of Construction)	<u>\$10,371,638.96</u>
Site Work Allowance	\$48,316.45
Moisture Mitigation Allowance	\$69,545.06
CCTV Allowance	\$38,595.58
Environmental Allowance	\$43,766.89
CM's Contingency	\$466,283.60
Commission's Contingency	\$1,570,159.60
C. Allowances and Contingencies TOTAL	<u>\$2,236,667.18</u>
TOTAL Cost of the Work (Pre-Construction, Cost of Construction + Allowances + CM Contingency + Commission's Contingency) (A+B+C)	<u>\$12,810,956.14</u>
	<b><u>\$12,810,956.14</u></b>
4. Construction Manager's Fee (percentage of the total value of line 3)	<u>3.75%</u>
	<b><u>\$480,410.86</u></b>
The Guaranteed Maximum Project Cost Proposal will be the added values of Lines 1 + 2 + 3 + 4	<b><u>\$15,010,250</u></b>

<sup>1</sup> 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: 1/10/2022

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

**ATTEST:  
PUBLIC BUILDING COMMISSION OF CHICAGO**

*Luis E. Sifont*  
Chairman

*Caryn E. Sifont* Date: 01-13-2022  
Secretary

Approved as to form and legality:  
*Anne L. Zedd* Date: 1-11-2022  
Neal & Leroy, LLC

**CONSTRUCTION MANAGER:**

Berglund Construction  
*Fred Berglund*  
President or Authorized Designee Fred Berglund, President

1/10/2022  
Date

AFFIX CORPORATE  
SEAL, IF ANY, HERE

County of Cook  
State of Illinois

Subscribed and sworn to me this 10th day of January, 2022.

*April Franklin Wilson*  
Notary Public

My Commission expires: August 01, 2022  
(SEAL OF NOTARY)

