

Exhibit 1

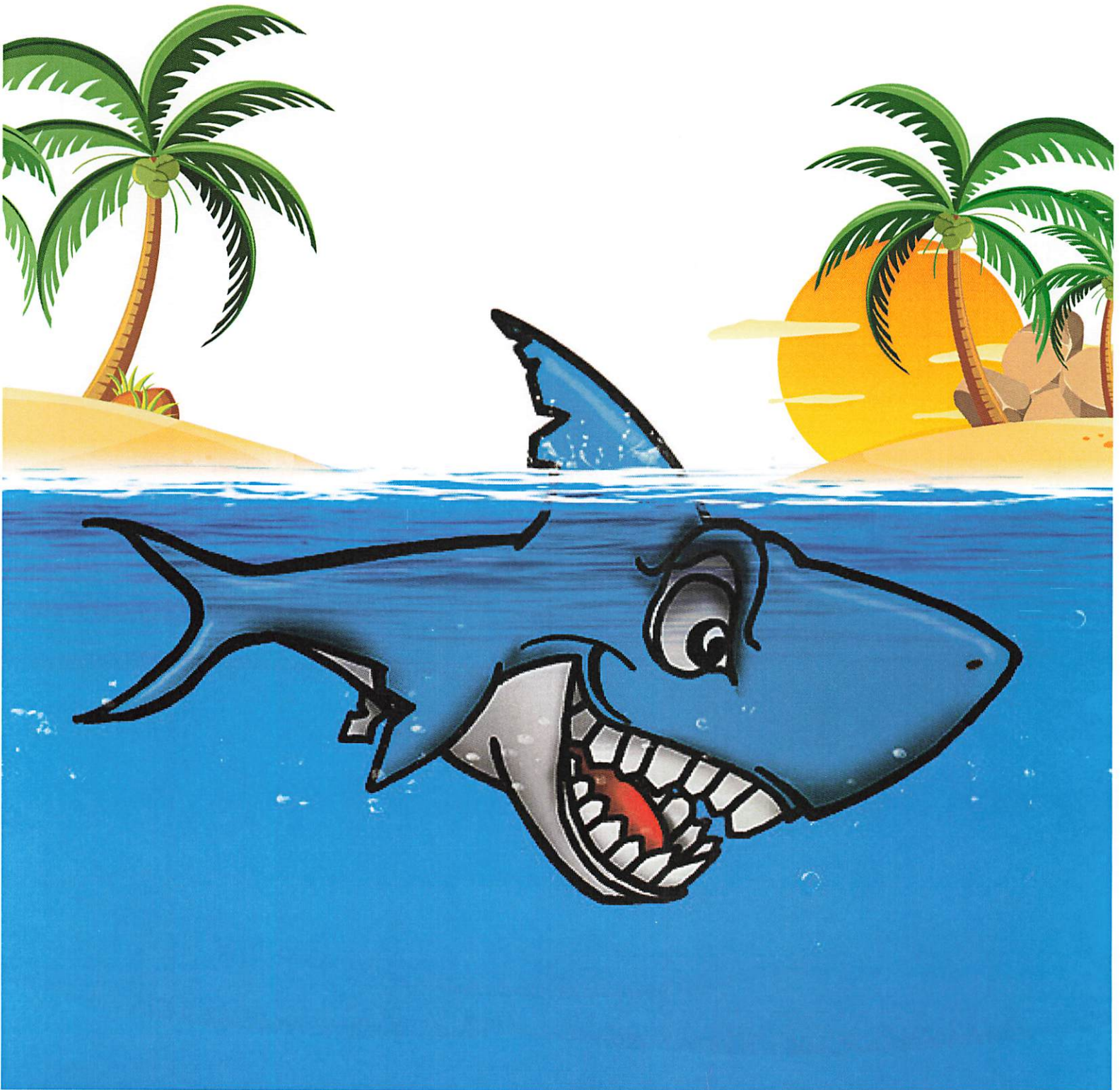


Exhibit 1

AMENDMENT No. 3 to the OWNER-CMAR CONSTRUCTION AGREEMENT

Pursuant to Article 3 of the Agreement between Nye County School District "Owner", and CORE West, Inc. "CMAR", for the Rosemary Clarke MS Modernization a phase of the Nye County School District Tonopah Elementary School Replacement (the Project), the Owner and the CMAR desire to establish a Guaranteed Maximum Price #3 HVAC Upgrade Phase 2 ("GMP") for the Work. Therefore, the Owner and the CMAR agree as follows:

ARTICLE 1. GUARANTEED MAXIMUM PRICE

The CMAR's Guaranteed Maximum Price #3 HVAC Upgrade Phase 2 (GMP) for the entire Work of this GMP #3 Amendment on the referenced Project:

1) Cost of the Work (excluding General Conditions)	<u>\$6,311,926.00</u>
2) CMAR's General Conditions	<u>\$463,565.00</u>
3) CMAR's Fee	<u>\$378,568.00</u>
4) CMAR's Contingency/Allowance	<u>\$525,597.00</u>
5) Bonds and Insurance	<u>\$270,268.00</u>
6) Total Guaranteed Maximum Price	<u>\$7,949,924.00</u>

CMAR is authorized to proceed with the referenced project for the Guaranteed Maximum Price of **Seven Million Nine Hundred Forty-Nine Thousand Nine Hundred Twenty-Four (7,949,924.00)** and No/100 Dollars. This price is for the performance of the Work in accordance with the Agreement and the Contract Documents listed and attached to this Amendment and marked as Exhibits A, B, C, D, and E, as follows:

- Exhibit A Drawings and Specifications, including Addenda, if any, included on the Enumeration of Documents, dated August 5th, 2024, three (3) page(s).
- Exhibit B Assumptions, Clarifications and Exclusions on which the Guaranteed Maximum Price is based included on the Basis of GMP, dated August 5th, 2024, four (4) pages.
- Exhibit C GMP (Guaranteed Maximum Price), dated August 5th, 2024, one (1) page.
- Exhibit D Schedule of Work, one (1) page(s).
- Exhibit E Listing of Subcontractors Exceeding 1%, one (1) page(s)

ARTICLE 2. DATE OF SUBSTANTIAL COMPLETION

The Date of Substantial Completion of the Work is three hundred twenty-one (321) calendar days from Date of Commencement. Date of Commencement shall be the date of the Notice To Proceed or the date of the permit(s), whichever is later. If the Work is not substantially complete within the time set forth in Article 5 of the Agreement, the liquidated damages provisions stipulated in Article 5 of the Agreement shall apply.

ARTICLE 3. DATE OF FINAL COMPLETION

The Date of Final Completion of the Work is: (45) Days after the Date of Substantial Completion, subject to adjustments as provided for in the Agreement.

WHEREFORE, the parties have entered into this Subcontract as of the day and year first written above.

Nye County School District

CORE West, Inc.

By: _____

By: _____

Title: Director of Maintenance & Operations
, Safety/Security

Title: Executive Vice President

Attest: Joe Schmidt

Attest: Mark F. Hobaica, AIA

Date: _____

Date: _____



**EXHIBIT A
ENUMERATION OF DOCUMENTS
GMP #3**

Project Name: NCS D Rosemary Clark
M.S. Modernization Phase II
CORE Project No: 24-01-008

PROJECT MANUAL					
Specification/ Drawing	Description	Spec Date	Stamp Date	CORE Received Date	Revision
Division 00	Procurement and Contracting Requirements				
Cover Sheet	Rosemary Clarke MS - HVAC Replacement Phase II Project Manual - Volume 1	25-Aug-22	None	21-May-24	None
00 0101	Project Title Page	22-May-24	None	21-May-24	None
00 0110	Table of Contents	22-May-24	None	21-May-24	None
00 3100	Available Project Information	22-May-24	None	21-May-24	None
00 7200	General Conditions	22-May-24	None	21-May-24	None
00 7300	Supplementary Conditions	22-May-24	None	21-May-24	None
Division 01	General Requirements				
01 1000	Summary	22-May-24	None	21-May-24	None
01 3000	Administrative Requirements	22-May-24	None	21-May-24	None
01 3117	Contractor Request for Interpretation Procedures	22-May-24	None	21-May-24	None
01 3216	Construction Progress Schedule	22-May-24	None	21-May-24	None
01 4000	Quality Requirements	22-May-24	None	21-May-24	None
01 5000	Temporary Facilities and Controls	22-May-24	None	21-May-24	None
01 6000	Product Requirements	22-May-24	None	21-May-24	None
01 6116.01	Accessory Material VOC Content Certification Form	22-May-24	None	21-May-24	None
01 6116	Volatile Organic Compound (VOC) Content Restrictions	22-May-24	None	21-May-24	None
01 7000	Execution and Closeout Requirements	22-May-24	None	21-May-24	None
01 7800	Closeout Submittals	22-May-24	None	21-May-24	None
Division 02	Existing Conditions				
02 4100	Demolition	22-May-24	None	21-May-24	None
Division 07	Thermal and Moisture Protection				
07 6200	Sheet Metal Flashing and Trim	22-May-24	None	21-May-24	None
07 8400	Firestopping	22-May-24	None	21-May-24	None
07 9200	Joint Sealants	22-May-24	None	21-May-24	None
DRAWINGS					
Specification/ Drawing	Description	Drawing Date	Stamp Date	CORE Received Date	Revision
G0-00	Cover Sheet	17-May-24	20-May-24	22-May-24	None
A1-10	Location Plan	17-May-24	20-May-24	22-May-24	None
M0.00	Mechanical Cover Sheet	17-May-24	None	22-May-24	None
M0.10	Mechanical Schedules	17-May-24	None	22-May-24	None
M0.11	Mechanical Schedules	17-May-24	None	22-May-24	None
M0.15	Mechanical Energy Code Compliance	17-May-24	None	22-May-24	None
M0.20	Mechanical Diagrams	17-May-24	None	22-May-24	None
M0.40	Mechanical Control Diagrams	17-May-24	None	22-May-24	None
M0.41	Mechanical Control Diagrams	17-May-24	None	22-May-24	None
M0.50	Mechanical Zone Damper Diagrams	17-May-24	None	22-May-24	None
MD2.01	Mechanical Demolition Plan - Building A	17-May-24	None	22-May-24	None
MD2.02	Mechanical Demolition Plan - Building B	17-May-24	None	22-May-24	None
MD2.03	Mechanical Demolition Plan - Building C	17-May-24	None	22-May-24	None
MD2.04	Mechanical Demolition Plan - Building D	17-May-24	None	22-May-24	None
MD2.05	Mechanical Demolition Plan - Building E	17-May-24	None	22-May-24	None
MD2.06	Mechanical Demolition Plan - Building F	17-May-24	None	22-May-24	None
MD2.07	Mechanical Demolition Plan - Building H	17-May-24	None	22-May-24	None



EXHIBIT A
ENUMERATION OF DOCUMENTS
GMP #3

Project Name: NCS Rosemary Clark
M.S. Modernization Phase II
CORE Project No: 24-01-008

Specification/ Drawing	Description	Spec Date	Stamp Date	CORE Received Date	Revision
MD4.01	Mechanical Demolition Roof Plan - Building A	17-May-24	None	22-May-24	None
MD4.02	Mechanical Demolition Roof Plan - Building B	17-May-24	None	22-May-24	None
MD4.03	Mechanical Demolition Roof Plan - Building C	17-May-24	None	22-May-24	None
MD4.04	Mechanical Demolition Roof Plan - Building D	17-May-24	None	22-May-24	None
MD4.05	Mechanical Demolition Roof Plan - Building E	17-May-24	None	22-May-24	None
MD4.06	Mechanical Demolition Roof Plan - Building F	17-May-24	None	22-May-24	None
MD4.07	Mechanical Demolition Roof Plan - Building H	17-May-24	None	22-May-24	None
M2.00	Overall Mechanical Plan	17-May-24	None	22-May-24	None
M2.01	Mechanical Plan - Building A	17-May-24	None	22-May-24	None
M2.02	Mechanical Plan - Building B	17-May-24	None	22-May-24	None
M2.03	Mechanical Plan - Building C	17-May-24	None	22-May-24	None
M2.04	Mechanical Plan - Building D	17-May-24	None	22-May-24	None
M2.05	Mechanical Plan - Building E	17-May-24	None	22-May-24	None
M2.06	Mechanical Plan - Building F	17-May-24	None	22-May-24	None
M2.07	Mechanical Plan - Building H	17-May-24	None	22-May-24	None
M4.00	Overall Mechanical Roof Plan	17-May-24	None	22-May-24	None
M4.01	Mechanical Roof Plan - Building A	17-May-24	None	22-May-24	None
M4.02	Mechanical Roof Plan - Building B	17-May-24	None	22-May-24	None
M4.03	Mechanical Roof Plan - Building C	17-May-24	None	22-May-24	None
M4.04	Mechanical Roof Plan - Building D	17-May-24	None	22-May-24	None
M4.05	Mechanical Roof Plan - Building E	17-May-24	None	22-May-24	None
M4.06	Mechanical Roof Plan - Building F	17-May-24	None	22-May-24	None
M4.07	Mechanical Roof Plan - Building H	17-May-24	None	22-May-24	None
E0.00	Electrical Cover Sheet	17-May-24	None	22-May-24	None
E0.01	Electrical Specification	17-May-24	None	22-May-24	None
E0.02	Single Line Diagram	17-May-24	None	22-May-24	None
E0.03	Single Line Diagram	17-May-24	None	22-May-24	None
E0.10	Electrical Panel Schedules	17-May-24	None	22-May-24	None
E0.11	Electrical Panel Schedules	17-May-24	None	22-May-24	None
E0.12	Electrical Panel Schedules	17-May-24	None	22-May-24	None
ED2.01	Electrical Demolition Overall Plan - Building A	17-May-24	None	22-May-24	None
ED2.02	Electrical Demolition Overall Plan - Building B	17-May-24	None	22-May-24	None
ED2.03	Electrical Demolition Overall Plan - Building C	17-May-24	None	22-May-24	None
ED2.04	Electrical Demolition Overall Plan - Building D	17-May-24	None	22-May-24	None
ED2.05	Electrical Demolition Overall Plan - Building E	17-May-24	None	22-May-24	None
ED2.06	Electrical Demolition Overall Plan - Building F	17-May-24	None	22-May-24	None
ED2.07	Electrical Demolition Overall Plan - Building H	17-May-24	None	22-May-24	None
ED4.01	Electrical Demolition Roof Plan - Building A	17-May-24	None	22-May-24	None
ED4.02	Electrical Demolition Roof Plan - Building B	17-May-24	None	22-May-24	None
ED4.03	Electrical Demolition Roof Plan - Building C	17-May-24	None	22-May-24	None
ED4.04	Electrical Demolition Roof Plan - Building D	17-May-24	None	22-May-24	None
ED4.05	Electrical Demolition Roof Plan - Building E	17-May-24	None	22-May-24	None
ED4.06	Electrical Demolition Roof Plan - Building F	17-May-24	None	22-May-24	None
ED4.07	Electrical Demolition Roof Plan - Building H	17-May-24	None	22-May-24	None
E2.00	Overall Electrical Plan	17-May-24	None	22-May-24	None
E2.01	Electrical Overall Plan - Building A	17-May-24	None	22-May-24	None
E2.02	Electrical Overall Plan - Building B	17-May-24	None	22-May-24	None
E2.03	Electrical Overall Plan - Building C	17-May-24	None	22-May-24	None
E2.04	Electrical Overall Plan - Building D	17-May-24	None	22-May-24	None



EXHIBIT A
ENUMERATION OF DOCUMENTS
GMP #3

Project Name: NCS D Rosemary Clark
M.S. Modernization Phase II
CORE Project No: 24-01-008

Specification/ Drawing	Description	Spec Date	Stamp Date	CORE Received Date	Revision
E2.05	Electrical Overall Plan - Building E	17-May-24	None	22-May-24	None
E2.06	Electrical Overall Plan - Building F	17-May-24	None	22-May-24	None
E2.07	Electrical Overall Plan - Building H	17-May-24	None	22-May-24	None
E4.00	Overall Electrical Roof Plan	17-May-24	None	22-May-24	None
E4.01	Electrical Roof Plan - Building A	17-May-24	None	22-May-24	None
E4.02	Electrical Roof Plan - Building B	17-May-24	None	22-May-24	None
E4.03	Electrical Roof Plan - Building C	17-May-24	None	22-May-24	None
E4.04	Electrical Roof Plan - Building D	17-May-24	None	22-May-24	None
E4.05	Electrical Roof Plan - Building E	17-May-24	None	22-May-24	None
E4.06	Electrical Roof Plan - Building F	17-May-24	None	22-May-24	None
E4.07	Electrical Roof Plan - Building H	17-May-24	None	22-May-24	None

EXHIBIT B - Basis of GMP #3

NCS D Rosemary Clarke Phase 2 HVAC Replacement

AUGUST 5, 2024

Pahrump, Nevada



The Basis of GMP is a written explanation clarifying the scope, assumptions and exclusions used in establishing the *Guaranteed Maximum Price (GMP)* dated August 5, 2024. This GMP is based on CMAR's incorporation of the scope shown on the May 17, 2024, set of design documents (per the Exhibit A - Enumeration of Documents), and the scope clarifications below.

Clarifications

Schedule

- This GMP is based upon performance of the work per the Exhibit D Construction Schedule, which are an integral part of this GMP.

Weather

The following table represents a mutual understanding of the number of reasonable days of adverse weather per month where no construction activities may occur due to unworkable field conditions. CMAR has assumed the risk to make up for lost days per month in accordance with this table.

CMAR shall be granted an extension of time for delays resulting from additional lost days per calendar month beyond what is illustrated in this table. The lost days illustrated in this schedule for Pahrump, Nevada are per calendar month and shall not accrue from month to month.

Month	Number of Reasonably Anticipated Days of Adverse Weather Per Month	Average Precipitation (inches)
May	0	0.17
June	0	0.08
July	1	0.40
August	1	0.38

Cost Clarifications

This proposal is based on current Southern Nevada Rural Region Prevailing Wage Rates and includes Nevada sales tax.

General Cost Clarifications

- This GMP is considered lump sum, not line itemed. Scope values are provided for transparency and as a contract schedule of values.
- Any and all savings or any approved value engineering savings during the course of Work will be added to the CMAR Construction Contingency. As the GMP is lump sum, savings are not fully realized until substantial completion.
- Any savings / remaining CMAR Construction Contingency at the end of the project will be returned to the owner per the terms of the contract.

EXHIBIT B - Basis of GMP #3

NCSD Rosemary Clarke Phase 2 HVAC Replacement

AUGUST 5, 2024

Pahrump, Nevada



Contingency & Allowances

- **CMAR Construction Contingency (5.0%)** – CMAR Construction Contingency is included in this GMP and is intended to be used at CMAR’s discretion to cover costs that have not been completely identified as trade specific scope on the GMP setting documents may require further clarification or coordination. These costs include, but not limited to, scope gap, coordination issues between trades, and missed scope during the bidding process. The CMAR Construction Contingency is not intended to account for design revisions or additional scope requests by the design / owner during construction.
- **Building Repair/Coordination Allowance (\$210,000)** – CMAR is carrying an allowance for Building Repair/Coordination within the GMP of this project. This allowance is intended to be used at the CMAR’s discretion to cover unforeseen conditions, design revisions and/or additional scope required due to the nature of the project being a modernization within an existing facility.
- **Owner Project Contingency – NOT INCLUDED** – CMAR is not carrying an Owner Contingency within the GMP of this project. CMAR recommends the owner carry anywhere from 2.5% for new construction to 5% for remodels / modernizations. Any Owner Contingency added by change to this contract will be marked up at rate stipulated under this contract.

Hourly Rates

The following agreed to hourly rates will be used to determine and define “Actual Costs”. The Actual Costs for each of the agreed to rates includes all normal and customary payroll paid by the CMAR plus all fringe benefits, taxes and insurances.

	<u>Standard Rate</u>	<u>Overtime Rate</u>
Project Principal	250	-
Pre-Construction:		
Director of PreConstruction	180	-
Sr. PreConstruction Manager	142	-
PreConstruction Manager	118	-
PreConstruction Assistant Manager	105	-
PreConstruction Coordinator	88	-
Project Management:		
Project Director	155	-
Sr. Project Manager	142	-
Project Manager	118	-
Asst. Project Manager	105	-
Scheduler	105	-
Construction Coordinator	88	-
Project Accountant	88	-
Contracts Administrator	88	-

EXHIBIT B - Basis of GMP #3

NCSD Rosemary Clarke Phase 2 HVAC Replacement

AUGUST 5, 2024

Pahrump, Nevada



Assistant Contracts Administrator	67	100
Intern	50	75
Field Operations:		
Director of Field Operations	180	-
General Superintendent	155	-
Sr. Superintendent	135	-
Superintendent	125	-
Asst. Superintendent	105	-
Safety Director	105	-
Carpenters	125	-
Water Truck Driver	115	-
Forklift Operator	140	-

Scope-Specific Clarifications

CMAR's GMP is based upon plans and specifications as itemized in attached Exhibit A - Enumeration of Documents, with the following Scope-Specific Assumptions and Clarifications.

MP&E SYSTEMS

99 | HVAC INSTALLATION

- Includes supply and installation of new MZU, Split Unit and Exhaust fan equipment to replace existing equipment in-kind.
- MZU Units will be stored on premise until they are ready to be installed at roof locations.
- Include furnish and install (2) sets of MERV 13 Filters on new MZUs
- Include Pre-Air balance of existing MZU zone heads for verification of airflow requirements.
- Include Air balance of new MZU zone heads as shown.
- Include demolition and haul off existing MZU.
- Assumes that existing Fire Lane would sustain the load for the crane to fly the MZU's.

103 | ELECTRICAL SYSTEMS

- Includes electrical work to power new MZU.

General Exclusions

- Typical Project "Soft Costs", unless otherwise specified, are expected to be covered by others. These include, but are not limited to: design professional costs, permits and fees, utility connection charges, land acquisition, legal fees, equipment and furnishings, inspections, etc.
- Testing, special inspections, and any associated overtime or staff and resource costs for additional inspections not required by Code, permit, or the contract documents requirements or determined by the Design Team (i.e. abatement, **commissioning**, geotechnical, concrete, reinforcing steel, deep foundations, shoring, masonry, structural steel, welding, fireproofing, water testing, etc.).

EXHIBIT B - Basis of GMP #3

NCSD Rosemary Clarke Phase 2 HVAC Replacement

AUGUST 5, 2024

Pahrump, Nevada



- CMAR does not warrant or guarantee that the Contract Documents comply with Authorities Having Jurisdiction (AHJ), or local regulations or requirements. This is the responsibility of the Architect, and we assume all requirements have been incorporated into the Contract Documents.
- Any changes that result in cost and/or schedule implications due to AHJ comments, rulings and/deviations from the bid set are excluded.
- Hazardous material remediation / encapsulation (lead, asbestos, mold, etc.).
- Power company / communication companies (telephone / internet) / gas company costs other than trenching, backfill, conduits and coordination.
- Salvaging and relocation of any existing equipment or furnishings, unless otherwise specified.
- Potential structural modifications, or fire alarm system upgrades.
- Repair of existing RTUs and MZUs dampers, actuators or components. We assume existing units and components to remain are in good functional working order.
- New roof curbs or modifications of the existing.
- Modifications to the existing structure, if required, to support the weight of the new MZU Units.
- Integration of any system other than DDC controls, is excluded.

END OF BASIS OF PROPOSAL

EXHIBIT C



Rosemary Clarke MS

GMP #3 Phase 2 HVAC Replacement

August 5, 2024

#	Description	Base Price
GENERAL		\$147,674
GEN1	Temporary Construction Requirements	\$52,900
GEN3	Waste Management & Cleaning Requirements	\$94,774
DEMOLITION / OFF-SITE INFRASTRUCTURE		\$0
SITE WORK (ROUGH)		\$0
SITE WORK (FINISH)		\$0
STRUCTURE		\$0
ENCLOSURE		\$0
INTERIOR FINISHES		\$0
SPECIALTIES		\$0
EQUIPMENT		\$0
MEP SYSTEMS		\$6,164,252
99	HVAC Installation	\$5,487,747
103	Electrical Systems	\$676,505
UNIQUE FEATURES OF WORK		\$0

Subtotal	\$6,311,926
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RATE	CONTINGENCIES & ALLOWANCES	SUB TOTAL
5.0%	CMAR Construction Contingency	\$315,597
LS	Building Repair/Coordination Allowance	\$210,000

Subtotal	\$6,837,523
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RATE	GENERAL CONDITIONS	SUB TOTAL
LS	General Conditions	\$384,066
LS	Warranty	\$79,499

Subtotal	\$7,301,088
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	INSURANCE, BONDS, AND BUILDERS RISK	SUB TOTAL
1.15%	General Liability	\$91,425
1.50%	Subcontractor Default Insurance	\$102,563
0.83%	Payment and Performance Bond	\$65,985
LS	Builders Risk Insurance	\$10,295

Subtotal	\$7,571,356
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RATE	CONTRACTOR'S FEE	SUB TOTAL
5.00%	Construction Manager At Risk Fee	\$378,568

Guaranteed Maximum Price (GMP)	\$7,949,924
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EXHIBIT D Preliminary Schedule of the Work

Project Name: NCSD Rosemary Clark
M.S. Modernization Phase II
CORE Project No: 24-01-008

ID	Task Name	Duration	Start	Finish	2025								
					Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4		
0	NCSD - Rose Mary Clark HVAC Upgrade - Phase 2	289 d	Tue 7/16/24	Wed 9/3/25									
1	RFP & GMP	289 d	Tue 7/16/24	Wed 9/3/25									
3	RFP Period	47 d	Tue 7/16/24	Thu 9/19/24									
4	Prepare and Submit GMP	15 d	Tue 7/16/24	Mon 8/5/24									
5	Owner Review & Approve GMP	7 d	Tue 8/6/24	Wed 8/14/24									
6	NCSD Board of Trustees Approval of Contract	25 d	Thu 8/15/24	Thu 9/19/24									
7	<i>Board Meeting Approval of GMP</i>	<i>0 d</i>	<i>Thu 9/19/24</i>	<i>Thu 9/19/24</i>									
8	Procurement	212 d	Thu 8/15/24	Mon 6/16/25									
9	LOI & Subcontracts	32 d	Thu 8/15/24	Mon 9/30/24									
12	Procure Submittals	15 d	Fri 8/16/24	Fri 9/6/24									
16	Submittal Review	5 d	Mon 9/9/24	Fri 9/13/24									
19	Procure Materials	185 d	Tue 9/24/24	Mon 6/16/25									
20	Procure MZU HVAC Equipment	185 d	Tue 9/24/24	Mon 6/16/25									
21	Procure FCU, CU, & EF HVAC Equipment	105 d	Tue 9/24/24	Fri 2/21/25									
22	<i>Material Procurement Complete</i>	<i>0 d</i>	<i>Mon 6/16/25</i>	<i>Mon 6/16/25</i>									
2	<i>NTP Issued</i>	<i>0 d</i>	<i>Mon 9/23/24</i>	<i>Mon 9/23/24</i>									
23	Construction	89 d	Tue 4/1/25	Tue 8/5/25									
33	<i>Substantial Completion</i>	<i>0 d</i>	<i>Tue 8/5/25</i>	<i>Tue 8/5/25</i>									
34	Final Closeout & Punchlist	20 d	Wed 8/6/25	Wed 9/3/25									
35	<i>Final Completion</i>	<i>0 d</i>	<i>Wed 9/3/25</i>	<i>Wed 9/3/25</i>									

Task		Summary		Deadline		Progress	
Milestone		Project Summary		Critical			

EXHIBIT E 1% Subcontractor Listing

NCS D – Rosemary Clark MS – GMP #3 Phase 2 HVAC Replacement
NY-2023-92
August 5, 2024
Pahrump, Nevada



In accordance with NRS 338.16995.9.C, the CMAR shall submit a list including the name of each subcontractor who will provide labor or a portion of the work for which he will be paid an amount exceeding 1% of the total cost of the public work, or \$50,000, whichever is greater, and the number of the license issued to the subcontractor, pursuant to Nevada Revised Statutes Chapter 624. The CMAR shall also list any portion of the work exceeding 1% of the total cost of the public work, or \$50,000, whichever is greater, that the CMAR intends to self-perform.

Description of Work	Subcontractor	License No.
General Conditions	CORE Construction	0006144A
HVAC	Bombard Mechanical, LLC	0054546, 0054547
Electrical	Great Salt Lake Electric, Inc.	0020499