

STATE OF GEORGIA
COUNTY OF FULTON

**RESOLUTION TO APPROVE THE CONTRACT FOR CONSTRUCTION AND
GENERAL CONDITIONS FOR THE CITY CENTER PROJECT, BETWEEN THE CITY
OF SANDY SPRINGS AND HOLDER CONSTRUCTION GROUP, LLC ("CONTRACT")
AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT**

WHEREAS, on January 6, 2015 at a regular Council meeting, City Council adopted a resolution approving the selection of Holder Construction Company ("Holder") as the Construction Manager at Risk for the public components of the City Center project ("City Center"); and

WHEREAS, the resolution authorized the City Manager and the City Attorney to proceed with negotiations for a contract with Holder to provide construction management services related to the public components of City Center; and

WHEREAS, the scope of services to be provided by Holder generally includes construction of the City office building, performing arts center, community theater, underground parking deck, City park, and all associated public spaces in and around the City Center property; and

WHEREAS, the City Attorney, attorneys with DLA Piper, outside counsel engaged to assist the City in negotiating this specialized contract, and City consultants have been in negotiations with Holder to develop a contract for the months since Holder's selection; and

WHEREAS, the terms of a Contract For Construction and General Conditions for the City Center Project, between the City of Sandy Springs and Holder Construction Group, LLC ("Contract") have been finalized, the form of which is attached hereto as Exhibit "A"; and

WHEREAS, the Contract provides that Holder will serve as the Construction Manager at Risk for the public components of City Center, and will be compensated at the rate of 1.95% of the Guaranteed Maximum Price that is to be agreed to by the City and finalized in November 2015; and

WHEREAS, the Contract authorizes Holder to spend up to \$12,631,702 to complete some construction work prior to the approval of the Guaranteed Maximum Price, including, but not limited to, certain site preparation, demolition, and foundation work which is necessary to complete the public components of the City Center project on or before December 15, 2017; and

WHEREAS, City Council desires to move forward with construction of the Project and to approve the attached Contract recommended by staff and City Consultants, and to authorize the City Manager to execute the Contract in the basic form attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia, while in regular session on June 16, 2015, at 6:00 p.m., as follows:

1. The Contract, in the basic form and on the basic terms shown in Exhibit A attached to this resolution, is hereby approved; and
2. The City Manager is hereby authorized to execute the Contract with Holder, in the basic form and on the basic terms shown in Exhibit A attached to this resolution; and

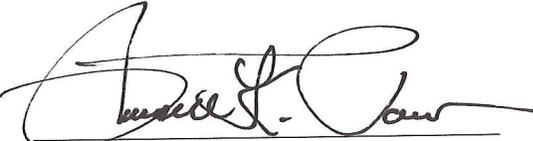
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3. The City Manager and the City Attorney are hereby authorized to make such minor revisions to the Contract as may be deemed reasonable, necessary, and in the best interest of the City prior to execution by the City; and

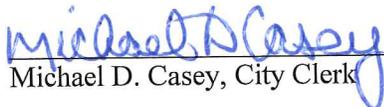
4. The City Manager and City Attorney are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

RESOLVED this the 16th day of June, 2015.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)



**EXHIBIT A
CONTRACT FOR CONSTRUCTION**