From:	Chad Roberson
To:	John Mitchell
Subject:	FW: Contract Language for Pre-Bid GMP
Date:	Monday, January 22, 2018 10:02:50 AM
Attachments:	image001.png 2fda9941-0d0a-45d9-8dc5-3e109e2db0fc.png

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See attached. I will call you around lunch.

Chad Roberson AIA, LEED AP BD+C
Principal

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From: Marty Moser [mailto:Mmoser@barnhillcontracting.com]
Sent: Friday, January 19, 2018 11:18 AM
To: J. Chris Smith (csmith@beverly-grant.com) <csmith@beverly-grant.com>; Chad Roberson <CRoberson@ClarkNexsen.com>
Cc: Chad Webb <cwebb@barnhillcontracting.com>
Subject: Contract Language for Pre-Bid GMP

Chris and Chad,

The following contract provision is from Rod Malone's CM at Risk contract with a pre-bid GMP. This is a fair and reasonable approach that we can discuss on our call this afternoon.

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THE PARTIES AGREE THAT IN THE EVENT THE BIDS RECEIVED BY THE CM FOR THE WORK, INCLUDING ALL OF THE ALTERNATES ACCEPTED BY THE OWNER, PURSUANT TO ARTICLE 3.4 OF THIS AGREEMENT EXCEED THE LINE ITEM IN THE GMP FOR THE COST OF THE WORK, THEN THE CM SHALL HAVE THE RIGHT TO TERMINATE THIS AGREEMENT. THE CM SHALL PROVIDE THE OWNER WITH NOTICE OF INTENT TO TERMINATE PURSUANT TO THIS PROVISION WITHIN FIFTEEN

(15) DAYS OF THE CM'S RECEIPT OF BIDS FOR THE PROJECT. PRIOR TO A TERMINATION PURSUANT TO THIS PROVISION BECOMING EFFECTIVE, THE OWNER AND CM WILL REVIEW THE LIST OF ALTERNATES, OTHER MODIFICATIONS OR VALUE ENGINEERING REQUESTS IN ORDER TO DETERMINE WHETHER AN AGREEMENT CAN BE REACHED BETWEEN THE OWNER AND CM REGARDING A MODIFIED SCOPE OF WORK OR AN ADJUSTMENT TO THE GMP. IN THE EVENT AN AGREEMENT REGARDING THE MODIFIED SCOPE OF THE WORK AND/OR A REVISION TO THE GMP CANNOT BE REACHED WITHIN FIFTEEN (15) DAYS OF THE OWNER'S RECEIPT OF NOTICE OF INTENT TO TERMINATE PURSUANT TO THIS SECTION, THEN THE TERMINATION SHALL BECOME IMMEDIATELY EFFECTIVE.

Marty

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BARNHILL CONTRACTING COMPANY

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