

**AMENDMENT TO
AGREEMENT BETWEEN OWNER AND DESIGN-BUILDER**

**Amendment No. 1
Cocoa High School**

THIS AMENDMENT

Made this **10th** day of **February**, in the year **2009**

BY AND BETWEEN THE SCHOOL BOARD OF BREVARD COUNTY,
hereinafter called the OWNER, and

Williams Company Building Division, Inc.
hereinafter called the DESIGN-BUILDER.

WHEREAS, the Owner and the Design-Builder entered into an Agreement Between Owner and Design-Builder on August 12, 2008 for certain Design Build Services for the Cocoa High School Project as approved by the School Board of Brevard County, FL; and

WHEREAS, the Design-Builder and the Owner agreed to a Guaranteed Maximum Price (GMP) for the Cocoa High School Project in the amount of \$4,530,000 as required by Article 6.5 of said Agreement; and

WHEREAS, the Owner now wishes to amend the Guaranteed Maximum Price (GMP) to add design/build services for a Multi-Purpose Building at Cocoa High School, as identified in Exhibit "A";

NOW THEREFORE, in recognition of good and valuable considerations exchanged between the parties, the Owner and the Design-Builder hereby covenant and agree to amend said Agreement as follows. All other terms and conditions not specifically amended below shall remain unchanged.

Guaranteed Maximum Price (GMP): The Guaranteed Maximum Price (GMP) shall be **increased** in the amount of **Two Million Five Hundred Thousand Dollars (\$2,500,000)** for this additional Scope of Work at Cocoa High School. The new Guaranteed Maximum Price (GMP) shall be **Seven Million Thirty Thousand Dollars (\$7,030,000)**. The cost breakdown for this Work is contained in Exhibit "A".

GMP Summary:

Original GMP	\$4,530,000.00
Amendment No. 1	\$2,500,000.00
Revised GMP	\$7,030,000.00

General Conditions: The Not-to-Exceed General Conditions amount shall be **increased** in the amount of **\$36,860.00**, from \$231,918.00 to **\$268,778.00**.

Design Fee: The Design Fee shall be **increased** in the amount of **\$150,000.00**, from \$246,600.00 to **\$396,600.00**. The increase is **not** a Lump Sum; it represents 6% of the increase to the GMP. If unspent funds (contingency, sales tax savings or allowances) are returned to the Owner at the conclusion of the Project, the Design Fee shall be reduced by 6% of the amount of the unspent funds returned to the Owner, but in no case shall the Design Fee be less than the Lump Sum Fee of \$246,600.00 contained in the original GMP. Clarification #6 in Exhibit C-1 to the Agreement is superseded by this Amendment.

Construction Management Fee: The Construction Management Fee shall be **increased** in the amount of **\$125,000.00**, from \$205,500.00 to **\$330,500.00**. The increase is **not** a Lump Sum; it represents 5% of the increase to the GMP. If unspent funds (contingency, sales tax savings or allowances) are returned to the Owner at the conclusion of the Project, the Construction Management Fee shall be reduced by 5% of the amount of the unspent funds returned to the Owner, but in no case shall the Construction Management Fee be less than the Lump Sum Fee of \$205,500.00 contained in the original GMP.

Schedule: A time extension of **21 Days** is required for this increased Scope of Work. The Date of Substantial Completion shall be **extended** from August 10, 2009 to **August 31, 2009**. Intermediate Milestone Dates shall be as shown in the schedule included as part of Exhibit "A".

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year last written above.

Design-Builder
Williams Company Building Division, Inc.

ATTEST:

APPROVED

By: _____
Corporate Secretary

By: _____
Robert Lipscomb, President

Owner
School Board of Brevard County

ATTEST:

APPROVED

By: _____
Richard A. DiPatri, Ed.D
Superintendent

By: _____
Robert L. Jordan
Chairman

**COCOA HIGH SCHOOL
AMENDMENT #1**

EXHIBIT "A"

SCOPE OF WORK

New Multi-Purpose Building with a stage and associated dressing rooms, located south of the existing Music Building (Building 3), capable of seating 400 persons in non-fixed seating on a flat floor. Covered walkway(s) to existing Building 3 and associated site improvements as necessary (grading, retaining wall(s), walks, utilities, stormwater management, landscaping, etc.) to accommodate the new building.

CLARIFICATION

\$300,000 of the GMP shall be reserved for a "Theatrical Package", including theatrical lighting, sound and rigging packages. TSG Design Solutions, Inc. shall be retained as a consultant by the Design Builder to design the Theatrical Package and assist in the design of the building layout. TSG's fee shall be included in the \$300,000.

ATTACHMENTS TO EXHIBIT "A"

1. Amendment #1 Cost Summary, one (1) page.
2. Amendment #1 General Conditions, one (1) page.
3. Amendment #1 General Requirements, one (1) page.
4. Revised GMP Summary, one (1) page
5. Cocoa High School Multi-Purpose Building Schedule, seven (7) pages.
6. Cocoa High School Multi-Purpose Building Floor Plan, one (1) page.

**COCOA HIGH SCHOOL
AMENDMENT #1**

AMENDMENT #1 COST SUMMARY		
Description		Notes
Cost of Work	\$2,005,105	
Contingency	\$125,000	
Subtotal Hard Costs	\$2,130,105	
General Conditions	\$36,860	Not to exceed
General Requirements	\$58,035	Estimate
Design Fee	\$150,000	Not to exceed
Construction Fee	\$125,000	Not to exceed
Subtotal Soft Costs	\$369,895	
Total Increase to GMP	\$2,500,000	

**COCOA HIGH SCHOOL
AMENDMENT #1**

AMENDMENT #1 GENERAL CONDITIONS

Project Facilities				
Based on 6 Months of Construction				
Code	Description	Qty	Unit	Total
0	Compound Prep	0	0	0
0	Field Office	0	0	0
0	Water hook-up for office Trailer.	0	0	0
0	Power hook-up for office Trailer.	0	0	0
0	Construction Water (By Owner)	0	0	0
0	Construction Power (By Owner)	0	0	0
0	Office Equipment / Furnishings (Jobsite)	0	0	0
0	Office Supplies	0	0	0
0	Postage / FedEx / UPS	0	0	0
0	Storage Trailer	6	200	1,200
0	Tools & Equipment	0	0	0
0	Temp Housing	0	0	0
0	Land Lines (voice & data)	0	0	0
0	Cell Phones	6	100	600
0	Temp. Toilets	0	0	0
0	Ice & Cups	0	0	0
0	Construction Plan Cost	1	1500	1,500
0	Project Sign	0	0	0
0	Safety Requirements (Hats, goggles, first aid kits, etc.)	0	0	0
0	As-Builts	0	0	0
0	Photos (aerial)	0	0	0
0	Vehicles	6	550	3,300
0	Travel	0	0	0
0	Permits	0	0	0
Sub Total Project Facilities				\$6,600

Project Staffing					
Based on 26 Weeks of Construction					
Code	Description	Utilization (%)	Quantity (Weeks)	Rate (\$/Week)	Total
Preconstruction					
	Project Executive	10%	0	0	0.00
	Project Manager	20%	8	1975	3,160.00
	Project Engineer	0%	0	0	0.00
	Superintendent	20%	0	0	0.00
	Field Secretary	0%	0	0	0.00
	Estimator	50%	4	2500	5,000.00
Construction					
	Project Executive	0%	0	0	0.00
	Safety / Quality Director	0%	0	0	0.00
	Project Manager	0%	0	0	0.00
	Project Engineer	0%	0	0	0.00
	Superintendent	0%	0	0	0.00
	Asst. Superintendent	50%	26	1000	13,000.00
	Field Secretary	0%	0	0	0.00
Burden					
	Burden Rate (43%)		0	0	9,100.00
Sub Total Project Staffing					\$30,260

Total General Conditions				\$36,860
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**COCOA HIGH SCHOOL
AMENDMENT #1**

AMENDMENT #1 GENERAL REQUIREMENTS

Based on 6 Months of Construction				
Code	Description	Qty	Unit	Total
0	Temporary Roads	0	0	0
0	Temp Fence	400	3	1,200
0	Temp Partitions / Barricades	0	0	0
0	Safety Rail	0	0	0
0	Lease Swing Space Portables	0	0	0
0	Install / Remove Swing Space Portables	0	0	0
0	Testing	0	0	0
0	Dumpster & Trash Removal	25	375	9,375
0	Protect Surfaces	0	0	0
0	Housekeeping Labor	0	0	0
0	Temp. Permanent Power	0	0	0
0	Job Site Equipment Rental	0	0	0
0	Job Site Equipment Fuel & Oil	0	0	0
0	Jessica Lunsford Act	0	0	0
0	Builder's Risk Insurance	1	7500	7,500
0	General Liability Insurance	1	12960	12,960
0	P&P Bond	1	27000	27,000
	Total General Requirements			58,035

**COCOA HIGH SCHOOL
AMENDMENT #1**

REVISED GMP SUMMARY		
Description		Notes
Cost of Work	\$5,265,421	
Contingency	\$207,200	
Subtotal Hard Costs	\$5,472,621	
General Conditions	\$268,778	Not to exceed
General Requirements	\$141,501	Estimate
Design Fee	\$396,600	Not to exceed
Construction Fee	\$330,500	Not to exceed
Subtotal Soft Costs	\$1,137,379	
C&TE Hard and Soft Costs	\$420,000	
Revised GMP	\$7,030,000	

Act ID	Description	Qty	Rm	Dur	Start	Early	Finish
1010	60% DESIGN DRAWINGS	41	0	12AUG08	08OCT08		
1020	60% DESIGN DRAWINGS PRICING	10	0	09OCT08	22OCT08		
1030	OWNER REVIEW 60% DESIGN DRAWINGS	5	0	09OCT08	15OCT08		
1040	100% CONSTRUCTION DOCUMENTS	25	0	23OCT08	26NOV08		
1050	OWNER REVIEW 100% CONSTRUCTION DOCUMENTS	5	0	01DEC08	05DEC08		
1060	BID DRAWINGS	15	0	01DEC08	30DEC08		
1070	ASSEMBLE GMP / AMEND CONTRACT	8	0	30DEC08	09JAN09		
1071	PERMITTING	20	0	24NOV08	18DEC08		
1072	GMP	0	0		09JAN09		

BUILDING 3 RENOVATION							
1069	TEACHER / STUDENT MOVE OUT	5	0	05JAN09	09JAN09		
1073	BUILDING 3 DEMO	5	0	12JAN09	19JAN09		
1074	BUILDING 3 RENOVATION	16	16	20JAN09	10FEB09		
1660	COMMELEC ROOM FRAMING	2	2	20JAN09	21JAN09		
1670	CMU INFILL	2	2	20JAN09	21JAN09		
1672	HM FRAMES & DOORS	2	2	22JAN09	23JAN09		
1680	MEP ROUGH-IN	4	4	20JAN09	23JAN09		
1690	HANG & FINISH DW	3	3	22JAN09	26JAN09		
1700	PAINT 1ST COAT	2	2	27JAN09	28JAN09		
1710	ACT CEILING	2	2	29JAN09	30JAN09		
1720	LIGHT FIXTURES	3	3	02FEB09	04FEB09		
1730	MEP TRIM & FIXTURES	2	2	02FEB09	03FEB09		
1760	PORCELAIN TILE	3	3	05FEB09	09FEB09		
1770	CONCRETE SEAL	1	1	05FEB09	05FEB09		
1780	FINAL PAINT	2	2	10FEB09	11FEB09		
1782	SUBSTANTIAL COMPLETION	0	0		11FEB09		

BUILDING 4 RENOVATION							
1068	TEACHER / STUDENT MOVE OUT	5	0	05JAN09	09JAN09		
1075	BUILDING 4 DEMO	10	2	12JAN09	21JAN09		
1076	BUILDING 4 RENOVATION	21	21	22JAN09	19FEB09		
1430	FRAME NEW WALL	2	2	22JAN09	23JAN09		
1470	SET NEW HM FRAMES	2	2	22JAN09	23JAN09		
1520	MASONRY INFILL	4	4	22JAN09	17JAN09		

Legend:
 [] Early bar
 [] Progress bar
 [] Critical bar
 [] Summary bar
 [] Start milestone point
 [] Finish milestone point

Williams Company Building Div, Inc.
 Cocoa High School Renovation

Start date: 16JUL08
 Finish date: 31AUG09
 Data date: 20JAN09
 Run date: 26JAN09
 Page number: 1A
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Act ID	Description	O/LP D/W	R/W D/W	E/W Start	E/W Finish
1079	APRIL SPRING BREAK			13APR09	17APR09
2950	NEW GREASE TRAP	5	5	13APR09	17APR09
2951	TEACHER / STUDENT MOVE OUT	8	8	19MAY09	29MAY09
2955	START SUMMER 2009	0	0	01JUN09	
3000	BUILDING 15 DEMO	5	5	01JUN09	05JUN09
3010	BUILDING 15 RENOVATION	30	30	08JUN09	20JUL09
3020	MEP OVERHEAD ROUGH-IN	5	5	08JUN09	12JUN09
3030	FRAMING	3	3	15JUN09	17JUN09
3040	MEP WALL ROUGH-IN	8	8	18JUN09	29JUN09
3050	HANG & FINISH DW	4	4	30JUN09	06JUL09
3070	REFURBISH KITCHEN HOOD	3	3	08JUN09	10JUN09
3080	PAINT 1ST COAT	2	2	07JUL09	08JUL09
3090	MEP TRIM	3	3	08JUL09	13JUL09
3100	DOORS & HARDWARE	2	2	14JUL09	15JUL09
3110	FINAL PAINT	3	3	16JUL09	20JUL09
3120	SUBSTANTIAL COMPLETION	0	0		20JUL09

ET INFRASTRUCTURE	ET INFRAS
5000	ET INFRASTRUCTURE UPGRADES
5001	BUILDING 3 ET
5002	BUILDING 4 ET
5003	BUILDING 6 ET
5004	BUILDING 7 ET
5005	BUILDING 10 ET
5006	BUILDING 11 ET
5007	BUILDING 12 ET
5008	BUILDING 13 ET
5009	BUILDING 8 ET
5010	BUILDING 14 ET
5011	BUILDING 5 ET
5012	BUILDING 1 ET
5013	BUILDING 9 ET
5014	BUILDING 15 ET
5016	BUILDING 2 ET

Early bar
 Progress bar
 Critical bar
 Summary bar
 Start milestone point
 Finish milestone point

Williams Company Building Div., Inc.
 COCOA HIGH SCHOOL RENOVATION

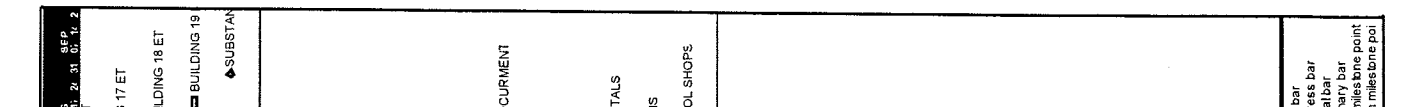
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Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
5017	BUILDING 16 ET	15	15	22-JUN09	13-JUL09
5018	BUILDING 17 ET	15	15	07-JUL09	27-JUL09
5019	BUILDING 18 ET	15	15	21-JUL09	10-AUG09
5020	BUILDING 19 ET	15	15	04-AUG09	24-AUG09
5021	SUBSTANTIAL COMPLETION	0	0		31-AUG09
SUBMITTALS & AUDIT (PHASE 2)					
100	CONCRETE MIX DESIGNS	15	15	02-FEB09	20-FEB09
101	MEP SUBMITTALS	15	15	06-FEB09	26-FEB09
102	REBAR SHOPS	15	15	02-FEB09	20-FEB09
103	HM FRAME SCHEDULE & PROCUREMENT	45	45	02-FEB09	03-APR09
104	STRUCTURAL STEEL SHOPS & PROCUREMENT	45	45	24-FEB09	27-APR09
105	TILT PANEL SHOPS	15	15	08-MAR09	27-MAR09
107	STOREFRONT / WINDOW SHOPS & PROCUREMENT	30	30	07-APR09	18-MAY09
120	ROOF SUBMITTALS	15	15	27-APR09	15-MAY09
140	FRAMING / DW SUBMITTALS	15	15	11-MAY09	01-JUN09
150	FLOORING SUBMITTALS	15	15	15-JUN09	06-JUL09
155	PAINT DRAWDOWNS	15	15	15-JUN09	06-JUL09
160	STAGE CONTROL SHOPS	15	15	24-JUN09	15-JUL09

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1191	100% CONSTRUCTION DOCUMENTS	0	0	08-JAN09 A	
1192	OWNER REVIEW 100% CONSTRUCTION DOCUMENTS	5	0	12-JAN09 A	16-JAN09 A
1193	ASSEMBLE GMP	10	9	19-JAN09 A	30-JAN09
1194	PERMITTING	20	13	09-JAN09 A	05-FEB09
1195	GMP REVIEW	7	7	02-FEB09	10-FEB09
1196	NTP	0	0	11-FEB09	
1200	CLEAR, GRUB & PROOF	4	4	12-FEB09	17-FEB09
1210	CONSTRUCT BUILDING PAD	3	3	18-FEB09	20-FEB09
1220	EXCAVATE & POUR FOOTINGS	6	6	23-FEB09	02-MAR09
1230	UNDERGROUND MEP	15	15	27-FEB09	19-MAR09
1240	GRADE CASTING BEDS	2	2	18-FEB09	19-FEB09
1250	FINE GRAD PAD	1	1	19-MAR09	19-MAR09
1260	FORM & POUR SLAB	6	6	20-MAR09	27-MAR09
1270	FORM & POUR CASTING BEDS	4	4	20-MAR09	25-MAR09
1280	FORM PANELS	6	6	30-MAR09	06-APR09

WILLIAMS COMPANY BUILDING DIV., INC.
COCOA HIGH SCHOOL RENOVATION

15-JUL-08
 31-AUG-09
 20-JAN-09
 25-JAN-09
 Page number: 5A
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Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1290	REINFORCE PANELS	3	3	07APR09	09APR09
1300	POUR PANELS	1	1	09APR09	09APR09
1310	ERECT PANELS	5	5	21APR09	27APR09
1315	FORM & POUR ELEVATED SLABSTAGE	10	10	10APR09	23APR09
1320	ERECT STEEL	11	11	28APR09	12MAY09
1330	PLACE & WELD ROOF DECK	5	5	11MAY09	15MAY09
1335	REMOVE BRACES	1	1	18MAY09	18MAY09
1340	INSTALL ROOF	7	7	18MAY09	27MAY09
1350	STOREFRONT & WINDOWS	10	10	19MAY09	02JUN09
1360	HANG EXTERIOR DOORS	3	3	28MAY09	01JUN09
1370	OVERHEAD MEP ROUGH-IN	15	15	18MAY09	08JUN09
1380	FIRE PROTECTION ROUGH-IN	5	5	18MAY09	22MAY09
1390	FRAMING	8	8	02JUN09	11JUN09
1400	MEP WALL ROUGH-IN	10	10	08JUN09	19JUN09
1405	ELECTRICAL GEAR/POWER TO BLDG	5	5	22JUN09	26JUN09
1410	HANG & FINISH DRYWALL	10	10	22JUN09	06JUL09
1415	A/C RUNNING	0	0		26JUN09
1417	MILLWORK	3	3	07JUL09	09JUL09
1418	DOORS & HARDWARE	3	3	07JUL09	09JUL09
1420	CERAMIC TILE	4	4	07JUL09	10JUL09
1440	STAGE FLOORING	5	5	21JUL09	27JUL09
1450	STAGE RIGGING	10	10	07JUL09	20JUL09
1460	STAGE LIGHTING	7	7	07JUL09	15JUL09
1480	PAINT 1ST COAT	5	5	07JUL09	13JUL09
1490	ACT CEILING	5	5	10JUL09	16JUL09
1495	CARPET	2	2	17JUL09	20JUL09
1497	SEATING	5	5	21JUL09	27JUL09
1498	DIV 10 SPECIALTIES	5	5	21JUL09	27JUL09
1500	STAGE CONTROLS	5	5	16JUL09	22JUL09
1510	MEP TRIM	12	12	17JUL09	03AUG09
1540	FINAL PAINT	7	7	04AUG09	12AUG09
1542	SITWORK	105	105	23FEB09	21JUL09
1550	FINAL INSPECTIONS	5	5	13AUG09	19AUG09

REINFORCE PANELS
 POUR PANELS
 ERECT PANELS
 FORM & POUR ELEVATED SLABSTAGE
 ERECT STEEL
 PLACE & WELD ROOF DECK
 REMOVE BRACES
 INSTALL ROOF
 STOREFRONT & WINDOWS
 HANG EXTERIOR DOORS
 OVERHEAD MEP ROUGH-IN
 FIRE PROTECTION ROUGH-IN
 FRAMING
 MEP WALL ROUGH-IN
 ELECTRICAL GEAR/POWER TO BLDG
 HANG & FINISH DRYWALL
 A/C RUNNING
 MILLWORK
 DOORS & HARDWARE
 CERAMIC TILE
 STAGE FLOORING
 STAGE RIGGING
 STAGE LIGHTING
 PAINT 1ST COAT
 ACT CEILING
 CARPET
 SEATING
 DIV 10 SPECIALTIES
 STAGE CONTROLS
 MEP TRIM
 FINAL PAINT
 SITWORK
 FINAL INSPECT

Early bar
 Progress bar
 Critical bar
 Summary bar
 Start/milestone point
 Finish milestone point

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