

RESOLUTION NO. URR 12-001

**A RESOLUTION APPROVING GMP AMENDMENT #4 TO THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT BETWEEN THE CANBY URBAN RENEWAL AGENCY AND P&C CONSTRUCTION COMPANY TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE POLICE FACILITY PROJECT**

**WHEREAS**, the Canby City Council established the Canby Urban Renewal Agency ("Agency") as an urban renewal agency to function within the City pursuant to Ordinance 1032 passed October 6, 1999; and

**WHEREAS**, the Agency has been directed to undertake development of a new Police Facility located on a site at 1175 NW 3<sup>rd</sup> Avenue ("Project"); and

**WHEREAS**, pursuant to the Request for Proposals issued February 28, 2011, P&C Construction Company ("P&C Construction") was selected as the Construction Manager/General Contractor for the Project, and on July 13, 2011, entered into a Construction Manager/General Contractor Contract ("CM/GC Contract"), and GMP Amendment #1 with the Agency for performance of certain Early Work for a Guaranteed Maximum Prices (as such terms are defined in the CM/GC Contract);

**WHEREAS**, on August 10, 2011, P&C Construction and the Agency entered into a GMP Amendment #2 for performance of the construction described in those bid packages, including site electrical, underslab utilities, access road construction and the early procurement of masonry, structural steel, steel joists and deck, and elevators; and

**WHEREAS**, on September 21, 2011 P&C Construction and the Agency entered into GMP Amendment #3 for the remaining construction bid packages for the Project, described in the CM/GC Contract that had not been authorized by GMP Amendment #1 or GMP Amendment #2;

**WHEREAS**, the Agency wishes to add the construction of an access road and parking lot needed to serve the lower level of the Project (See Exhibit A), including lighting, landscaping and storm water facilities as specified in the GMP supporting documents; and

**WHEREAS**, the Agency wishes to include the cost of purchase and installation of all lockers and storage equipment in the GMP;

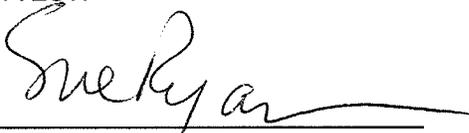
**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Canby Urban Renewal Agency as follows:

1. The Agency approves GMP Amendment #4 to the CM/GC Contract titled "Amendment No. 4" and dated effective January 11, 2012 in the form attached to this resolution; and
2. The Director of the Agency is authorized and directed to execute GMP Amendment #4 on behalf of the Agency and to carry out such necessary actions to complete the Agency's obligations under said GMP Amendment #4.

This Resolution shall take effect on January 11, 2012.

ADOPTED this 11<sup>th</sup> day of January, 2012 by the Canby Urban Renewal Agency.

ATTEST:

  
Sue Ryan  
Deputy City Recorder

  
Randy Carson  
Vice - Chair

**CITY OF CANBY URBAN RENEWAL AGENCY  
GMP AMENDMENT TO CONTRACT**

**AMENDMENT No. 4**

**THIS AMENDMENT IS BETWEEN:**

**OWNER:** City of Canby, Urban Renewal Agency,  
("Agency")  
PO Box 930  
Canby, OR 97013

**And**

**CONSTRUCTION MANAGER/  
GENERAL CONTRACTOR ("the CM/GC"):** P&C Construction  
2133 NW York St  
Portland, OR 97210

**The Project is:** City of Canby Police Department Facility

**Date of Original CM/GC Contract:** July 13, 2011

**Date of this Amendment:** January 11, 2012

The Owner and CM/GC hereby amend the Contract as set forth below. Capitalized terms used but not defined herein shall have the meanings given in the Contract Documents. Except as amended hereby, the Contract remains in full force and effect.

1. **GMP.** The parties agree that the **GMP for Amendment #4 that includes Personal Duty Lockers, Temporary Duty Lockers, Evidence Pass-thru Lockers, Mobile Shelving and Widespan Shelving** is \$150,000 consisting of the Estimated Cost of the Work and the CM/GC Fee (stated as a fixed dollar lump sum amount), as follows:

<b>Estimated Cost of Work (Est. COW):</b>	\$ 146,628
<b>CM/GC Fee (2.30% of Est. COW):</b>	\$ 3,372
<b>GMP (Total of above categories):</b>	\$ 150,000

For purposes of determining the GMP, the Estimated Cost of the Work includes the CM/GC's costs of all components and systems required for complete, fully functional lockers and shelving in accordance with ASI #15 documents prepared by Group Mackenzie.

2. **Basis of GMP.** The GMP is based on ASI #15 documents prepared by Group Mackenzie, Portland, OR office.
3. **Plans and Specifications.** The Plans and Specifications for the Project are in accordance with ASI #15 documents prepared by Group Mackenzie. CM/GC shall perform Construction Phase Services in accordance with the Plans and Specifications and the other Contract Documents.
4. **Substantial Completion Date.** Notwithstanding any provision in the GMP Supporting Documents to the contrary, the required date for Substantial Completion is: **as stated in Article 5.2 of the Agreement**
5. **Liquidated Damages** shall be **as stated in Article 5.5 of the Agreement** for each day that Substantial Completion exceeds the required date of Substantial Completion.
6. **Bonds.** CM/GC shall obtain new payment and performance bonds, or increase the amount of the performance and payment bonds previously provided in connection with this CM/GC Contract, as required by Section G of the State of Oregon General Conditions for Public Improvement Contracts, so that each new bond, or with respect to increases in existing bonds, the sum of the amount of each existing bond and the increase in the amount of each such existing bond, shall equal or exceed the GMP, prior to supplying any labor or materials for prosecution of the Work under this GMP Amendment.
7. **Tax Compliance Certification.** By signature on this GMP Amendment, the undersigned hereby certifies under penalty of perjury that the undersigned is authorized to act on behalf of CM/GC and that CM/GC is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 401.792 to 401.816 and ORS chapters 118, 314, 316, 317, 318, 320, 321 and

323; the elderly rental assistance program under ORS 310.630 to 310.706, and local taxes administered by the Department of Revenue under ORS 305.620.

**THIS AMENDMENT** is executed in four original copies of which one is to be delivered to the CM/GC, and the remainder to Owner.

**CM/GC:**

Name of Firm: P&C Construction

Address: 2133 NW York Street, Portland, OR 97210

CM/GC's Federal Tax I.D. #: 93-0498305

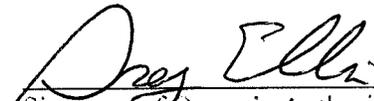
Construction Contractor's Board Registration No.: 38619



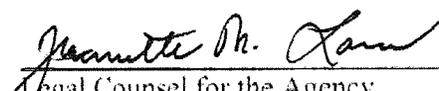
Signature of Authorized Representative of CM/GC  
Title: Steve Anderson – Vice President

**OWNER:**

CITY OF CANBY URBAN RENEWAL AGENCY, ("Agency")

  
\_\_\_\_\_  
Signature of Owner's Authorized Representative  
Title City Administrator  
Date 01-11-12

APPROVED AS TO LEGAL SUFFICIENCY  
LEGAL COUNSEL FOR THE CITY OF CANBY,  
URBAN RENEWAL AGENCY

  
\_\_\_\_\_  
Legal Counsel for the Agency  
Date 1/10/2012