

4(E.)

COPY

STATE OF TEXAS

COUNTY OF POLK



ORDER AWARDING CONTRACT FOR CONSTRUCTION MANAGER-AT-RISK

WHEREAS, Polk County, Texas (the "County") needs to construct a Judicial Center to improve efficiency in its judicial system (the "Project"); and

WHEREAS, the County has selected an architect for the Project that the County determined to be the most highly qualified architect pursuant to the provisions of Section 2254.004 of the Texas Government Code; and

WHEREAS, the County has previously granted the exceptions in Section 262.024(a)(2) and Section 271.056(2), Texas Local Government Code, relating to safety of its residents; and

WHEREAS, the County has previously reviewed alternative construction methods permitted under Section 271.111 et seq. of the Texas Local Government Code and by prior action has determined that the Construction Manager-at-Risk method will provide the County with the best value for this Project; and

WHEREAS, the County has performed the selection process for a Construction Manager-at-Risk in accordance with the requirements of Section 271.118 of the Texas Local Government Code, and has determined the contractor that will provide the best value to the County for this Project;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS:

Section 1. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Order are hereby adopted, restated and made a part of the operative provisions hereof.

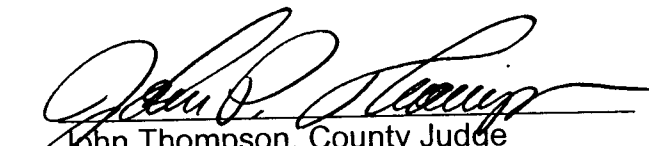
Section 2. Determination of Best Value. The Commissioners Court hereby finds that J.E. Kingham Construction is the contractor that will provide the County with the best value for this Project.

Section 3. Contract Terms. The Commissioners Court hereby finds that it is in the best interest of the County to enter into a contract with J.E. Kingham Construction ("Construction Manager") for preconstruction and construction services for the County's Project as set forth in the selection documents and proposal, with the Construction Manager's fee for preconstruction services being \$ -0-, the Construction Manager's fee for construction services being 5.0%, and the cost of general conditions for the Project being the amount determined by execution of Amendment No. 1 of the contract,

on the condition that the Construction Manager shall not perform construction services on the Project until and unless the Construction Manager's proposal for a Guaranteed Maximum Price for the Project has been approved by the Commissioners Court in a subsequent meeting.

Section 4. Authorization. The Commissioners Court hereby authorizes the County Judge, or his designee, to execute a contract with the Construction Manager for preconstruction and construction services for the Project on the terms set forth above, and on such other terms and conditions as the County Judge may deem necessary or advisable.

PASSED AND APPROVED this 26th day of February, 2008.


John Thompson, County Judge
Polk County, Texas

ATTEST:



County Clerk
Polk County, Texas

by: Schelana Walker

