STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION TO INCREASE THE GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION OF THE CITY SPRINGS PROJECT, AS ESTABLISHED BY CHANGE ORDER #12 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 GENERAL MANAGER TO EXECUTE THE CHANGE ORDER

WHEREAS, on June 16, 2015 at 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 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; and

WHEREAS, on February 16, 2016, City Council approved a GMP of $180,057,353.00 for the Project by change order, in accordance with Contract provisions; and

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

WHEREAS, on August 16, 2016, Council again approved an increase to the GMP by Change Order #5, resulting in a GMP value of $188,956,290.00 for the Project for transfers from the City held budgets for equipment, design evolution/completion, differing site conditions, and scope changes; and

WHEREAS, in October of 2016, Change Order #6 was executed by the City, which granted a time extension of forty-two (42) days but did not increase the GMP value; and

WHEREAS, the Contract was assigned by the City to the PFA in June of 2016, and on March 21, 2017, the PFA approved the actions taken by the City in Change Orders #5 and #6; and

WHEREAS, on March 7, 2017, the PFA approved Change Order #7 which increased the GMP value by the amount of $2,854,088.00, for a new GMP value of $191,810,378.00, and granted a time extension for fifty-six (56) calendar days; and

WHEREAS, on May 2, 2017, the PFA approved Change Order #8 which increased the GMP by $875,315.00, for a new GMP value of $192,685,693.00; and

WHEREAS, on June 6, 2017, the PFA approved Change Order #9 which increased the GMP by $19,921.00, for a new GMP value of $192,705,614.00; and

WHEREAS, on July 18, 2017, the PFA approved Change Order #10 which decreased the GMP by $352,722.00, for a new GMP value of $192,352,892.00; and

WHEREAS, on August 15, 2017, the PFA approved Change Order #11 which increased the GMP by $273,195.00, for a new GMP value of $192,626,087.00; and

WHEREAS, Holder has now requested approval of Change Order #12 pursuant to the terms of the Contract, which will increase the GMP by $946,031.00, for a new GMP value of $193,572,118.00; and

WHEREAS, such GMP value increase is for: electrical/audio-visual/data clarifications and coordination with infrastructure; lighting in studio theater; lighting controls; ceiling clarifications; park WiFi wireless application protocol locations; office tower kitchen wall and ceiling finish; gallery and conference level life safety coordination; fire alarm and fire alarm sprinkler clarifications; and ADA push buttons and ID door schedule; and

WHEREAS, Change Order #12 will not increase the overall budget for the Project and will not adjust the construction duration at this time; however, Holder reserves its claims for adjustment to the Contract time and related adjustment to its General Conditions cost; and

WHEREAS, Change Order #12, when executed, will effectively be added to the Contract; and

WHEREAS, Project consultants and the General Manager recommend that the PFA approve an increase in the GMP value, as described in the attached Change Order #12; and

WHEREAS, Project consultants and the General Manager further recommend that the PFA authorize the General Manager, to execute the attached Change Order #12; and

WHEREAS, the PFA desires to approve Change Order #12, as recommended, and to authorize the General Manager to execute Change Order #12.

NOW, THEREFORE, BE IT RESOLVED by the City of Sandy Springs Public Facilities Authority, as follows:

1. An increase to the GMP of $946,031.00 for a total GMP of $193,572,118.00, is hereby approved; and

2. The attached Change Order #12 is hereby approved; and

3. The General Manager of the PFA is hereby authorized to execute the attached Change Order #12; and

4. The General Manager and the attorney for the PFA are hereby authorized to make such minor revisions to Change Order #12 as may be deemed reasonable, necessary, and in the best interest of the PFA prior to execution by the General Manager, and will promptly report any revisions to members of the PFA; and

5. The General Manager and the attorney for the PFA are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

RESOLVED this the 19th day of September, 2017.

Approved:

Russell K. Paul, Chairman

Attest:

Michael D. Casey, Secretary

(Seal)

ATTACHMENT

CHANGE ORDER #12

CHANGE ORDER

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

OWNER: **CITY OF SANDY SPRINGS PUBLIC FACILITIES AUTHORITY successor in interest to THE CITY OF SANDY SPRINGS, GEORGIA, by assignment**

CONSTRUCTION MANAGER: HOLDER CONSTRUCTION GROUP, LLC

DATE OF AGREEMENT: **JUNE 30, 2015**

DATE OF THIS CHANGE ORDER: **SEPTEMBER 19, 2017**

CHANGE ORDER NUMBER: **012**

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

1. Pursuant to Sections 5.3 and 7.2 of the Agreement and Section 11.1.3 of the General Conditions, the Guaranteed Maximum Price and Contract Time are adjusted, as set forth in this Change Order, for the changes in the Work set forth in the following Bulletins and ASIs issued by Rosser International, Inc.:

    - ASI #024.1 and 024.2 dated 3/28/17
    - ASI #037 dated 1/30/17
    - ASI #081 dated 4/14/17 and ASI #081.1 dated 4/26/17
    - ASI #082 dated 4/28/17
    - ASI #084 dated 5/17/17
    - ASI #088 dated 5/25/17
    - ASI #089 dated 5/25/17 and ASI 089.1 dated 5/26/17
    - ASI #091 dated 6/1/17
    - Bulletin #27R-2 dated 5/17/17
    - Bulletin #30 dated 5/15/17 and Bulletin #30R1 dated 5/24/17
    - Bulletin #33 dated 5/22/17
    - Bulletin #27R-7 dated 8/4/17

    including other miscellaneous changes referenced in the COR's identified below.

    The adjustments to the Guaranteed Maximum Price and Contract Time made by this Change Order are based upon the following COR's issued by Construction Manager. The COR's are identified herein for reference and to clarify the bases of the adjustments to the Guaranteed Maximum Price and Contract Time only and are not incorporated into the Contract and are not Contract Documents.

    COR's and back-up 053, 113, 186, 209, 219, 233, 237, 238, 239, 244, 249, 254, 255, 267, 268, 270, 281, 282, 285, 286, 292, 321, 335, 345, 347, 380, 386, 398, AA-005, AA-013, AA-014, AA-023, AA-033, AA-034, AA-041, AA-042, AA-046, AA-047, AA-048, AA-054, AA-058, and AA-059.

    The Owner and Construction Manager expressly acknowledge and agree that the changes in the Work and the adjustments to the Guaranteed Maximum Price made by this Change Order are subject to the clarifications and exclusions identified by the Construction Manager in each of the foregoing COR's. The Owner and Construction Manager further expressly acknowledge that COR 270 includes the adjustment Guaranteed Maximum Price for changes to the Work set forth in that COR, but excludes

adjustment to the Contract Time for such changes. Construction Manager reserves its claims for adjustment to the Contract Time and related adjustment to its General Conditions Cost for the changed Work addressed by COR 270.

2. The Owner and Construction Manager acknowledge the Owner's acceptance of the following Contingency Authorizations issued by the Construction Manager: CA-018, CA-021, CA-031, andCA-052.

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]~~ [unchanged] 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 Contract Time resulting from, or related to, the change in this Change Order, except as agreed above.

The Contract Sum / GMP is hereby [increased] ~~[decreased]~~ by $~~990,105.00~~946,031.00.

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: $179,721,190.00

Contract Sum / GMP before this Change Order: $192,626,087.00

Increase in this Change Order: $~~990,105.00~~946,031.00

Contract Sum / GMP, as adjusted by this Change Order:

$193,~~3,616,295.00~~572,118.00 ~~[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.

Owner

By: John McGee

Date: 10/10/17

Construction Manager

By: Michael W. Rapin

Date: 9/22/17