

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

**Amendment No. 2
Titusville High School**

THIS AMENDMENT

Made this **26th** day of **May**, in the year **2009**

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

THE HASKELL COMPANY
The Haskell Building
111 Riverside Avenue
Jacksonville, Florida, 32202
hereinafter called the DESIGN-BUILDER.

WHEREAS, the Owner and the Design-Builder entered into an Agreement Between Owner and Design-Builder on June 12, 2006 for certain Design Build Services for the Titusville High School Additions and Renovations 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 Project in the amount of \$18,200,000.00 as required by Article 6.5 of said Agreement; and

WHEREAS, the Agreement was amended (Amendment No.1) on November 27, 2006 to increase the GMP in the amount of \$20,440,639 to add design and construction services for increases to the Scope of Work for the Project; and

WHEREAS, the Owner now wishes to amend the GMP to deduct Owner Direct Purchases and add design and construction services for the additional Scope of Work contained in Change Order Request #1 for the Project;

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 **decreased** in the amount of **Seven Million Two Hundred Sixty Two Thousand Four Hundred Twenty Five Dollars (\$7,262,425)** for this change to the Project. The new GMP shall be **Thirty-One Million Three Hundred Seventy Eight Thousand Two Hundred Fourteen Dollars (\$31,378,214)**. Change Order Request #1 (attached) contains a list of the additional Scope of Work.

Amendment No. 2:

Owner Direct Purchases	\$ <7,586,226.00>
Unused Contingency	\$ 0
Unused Sales Tax Savings	\$ 0
Unused General Conditions	\$ 0
Unused Allowances	\$ 0
Audit Adjustments	\$ 0
Change Order #1	\$ 323,801.00
Total Amendment 2	\$ <7,262,425.00>

GMP Recap:

Original GMP	\$ 18,200,000.00
Amendment No. 1	\$ 20,440,639.00
Amendment No. 2	\$ < 7,262,425.00>
Revised GMP	\$ 31,378,214.00

Schedule

- Substantial Completion: A time extension of One Hundred Twenty Seven (127) Days is required due to Force Majeure and unforeseen existing conditions. The Date of Substantial Completion shall be extended from March 13, 2008 to July 18, 2008.
- Final Completion: A time extension of One Hundred Eleven (111) Days is required to address delays in determining final project costs caused by additional work directed by the Owner after the Date of Substantial Completion, resolution of Code-related issues and agreement on the costs in Change Order Request #1. The Date of Final Completion shall be extended from November 7, 2008 to February 5, 2009.

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

Design-Builder

The Haskell Company

ATTEST:

APPROVED

By: _____
Corporate Secretary

By: _____
David D. Balz, Senior Vice President

Owner

School Board of Brevard County

ATTEST:

APPROVED

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

By: _____
Robert Jordan
Chairman