

RESOLUTION NO.URR 12-011

A RESOLUTION APPROVING GMP AMENDMENT #7 TO THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT BETWEEN THE CANBY URBAN RENEWAL AGENCY AND P&C CONSTRUCTION COMPANY TO EXTEND THE SUBSTANTIAL COMPLETION DATE FROM JULY 14, 2012 TO JULY 28, 2012 FOR THE POLICE FACILITY

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 3rd 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 No.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); and

WHEREAS, on August 10, 2011, P&C Construction and the Agency entered into a GMP Amendment No. 2 for performance of the construction described in those bid packages, including site electrical, under slab 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 No. 3 for the remaining construction bid packages for the Project, described in the CM/GC Contract that had not been authorized by GMP Amendment No. 1 or GMP Amendment No. 2; and

WHEREAS, on January 11, 2012 P & C Construction and the Agency entered into GMP Amendment No. 4 for the purchase and installation of lockers and storage equipment; and

WHEREAS, on April 11, 2012 P & C Construction and the Agency entered into GMP Amendment No. 5 for the buttress at the bottom of the sloped grade on the east side of the structure, a security camera, appliances, national shield display and monument sign; and

WHEREAS, on May 16, 2012, P&C Construction and the Agency entered in GMP Amendment No. 6 for the construction of an access road and parking lot; and

WHEREAS, the Agency agrees to extend the substantial completion date from July 14, 2012 to July 28, 2012.

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

1. The Agency approves GMP Amendment No. 7 to the CM/GC Contract titled "Amendment No. 7" and dated effective August 8, 2012 in the form attached to this resolution and marked Exhibit "A"; and
2. The Director of the Agency is authorized and directed to execute GMP Amendment No. 7 on behalf of the Agency and to carry out such necessary actions to complete the Agency's obligations under said GMP Amendment No. 7.

This Resolution shall take effect on August 8, 2012.

ADOPTED this 8th day of August 2012, by the Canby Urban Renewal Agency.



Richard Ares
Chair

ATTEST:



Sue Ryan
Deputy City Recorder

EXHIBIT A

CITY OF CANBY URBAN RENEWAL AGENCY
GMP AMENDMENT TO CONTRACT

AMENDMENT No. 7

THIS AMENDMENT IS BETWEEN:

OWNER: City of Canby, Urban Renewal Agency,
("Agency")
P.O. 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: July 9, 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 No.7 includes No Cost to the Owner to extend the Substantial Completion Date to 7/27/12.

Estimated Cost of Work (Est. COW): No Cost

CM/GC Fee (2.30% of Est. COW): No Cost

GMP (Total of above categories): No Cost

2. Basis of GMP.

3. Plans and Specifications. The Plans and Specifications for the Project are in accordance with associated change 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 and as revised by subsequent amendment(s)

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.

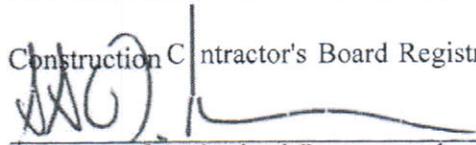
CM/GC:

Name of Firm: P&C Construction

Address: 2133 NW York Street, Portland, OR 97210

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

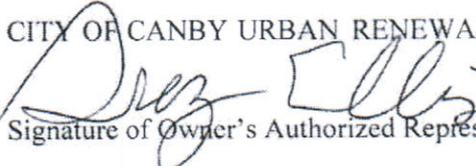
Construction Contractor's Board Registration No.: 38619



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: Urban Renewal Agency Director

Date: 08-09-12

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



Legal Counsel for the Agency

Date: 8/9/12
