

## ATTACHMENT L

### GUARANTEED MAXIMUM PRICE CERTIFICATION

THIS GUARANTEED MAXIMUM PRICE CERTIFICATION (this “*Certification*”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **CITY OF HAMPTON, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia (“*City*”), and **CLANCY & THEYS CONSTRUCTION CO.**, a North Carolina corporation (“*Contractor*”).

### RECITALS

A. City and Contractor are parties to a certain Comprehensive Agreement dated effective as of July \_\_\_, 2020 (the “*Agreement*”) for the construction of an aquatics center in the City of Hampton, Virginia (the “*Project*”). Capitalized terms not otherwise defined in this Certification shall have the same meaning as set forth in the Agreement.

B. The Agreement contemplates the execution of this Certification, which Certification is attached to the Agreement as Attachment L, and in accordance with Section 11 of the Agreement, the City and Contractor hereby amend the Agreement to establish the Guaranteed Maximum Price.

### AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, City and Contractor agree to and confirm the following information with respect to the Agreement:

1. Guaranteed Maximum Price. The agreed upon GMP under the Agreement is \_\_\_\_\_ and \_\_\_\_\_ No/100 Dollars (\$\_\_\_\_\_.00); which is comprised of the following components:

(a) Design Fees: \$\_\_\_\_\_

(b) Construction Fees: \$\_\_\_\_\_

(c) Contractor Fee: \$\_\_\_\_\_

(d) Contingency Fees: \$\_\_\_\_\_

2. Control Budget. The agreed upon Control Budget that corresponds to the GMP is attached hereto as Exhibit A.

3. Project Schedule. The agreed upon Project Schedule, as of the date of this Certification, is attached hereto as Exhibit B.

4. Other Provisions. This Certification is intended to supplement the Agreement, and all of the terms and conditions of the Agreement remain in full force and effect. This Certification may be executed in two or more counterparts, each of which shall be deemed an original, but all of such counterparts together shall be deemed to be one and the same instrument.

*[Remainder of page intentionally left blank. Counterpart signature pages follow.]*

**IN WITNESS WHEREOF**, the Parties have executed this Certification effective as of the day and year first above written.

Approved as to form and legal sufficiency:

**CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia

\_\_\_\_\_  
Senior Deputy City Attorney

By: \_\_\_\_\_  
Mary Bunting, City Manager

Approved as to Content:

\_\_\_\_\_  
Terry O'Neill, Director of Community Development

\_\_\_\_\_  
Ron Sterling, Project Manager, Public Works

\_\_\_\_\_  
Karl Daughtrey, Director of Finance

\_\_\_\_\_  
Brian DeProfio, Aquatics Executive Committee Chair and Assistant City Manager

*[Signature page of Contractor follows.]*

**CLANCY & THEYS CONSTRUCTION  
CO.,** a North Carolina corporation

By: \_\_\_\_\_

Name: William J. Goggins, Sr.

Title: CEO & Vice President,  
Clancy & Theys Construction Co.

*[Contractor's signature page to Guaranteed Maximum Price Certification]*

**EXHIBIT A**  
**CONTROL BUDGET**

[Attached hereto]

**EXHIBIT B**  
**PROJECT SCHEDULE**

[Attached hereto]