

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION TO APPROVE AN INCREASE TO THE GUARANTEED MAXIMUM PRICE ("GMP") FOR CONSTRUCTION OF THE CITY SPRINGS PROJECT, AS ESTABLISHED BY CHANGE ORDER PURSUANT TO THE PROVISIONS OF A CERTAIN CONTRACT FOR CONSTRUCTION BETWEEN THE CITY OF SANDY SPRINGS, GA AND HOLDER CONSTRUCTION GROUP, LLC, DATED JUNE 30, 2015, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CHANGE ORDER

WHEREAS, on June 16, 2015 at a regular Council meeting, City Council adopted a resolution approving a certain Contract for Construction ("Contract") between the City of Sandy Springs, GA ("City") and Holder Construction Group, LLC ("Holder") for constructing the project currently known as the City Springs project ("Project"); and

WHEREAS, pursuant to the Contract, Holder agreed that the cost to the City of performing the work under the Contract, including the cost of the work described therein, the general conditions costs, and Holder's fee, shall not exceed the Guaranteed Maximum Price ("GMP"), as established by change order pursuant to the Contract ("GMP Change Order"); and

WHEREAS, on February 16, 2016, City Council approved a GMP of \$180,057,353.00 for the Project pursuant to a GMP Proposal and GMP Change Order prepared and presented in accordance with Contract provisions relating to the establishment of a GMP; and

WHEREAS, the Contract provides that an adjustment to the GMP may be made as authorized by written change order; and

WHEREAS, Holder has submitted for approval a change order ("Change Order #5") with supporting documentation as required by the Contract, to increase the GMP value by \$8,898,937.00, bringing the total GMP to \$188,956,290.00; and

WHEREAS, the increase is due to transfers from City held budgets for equipment, design evolution/completion, differing site conditions, and scope changes; and

WHEREAS, Change Order #5 attached to this Resolution complies with the requirements of the Contract and, when executed, will effectively be added to the Contract; and

WHEREAS, staff and City consultants recommend that City Council approve an increase to the GMP of \$8,898,937.00, for a total GMP value of \$188,956,290.00, as described in the attached Change Order #5; and

WHEREAS, staff and City consultants further recommend that City Council authorize the City Manager to execute the attached Change Order #5; and

WHEREAS, City Council desires to approve the GMP and Change Order #5, as recommended by staff and City Consultants, and to authorize the City Manager to execute Change Order #5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia, while in regular session on August 16, 2016, at 6:00 p.m., as follows:

ATTACHMENT
CHANGE ORDER

RESOLUTION NO. 2016-08-95

1. An increase to the GMP of \$8,898,937.00, for a total GMP value of \$188,956,290.00, is hereby approved; and
2. The attached Change Order #5 is hereby approved; and
3. The City Manager is hereby authorized to execute the attached Change Order #5; and
4. The City Manager and the City Attorney are hereby authorized to make such minor revisions to Change Order #5 as may be deemed reasonable, necessary, and in the best interest of the City prior to execution by the City Manager, and will promptly report any revisions to City Council; and
5. The City Manager and City Attorney are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

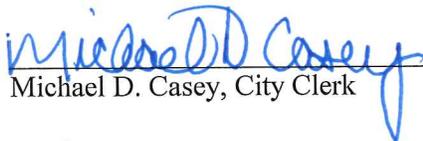
RESOLVED this the 16th day of August, 2016.

Approved:



Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)



CHANGE ORDER

PROJECT NAME: CITY OF SANDY SPRINGS, GA, CITY SPRINGS PROJECT (Formerly referred to as CITY CENTER PROJECT)

OWNER: CITY OF SANDY SPRINGS, GA

CONSTRUCTION MANAGER: HOLDER CONSTRUCTION GROUP, LLC

DATE OF AGREEMENT: JUNE 30, 2015

DATE OF THIS CHANGE ORDER: AUGUST 16, 2016

CHANGE ORDER NUMBER: 5

The Agreement between Owner and Construction Manager (the "Agreement") is changed as follows:

Pursuant to Sections 5.3 and 7.2 of the Agreement and Section 11.1.3 of the General Conditions, the Owner hereby accepts the incorporation of the following updated contract documents and exhibits as a part of design development and other change conditions since the approval of the Guaranteed Maximum Price proposal dated 1/29/16. These updated documents are based on drawings by Rosser International, Inc. titled Bulletin #13 dated 6/3/16.

- 1.) Incorporation of Design Completion COR's through Bulletin #13 dated 6/3/16 as issued by Rosser International – CORs 002, 006, 007, 008, 009, 010, 011, 012, 014, 015, 016, 017, 018, 019, 020, 026 per Holder log dated 8/11/16. It is unknown at the present time, but Holder Construction may have a claim for an extension of time related to added, missing and/or incomplete scope within these documents referenced.
- 2.) Incorporation of Differing Site Condition/Scope Change CORs 001, 003, 021, 022, 023, 024, 028, 032, 033, 034, 037, 038, 039, 040, 042, 044 per Holder log dated 8/11/16.
- 3.) Incorporation of City Budget Shifts for Security, Theatre Audio-Visual, Theatre Equipment Lighting, and Office Audio-Visual per COR 030.
- 4.) Incorporation of the updated Holder Construction Salary Rate Sheet, as attached.

Unless otherwise defined herein, all capitalized terms used in this Change Order shall have the meanings ascribed to them in the Agreement. Except as expressly changed herein, all terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Contract Time is hereby [increased] [~~decreased~~] by the following number of calendar days: 0 days

The Construction Manager hereby waives and releases any claim it may have against the Owner for any adjustment in the Contract Time resulting from, or related to, the change reflected in this Change Order, except as agreed to above.

The Contract Sum / GMP is hereby [increased] [~~decreased~~] by \$8,898,937.00

The Construction Manager hereby waives and releases any claim it may have against the Owner for any adjustment in the Contract Sum / GMP arising out of, or related to, the changes reflected in this Change Order, including, but not limited to, any claim for damages due to delay, disruption, hindrance, impact, interference, inefficiencies or extra work arising out of, resulting from, or related to, the change reflected in this Change Order, except as agreed to above.

Original Contract Sum / GMP: \$12,631,702.00

Net Change by Previous Change Orders: \$167,425,651.00

Contract Sum / GMP before this Change Order: \$180,057,353.00

Increase in this Change Order: \$8,898,937.00

Contract Sum / GMP, as adjusted by this Change Order: \$188,956,290.00

[Increase] [~~Decrease~~] in Contract Time: 0 days

Upon execution of this Change Order by Owner and Construction Manager, the above-referenced change shall become a valid and binding part of the original Agreement without exception or qualification, unless noted in this Change Order. Any language in proposals or other documents attached hereto that conflict with the terms contained herein is null and void.

Owner

Construction Manager

By: _____

By: _____

Date: _____

Date: _____