

AMENDMENT ONE
DESIGN-BUILD SERVICES AGREEMENT
JOINT PUBLIC SAFETY TRAINING CAMPUS
Phase 2 – Outdoor Scenario Structures
CONTRACT NUMBER PS3057

This Amendment to Agreement Number **PS3057** (“**Amendment**”) is entered into as of **February 21, 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 **Berglund/Brown & Momen, JV LLC** with offices located at 111 East Wacker Drive, Suite 2450, Chicago, Illinois 60601 (“**BBM JV LLC**” or “**Design-Builder**”) and hereby amends the Agreement for the Design-Build Services for the Joint Public Safety Training Campus: Phase 2 – Outdoor Scenario Structures (the “**Agreement**”) dated October 6, 2021, between the Commission and the Design-Builder as further set forth herein. Collectively, PBC and BBM JV LLC or Design-Builder are referred to herein as the “**Parties**.”

RECITALS

WHEREAS, the Commission, on behalf of the City of Chicago Department of Assets Information and Services Schools (“**CPS**”), has undertaken the planning, design, and construction of the Joint Public Safety Training Campus: Phase 2 – Outdoor Scenario Structures (the “**Project**”) located at 4443 West Chicago, Illinois; and

WHEREAS, the Commission requires certain design-build services (“**Services**”) described in this Agreement for the Project; and

WHEREAS, at its regular meeting on September 10, 2020, the Board of Commissioners of the Public Building Commission of Chicago (PBC Board) approved an undertaking for the Project in the amount of \$20,000,000; and

WHEREAS, at its regular meeting on October 6, 2021, the Board of Commissioners of the Public Building Commission of Chicago (PBC Board) approved a revised undertaking for the Project in the amount of \$33,000,000; and

WHEREAS, at its regular meeting on October 6, 2021, the PBC Board approved the appointment of BBM JV LLC to be the Design-Builder for the Project; and

WHEREAS, the Commission approved an Initial Guaranteed Maximum Price (“**GMP**”) of \$22,800,000 with BBM JV LLC for the Project; and

WHEREAS, the Commission approved an Amendment One GMP in the amount of \$30,107,500 with BBM JV LLC for the Project; and

WHEREAS, the Commission and Design-Builder desire to amend the Agreement to establish a revised GMP in the amount of **\$30,107,500** (including the \$22,800,000 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 Design-Builder, 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 17 of the Agreement “Guaranteed Maximum Price (GMP) Project Cost Form and **REPLACE** with the “Amendment One Guaranteed Maximum Project Cost Form”

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

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

(Remainder of the page is intentionally left blank)

JPSTC: Phase 2 – Outdoor Scenario Structures

Amendment One

Guaranteed Maximum Price (GMP) Project Cost Form

Description	Cost
1. General Conditions	<u>\$696,263.97</u>
2. Payment and Performance Bond & Insurance <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Payment and Performance Bond</div> <div style="width: 35%; text-align: right;"><u>\$175,746.21</u></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">Insurance</div> <div style="width: 35%; text-align: right;"><u>\$266,423.84</u></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">Default Insurance</div> <div style="width: 35%; text-align: right;"><u>\$333,029.80</u></div> </div>	<u>\$775,199.85</u>
3. Design Phase Services (including but not limited to services and deliverables associated with the following areas: architecture, engineering, LEED, commissioning, utilities, wayfinding, traffic, associated permitting as required; and coordination of the entitlement (Planned Development) process.	<u>\$1,457,500.00</u>
4. Cost of the Work Cost of Construction (including Pre-Construction Services, General Requirements, Building Construction, Site Development, and Utility Work within contract limits) + Owner Allowances + Design-Builder's Contingency + Commission's Contingency <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Cost of Construction*</div> <div style="width: 35%; text-align: right;"><u>\$24,145,405.41</u></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">Site Work Allowance</div> <div style="width: 35%; text-align: right;"><u>\$500,000.00</u></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">Design-Builder's Contingency</div> <div style="width: 35%; text-align: right;"><u>\$650,000.00</u></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">Commission's Contingency (owner directed changes and unforeseen conditions)</div> <div style="width: 35%; text-align: right;"><u>\$650,000.03</u></div> </div>	<u>\$25,945,405.44</u>
5. Design-Builder's Fee (percentage of the total value of Line 3 + Line 4) 4.5%	<u>\$1,233,130.74</u>
6. The GMP Project Cost for the design and construction of JPSTC: Phase 2 – Outdoor Scenario Structures will be the added values of Lines 1 + 2 + 3 + 4 + 5.	<u>\$30,107,500</u>

*GMP Project Cost Proposal Cost Form may be adjusted based upon the actual costs of the Project. Any unused remaining and/or excess amounts for all categories and/or line items (1 – 6) including, but not limited to contingencies and allowances will be retained in the Project's Budget. In no event will the costs to design, construct, and deliver the Project exceed the GMP as more fully described in the Agreement.

Signature: 

Date: 3/21/23

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IN WITNESS WHEREOF, the parties hereto have agreed and executed this **Amendment 1**.

ATTEST:

PUBLIC BUILDING COMMISSION OF CHICAGO



Mayor Lori E. Lightfoot
Chairman



Secretary
Mary-Pat Witry

Date: 3/28/2023

DESIGN-BUILDER

Berglund/Brown & Momen JV, LLC



President or Authorized Designee

Date: 3/21/23

Subscribed and sworn to me this 21st day of March, 2023



Notary Public Signature

My Commission expires: August 11, 2024

(SEAL OF NOTARY)



Approved as to form and legality:



Neal & Leroy, LLC

Date: 3/27/2023