



**FIRST AMENDMENT TO THE BROADWAY CIRCLE CONSTRUCTION CONTRACT,
INITIALLY ENTERED INTO BY AND BETWEEN PROJECT BEE AND MATTSON
CONSTRUCTION COMPANY ON APRIL 26, 2022, AND ASSIGNED FROM PROJECT
BEE TO THE CITY OF MINOT**

THIS FIRST AMENDMENT to the Broadway Circle Construction Contract is made and entered into effective May 6, 2024 ("Amendment Effective Date") and is by and between the City of Minot (City) and Mattson Construction Company (Mattson Construction). Throughout this Amendment, the City and Mattson Construction shall be collectively referred to as "the Parties", and each a "Party".

WHEREAS, the City assumed the majority of Project BEE's rights and obligations under the following Broadway Circle Construction Contract in order to ensure construction and completion of seventeen affordable rental units for low to moderate income (LMI) households and to develop a family homeless shelter with six emergency shelter units for LMI households, hereinafter referred to as the "Broadway Circle Project":

1. AIA Document A101-2017, A Standard Form of Agreement between Owner and Contractor where the basis of payment is a stipulated sum entered into on April 26, 2022 by and between Project BEE, and Mattson Construction Company (Contractor) to construct the Broadway Circle Project BEE located at 1901 S. Broadway, Minot, ND 58701 (EAPC Project # 20204441). This document is is referred to throughout this Agreement as the "Broadway Circle Construction Contract."; and

WHEREAS, the Parties desire to now amend the Broadway Circle Construction Contract to extend to Substantial Completion date established in § 3.3.1 of Article 3 (Date of Commencement and Substantial Completion); and

WHEREAS, the Parties desire to now amend the Broadway Circle Construction Contract to designate a new Owner's Representative as established in § 8.2 of Article 8 (Miscellaneous Provisions); and

NOW, THEREFORE, in consideration of the mutual covenants and promises recorded herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties intending to be legally bound, hereby agree as follows, effective as of the Amendment Effective Date first written above:

That § 3.3.1 of Article 3 (Date of Commencement and Substantial Completion) in the Broadway Circle Construction Contract establishing the date of substantial completion is hereby deleted and replaced in its entirety with the following:

§ 3.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Contractor shall achieve Substantial Completion of the entire Work by October 24, 2024.

That § 8.2 of Article 8 (Miscellaneous Provisions) in the Broadway Circle Construction Contract establishing the Owner's Representative is hereby deleted and replaced in its entirety with the following:

§ 8.2 The Owner's Representative:
NDR Program Manager, City of Minot
Address: P.O. Box 5006, Minot, ND 58702-5006
Phone: 701-857-1553
Email: chris.plank@minotnd.gov

This Amendment may be executed in one or more facsimile, electronic or original counterparts, each of which shall be deemed an original and both of which together shall constitute the same instrument.

All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this Amendment, all references to the term "Agreement" in this Amendment include the terms contained in the to the original Agreement. To the extent there should be any conflict between the terms of the Agreement and the Amendments to the agreement, the terms and provisions of the most recent Amendment shall govern and control.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to the Broadway Circle Construction Contract, effective as of the Amendment Effective Date.

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed by their undersigned officials as duly authorized,

CITY OF MINOT

MATTSON CONSTRUCTION CO.

Mayor

Title:

Date

Date

Attest:

Attest:

City Clerk

Title:

Date

Date

Attest:

Finance Director, City of Minot

Date