



PUBLIC FACILITIES AUTHORITY MEMBERS

Rusty Paul, Chairperson

John Paulson
Ken Dishman
Chris Burnett
Gabriel Sterling
Tibby DeJulio
Andy Bauman

Tuesday, June 6, 2017

Public Facilities Authority

Following the Regular Meeting

SPECIAL CALLED MEETING OF THE CITY OF SANDY SPRINGS PUBLIC FACILITIES AUTHORITY (THE “AUTHORITY”)

City Council Chambers

1. **PFA17-21 CALL TO ORDER** – Chairperson Rusty Paul
2. **PFA17-22 ROLL CALL** – Secretary Michael Casey
3. **PFA17-23 APPROVAL OF MEETING AGENDA**

CONSENT AGENDA

4. **PFA17-24 Meeting Minutes**
 - A. June 1, 2006 Authority meeting
 - B. February 19, 2008 Authority meeting
 - C. March 1, 2011 Authority meeting
 - D. May 6, 2014 Authority meeting
 - E. June 2, 2015 Authority meeting
 - F. September 15, 2015 Authority meeting
5. **PFA17-25 Approval of the minutes from the May 2, 2017 Public Facilities Authority meeting**



SANDY SPRINGS

GEORGIA

6. **PFA17-26** Resolution to Increase the Guaranteed Maximum Price for Construction of the City Springs Project, as Established by Change Order #9 Pursuant to the Provisions of a Certain Contract for Construction Between the City of Sandy Springs, GA and Holder Construction Group, LLC, Dated June 30, 2015, and to Authorize the City Manager to Execute the Change Order
(Presented by City Manager, John McDonough)
7. **PFA17-27** **ADJOURNMENT**

TO: Members of the City of Sandy Springs Public Facilities Authority (“PFA”)

FROM: John McDonough, General Manager of the PFA, and City Manager of the City of Sandy Springs (“City”)

DATE: June 1, 2017 for submission on the June 6, 2017 PFA Meeting agenda

ITEM: RESOLUTION TO INCREASE THE GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION OF THE CITY SPRINGS PROJECT, AS ESTABLISHED BY CHANGE ORDER #9 PURSUANT TO THE PROVISIONS OF A CERTAIN CONTRACT FOR CONSTRUCTION BETWEEN THE CITY OF SANDY SPRINGS, GA AND HOLDER CONSTRUCTION GROUP, LLC, DATED JUNE 30, 2015, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CHANGE ORDER

Background and Discussion:

On June 16, 2015 at regular Council meeting, City Council adopted a resolution approving a certain Contract for Construction (“Contract”) between the City (subsequently assigned to the PFA) and Holder Construction Group, LLC (“Holder”) for constructing the City Springs project (“Project”).

Pursuant to the Contract, Holder agreed that the cost to the City of performing the work under the Contract, including the cost of the work described in the Contract, the general conditions costs, and Holder’s fee, shall not exceed the Guaranteed Maximum Price (“GMP”), as established by change order pursuant to the Contract. The Contract further provides that the establishment of the GMP shall be accomplished by written change order (“GMP Change Order”).

The Contract further provides that an adjustment to the GMP may be made as authorized by written change order. On February 16, 2016, Council approved a GMP value of \$180,057,353.00 for the Project. The GMP value was established by a GMP Change Order dated February 16, 2016, in accordance with Contract provisions.

On August 16, 2016, Council again approved an increase to the GMP by Change Order #5, resulting in a GMP value of \$188,956,290.00 for the Project. The increase was requested due to: transfers from the City held budgets for equipment, design evolution/completion, differing site conditions, and scope changes.

In October of 2016, Change Order #6 was executed by the City. Change Order #6 granted a time extension of forty-two (42) days; however, there was no increase to the GMP value.

The Contract was assigned by the City to the PFA in June of 2016, and on March 21, 2017, the PFA approved the actions taken by the City in Change Orders #5 and #6.

On March 7, 2017, the PFA approved Change Order #7 which increased the GMP value by the amount of \$2,854,088.00, for a new GMP value of \$191,810,378.00, and granted a time extension for fifty-six (56) calendar days. The overall budget for the Project was not increased by Change Order #7.

On May 2, 2017, the PFA approved Change Order #8 pursuant to the terms of the Contract, which increased the GMP by \$875,315.00, for a new GMP value of \$192,685,693.00.

Holder has now requested approval of Change Order #9, which will increase the GMP by \$19,921.00, for a new GMP value of \$192,705,614.00. The increase requested is due to certain scope and value additions such as: performing arts center hall and lobby refinements; doors, frames and hardware revisions; traffic management at Sandy Springs Circle to reduce traffic impact; return of buyout savings from low voltage scope; and miscellaneous design completion items. While the GMP is increased by Change Order #9, the overall budget for the Project is not increased. There is no adjustment to construction duration in Change Order #9.

When Change Order #9 is executed, the increase to the GMP will effectively be added to the Contract. A copy of Change Order #9 is attached to the Resolution.

Recommendation:

City staff and consultants recommend that the PFA approve an increase in the GMP value of \$19,921.00, for a new GMP value of \$192,705,614.00, as described in Change Order #9. City staff and consultants further recommend that the PFA authorize the City Manager to execute Change Order #9.

Alternative:

Reject the recommendation and provide further instruction to the City Manager and staff.

Attachments:

Resolution with attached Change Order #9.

**STATE OF GEORGIA
COUNTY OF FULTON**

**RESOLUTION TO INCREASE THE GUARANTEED MAXIMUM PRICE FOR
CONSTRUCTION OF THE CITY SPRINGS PROJECT, AS ESTABLISHED BY CHANGE
ORDER #9 PURSUANT TO THE PROVISIONS OF A CERTAIN CONTRACT FOR
CONSTRUCTION BETWEEN THE CITY OF SANDY SPRINGS, GA AND HOLDER
CONSTRUCTION GROUP, LLC, DATED JUNE 30, 2015, AND TO AUTHORIZE THE
CITY MANAGER TO EXECUTE THE CHANGE ORDER**

WHEREAS, on June 16, 2015 at regular Council meeting, City Council adopted a resolution approving a certain Contract for Construction ("Contract") between the City of Sandy Springs, GA ("City") and Holder Construction Group, LLC ("Holder") for constructing the City Springs project ("Project"); and

WHEREAS, pursuant to the Contract, Holder agreed that the cost to the City of performing the work under the Contract, including the cost of the work described therein, the general conditions costs, and Holder's fee, shall not exceed the Guaranteed Maximum Price ("GMP"), as established by change order pursuant to the Contract; and

WHEREAS, on February 16, 2016, City Council approved a GMP of \$180,057,353.00 for the Project by change order, in accordance with Contract provisions; and

WHEREAS, the Contract provides that an adjustment to the GMP may be made as authorized by written change order; and

WHEREAS, on August 16, 2016, Council again approved an increase to the GMP by Change Order #5, resulting in a GMP value of \$188,956,290.00 for the Project for transfers from the City held budgets for equipment, design evolution/completion, differing site conditions, and scope changes; and

WHEREAS, in October of 2016, Change Order #6 was executed by the City, which granted a time extension of forty-two (42) days but did not increase the GMP value; and

WHEREAS, the Contract was assigned by the City to the PFA in June of 2016, and on March 21, 2017, the PFA approved the actions taken by the City in Change Orders #5 and #6; and

WHEREAS, on March 7, 2017, the PFA approved Change Order #7 which increased the GMP value by the amount of \$2,854,088.00, for a new GMP value of \$191,810,378.00, and granted a time extension for fifty-six (56) calendar days; and

WHEREAS, on May 2, 2017, the PFA approved Change Order #8 which increased the GMP by \$875,315.00, for a new GMP value of \$192,685,693.00; and

WHEREAS, Holder has now requested approval of Change Order #9 pursuant to the terms of the Contract, which will increase the GMP by \$19,921.00, for a new GMP value of \$192,705,614.00; and

WHEREAS, such GMP value increase is due to certain scope and value additions to the Project; and

WHEREAS, Change Order #9 will not increase the overall budget for the Project and will not adjust the construction duration; and

WHEREAS, Change Order #9 will, when executed, will effectively be added to the Contract; and

WHEREAS, City staff and City consultants recommend that the PFA approve an increase in the GMP value of \$19,921.00 for a total GMP of \$192,705,614.00, as described in the attached Change Order #9; and

WHEREAS, City staff and City consultants further recommend that the PFA authorize the City Manager, as General Manager of the PFA, to execute the attached Change Order #9; and

WHEREAS, the PFA desires to approve Change Order #9, as recommended by City staff and City consultants, and to authorize the City Manager to execute Change Order #9.

NOW, THEREFORE, BE IT RESOLVED by the City of Sandy Springs Public Facilities Authority on _____, 2017, as follows:

1. An increase to the GMP of \$19,921.00 for a total GMP of \$192,705,614.00, is hereby approved; and
2. The attached Change Order #9 is hereby approved; and
3. The City Manager, as General Manager of the PFA, is hereby authorized to execute the attached Change Order #9; and
4. The City Manager and the attorney for the PFA are hereby authorized to make such minor revisions to Change Order #9 as may be deemed reasonable, necessary, and in the best interest of the PFA prior to execution by the City Manager, and will promptly report any revisions to members of the PFA; and
5. The City Manager and the attorney for the PFA are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

RESOLVED this the _____ day of June, 2017.

Approved:

Russell K. Paul, Chairman

Attest:

Michael D. Casey, Secretary

(Seal)

ATTACHMENT
CHANGE ORDER #9

CHANGE ORDER

PROJECT NAME: **CITY OF SANDY SPRINGS, GA, CITY SPRINGS PROJECT (Formerly referred to as CITY CENTER PROJECT)**

OWNER: **CITY OF SANDY SPRINGS PUBLIC FACILITIES AUTHORITY successor in interest to THE CITY OF SANDY SPRINGS, GEORGIA, by assignment**

CONSTRUCTION MANAGER: HOLDER CONSTRUCTION GROUP, LLC

DATE OF AGREEMENT: **JUNE 30, 2015**

DATE OF THIS CHANGE ORDER: **JUNE 6, 2017**

CHANGE ORDER NUMBER: 9

The Agreement between Owner and Construction Manager (the "Agreement") is changed as follows:

1. Pursuant to Sections 5.3 and 7.2 of the Agreement and Section 11.1.3 of the General Conditions, the Guaranteed Maximum Price and Contract Time are adjusted, as set forth in this Change Order, for the changes in the Work set forth in the following Bulletins and ASIs issued by Rosser International, Inc.:

-) ASI #12 dated 12/14/16;
-) ASI #14 dated 12/16/16;
-) ASI #16 dated 12/21/16;
-) ASI #17 dated 12/21/16;
-) ASI #18 dated 12/23/16;
-) Bulletin #21R dated 12/22/16
-) ASI #18 dated 12/23/16;
-) ASI #22 dated 12/23/16;
-) ASI #23 dated 1/5/17;
-) ASI #24 dated 1/13/17;
-) ASI #31 dated 1/13/17;
-) ASI #32 dated 1/13/17;
-) ASI #33 dated 1/13/17;
-) ASI #35 dated 1/17/17;
-) ASI #39 dated 1/24/17
-) ASI #41 dated 1/26/17
-) ASI #42, 42.1 dated 1/27/17
-) ASI #44 dated 2/2/17;
-) ASI #45 dated 2/3/17;
-) ASI #49 dated 2/10/17;
-) ASI #51 dated 2/14/17; and
-) ASI #67 dated 3/22/17

including other miscellaneous changes referenced in the COR's identified below.

The adjustments to the Guaranteed Maximum Price and Contract Time made by this Change Order are based upon the following COR's issued by Construction Manager. The COR's are identified herein for reference and to clarify the bases of the adjustments to the Guaranteed Maximum Price and Contract Time only and are not incorporated into the Contract and are not Contract Documents.

COR's and back-up 064, 069, 071, 072, 082, 084, 085, 086, 088, 090, 091, 092, 094, 100, 102, 103, 104, 110, 112, 115, 116, 117, 118 119, 121, 127, 128, 131, 132, 137, 140, 142, 145, 149, 155, 156, 160, 173, 181, 216, and 227, and AA-004.

The Owner and Construction Manager expressly acknowledge and agree that the changes in the Work and the adjustments to the Guaranteed Maximum Price made by this Change Order are subject to the clarifications and exclusions identified by the Construction Manager in each of the foregoing COR's.

2. The Owner and Construction Manager acknowledge the Owner's acceptance of the following Contingency Authorizations issued by the Construction Manager: CA 017, CA 020, CA 022, and CA 042

Unless otherwise defined herein, all capitalized terms used in this Change Order shall have the meanings ascribed to them in the Agreement. Except as expressly changed herein, all terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Contract Time is hereby [~~increased~~] [~~decreased~~] [unchanged] by the following number of calendar days: 0 days

The Construction Manager hereby waives and releases any claim it may have against the Owner for any adjustment in Contract Time resulting from, or related to, the change in this Change Order, except as agreed above.

The Contract Sum / GMP is hereby [increased] [~~decreased~~] by \$19,921.00

The Construction Manager hereby waives and releases any claim it may have against the Owner for any adjustment in the Contract Sum / GMP arising out of, or related to, the changes reflected in this Change Order, including, but not limited to, any claim for damages due to delay, disruption, hindrance, impact, interference, inefficiencies or extra work arising out of, resulting from, or related to, the change reflected in this Change Order, except as agreed to above.

Original Contract Sum / GMP: \$12,631,702.00

Net Change by Previous Change Orders: \$180,053,991.00

Contract Sum / GMP before this Change Order: \$192,685,693.00

Increase in this Change Order: \$19,921.00

Contract Sum / GMP, as adjusted by this Change Order: \$192,705,614.00

[~~Increase~~] [~~Decrease~~] in Contract Time: 0 days

Upon execution of this Change Order by Owner and Construction Manager, the above referenced change shall become a valid and binding part of the original Agreement without exception or qualification, unless noted in this Change Order.

Owner

Construction Manager

By: _____

By: _____

Date: _____

Date: _____