School Board Agenda
Oregon City School District, October 14, 2019

The Board will meet in Executive Session beginning at 6:00 p.m. in Room 115 at the Jackson Building, 1306 12th Street, Oregon City, to consider discuss student matters pursuant to ORS 192.660(2)(d) and (e).

NOTICE TO MEDIA: In accordance with ORS 192.660(4) regarding Executive Sessions, news media representatives may not be allowed to attend portions dealing with collective bargaining strategy or consideration of student expulsion. All other matters discussed in Executive Session must remain undisclosed.

Executive Session Agenda:

- Property
- Collective Bargaining

Following the Executive Session, the Board will meet in Work Session, in Room 115 at the Jackson Building, 1306 12th Street, Oregon City.

Work Session Agenda:

- New Member Orientation

The Board of Education will meet in Regular Session beginning at 7:00 p.m. in the District Board Room at the Jackson Building, 1306 12th Street, Oregon City.

Please silence all electronic devices before the meeting begins.

Regular Meeting Agenda:

1. CALL TO ORDER

2. STUDENT PERFORMANCE
   OCHS Thespians: The Addams Family

3. FOCUS ON LEARNING
   Leadership by Design – Lisa Normand
   CAIS: New Makerspace & 6th Grade – Scott Curtis

4. RECOGNITION AND GOOD NEWS ABOUT OREGON CITY SCHOOLS
   Rotary Donation to OCHS Arts
   Grocery Outlet Donation to Pioneer Pantry

5. PATRON INPUT
   Visitors who have not previously arranged with the Superintendent to appear before the Board may be heard by signing in on the form found beside the agenda packets near the door.

6. REPORTS
   English Language Learner State Report Card – Meg Sundseth
   Bond Implementation – Wes Rogers
   Student Success Act: Community Engagement Plan – Larry Didway
7. BOARD COMMUNICATION
   Ex Officio Members: OCHS, OCEA and OSEA representatives

8. DISCUSSION
   Policy Development – Mary Larson

9. ACTION ITEMS
   A. CONSENT AGENDA
      1. Approve minutes: September 9, 2019 Regular Session
      2. 1920-05 Approve Licensed Appointments
      3. 1920-102 Approve Added Duty Appointments
      4. 1920-407 Approve Out of District and Overnight Travel
   B. 1920-408 Amend 2020-21 School Year Calendar Framework
   C. 1920-409 Approve Oregon City School Board Policies:
      IGAI Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**
      JFCF Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence - Student
      JFCJ Weapons in School
   D. 1920-227 Approve Amendment to the Existing Construction Manager/General Contractor (CM/GC) Contract for an Additional Preconstruction Services Fee Related to the Replacement of Gardiner Middle School
   10. Other items requiring action by the Board (addendum)

11. ADJOURNMENT

NEXT MEETING:
   6:00 p.m., October 28, 2019 – Work Session, Downstairs District Office
   6:00 p.m., November 4, 2019 - Work Session, Room 115, Jackson Campus
   7:00 p.m., November 4, 2019 – Regular Session, Board Room, Jackson Campus
   6:00 p.m., December 2, 2019 – Work Session, Downstairs District Office
October 9, 2019

UPDATES TO 2018 OREGON CITY SCHOOL BOND

GARDINER MIDDLE SCHOOL
- DESIGN TEAM PROCEEDING WITH CONSTRUCTION DOCUMENT PHASE
- LAND USE APPLICATION HAS BEEN SUBMITTED TO CITY OF OREGON CITY
- REVISED PRICING FROM GENERAL CONTRACTOR DUE OCTOBER 24, 2019
- PROJECT TEAM SCHEDULED TO UPDATE NEIGHBORHOOD ASSOCIATION

OGDEN MIDDLE SCHOOL
- PROJECT & DESIGN TEAM FINISHING UP DESIGN DEVELOPMENT PHASE
- PLANNING MODULAR VILLAGE
- NEW SIDEWALK FOR ENHANCED SAFETY PLANNED FOR NORTH SIDE OF DONOVAN ROAD CONNECTING TO PARENT PICK-UP AT LDS CHURCH PARKING LOT

SAFETY & SECURITY
- OVER 1500 CLASSROOM DOORS RECEIVED NEW LOCKSETS OVER THE SUMMER
- PHASE II – IN PROCESS OF INSTALLING LOCKSETS TO ADMINISTRATIVE AREAS
- TWO-WAY RADIO SYSTEM SCHEDULED TO BE COMPLETED BY END OF OCTOBER
- PROJECT & DESIGN TEAM COMPLETING SCHEMATIC DESIGN PHASE FOR SECURE VESTIBULE WORK - PHASE I

UPGRADES TO SCHOOL BUILDINGS
- PROJECT & DESIGN TEAM PRIORITIZING CAPITAL IMPROVEMENTS
- CAPITAL PROJECTS WILL BE INCORPORATED WITH SAFETY & SECURITY PROJECTS

DISTRICT WIDE CTE
- CAIS MAKERSPACE COMPLETED AND OPERATIONAL
- PROJECT & DESIGN TEAM IS BEGINNING DISTRICT WIDE CTE PLANNING PROCESS

If you have any questions or require additional information please contact Stephen Wasserberger, Bond Manager at 503-785-8551 or stephen.wasserberger@orecity.k12.or.us
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<th>COST CATEGORY</th>
<th>REMARKS or COMMENTS</th>
<th>ORIGINAL BUDGET</th>
<th>TRANSFERS</th>
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Prepared October 9, 2019
Discussion:
Policies IGAI, JFCF, and JFCJ were presented at the September 9, 2019 regular meeting and are recommended for adoption.

Recommendation:
Approve

1819-432 ADOPT OREGON CITY SCHOOL BOARD POLICIES
BE IT RESOLVED THAT Policies IGAI, JFCF, and JFCJ be approved.
OSBA Model Sample Policy

Code: IGAI
Adopted:

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student’s understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;
6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;

7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;

8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;

9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;

10. Provides students with information about Oregon laws that address young people’s rights and responsibilities relating to childbearing and parenting;

11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;

12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;

13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;

14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;

15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;

16. Validates the importance of one’s honesty, respect for each person’s dignity and well-being, and responsibility for one’s actions;

17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;

18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources.; and

19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;
2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;

3. Enhances students’ ability to access valid health information and resources related to their sexual health;

4. Teaches how to develop and communicate sexual and reproductive boundaries;

5. Is research based, evidence based or best practice; and

6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

ORS 336.035  ORS 339.370 - 339.400  OAR 581-022-2030
ORS 336.107  ORS 339.455 - 336.475  OAR 581-022-2050
Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student**

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

Harassment, intimidation, or bullying and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The principal and the superintendent are responsible for ensuring that this policy is implemented.

Definitions

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.
“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation\(^1\), national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse by one or more of the following acts between family and/or household members\(^2\):

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury;
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
3. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate, or bully.

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, , or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation

\(^1\) “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

\(^2\) “Family or household members” as defined in ORS 107.705.
in the investigation of, harassment, intimidation or bullying, teen dating violence, acts of cyberbullying, or retaliation.

**Reporting**

The building principal/department supervisor will take reports and conduct a prompt investigation of any report of any act of harassment, intimidation or bullying, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the building principal/department supervisor who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the building principal/department supervisor. Failure of an employee to report an act of harassment, intimidation or bullying, teen dating violence, or an act of cyberbullying to the building principal/department supervisor may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been harassed, intimidated or bullied, been a victim of teen dating violence or acts of being cyberbullied in violation of this policy is encouraged to immediately report their concerns to the building principal/department supervisor who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report their concerns to the building principal/department supervisor. A report from a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the superintendent review the actions taken in the initial investigation, in accordance with district complaint procedures.

**Training and Education**

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.

The district shall incorporate into existing training programs for staff, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

**Notice**
The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and district website, and school and district office. Complaint procedures, as established by the district, shall be followed.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

Legal Reference(s):

ORS 107.705  ORS 332.107  OAR 581-021-0045
ORS 166.065  ORS 339.240  OAR 581-021-0046
ORS 166.155 - 166.165  ORS 339.250  OAR 581-021-0055
ORS 174.100(7)  ORS 339.254  OAR 581-022-2310
ORS 332.072  ORS 339.351 - 339.368  OAR 581-022-2370

OSBA Model Sample Policy

Code: JFCJ
Adopted:

Weapons in the Schools**

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization.

For purposes of this policy, and as defined by state and federal law, “weapon” includes:

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;

2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;

3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any destructive device;

4. A “destructive device” means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.
Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate and as per Board policy JFCM Threats of Violence. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age appropriate, and shall provide such information in writing to the student and the parent in accordance with law. The district may also request suspension of a student’s driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

Weapons under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district may post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

“Gun-Free School Zone” signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY
Legal Reference(s):

ORS 161.015  ORS 339.315  OAR 581-053-0230(9)(k)
ORS 166.210 - 166.370  ORS 339.327  OAR 581-053-0330(1)(r)
ORS 166.382  ORS 809.135  OAR 581-053-0430(17)
ORS 332.107  ORS 809.260  OAR 581-053-0531(16)
ORS 339.115  OAR 581-021-0050 – 021-0075
ORS 339.240  OAR 581-053-0010(5)
ORS 339.250  OAR 581-053-0630

Discussion:
The School Board awarded the April 17, 2019 Request for Proposal for Construction Management/General Contractor Services to Pence Construction LLS on June 18, 2019. Pence Construction is currently engaged in the preconstruction phase with a preconstruction services not-to-exceed fee of $235,446.00.

The District’s administration is recommending an additional not to exceed fee of $319,268.00 for subcontractor design-assist services as part of existing preconstruction services. The compensation fee is within industry expectations for these services, scope, and schedule.

The additional not to exceed fee of $319,268.00 is a net increase to the existing contract, resulting in a not to exceed fee of $554,714.00.

Subcontractor design-assist is a method by which one or more subcontractors are retained, prior to the completion of design, to assist the architect, engineer, and/or construction manager in the development of the design and construction documents. Involvement of design-assist subcontractors in the design process can help detect and resolve constructability issues before construction starts. The result can be a reduction in design-related RFIs during construction, when the potential for budget and schedule implications is the greatest. Early collaboration with design-assist subcontractors can provide the building team with more accurate market pricing earlier in the design process, when the cost of making changes is usually less than during construction.

Recommendation
Approve.

WHEREAS Pence Construction released a competitive Request for Proposal for Design Assist Services on August 14, 2019, and

WHEREAS Pence Construction has notified Intent to Award the Request for Proposal to TT&L Sheet Metal, Fred Shearer, JRT Mechanical, Prairie Electric and Coffman Excavation, and

WHEREAS the fees are within industry standards, therefore
BE IT RESOLVED BY THE OREGON CITY SCHOOL DISTRICT No. 62: The School Board approve an additional preconstruction service fee in the amount of $319,268.00.

This Resolution shall take effect on_____.

ADOPTED this____day of,_____, by Oregon City School District No. 62.

Board Chair Signature

Superintendent Signature
 Fist Amendment to Owner/Construction Manager Agreement

Dated: October ___, 2019

Between: Oregon City School District No. 62 (“Owner”)

And: Pence Construction, LLC (“Construction Manager”)

Recitals:

Owner and Construction Manager are parties to an Owner/Construction Manager Agreement dated June 18, 2019 (the “CMGC Agreement”). Owner and Construction Manager desire to amend the CMGC Agreement as set forth in this First Amendment to CMGC Agreement (the “Amendment”). Owner desires for the Construction Manager, through itself or designated subconsultants, to provide additional preconstruction design-assist services for the Gardiner Middle School Project. Capitalized terms which are used in this Amendment shall have the meanings given to them in the CMGC Agreement except as amended by this Amendment.

Agreements:

In consideration of the foregoing and the mutual covenants of the parties set forth in this Amendment, the receipt and adequacy of which are acknowledged, the parties agree as follows:

1. Article 2. Section 2.1 of the Agreement is amended to include in Preconstruction Services the services described in Exhibit A hereto, exclusive of any construction services. This Amendment does not authorize any construction services or engagement of any subcontractor for performance of Construction Phase services. The work product of the preconstruction services shall belong to and be owned by owner.

2. Article 4. Section 4.1.2 is amended to read as follows: “For the Construction Manager’s Preconstruction Phase services described in Sections 2.1 and 2.2 (only services performed after the date of mutual signature of the Agreement (i.e. June 18, 2019) are compensable): Documented Direct Personnel Expense of the Preconstruction Phase Services, plus Construction Manager’s Fee percentage on such Direct Personnel Expense, but not exceeding $554,714.00.”

3. Counterparts; Delivery. This Amendment may be executed in counterparts.

4. Effect of Amendment. The parties ratify and confirm the CMGC Agreement, as amended by this Amendment.

[Signatures appear on following page]
IN WITNESS WHEREOF, Owner and Construction Manager have executed this Amendment effective as of the date first set forth above.

Owner: OREGON CITY SCHOOL DISTRICT NO. 62

By: ________________________________
Name: ______________________________
Title: ______________________________
Date: ______________________________

Construction Manager: PENCE CONSTRUCTION, LLC, an Oregon limited liability company

By: ________________________________
Name: ______________________________
Title: ______________________________
Date: ______________________________
EXHIBIT A

Additional Preconstruction Services Package:
Design-Assist Scope of Work and Deliverables
Design-Assist Request for Proposals
Interview Scoring Summary Sheet
Design-Assist Subcontractor Proposals