

CONSTRUCTION MANAGEMENT/GENERAL CONTRACTOR AGREEMENT AMENDMENT

WESTSIDE PARK PHASE II

THIS Professional Services Agreement Amendment (this "Amendment") made and entered into this date _____, 2022 supplements the Agreement made and entered into on January 12, 2022 (the "Agreement"), between the CITY OF MISSOULA, MONTANA, a municipal corporation organized and existing under the laws of the State of Montana, 435 Ryman St., Missoula, MT 59802 ("City"), and Jackson Contractor Group, Inc, 5800 Highway 93 S, Missoula, MT 59806, referred to here as "Contractor" or "CM/GC"

- RECITALS
1. On January 12, 2022, the above parties entered into the Agreement, whereby the Contractor agreed perform Construction Management services for the construction of the Westside Park Phase II project, for which the City agreed to pay an amount of Six Thousand Dollars and No Cents (\$6,000.00) for pre-construction services, and agreed to a Fee of Five and One Half Percent (5.5%) for services performed during the construction phase.
 2. The Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager's Fee plus the Cost of the Work, as that term is defined in Article 6 of the Agreement.
 3. The Owner and Construction Manager hereby amend the Agreement to Include and make part of this agreement the Land and Water Conservation Fund Supplemental conditions

AMENDMENT

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree to amend the Agreement as follows:

1. The Contract Sum is guaranteed by the Construction Manager not to exceed ONE MILLION TWO HUNDRED FOURTEEN EIGHT HUNDRED FORTY ONE DOLLARS AND NO CENTS (\$ 1,214,841), as shown in Exhibit A "Westside Park Guaranteed Max Price Proposal REV1" subject to additions and deductions by Change Order as provided in the Contract Documents.

2. Include and make part of this agreement the Land and Water Conservation Fund Supplemental conditions as shown in Exhibit B "LWCF Supplemental Conditions"

All other terms and conditions of the Agreement remain in full force and effect. This Amendment is effective upon execution by all of the parties.

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

CONTRACTOR: JACKSON CONTRACTOR GROUP INC

_____ Date: _____

Name & Title: _____

CITY OF MISSOULA, MONTANA

_____ Date: _____

John Engen, Mayor

Attest: _____ Date: _____

Martha L. Rehbein, CMC

City Clerk

APPROVED AS TO FORM:

By _____ Date: _____

Jim Nugent, City Attorney