

WILLIAMSON COUNTY, TEXAS
CHANGE ORDER NUMBER: 7

1. CONTRACTOR: **DeNucci Constructors**
 Queensland Drive
2. Change Order Work Limits: Sta. FN Elem. to Sta. Broadmeade
3. Type of Change(on federal-aid non-exempt projects): Minor (Major/Minor)
4. Reasons: 3F (3 Max. - In order of importance - Primary first)

Project:	<u>Forest North Phase III</u>
Roadway:	<u>Rdwy Improvements</u>
CSJ Number:	<u>3866</u>

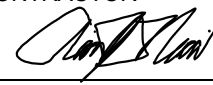
5. Describe the work being revised:

3F: Additional work desired by the County. County Convenience. This Change Order adds an item to compensate the contractor for a portion of the reconstruction cost of Queensland Drive. Queensland Drive required reconstruction due in part to the condition of the existing roadway and the impact of the Contractor's equipment entering and exiting their staging area adjacent to the roadway.

See Attached

7. New or revised plan sheet(s) are attached and numbered: N/A
8. New Special Provisions/Specifications to the contract are attached: Yes No
9. New Special Provisions to Item N/A No. N/A, Special Specification Item N/A are attached.


Each signatory hereby warrants that each has the authority to execute this Change Order (CO).

<p><i>The contractor must sign the Change Order and, by doing so, agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change.</i></p> <p>THE CONTRACTOR Date <u>9/28/21</u></p> <p>By </p> <p>Typed/Printed Name <u>Aaron DeNucci</u></p> <p>Typed/Printed Title <u>Project Engineer</u></p>	<p>The following information must be provided</p> <p>Time Ext. #: <u>N/A</u> Days added on this CO: <u>0</u></p> <p>Amount added by this change order: <u>\$30,341.85</u></p>
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RECOMMENDED FOR EXECUTION:

 9/29/21
 Project Manager Date

N/A
 Design Engineer Date

 9/29/2021
 Program Manager Date

Design Engineer's Seal:

County Commissioner Precinct 1 Date
 APPROVED REQUEST APPROVAL

County Commissioner Precinct 2 Date
 APPROVED REQUEST APPROVAL

County Commissioner Precinct 3 Date
 APPROVED REQUEST APPROVAL

County Commissioner Precinct 4 Date
 APPROVED REQUEST APPROVAL

County Judge Date
 APPROVED

CHANGE ORDER REASON(S) CODE CHART

1. Design Error or Omission	1A. Incorrect PS&E 1B. Other
2. Differing Site Conditions (unforeseeable)	2A. Dispute resolution (expense caused by conditions and/or resulting delay) 2B. Unavailable material 2C. New development (conditions changing after PS&E completed) 2D. Environmental remediation 2E. Miscellaneous difference in site conditions (unforeseeable)(Item 9) 2F. Site conditions altered by an act of nature 2G. Unadjusted utility (unforeseeable) 2H. Unacquired Right-of-Way (unforeseeable) 2I. Additional safety needs (unforeseeable) 2J. Other
3. County Convenience	3A. Dispute resolution (not resulting from error in plans or differing site conditions) 3B. Public relations improvement 3C. Implementation of a Value Engineering finding 3D. Achievement of an early project completion 3E. Reduction of future maintenance 3F. Additional work desired by the County 3G. Compliance requirements of new laws and/or policies 3H. Cost savings opportunity discovered during construction 3I. Implementation of improved technology or better process 3J. Price adjustment on finished work (price reduced in exchange for acceptance) 3K. Addition of stock account or material supplied by state provision 3L. Revising safety work/measures desired by the County 3M. Other
4. Third Party Accommodation	4A. Failure of a third party to meet commitment 4B. Third party requested work 4C. Compliance requirements of new laws and/or policies (impacting third party) 4D. Other
5. Contractor Convenience	5A. Contractor exercises option to change the traffic control plan 5B. Contractor requested change in the sequence and/or method of work 5C. Payment for Partnering workshop 5D. Additional safety work/measures desired by the contractor 5E. Other
6. Untimely ROW/Utilities	6A. Right-of-Way not clear (third party responsibility for ROW) 6B. Right-of-Way not clear (County responsibility for ROW) 6C. Utilities not clear 6D. Other

Williamson County Road Bond Program

**Forest North Drainage Phase 3
Williamson County Project No. 3866**

Change Order No. 7

Reason for Change

This Change Order adds an item to compensate the Contractor for a portion of the reconstruction cost of Queensland Drive. Queensland Drive required reconstruction due in part to the condition of the existing roadway and the impact of the Contractor's equipment entering and exiting their staging area located along the roadway.

The County portion is approximately 57% of the total cost of the \$52,994.70 submitted by the Contractor. The cost includes the reconstruction of Queensland Drive and the removal and replacement of the sidewalk along the roadway. The sidewalk was damaged at the Contractor's driveway into the staging area, but the Contractor removed and replaced other existing damaged sidewalk on either side of the driveway. Queensland Drive is the primary entrance road to the Forest North Elementary School. The Contractor showed good faith in proceeding with the reconstruction so that they were complete before the start of school and before the negotiation of the payment could be finalized.

The following new items will be added by this Change Order.

ITEM	DESCRIPTION	QUANTITY	UNIT
340-WC01	QUEENSLAND DRIVE ROAD AND SIDEWALK RECONSTRUCTION	1.00	LS

This Change Order results in a net increase of \$30,341.85 to the Contract amount, for an adjusted Contract total of \$4,911,144.37. The original Contract amount was \$4,793,058.15. As a result of this and all Change Orders to-date, \$118,086.22 has been added to the Contract, resulting in a 2.46% net increase in the overall Contract cost. No time will be added to the Contract for this Change Order.

HNTB Corporation

Lowell D. Choate, P.E.

Mayra Ramos

From: aarond@denucciconstructors.com
Sent: Friday, July 30, 2021 9:36 AM
To: Lowell Choate; Clayton Weber; Eddie R. Church; 34275_RB_ForestNorthDrainage; Bruce Thurin
Cc: Paul DeNucci; Josh Walenta
Subject: 3866 Forest North Drainage PH III Queensland Dr Road Failure
Attachments: 3866 FN COP 08.pdf; IMG_0546.JPEG; IMG_7505.JPG

Hello,

Attached is the cost breakdown for Queensland Dr. road repair per our meeting on Thursday 7/29. This is turnkey reconstruction of the failed roadway and adjacent sidewalk. I have attached pictures detailing the *existing* roadway section of about 3" of road base and 1.5" of asphalt.

It is important to note that no other section of roadway throughout this entire job has failed.

DeNucci proposes splitting the cost of this work 70/30. Under this breakdown, the county would pay for 70% of the attached cost proposal ($.70 \times \$52,994.70 = \$37,096.29$) and DeNucci will cover the remaining.

With school around the corner, it is imperative that we prioritize this work. Please review this proposal at your earliest convenience.

Aaron

Aaron J. DeNucci
DeNucci Constructors, LLC
8310-1 Cap Tx Hwy N. Ste 275
Austin, Texas 78731
512-335-0600 office
512-342-0600 fax
512-423-0770 cell
aarond@denucciconstructors.com
www.denucciconstructors.com

Mayra Ramos

From: Clayton Weber
Sent: Friday, September 10, 2021 3:21 PM
To: 'aarond@denucciconstructors.com'
Cc: Josh Walenta; Lowell Choate; Christen Eschberger; Bruce Thurin; Eddie R. Church
Subject: RE: 3866 Forest North Drainage PH III Queensland Dr Road Failure

After review and discussion, we agree to your request for the County to pay \$30,341.85 for reconstruction of a portion of the roadway and the sidewalk replacement on Queensland Drive. A change order will be drawn up to add this item to the contract. We appreciate your willingness to expedite and complete the work without an agreement for payment so that the roadway would be repaired prior to the start of school. Let me know of any questions.

Clayton K. Weber, Construction Manager
HNTB

Tel (512) 539-9342

Email cweber@hntb.com

From: aarond@denucciconstructors.com <aarond@denucciconstructors.com>
Sent: Friday, September 10, 2021 8:19 AM
To: Clayton Weber <cweber@HNTB.com>
Cc: Josh Walenta <joshw@denucciconstructors.com>; Lowell Choate <lchoate@HNTB.com>
Subject: RE: 3866 Forest North Drainage PH III Queensland Dr Road Failure

Any decision on this? Going on one month of us floating this cost now.

Thanks,

Aaron

Aaron J. DeNucci
DeNucci Constructors, LLC
8310-1 Cap Tx Hwy N. Ste 275
Austin, Texas 78731
512-335-0600 office
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aarond@denucciconstructors.com
www.denucciconstructors.com

----- Original Message -----

Subject: RE: 3866 Forest North Drainage PH III Queensland Dr Road Failure
From: <aarond@denucciconstructors.com>
Date: Mon, August 30, 2021 11:42 am
To: "Clayton Weber" <cweber@HNTB.com>
Cc: "Josh Walenta" <joshw@denucciconstructors.com>, "Lowell Choate" <lchoate@HNTB.com>

Clayton and Kristen,

Hope all is well. Clayton has asked that I send a note clarifying what we request to be compensated for our extra work completed on Queensland Drive.

I would like to request that the county pay for \$30,341.85 (70%) of the agreed cost to repair Queensland Dr. adjacent to Broadmeade (per the agreed deductions made in the preceding email)

We did what needed to be done, and ask that the county please do the same. I have outlined our position and included the dollar breakdown, and the original COP backup in the attached preceding email chain.

Please respond by the end of the month, so this COP be added to our August Pay App. Again, costs like this are not something we can simply float as a company.

Thank you,

Aaron

Aaron J. DeNucci
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www.denucciconstructors.com

----- Original Message -----

Subject: RE: 3866 Forest North Drainage PH III Queensland Dr Road Failure

From: <aarond@denucciconstructors.com>

Date: Tue, August 17, 2021 11:07 am

To: "Clayton Weber" <cweber@HNTB.com>, "34275_RB_ForestNorthDrainage" <34275_RB_ForestNorthDrainage@HNTB.com>

Cc: "Josh Walenta" <joshw@denucciconstructors.com>, "Christen Eschberger" <ceschberger@HNTB.com>, "Lowell Choate" <lchoate@HNTB.com>, "Eddie R. Church" <erchurch@HNTB.com>, "Bruce Thurin" <bthurin@HNTB.com>

Clayton,

Thanks for your response. I have read the county's position as it relates to the work DeNucci proceeded to complete with the good faith of fair compensation.

Sidewalk - I understand the sidewalks are not constructed to support vehicle traffic. DeNucci damaged 49 SY of sidewalk from our vehicles in front of our construction yard. Consequently, we reconstructed this portion to withstand vehicle traffic, pouring a 7" sidewalk. As for the rest of the sidewalk, it is a main walkway for students and families to access the Forest North Elementary School. The entire reason for this expedited roadway reconstruction was to provide the students, teachers, and all neighborhood stakeholders with a safe and pleasant transportation experience before school started. This made repairing the rest of the failed sidewalk a no brainer for us. I disagree with county's position to not pay for this, and I kindly ask that they revisit this with the intent of the project in mind.

$$\$52,994.70 - (\$9,295.00 \times .66) = \$46,860$$

Roadway - Of the 200 LF of reconstructed roadway, 15 LF of that extends into non-county maintenance. Again, I strongly ask that the county revisit their stance on payment here, but at least to include the entire county maintenance portion = 185 LF / 200 LF.

$$\$46,860 \times .925 = \mathbf{\$43,345.50}$$

Finally, DeNucci would like to offer to meet with the county ourselves to plead our case on payment for this work. We do not have room in our company's budget to do work at cost, and surely not for free. While this sum might not seem consequential as it relates to the scope of the entire job, I assure you that with the margins we operate at - it is.

Let me know how you would like to proceed.

aarond@denucciconstructors.com
www.denucciconstructors.com

----- Original Message -----

Subject: RE: 3866 Forest North Drainage PH III Queensland Dr Road Failure

From: Clayton Weber <cweber@HNTB.com>

Date: Tue, August 10, 2021 1:54 pm

To: "aarond@denucciconstructors.com" <aarond@denucciconstructors.com>, 34275_RB_ForestNorthDrainage <34275_RB_ForestNorthDrainage@HNTB.com>

Cc: Paul DeNucci <paul@denucciconstructors.com>, Josh Walenta <joshw@denucciconstructors.com>, Christen Eschberger <ceschberger@HNTB.com>, Lowell Choate <lchoate@HNTB.com>, "Eddie R. Church" <erchurch@HNTB.com>, Bruce Thurin <bthurin@HNTB.com>

Aaron,

Referring to Section 11 General Conditions of Agreement that provide direction to the Contractor concerning damage to existing facilities, the County agrees to pay for a portion of the proposed repairs on Queensland Drive as follows:

- Proposed cost of \$52,994.70
- The County does not agree to pay for the repair of the damaged sidewalk. Sidewalks are not constructed to support vehicle traffic.

$\$52,994.70 - \$9,295.00 = \$43,699.70$

- 40 LF of 200 FT total length belonged to the School District, which is 20% of total length. Since this portion was not located on County right of way, this is between DeNucci and RRISD.

$\$43,699.70 \times 80\% = \$34,959.76$

- The County agrees to pay half of the cost of the repair of the roadway located on County right of way.

$\$34,959.76 \times 50\% = \$17,479.88.$

Let me know if you have any questions or would like to discuss further.

Clayton K. Weber, Construction Manager
HNTB

Tel (512) 539-9342

Email cweber@hntb.com

From: aarond@denucciconstructors.com <aarond@denucciconstructors.com>

Sent: Friday, July 30, 2021 9:36 AM

To: Lowell Choate <lchoate@HNTB.com>; Clayton Weber <cweber@HNTB.com>; Eddie R. Church <erchurch@HNTB.com>; 34275_RB_ForestNorthDrainage <34275_RB_ForestNorthDrainage@HNTB.com>; Bruce Thurin <bthurin@HNTB.com>

Cc: Paul DeNucci <paul@denucciconstructors.com>; Josh Walenta <joshw@denucciconstructors.com>

Subject: 3866 Forest North Drainage PH III Queensland Dr Road Failure

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*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments.
Thank you.*

Mayra Ramos

From: aarond@denucciconstructors.com
Sent: Friday, July 30, 2021 9:36 AM
To: Lowell Choate; Clayton Weber; Eddie R. Church; 34275_RB_ForestNorthDrainage; Bruce Thurin
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CHANGE ORDER PROPOSAL

Contractor: DeNucci Constructors, LLC.

Project Name: 3866 Forest North Drainage Ph III

Change Order Proposal Number: 8 Date: 7/29/2021

Description: Queensland Dr. reconstruction. 200 LF x 25 LF roadway dimensions. Excavation of existing roadway section of 1.5" asphalt + 3" roadbase. Install new roadway section of 9" TY B + 2" TY D HMAC. Demo and reconstruction of 183 LF of 7' sidewalk

Labor:

Position	Quantity	RT Hrs	OT Hrs	RT Rate	OT Rate	Total
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
	0			\$0.00	\$0.00	\$0.00
					Subtotal	\$0.00

Material

Description	Quantity	Unit	Rate	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				Subtotal
				\$0.00

Subcontractors/Vendors:

Description	Total
	Subtotal
	\$0.00

Unit Pricing

Description	Quantity	Unit	Price	Total
2" HMAC TY-D	555	SY	\$30.00	\$16,650.00
HMAC TY-B	275	TN	\$92.00	\$25,300.00
CONC SIDEWALK	143	SY	\$65.00	\$9,295.00
EXCAVATION	175	CY	\$7.00	\$1,225.00
				\$0.00
				Subtotal
				\$52,470.00

Equipment:

Description	Quantity	Unit	Operating Cost/Day	FHWA Rate	Total
	0	HR		\$0.00	\$0.00
	0	HR		\$0.00	\$0.00
	0	HR		\$0.00	\$0.00
	0	HR		\$0.00	\$0.00
	0	HR		\$0.00	\$0.00
				Subtotal	\$0.00

Labor		\$0.00
Labor Burden	55%	\$0.00
Labor P & O	25%	\$0.00
Material		\$0.00
Material P & O	25%	\$0.00
Subcontractor		\$0.00
Subcontractor P & O	25%	\$0.00
Bid Item		\$52,470.00
Equipment		\$0.00
Bond	1%	\$524.70
TOTAL		\$52,994.70

Additional days requested: 5