

**AMENDMENT NO. 1 TO  
CONSTRUCTION MANAGER AT RISK AGREEMENT  
BETWEEN  
THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, LLC.**

THIS AMENDMENT NO. 1 TO CONSTRUCTION MANAGER AT RISK AGREEMENT (this "First Amendment") is made as of July 23, 2019, between the Norman Municipal Authority, a public trust having as its sole beneficiary, the City of Norman, Oklahoma ("NMA") and FLINTCO, LLC, an Oklahoma corporation (the "Construction Manager").

**RECITALS:**

A. NMA and the Construction Manager entered into that certain Construction Manager at Risk Agreement (Contract No. K-1819-132), dated April 9, 2019 (the "Agreement"), for design phase review and complete construction services related to improvements to Griffin Park Phase III, located at 1001 E. Robinson St., Norman, Oklahoma. Unless otherwise set forth herein, all capitalized terms used in this First Amendment shall have the meanings ascribed to them in the Agreement.

B. Pursuant to Section 2.2 of the Agreement, (i) once the drawings and specifications are complete, and after the award of subcontracts to subcontractors, the Construction Manager shall propose a guaranteed maximum price ("GMP"), which shall be the sum of all subcontracts, lump sum self-perform amounts, including allowances and contingencies, and the Construction Manager's fee.

C. The Construction Manager has submitted the GMP Proposal based on the bids received.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, other such good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the promises and covenants set forth below, NMA and the Construction Manager hereby agree as follows:

1. GMP Established. The Construction Manager's guaranteed maximum price for the Work inclusive of all subcontracts, lump sum self-perform amounts, including allowances and contingencies and the Construction Manager's fee, is hereby agreed to be \$789,352 (derived from the total cost of work for the Construction Phase of \$770,694 + the Preconstruction Services of \$18,668 per previous Council approval attributable to Griffin Park only). The GMP is the total compensation from the City to the Construction Manager for its fee for the performance of the work in accordance with Contract Documents and pursuant to any of the following documents, as applicable:

A. Basis for GMP. Refer to Paragraph 1 of the CMAR Amendment 1 to the GMP and Paragraph 1, E.

B. Contract Document Log. Refer to **Exhibit 1** for a list of the Drawings and Specifications, including all addenda that were used in preparation of the GMP Proposal, is attached hereto as Exhibit 2 and incorporated herein by reference.

C. Allowances. There are no allowances associated with this contract or amendment proposed herein.

D. Assumptions. Refer to **Exhibit 2** for a list of the assumptions and clarifications made by the Construction Manager in the preparation of the GMP Proposal to supplement the information contained in the Drawings and Specifications is attached hereto as Exhibit 4 and incorporated herein by reference.

E. Proposed GMP. Refer to **Exhibit 3** for the proposed GMP, including a statement of the estimated cost organized by trade categories, allowances, contingency, General Conditions, and other items and the Fee that comprise the GMP is attached hereto as Exhibit 5 and incorporated herein by reference.

F. Substantial Completion. Refer to **Exhibit 4** for the Substantial Completion date upon which the GMP Proposal is based and a schedule of the Construction Documents issuance dates upon which the date of Substantial Completion is based is attached hereto as Exhibit 6 and incorporated herein by reference.

G. Acceptance Period. The time limit for acceptance of the GMP Proposal is attached hereto as part of **Exhibit 5**.

2. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

3. Non-Default. By executing this First Amendment, the Construction Manager affirmatively asserts that (i) NMA is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of this Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this First Amendment are forever waived.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this FIRST AMENDMENT in multiple copies on the respective dates herein below reflected to be effective on the date executed by the Chairperson of the Norman Municipal Authority.

**CONSTRUCTION MANAGER (FLINTCO, LLC)**

By: [Signature]

Name: KIRK MAMMEN

Title: VICE PRESIDENT / AREA MGR.

Date: 7/9/2019

ATTEST:

By: [Signature]

Subscribed and Sworn to me this 9th day of July, 2019.



Commission Number: 00020662

Expiration Date: 12/20/20

**NORMAN MUNICIPAL AUTHORITY**

Reviewed and approved for form and legality on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
General Counsel

Approved by the Norman Municipal Authority on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_

Name: Breea Clark

Title: Chairperson

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Brenda Hall, Secretary

**EXHIBIT 1 – CONTRACT DOCUMENTS LOG**

for

AMENDMENT NO. 1 TO

Contract No. K-1819-132

**Date:** July 23<sup>rd</sup>, 2019

**Project:** Griffin Parks Phase III

- i. **CMAR Contract Documents issued by Planning Design Group (PDG) on 4/22/2019:**
  - a. **Drawings:** SP-1, L-1, L-2, GR-1, GR-2, C1.0, C1.1, C2.0, C3.0, C3.1, C3.2, C4.0, C4.1, C5.0, C5.1, C5.2, A0.0, A1.1, A2.1, A3.1, A3.2, A4.1, A5.0, A5.10, A5.11, A6.1, A7.0, A7.1, E1.1, E2.1, E3.1, M1.0, M2.0, M3.0, M4.0, M5.0, M5.1, S0.00, S0.10, S1.00, S2.00, S3.00, IR-1, IR-2, IR-3, SOD-1, D-1.
  - b. **Specifications:** 01050, 01152, 01200, 01340, 01380, 01500, 01510, 01700, 01720, 01730, 02000, 02070, 02100, 02211, 02220, 02265, 02400, 02445, 02810, 02934, 03100, 03210, 03300, 03345, 07900, 042200, 061000, 061753
- ii. **Addendum 1 Dated 5/17/2019:**
  - a. **Drawings:** D1.0, E1.0.
  - b. **Specification Updates:** 02445, 04200.
- iii. **CM Clarifications**
  - a. CM Clarification #1 Dated 5/17/19
  - b. CM Clarification #2 Dated 5/20/19

**EXHIBIT 2 – Assumptions and Clarifications**

for

AMENDMENT NO. 1 TO

Contract No. K-1819-132

**Date:** July 23<sup>rd</sup>, 2019

**Project:** Griffin Park Phase III

**INCLUSIONS**

Work included in the Construction Managers Scope to include the plaza and restroom scope for Griffin Park Phase III as agreed to in the budget enclosed and according to the plans, specifications, and addenda issued by The Planning Design Group as well as CM Clarifications 1 and 2 issued by Flintco, LLC. Construction is to consist of the complete restroom and plaza construction including site furnishings, reduced irrigation scope, and complete site paving, curb, and gutter scope. Access to the construction area to be allowed from Robinson Street with staging available in the Griffin Park lot without the need for a temporary construction entrance in this reduced scope.

**EXCLUSIONS**

- Building Permit
- Utility usage costs
- Sports Fields
- Site fence
- Sports equipment
- Signage
- Lane Closures at Robinson Street



Griffin Park Sports Complex  
City of Norman  
Norman, OK  
Building Gross Area:



516

**SCHEDULE OF VALUES - PRELIMINARY GMP BUDGET**

Description	Total Estimated Price	Division Totals	Cost per SF	%
<b>01 General Conditions</b>		<b>\$153,615</b>	<b>297.70</b>	<b>22.18%</b>
01 General Conditions	\$123,392		239.13	80.33%
01 Project Requirements	\$30,223		58.57	19.67%
<b>02 Existing Conditions</b>		<b>\$15,405</b>	<b>29.85</b>	<b>2.22%</b>
BP #02A - Demolition - BUDGET	\$15,405		29.85	100.00%
<b>03 Concrete</b>		<b>\$26,700</b>	<b>51.74</b>	<b>3.86%</b>
BP #03A - Building Concrete - 4G Concrete	\$26,700		51.74	100.00%
<b>04 Masonry</b>		<b>\$39,500</b>	<b>76.55</b>	<b>5.70%</b>
BP #04A - Masonry - Brick Works	\$39,500		76.55	100.00%
<b>05 Metals</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>
<b>06 Wood &amp; Plastics</b>		<b>\$19,680</b>	<b>38.14</b>	<b>2.84%</b>
BP #09A - Sheathing, Siding, Ceilings and Trusses - Construction Enterprises	\$18,700		36.24	95.02%
Rough Carpentry	\$980		1.90	4.98%
<b>07 Moisture &amp; Thermal</b>		<b>\$6,736</b>	<b>13.05</b>	<b>0.97%</b>
Waterproofing/Sealants	\$4,650		9.01	69.03%
BP #07A - Asphalt Shingle Roofing - Champion Roofing	\$2,086		4.04	30.97%
<b>08 Openings</b>		<b>\$7,475</b>	<b>14.49</b>	<b>1.08%</b>
BP #08A - HMDs, Frames, Hardware - Material - Piper Weatherford	\$6,300		12.21	84.28%
BP #08B - HMDs, Frames, Hardware - Installation - Construction Enterprises	\$1,175		2.28	15.72%
<b>09 Finishes</b>		<b>\$15,764</b>	<b>30.55</b>	<b>2.28%</b>
BP #09B - Painting - Statewide Painting	\$13,300		25.78	84.37%
BP #09C - Flooring and Tiling - Bryan's Flooring	\$2,464		4.78	15.63%
<b>10 Specialties</b>		<b>\$5,620</b>	<b>10.89</b>	<b>0.81%</b>
BP #10A - Toilet Accessories and Partitions Material - Piper Weatherford	\$4,000		7.75	71.18%
BP #10B - Installation Toilet Accessories and Partitions - Construction Enterprises	\$1,375		2.66	24.47%
Budget - Signage	\$245		0.47	4.35%
<b>11 Equipment</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>



Griffin Park Sports Complex  
City of Norman  
Norman, OK  
Building Gross Area:



516

**SCHEDULE OF VALUES - PRELIMINARY GMP BUDGET**

Description	Total Estimated Price	Division Totals	Cost per SF	%
<b>12 Furnishings</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>
<b>13 Special Construction</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>
<b>14 Conveying Equipment</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>
<b>21 Fire Supression</b>		<b>\$0</b>	<b>0.00</b>	<b>0.00%</b>
<b>22 &amp; 23 Mechanical</b>		<b>\$73,383</b>	<b>142.22</b>	<b>10.60%</b>
BP #22A - Plumbing - Waggoner's	\$49,500		95.93	67.45%
BP #23A - Mechanical - Waggoner's	\$23,883		46.28	32.55%
<b>26 Electrical</b>		<b>\$24,000</b>	<b>46.51</b>	<b>3.47%</b>
BP #26A - Electrical - Buckskin	\$24,000		46.51	100.00%
<b>31 Earthwork</b>		<b>\$59,515</b>	<b>115.34</b>	<b>8.59%</b>
BP #31A - Earthwork - Matthews Trenching - REDUCED SCOPE	\$59,515		115.34	100.00%
<b>32 Exterior Improvements</b>		<b>\$164,452</b>	<b>318.70</b>	<b>23.75%</b>
BP #32A - Paving, Signage - Connelly Paving	\$72,585		140.67	44.14%
BP #32B - Sports Fields, Landscape, and Irrigation - 4D Landscape - REDUCED SCOPE	\$78,796		152.70	47.91%
BP #32C - Site Furnishings - Lea Park and Play	\$13,071		25.33	7.95%
BP #32D - Site Fence - Tim Mills - REMOVED FROM SCOPE	\$0		0.00	0.00%
<b>33 Underground Utilites</b>		<b>\$80,680</b>	<b>156.36</b>	<b>11.65%</b>
BP #33A - Site Utilities - Matthews Trenching	\$80,680		156.36	100.00%
<b>Totals</b>	<b>\$692,525</b>	<b>\$692,525</b>		
<b>Contingency</b>		<b>\$20,318</b>		
<b>SDI Program (1.6%)</b>		<b>\$8,705</b>		
<b>Contractor Fee (3.75%)</b>		<b>\$27,938</b>		
<b>Builder's Risk Insurance (0.65%)</b>		<b>\$4,811</b>		
<b>General Liability (0.62%)</b>		<b>\$4,792</b>		
<b>Payment &amp; Performance Bond (1.5%)</b>		<b>\$11,594</b>		
<b>Preconstruction</b>		<b>\$18,668</b>		
<b>Total</b>		<b>\$789,352</b>		

Griffin Park Sports Complex

Norman, OK

6/18/2019

Building Gross Area: 516



**CLARIFICATIONS & QUALIFICATIONS**

**QUALIFICATIONS**

6/18/2019







**QUALIFICATIONS & CLARIFICATIONS**

- 1 Excludes Building Permits & Utility Impact Fees. Permit costs and impact Fees will be waived by The City of Norman.
- 2 Construction Office & Suitable Meeting Space to be provided to Flintco at no Cost by The City of Norman.
- 3 Special Inspection and Testing to be provided by the City of Norman
- 4 General Conditions includes 4 months for Field Management Staff. Anticipate Reaves Park construction start on 10/1. Staff costs will be carried by Reaves park, but staff will be shared between the projects while construction is concurrent. Should Reaves not start as anticipated, additional staff costs will apply to Griffin Park.
- 5 Demolition, Earthwork, Irrigation, Sodding and Fencing for the New Sports Fields is NOT included in this scope of work.
- 6 Includes Irrigation system modification of North Sports Fields (Fields 5 & 8).
- 7 All Utility Costs for Electricity, Water, Sewage, Natural Gas (Connection Fees, monthly usage fees, etc) are to be paid by The City of Norman. Per the City of Norman, Flintco is to exclude these costs from the GMP Budget..
- 8 Sales and Use Taxes are not included. Project is tax exempt.
- 9 Project Buyout Contingency has been reduced based on the completion of Buyout process. Any unused Contingency will be returned to the City of Norman.



ActivityID	Activity Name	Orig Dur (Shifts)	Start	Finish												
					2019						2020					
					N	D	J	F	M	A	M	J	J	A	S	O
					N	D	J	F	M	A	M	J	J	A	S	O
<b>Template</b>																
<b>Milestones</b>																
MX-1000	Notice to Proceed - Construction	0	24-Jul-19*													
MX-2000	UG Utilities Complete/Permanent Power	0		18-Sep-19												
MX-3000	Structure Complete	0		09-Oct-19												
MX-9999	Substantial Completion	0		19-Nov-19												
<b>Owner Milestones</b>																
CM-3000	Soccerfest	0	26-Oct-19*													
CM-4000	First Fidelity Bank Classic Cup	0	08-Nov-19*													
<b>Pre Construction</b>																
<b>Construction Documents/Bid</b>																
CD-1001	Flintco to publish bid advertisement	0		26-Apr-19 A												
CD-1002	Flintco to have Div 0/1 at 100% for CON review	0		26-Apr-19 A												
CD-1007	Publish Bid Packages	0		26-Apr-19 A												
CD-1000	PDG Complete 100% Drawings	0		30-Apr-19 A												
CD-1003	Internal deadline for final bid clarifications and addenda to bidders	0		14-May-19 A												
CD-1004	Bid Day	0		21-May-19 A												
CD-1005	Bid tabulations complete and summarized for counsel agenda	0		08-Jul-19*												
CD-1006	Contract reviewed by council	0		23-Jul-19*												
<b>Construction</b>																
<b>Sub Structure</b>																
<b>Foundations</b>																
FD-9999	Install Foundations/SOG	15	07-Aug-19	27-Aug-19												
<b>Utilities/Sitework</b>																

**Start Date:** 15-Oct-18  
**Finish Date:** 21-Nov-19  
**Data Date:** 08-Jul-19

 Remaining Level of Effort  
 Actual Level of Effort  
 Actual Work  
 Rem Work  
 Near Crit Rem  
 Remaining Work

ID: GPP3-0  
Template

Data Date: 08-Jul-19  
Page 2 of 2

[illegible]

**EXHIBIT 5 – GMP Guarantee**

for

AMENDMENT NO. 1 TO  
Contract No. K-1819-132

**Date:** July 23<sup>rd</sup>, 2019

**Project:** Griffin Park Phase III

Amendment 1 GMP pricing is valid for 30 days from date of this Exhibit.