

**AMENDMENT #1 TO CONTRACT NO. 2024000098
BETWEEN CHARLOTTE COUNTY
and
JON F. SWIFT, INC. d/b/a JON F. SWIFT CONSTRUCTION
for
CONSTRUCTION MANAGER AT RISK SERVICES FOR WILLIAM R. GAINES JR.
MEMORIAL PARK AND G.C. HERRING PARK IMPROVEMENTS**

THIS AMENDMENT #1 to Contract No. **20250214** (the "Amendment") is made and entered into by and between CHARLOTTE COUNTY, a political subdivision of the State of Florida, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094 (the "County"), and JON F. SWIFT, INC. d/b/a JON F. SWIFT CONSTRUCTION, 2221 8th Street, Sarasota, Florida 34237 (the "Construction Manager").

RECITALS

WHEREAS, the County and the Construction Manager entered into Contract No. 20250214 (the "Agreement") on or about July 10, 2025, to engage the Construction Manager for preconstruction and construction services for the William R. Gaines Jr. Memorial Park and G.C. Herring Park Improvements Project (the "Project"); and

WHEREAS, pursuant to the terms of the Agreement, the Project is to be completed in two phases, Phase I – Pre-Construction Services, and Phase II – Construction Services; and

WHEREAS, Phase I of the Project – Pre-Construction Services – is complete; and

WHEREAS, the Guaranteed Maximum Price (GMP) for Phase II of the Project has been submitted by the Construction Manager, and pursuant to the Agreement, the GMP shall be made a part of the Agreement by an Amendment to the Agreement; and

WHEREAS, the parties now wish to amend the Agreement to provide for the GMP for the Project, to provide for a time for completion, to provide certain additional terms and conditions and to provide for Liquidated Damages in the event the Construction Manager fails to achieve substantial completion as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the County and the Construction Manager agree as set forth below:

ARTICLE I
GUARANTEED MAXIMUM PRICE

1.1. The GMP Summary Estimate, Assumptions and Clarifications, Schedule, and Site Locations for the Project, submitted by Construction Manager and agreed to by the parties, is attached hereto as Exhibit A, GMP Summary Estimate, Assumptions and Clarifications, Schedule and Site Locations, and is specifically incorporated into and made a part of the Agreement.

1.2. In accordance with the terms of the Agreement and Exhibit A, the parties

agree that the Guaranteed Maximum Price for the G.C. Herring Park Project shall be Two Million Four Hundred Thirty-Five Thousand Three Hundred Seventy-Nine Dollars **(\$2,435,379.00)**.

1.3. All applications for, and terms of, payment for Phase II of the Project shall be in accordance with Section 6 of the Agreement.

ARTICLE II
LIQUIDATED DAMAGES

2.1. Pursuant to the Project Schedule in Exhibit A, construction services shall be completed within 210 calendar days from Notice to Proceed, and no later than April 30, 2026, to meet grant-funding requirements.

2.2. Pursuant to Article 7.7 of the Agreement, Liquidated Damages are established at Seven Hundred Fifty Dollars (\$750.00) per calendar day.

ARTICLE III
MISCELLANEOUS

3.1. The effective date of this Amendment is the date on which it is signed by both parties.

3.2. Any terms used in this Amendment shall have the same meanings and definitions as they have in the Agreement.

3.3. All other provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

3.4 Conflict Control Clause. In the event of any conflict between this Amendment and the original Agreement, the terms of this Amendment shall govern with respect to Phase II construction services

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have entered into this Amendment on the dates indicated below.

WITNESSES:

JON F. SWIFT, INC.
d/b/a JOHN F. SWIFT CONSTRUCTION

Signed By: *Andrea Vargas Gaitan*

Signed by: *Ross Russo*

Print Name: Andrea Vargas Gaitan

Print Name: Ross Russo

Date: 11/21/2025

Title: Vice President

Date: 11/21/2025

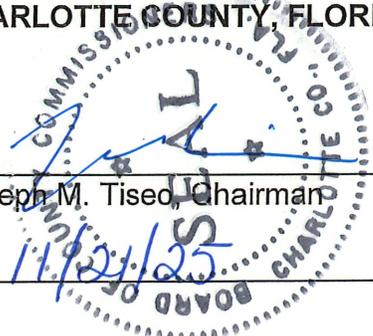
**BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA**

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: *Kimberly Webb*
Deputy Clerk

By: *Joseph M. Tised*
Joseph M. Tised, Chairman

Date: *11/21/25*



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: *Janette S. Knowlton* FOR:
Janette S. Knowlton, County Attorney
LR25-1020 _____

Exhibit List:

Exhibit A – GMP Summary Estimate, Assumptions and Clarifications, Schedule and Site Locations

EXHIBIT A

Contract #2024000098 CM@RISK
G.C. HERRING PARK
GUARANTEED MAXIMUM PRICE (GMP) R7



November 14, 2025

Vicki Chichura
Project Manager
Charlotte County Board of County Commissioners
18500 Murdock Circle, Bldg. B
Port Charlotte, FL 33948

Re: Contract #2024000098 CM@RISK – G.C. Herring Park – GMP Revision 7

Dear Vicki,

Thank you for the opportunity to submit our Guaranteed Maximum Price (GMP) Proposal for G.C. Herring Park. Our Guaranteed Maximum (GMP) price is Two Million Four Hundred Thirty-Five Thousand Three Hundred Seventy-Nine dollars (\$2,435,379.00), per the bid and permit plans and specifications issued by Kimley-Horn on 06/30/2025, excluding the priority 3 items established in GMP revision 6 pricing submitted on November 1, 2025.

We have included 7 months of general conditions to manage the scope of work, accommodating the necessary staffing and general requirements.

We look forward to providing Charlotte County with the same high-quality construction and customer service that you have come to expect from Jon F. Swift Construction. If you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross Russo".

Ross Russo
Vice President
Jon F Swift, Inc.

G.C Herring Park

Charlotte County

GMP R7 Estimate

November 14, 2025

Schedule

7 Months

Division	Scope of Work	G.C. Herring	Comments
<u>1C</u>	General Requirements	515,767	
<u>1B</u>	Survey	35,015	
<u>13A</u>	Exercise Trail	70,290	
<u>14A</u>	Tennis Court	118,560	
<u>15A</u>	Basketball Court	71,955	
<u>14A</u>	Large Pavilion (24 x 44)	175,000	
<u>14A</u>	Playground (2-5)	150,000	
<u>14A</u>	Playground (6-12)	inc	
<u>14A</u>	Fitness Hub	30,000	
<u>14A</u>	(2) Pavilions (13x13)	inc	
<u>26A</u>	Electrical	35,000	
<u>31B</u>	Sitework/Storm Utilities/Conc walks	786,083	
<u>32A</u>	Landscaping/Irrigation	75,000	
	SUBTOTAL	\$ 2,062,670	
	2.20% General Liability Insurance	45,379	
	1.20% Builder's Risk Insurance	25,297	
	SUBTOTAL	\$ 2,133,345	
	6% Contractor Fee/Overhead	128,001	
	1.20% Payment/Performance Bond	36,182	
	TOTAL	\$ 2,297,527	
	6% Contingency	137,852	
	GRAND TOTAL	\$ 2,435,379	

EXHIBIT B
Assumptions and Clarifications
Contract #2024000098 CM@RISK
G. C. Herring Park
November 14, 2024

The Guaranteed Maximum Price Revision 7 for the G.C. Herring Park GMP is based on design services and subcontract bids received as of the date and time noted in the GMP cost breakdown. Budget pricing shall be held per subcontract price for the duration of the Agreement. Issues related to material and labor cost escalation shall be reviewed on a case-by-case basis.

Schedule and Phasing

- All work shall be completed within 210 calendar days from issuance of notice to proceed and issuance of all building permits.
- This project has financial grant completion restrictions for the following items, which are required to be completed by 4/30/2026.
 - GC Herring (2) playgrounds (1) age 2-5 & (1) age 6-12, including all shade & surfacing.
 - GC Herring Large Pavilion (24x44)
 - GC Herring small pavilions (2) (13x13)
 - GC Herring Tennis Court
 - GC Herring Basketball Court
 - GC Herring Exercise Trail

General Work Requirements

- Normal working hours of construction are from 7:00 am – 6:00 pm daily (Mon-Fri) for GC Herring. They will require additional hours for construction, such as early morning and/or Saturday and Sunday work, to meet the grant deadline of April 30, 2026.

General Conditions

- General conditions are figured as a lump sum cost based on the 7-month project duration and shall be invoiced at a rate of \$73,681.00 per month.

Contingency

- Contingency is included in the project budget to cover unforeseen conditions and buyout-related items as approved by the County Administrative Agent. All unused contingencies will be returned to the owner. Contingencies originating from the same funding source may also be grouped together and tracked as an Overall Project Contingency for work related to that specific funding source. All contingency expenses will be tracked and require the approval of the County Administrative Agent.
- All savings created from “buy-out” or unused “scope of work” savings will be considered as savings to the Overall Project and may be utilized anywhere within the Overall Project, as long as they come from the same funding source and receive approval from the County Administrative Agent. All savings will be tracked and reallocated as directed by the County Administrative Agent. Unforeseen conditions may also occur, which would also necessitate changes. The contingency is not intended to cover increases in scope from the original project. Of course, any part of the

contingency, or savings of any kind (including line-item contingency savings) gets returned to Charlotte County Government.

- An example of contingency costs is for defined work scope items that were not priced explicitly by the subcontractors during the bidding process. These items will be covered during the project buyout, and the final costs shall be adjusted accordingly.

Specifically Excluded Items

- Priority 3 Items from GMP R6 dated on 11/01/2025:
 - Pickleball Courts
 - Sand Volleyball Courts
 - Musco Sports Lighting
 - All Parking (earthwork, imported fill, grading, asphalt, base, and associated stripping and signage)
 - Hardscape (picnic tables, benches, trash cans & BBQ grills)
 - Sitework/Concrete (associated with all above)
 - Landscaping/Irrigation (associated with all above)
- Architectural/Engineering Services
- All Permit Fees
- All Impact Fees (water/sewer/road/etc.)
- FPL, Comcast, Verizon, TECO, and other company utility fees
- Temporary utilities usage fees for construction purposes (water and electric) shall utilize existing on-site as currently available.
- Geotechnical Report
- Historical Resources Mitigation
- Environmental Impact Mitigation
- Gopher Tortoise Relocation
- Fire watch or off-hours security
- Easement-related surveying
- Permit review comment revisions that have not been identified in documents.
- Underground Unforeseen Conditions (i.e.: rock removal, unsuitable fill remediation, unidentified utilities, etc.)
- Allowance costs are tracked in the pay application "Schedule of Values," and the cost savings and/or overages will be applied to the contingency.

Assumptions and Clarifications by Trade or Division

Builders' Risk Insurance is included for the full GMP amendment amount. Any potential deductibles for builder's risk claims are excluded and shall be reimbursed through contingency, if applicable. Owner-Direct Purchase Items are not included under the Builder's Risk Policy.

Demolition

- No removal of rubber tires, fuel tanks, or any material considered hazardous or restricted.
- Removal of underground utilities, including drainage and irrigation, is not included unless specifically identified on the drawings.
- No underground tank removal of any type unless specifically identified.
- Unless specifically identified as "deliver to owner" all salvageable items are the property of JFS once turned over for construction.

Contract #2024000098 CM@RISK
G.C. HERRING PARK
GUARANTEED MAXIMUM PRICE (GMP) R7



Landscape

- No irrigation
- Sod included with Hydroseed V/E option at GC Herring (\$65,000.00 Savings Applied to GMP)
- Note: sod and hydroseed shall be established for substantial completion.

Rep Services

- Owner furnished – contractor installed items (not covered by builder's risk insurance)
 - GC Herring playground, shade & surfacing
 - GC Herring Large Pavilion (24x44)
 - GC Herring small pavilions (2) (13x13)
 - GC Herring Exercise Equipment

Task Name	Start	End	Phase	Predecessors	Notes
1. Overall Project	10/15/2024	10/15/2027	Phase 1		
2. Design & Construction New Wayway	10/15/2024	10/15/2027	Phase 1		
3. RFP Advertisement	10/15/2024	10/15/2024	Phase 1		
4. RFP Review & Selection	10/15/2024	10/15/2024	Phase 1		
5. Notice to Proceed (Prelim)	10/15/2024	10/15/2024	Phase 1		
6. Site Design	10/15/2024	10/15/2024	Phase 1		
7. SOW Develop	10/15/2024	10/15/2024	Phase 1		
8. SOW Sign	10/15/2024	10/15/2024	Phase 1		
9. SOW JFS OUP	10/15/2024	10/15/2024	Phase 1		
10. Notice to Proceed (OWP BCCC Approved)	10/15/2024	10/15/2024	Phase 1		
11. Deliver Owner Direct Purchase Items GC Hiring	10/15/2024	10/15/2024	Phase 1		
12. Grant Item (TOD) GC Hiring	10/15/2024	10/15/2024	Phase 1		
13. Subcontract Completion	10/15/2024	10/15/2024	Phase 1		
14. Permit	10/15/2024	10/15/2024	Phase 1		
15. SWP/AMD	10/15/2024	10/15/2024	Phase 1		
16. Challenge County PSP FSP	10/15/2024	10/15/2024	Phase 1		
17. Challenge County Utilities	10/15/2024	10/15/2024	Phase 1		
18. Challenge County Stormwater Review	10/15/2024	10/15/2024	Phase 1		
19. Building Permit GC Hiring	10/15/2024	10/15/2024	Phase 1		
20. Large Pavement	10/15/2024	10/15/2024	Phase 1		
21. Owner Direct Purchase & Project Procurement	10/15/2024	10/15/2024	Phase 1		
22. Owner Direct Purchase (GC Hiring)	10/15/2024	10/15/2024	Phase 1		
23. GC Hiring Construction (GC Hiring)	10/15/2024	10/15/2024	Phase 1		
24. Site Development, Utilities & Electrical UG	10/15/2024	10/15/2024	Phase 1		
25. Phased Grant Items to be Complete by 4/30/26	10/15/2024	10/15/2024	Phase 1		
26. Playground	10/15/2024	10/15/2024	Phase 1		
27. Strip & Grade	10/15/2024	10/15/2024	Phase 1		
28. Shade Canopy Foundations	10/15/2024	10/15/2024	Phase 1		
29. Playground Equip Foundations	10/15/2024	10/15/2024	Phase 1		
30. Shade Canopy Install	10/15/2024	10/15/2024	Phase 1		
31. Premier Walkways (concrete)	10/15/2024	10/15/2024	Phase 1		
32. Sanitary	10/15/2024	10/15/2024	Phase 1		
33. Electric Equipment	10/15/2024	10/15/2024	Phase 1		
34. Strip & Grade	10/15/2024	10/15/2024	Phase 1		
35. Base	10/15/2024	10/15/2024	Phase 1		
36. Foundations	10/15/2024	10/15/2024	Phase 1		
37. Concrete	10/15/2024	10/15/2024	Phase 1		
38. Site Equipment	10/15/2024	10/15/2024	Phase 1		
39. Large Pavement (24x4)	10/15/2024	10/15/2024	Phase 1		
40. Large Pavement Strip & Grade	10/15/2024	10/15/2024	Phase 1		
41. Large Pavement Foundations	10/15/2024	10/15/2024	Phase 1		
42. Large Pavement Structure	10/15/2024	10/15/2024	Phase 1		
43. Large Pavement Concrete Slab	10/15/2024	10/15/2024	Phase 1		
44. Large Pavement Surf	10/15/2024	10/15/2024	Phase 1		
45. Large Pavement Structure	10/15/2024	10/15/2024	Phase 1		
46. Strip & Grade	10/15/2024	10/15/2024	Phase 1		
47. Base	10/15/2024	10/15/2024	Phase 1		
48. Asphalt	10/15/2024	10/15/2024	Phase 1		
49. Large Pavement Foundations	10/15/2024	10/15/2024	Phase 1		
50. Large Pavement Foundations	10/15/2024	10/15/2024	Phase 1		
51. Ribbon Curb	10/15/2024	10/15/2024	Phase 1		
52. Fences	10/15/2024	10/15/2024	Phase 1		
53. Surfacing	10/15/2024	10/15/2024	Phase 1		
54. Strip	10/15/2024	10/15/2024	Phase 1		
55. Asphalt Curb	10/15/2024	10/15/2024	Phase 1		
56. Base	10/15/2024	10/15/2024	Phase 1		
57. Asphalt	10/15/2024	10/15/2024	Phase 1		
58. Shade Canopy Foundations	10/15/2024	10/15/2024	Phase 1		
59. Initial State Complete (TOD) GC Hiring	10/15/2024	10/15/2024	Phase 1		
60. Initial State Complete (Prelim)	10/15/2024	10/15/2024	Phase 1		
61. Surfacing	10/15/2024	10/15/2024	Phase 1		
62. Subcontract Completion	10/15/2024	10/15/2024	Phase 1		
63. Close Out & Warranty	10/15/2024	10/15/2024	Phase 1		
64. Permit & Closeout	10/15/2024	10/15/2024	Phase 1		
65. Warranty	10/15/2024	10/15/2024	Phase 1		

