
CITY OF EVERETT

Water Filter Plant – Phase 2 Capital Upgrades GMP Amendment to Progressive Design-Build Contract Between Owner and Design-Builder

OWNER:

City of Everett
3200 Cedar Street
Everett, Washington 98201

DESIGN-BUILDER:

IMCO General Construction, Inc.
2116 Buchanan Loop
Ferndale, WA 98248

PROJECT:

City of Everett Water Filter Plant – Phase 2 Capital Upgrades

The Owner and Design-Builder hereby amend the Progressive Design-Build Contract (the "Contract") dated May 9, 2023, to establish a Guaranteed Maximum Price and other terms and conditions of the Contract. This Guaranteed Maximum Price Amendment ("GMP Amendment") is made as of date of last signature below.

Section A: Guaranteed Maximum Price

A.1 Guaranteed Maximum Price. As agreed by the Owner and Design-Builder, the Contract Price for Phase 2 Services shall not exceed Twenty-Five Million Seven Hundred Seven Thousand Four Hundred Twenty and 86/100 Dollars (\$25,707,420.86), exclusive of Washington state sales tax, subject to additions and deductions by Change Order as provided in the Design-Build Documents.

A.2 Agreed Phase 2 Proposal. The Guaranteed Maximum Price is based on Design-Builder's Phase 2 Proposal, as agreed to by the Owner, and the scope of Phase 2 Work identified therein. A complete copy of the agreed Phase 2 Proposal is maintained by the City of Everett Clerk's Office as a single pdf and is available as follows ("Agreed Phase 2 Proposal"):

Link to Agreed Phase 2 Proposal PDF	https://lfportal.everettwa.gov/WebLink/DocView.aspx?id=1695105&searchid=b2172133-0a6f-4850-9628-2be3f0055501&dbid=0 Per City of Everett City Charter Section 4.12, the City Clerk does not have authority to execute contracts on behalf of the City of Everett. The Clerk's digital signature on page one of the linked pdf is in the Clerk's role as custodian of official city records and is solely a digital certification intended to create a pdf secure for long-term electronic storage.
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Design-Builder acknowledges that Design-Builder has downloaded and reviewed this pdf prior to signing this GMP Amendment. Owner and Design-Builder agree that this pdf contains the complete Agreed Phase 2 Proposal and that it is hereby incorporated into this GMP Amendment.

A.3 Elements of the Agreed Phase 2 Proposal. Section 2.3.1 and Exhibit C (Task 7) of the Contract contains a listing of the intended elements of the Phase 2 Proposal. The following table is a roadmap to the Agreed Phase 2 Proposal. Each item has been bookmarked within the Agreed Phase 2 pdf.

[roadmap table begins on next page]

Contract Section(s)	Contract Section Text	Agreed Phase 2 Proposal
2.3.1.1	<p>“The Contract Price, subject to a GMP, shall be the sum of:</p> <ul style="list-style-type: none"> i. Design-Build Fee as defined in as defined in Section 7.4 hereof; and ii. Construction General Conditions Fee as defined in Section 7.3 hereof; and iii. The Cost of the Phase 2 Work as defined in Section 7.5 hereof, inclusive of any Design-Builder’s Contingency as defined in Section 7.6.2 hereof; and iv. Pass-Through Costs as defined in Section 7.5.3 hereof” 	<p>The GMP is \$25,707,420.86. The Contract Price for Phase 2 Services shall not exceed that amount. Values/cost models/estimates for Contract Price sub-items shown in the Agreed Phase 2 Proposal pdf.</p>
Task 7.3	Pricing Submittal	<p>COE – WFP Phase 2 Upgrades GMP Construction Cost Model; WFP Phase 2 Upgrades – Risk Register; Direct Cost of Work Report; 90% GMP Quotes; Phase 2 Construction Craftworker Labor Rates; Phase 2 Construction Equipment Billing Rates; KJ Construction Support Fee w IMCO Mark Ups; GeoEng Construction Support Fee w IMCO Mark Ups, contained in the Agreed Phase 2 Proposal pdf.</p>
2.3.1.2 (see also Task 7.1 a-c)	<p>“The Basis of Design Documents, which shall include, by way of example, Owner’s Project Criteria (Exhibit B), as may have been modified pursuant to Section 2.1.2 hereof, drawings and specifications, all of which are set forth in detail and are attached to the Phase 2 Proposal;”</p>	<p>The Agreed Phase 2 Proposal contains the following Basis of Design Documents:</p> <p>Modified Owner’s Project Criteria as shown with modifications in Tracked Changes, contained in the Agreed Phase 2 Proposal pdf</p> <p>90% Drawings, contained in the Agreed Phase 2 Proposal pdf</p> <p>90% Specs, contained in the Agreed Phase 2 Proposal pdf</p>
2.3.1.3	<p>“A list of the assumptions and clarifications made by Design-Builder in the preparation of the Phase 2 Proposal, which list is intended to supplement the information contained in the drawings and specifications and is specifically</p>	<p>Phase 2 GMP Cost Clarifications & Assumptions, contained in the Agreed Phase 2 Proposal pdf.</p>

	included as part of the Basis of Design Documents.”	
2.3.1.4 (see also Task 7.2.a)	“A Project Schedule for the Phase 2 Work based upon the Contract Time(s) set forth in Article 6 hereof;”	Phase 2 Construction Schedule and Schedule Narrative, contained in the Agreed Phase 2 Proposal pdf.
2.3.1.5	“If applicable, a list of Allowance Items, Allowance Values, and a statement of their basis;”	See Contract Section 2.3.1.1 – “COE – WFP Phase 2 Upgrades GMP Construction Cost Model
2.3.1.6	“If applicable, a schedule of alternate prices;”	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
2.3.1.7	“If applicable, a schedule of unit prices;”	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
2.3.1.8	“If applicable, a statement of Additional Services which may be performed but which are not included in the Phase 2 Proposal, and which, if performed, shall be the basis for an increase in the GMP and/or Contract Time(s);”	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
2.3.1.9	“An expiration date for the Phase 2 Proposal provided that Design-Builder shall not make the Phase 2 Proposal subject to expiration or withdrawal for at least ninety (90) days after submission and Owner shall provide its initial review and comment on the Phase 2 Proposal within thirty (30) days of submission;”	Unless this GMP Amendment is signed by both parties prior to July 17, 2024, the Phase 2 Proposal shall expire.
2.3.1.10 (see also Task 7.1.d)	“A Permits and Approvals list detailing the permits and governmental approvals not otherwise addressed in the Contract Documents that Owner and Design-Builder will need and assigning responsibility for each;”	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
2.3.1.11	“A preliminary training plan;”	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
2.3.1.12	“A construction safety plan; and”	Phase 2 Health and Safety Plan, contained in the Agreed Phase 2 Proposal pdf.

(see also Task 7.2.b)		
2.3.1.13 (see also Task 7.2.c)	"A construction quality plan."	Phase 2 QC Plan with Appendices, contained in the Agreed Phase 2 Proposal pdf.
Task 7.2.d	"Revised Self-Performance and Subcontracting Plan, identifying work packages planned to be self-performed and subcontracted, whether those packages are being procured competitively or sole sourced, description of approach to procurement for competitive packages, and identity of subcontractor for sole sourced packages."	Self-Performance and Subcontracting Plan, contained in the Agreed Phase 2 Proposal pdf.
Task 7.2.e	"Descriptive summary of all engineering, procurement, materials, construction labor and equipment, and other services necessary to perform the Phase 2 Work as required under this PDB Contract."	Not applicable and not included in the Agreed Phase 2 Proposal pdf.
Task 7.2.f	"A Phase 2 scope of work for engineering services during construction, describing the work tasks and activities to be provided by the Engineer of Record and other engineering or geotechnical firms during Phase 2."	KJ Construction Support Scope of Work (Engineer of Record) and GeoEngineers Construction Support Scope of Work (Geotechnical Firm), contained in the Agreed Phase 2 Proposal pdf.
Task 7.2.g	"A Phase 2 staffing plan describing the construction oversight activities to be completed by the Design-Builder, by the Engineer of Record, by other engineering or geotechnical firms, and by the City. The intent of this document is to demonstrate a shared understanding of oversight roles and responsibilities during construction, and to minimize duplication of efforts."	Phase 2 Staffing Plan, contained in the Agreed Phase 2 Proposal pdf.

Section B: Substantial Completion

Pursuant to Section 6.2.4 of the Contract, the required date of Substantial Completion for the Phase 2 Services as established by this GMP Amendment is April 30, 2026.

Section C: Other Changes

C.1 Phase 1 Completion. The completion date for Phase 1 Services in Contract Section 6.1.1 is amended from April 1, 2023 to May 31, 2024.

C.2 Phase 1 Price. The Phase 1 price in Contract Section 7.1 is amended as shown in the table below, which is exclusive of Washington state sales tax. A breakdown of the Phase 1 amount added by this GMP Amendment is attached to this GMP Amendment.

Original Phase 1 Price in Contract	\$2,723,318.68
Amount added by this GMP Amendment	\$562,908.39
New Phase 1 Price	\$3,286,227.07

C.3 Key Personnel. The personnel table in Section 10.3 of the Contract is replaced with the following table:

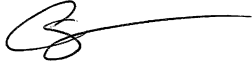
Position Title	Name of Individual
Design-Builder Senior Representative / Project Manager	CJ Handforth
Design-Builder Representative / Preconstruction Manager	Todd Pike, DBIA
Design Manager	Brad Florentin, PE
Structural Engineer	PJ Bourdaniotis, PE, SE, DBIA
Civil Engineer	Jon Honda, PE
Building Mechanical Engineer	Ryan Ray, PE
Process Mechanical Engineer	Jonathan Anderson, PE
Construction Project Manager	Mitchell Sorestad
Construction Superintendent	James Janda
Geotechnical Engineer	Deb Overbay, PE
Hydrogeologist	Steven Thomas, LHG

[signatures on following page]

This GMP Amendment entered into as of the date of last signature below. This GMP Amendment is signed by the parties using AdobeSign, which is fully binding.

OWNER:

City of Everett,
a Washington municipal corporation



Cassie Franklin, Mayor

DESIGN-BUILDER:

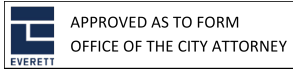
IMCO General Construction,
a Washington corporation



Tyler Kimberley, President

Date: 05/21/2024

Date: 05/14/2024



Attest:



ATTACHMENT

PHASE 1 PRICE BREAKDOWN

Description	Quantity	Units	Bid Total
PHASE 1 COSTS			
ORIGINAL PHASE 1 PRICE	1.00	LS	2,723,318.68
ORIGINAL PHASE 1 PRICE			\$2,723,318.68
PHASE 1 CHANGE ORDER #1			
- ADDITIONAL GEOTECHNICAL FIELD INVESTIGATION		LS	\$103,275.33
- ADDITIONAL PROJECT MANAGEMENT, FIELD INVEST., COST EST.		LS	\$113,962.10
- DESIGN SERVICES BEYOND ORIGINAL SCOPE		LS	\$314,288.66
- PRE-ENGINEERED METAL BUILDING DESIGN FEES		LS	\$31,382.30
PHASE 1 CHANGE ORDER TOTAL			\$562,908.39
TOTAL PHASE 1 COSTS, INCL. CHANGE ORDERS			\$3,286,227.07











IMCO-WFP Phase 2 Capital Upgrades-Amendm ent-JN-rev.SD

Final Audit Report

2024-05-21


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By:	Marista Jorve (mjorve@everettwa.gov)
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 Agreement completed.

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