

Second Amendment to Construction Manager at Risk Contract
(Town Hall Expansion (P22-517))

This Second Amendment to Construction Manager at Risk Contract (the "Second Amendment") is made and entered into this ____ day of _____, 2023 (the "Effective Date"), by and between the Town of Erie, a Colorado municipal corporation with an address of 645 Holbrook Street, P.O. Box 750, Erie, CO 80516 (the "Town"), and Fransen Pittman Construction, an independent contractor with a principal place of business at 522 Main Street Windsor, CO ("Contractor") (each a "Party" and collectively the "Parties").

Whereas, on September 12, 2023, the Parties entered into a Construction Manager at Risk Contract (the "Contract");

Whereas, the Parties wish to amend the Contract as set forth herein.

Now Therefore, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 4.01 of the Contract is hereby amended by the addition of new subsections D.1. to read as follows:

4.01 For Construction Phase Services:

D. In full consideration of Contractor's need to execute Earthwork and Utility Subcontractor agreements to maintain project schedule, and early procurement of Elevator and electrical safety Equipment during the Construction Phase of this Contract, Owner will pay to Contractor \$1,199,207. Amount is based on Bid Package 3a proposal from Fransen Pittman dated October 3rd, 2023.

1. Cost of work for Bid Package 3a is based on 100% construction documents dated September 15, 2023 from Wold Architects

The contract will be amended at a later date, following Contractor submission of BP-03b proposal based on 100% construction document completion and after development of a mutually agreed upon GMP.

2. Section 8.01.A.10. of the Contract is hereby amended by the addition of new subsections p,q,r,s,and t, to read as follows:

10. Contractor Bid Package 3a Exhibits which are not attached hereto:

- p. Exhibit A.3a – BP3a Executive Summary
- q. Exhibit C.3a – Bid Package Buyout Summary
- r. Exhibit D.3a – 100% CD Drawings & Specifications Index

- s. Exhibit E.3a – BP3a Clarifications
- t. Exhibit H.3a – Recommended Subcontractors

3. Compensation. Article 4 to the Contract is hereby amended to increase the maximum amount of compensation to \$5,563,945 allocated as follows

Original Contract Amount:	\$1,380,762
1 st Amendment:	\$2,983,976
2 nd Amendment:	\$1,199,207
Total New Contract Amount:	\$5,563,945

4. Remainder of Contract. Except as expressly modified herein, the Contract shall remain in full force and effect.

In Witness Whereof, the Parties have executed this Second Amendment as of the Effective Date.

Town of Erie, Colorado

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk

Fransen Pittman Construction

DocuSigned by:
Josh Davis

Josh Davis

State of Colorado)
) ss.
County of _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this ___ day of _____, 2023, by Fransen Pittman Construction.

My commission expires:

(Seal)

Notary Public