



**NEW YORK CITY DEPARTMENT OF
DESIGN + CONSTRUCTION**

DAVID J. BURNEY, AIA
Commissioner

DONALD HOOKER
Agency Chief
Contracting Officer

Date: February 14, 2007

ADDENDUM NO. 2

Project: Requirements Contract for Construction Management Services

PIN: 8502007RQ0008 – 15P

**THIS ADDENDUM IS ISSUED FOR THE PURPOSE OF AMENDING THE REQUIREMENTS
OF THE REQUEST FOR PROPOSALS AND IS HEREBY MADE A PART OF SAID REQUEST
FOR PROPOSALS TO THE SAME EXTENT AS THOUGH IT WERE ORIGINALLY THEREIN**

CHANGES TO THE REQUEST FOR PROPOSALS

- (1) New Proposal Submission Deadline: The proposer shall hand deliver its Proposal on or before 4:00 P.M. on **March 5, 2007**. The Proposal shall consist of a clearly marked, sealed package with the Technical Proposal (1 original and 6 copies).
- (2) New Attachment 2: Delete Attachment 2 and replace with new Attachment 2 attached to this Addendum.

CHANGES TO THE CONTRACT

- (1) Article 6.1: Delete Article 6.1 and replace with new Article 6.1 set forth below.

6.1 General: The CM shall provide, to the satisfaction of the Commissioner, the services set forth in this Article 6. In general, the CM shall serve as the representative of the Commissioner at the site and shall, subject to review by the Commissioner, be responsible for the inspection, management, coordination and administration of the required construction work, as delineated in the article of the Standard Construction Contract (April 2006) entitled "The Resident Engineer". DDC shall notify the construction contractor(s) in writing that the CM has been designated by the Commissioner to serve as his/her representative in connection with the Project.

- (2) Article 7.2.2(a): Delete Article 7.2.2(a) and replace with new Article 7.2.2(a) set forth below.



7.2.2 The CM shall be paid a Fee for Profit, the amount of which shall be calculated as a percent of the total actual cost of construction for the Project in accordance with the Fee Curve set forth in Exhibit B. For the purpose of calculating the Fee for Profit, the total actual cost of construction for the Project shall be as defined below.

- (a) Payment: The Fee for Profit shall be paid to the CM during the Construction Phase, in accordance with the completion milestones set forth below, as determined by the Commissioner.

<u>Completion Milestones</u>	<u>Percent of Fee for Profit Payable</u>
25% Completion of the Work	25%
50% Completion of the Work	25%
Substantial Completion of the Work	35%
Completion of all Post Construction Services	15%

- (3) Article 13.1: Delete Article 13.1 and replace with new Article 13.1 set forth below.

13.1 Rights of Commissioner to Postpone and Terminate: The Commissioner shall have the right upon ten (10) days written notice to the CM, to postpone, delay, suspend or terminate all or any portion of the services to be performed by the CM under this Contract, or any additions thereto or modifications thereof, at any time and for any reason deemed to be in the City's interest. In such event, the CM shall be paid such amount as determined by the Commissioner as shall fairly compensate him, in accordance with Article 7, for services satisfactorily performed prior to the termination date. *In the event the Commissioner terminates the CM's services prior to commencement of the construction phase, the CM shall be entitled to payment of a Fee for Profit in the amount of 10% of the estimated cost of construction, as determined by the Commissioner.* Such postponement, delay, suspension or termination shall not give rise to any cause of action for damages or extra remuneration against the City, other than that provided for herein.

Only the sentence in blue is new. Note that the Fee for Profit for pre-construction termination is based on the estimated (as opposed to the actual) construction cost.

- (4) Exhibit A: Exhibit A is revised as set forth below.

Division: Division of Structures; provided, however, the Commissioner reserves the right to issue Task Orders to the selected CM for projects from the Division of Infrastructure.

- (5) Exhibit B: Delete Exhibit B and replace with new Exhibit B that conforms to the new Attachment 2 attached to this Addendum.

THIS ADDENDUM MUST BE SIGNED BY ALL
PROPOSERS AND ATTACHED TO THEIR PROPOSALS.

Name of Proposer

Donald Hooker

By: _____

ATTACHMENT 2
STIPULATED FEE FOR PROFIT

Fee for Profit: The CM shall be paid a Fee for Profit, the amount of which shall be calculated as a percent of the total actual cost of construction for the Project in accordance with the Fee Curve set forth below. For the purpose of calculating the Fee for Profit, the total actual cost of construction for the Project shall be as defined in Article 7 of the attached contract. The Fee for Profit shall be paid to the CM during the Construction Phase, in accordance with the completion milestones set forth below, as determined by the Commissioner.

<u>Completion Milestones</u>	<u>Percent of Fee for Profit Payable</u>
25% Completion of the Work	25%
50% Completion of the Work	25%
Substantial Completion of the Work	35%
Completion of all Post Construction Services	15%

TOTAL ACTUAL CONSTRUCTION COST	Fee for Profit as a Percent of Total Actual Construction Cost	TOTAL ACTUAL CONSTRUCTION COST	Fee for Profit as a Percent of Total Actual Construction Cost
\$8,000,000.00	1.66%	\$32,000,000.00	1.13%
\$9,000,000.00	1.63%	\$33,000,000.00	1.13%
\$10,000,000.00	1.58%	\$34,000,000.00	1.12%
\$11,000,000.00	1.54%	\$35,000,000.00	1.12%
\$12,000,000.00	1.49%	\$36,000,000.00	1.08%
\$13,000,000.00	1.49%	\$37,000,000.00	1.04%
\$14,000,000.00	1.47%	\$38,000,000.00	1.02%
\$15,000,000.00	1.47%	\$39,000,000.00	1.00%
\$16,000,000.00	1.43%	\$40,000,000.00	0.98%
\$17,000,000.00	1.43%	\$41,000,000.00	0.96%
\$18,000,000.00	1.41%	\$42,000,000.00	0.94%
\$19,000,000.00	1.40%	\$43,000,000.00	0.92%
\$20,000,000.00	1.40%	\$44,000,000.00	0.90%
\$21,000,000.00	1.39%	\$45,000,000.00	0.88%
\$22,000,000.00	1.37%	\$46,000,000.00	0.86%
\$23,000,000.00	1.36%	\$47,000,000.00	0.84%
\$24,000,000.00	1.36%	\$48,000,000.00	0.82%
\$25,000,000.00	1.34%	\$49,000,000.00	0.80%
\$26,000,000.00	1.33%	\$50,000,000.00	0.78%
\$27,000,000.00	1.33%		
\$28,000,000.00	1.32%		
\$29,000,000.00	1.31%		
\$30,000,000.00	1.15%		
\$31,000,000.00	1.14%		