

WILLIAMSON COUNTY, TEXAS

CHANGE ORDER NUMBER: 3

1. CONTRACTOR: DeNucci Constructors, LLP
2. Change Order Work Limits: Sta. 168+25 to Sta. 296+28
3. Type of Change(on federal-aid non-exempt projects): Minor (Major/Minor)
4. Reasons: 2E (3 Max. - In order of importance - Primary first)

Project:	<u>Hairy Man/Brushy Creek</u>
Roadway:	<u>Rdwy Improvements</u>
CSJ Number:	<u>T2232</u>

5. Describe the work being revised:

2E: Differing Site Conditions. Miscellaneous difference in site conditions (unforseeable). This Change Order provides the final balancing for the overrun/underrun of contract quantities on the project as a result of addressing field conditions not accounted for in the original plans and adds an item to adjust the unit price of Item 351-6006 which is a major bid item in the contract.

6. Work to be performed in accordance with Items: 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>2/24/22</u></p> <p>By <u>Paul T. DeNucci</u></p> <p>Typed/Printed Name <u>PAUL T. DENUCCI</u></p> <p>Typed/Printed Title <u>MANAGER</u></p>	<p align="center">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>(\$447,390.05)</u></p>
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RECOMMENDED FOR EXECUTION:

 2/24/2022
Project Manager Date

N/A
Design Engineer Date

 2/24/2022
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

WILLIAMSON COUNTY, TEXAS

CHANGE ORDER NUMBER: 3

Project # Hairy Man/Brushy Creek

TABLE B: Contract Items (Continued)

ITEM	DESCRIPTION	UNIT	UNIT PRICE	ORIGINAL + PREVIOUSLY REVISED		ADD or (DEDUCT)	NEW		OVERRUN/ UNDERRUN	
				QUANTITY	ITEM COST		QUANTITY	ITEM COST		
450 6052	RAIL (HANDRAIL)(TY F)	LF	\$105.00	30.00	\$3,150.00	2.00	32.00	\$3,360.00	\$210.00	
460 6001	CMP (GAL STL 12 IN)	LF	\$115.00	10.00	\$1,150.00	5.00	15.00	\$1,725.00	\$575.00	
460 6007	CMP (GAL STL 48 IN)	LF	\$225.00	97.00	\$21,825.00	18.00	115.00	\$25,875.00	\$4,050.00	
466 6006	REMOV STR (HEADWALL)	EA	\$800.00	8.00	\$6,400.00	1.00	9.00	\$7,200.00	\$800.00	
506 6002	ROCK FILTER DAMS (INSTALL) (TY 2)	LF	\$35.00	326.00	\$11,410.00	(91.00)	235.00	\$8,225.00	(\$3,185.00)	
506 6001	ROCK FILTER DAMS (REMOVE)	LF	\$15.00	326.00	\$4,890.00	(142.00)	184.00	\$2,760.00	(\$2,130.00)	
506 6020	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	\$15.00	312.00	\$4,680.00	(184.00)	128.00	\$1,920.00	(\$2,760.00)	
506 6024	CONSTRUCTION EXITS (REMOVE)	SY	\$9.00	312.00	\$2,808.00	(184.00)	128.00	\$1,152.00	(\$1,656.00)	
506 6038	TEMP SEDMT CONT FENCE (INSTALL)	LF	\$3.00	1,373.00	\$4,119.00	2,874.00	4,247.00	\$12,741.00	\$8,622.00	
506 6039	TEMP SEDMT CONT FENCE (REMOVE)	LF	\$1.00	1,373.00	\$1,373.00	2,874.00	4,247.00	\$4,247.00	\$2,874.00	
506 6041	BIODEG EROSN CONT LOGS (INSTL) (12")	LF	\$8.00	9,726.00	\$77,808.00	(550.00)	9,176.00	\$73,408.00	(\$4,400.00)	
506 6043	BIODEG EROSN CONT LOGS (REMOVE)	LF	\$1.00	9,726.00	\$9,726.00	(550.00)	9,176.00	\$9,176.00	(\$550.00)	
529 6008	CONC CURB & GUTTER (TY II)	LF	\$22.00	780.00	\$17,160.00	41.00	821.00	\$18,062.00	\$902.00	
529 6030	CONC CURB & GUTTER (VALLEY GUTTER)	LF	\$18.00	25.00	\$450.00	(8.00)	17.00	\$306.00	(\$144.00)	
529 6038	CONC CURB (RIBBON)	LF	\$22.00	4,144.00	\$91,168.00	(2.00)	4,142.00	\$91,124.00	(\$44.00)	
531 6001	CONC SIDEWALK (4")	SY	\$42.00	17.00	\$714.00	(11.26)	5.74	\$241.08	(\$472.92)	
540 6017	MTL BM GD FEN (LONG SPAN SYSTEM)	LF	\$65.00	250.00	\$16,250.00	(50.00)	200.00	\$13,000.00	(\$3,250.00)	
542 6001	REMOVE METAL BEAM GUARD FENCE	LF	\$6.00	1,426.00	\$8,556.00	34.00	1,460.00	\$8,760.00	\$204.00	
644 6076	REMOVE SM RD SN SUP&M	EA	\$100.00	11.00	\$1,100.00	3.00	14.00	\$1,400.00	\$300.00	
658 6080	REMOVE DELIN & OBJECT MARKER ASSMS	EA	\$100.00	16.00	\$1,600.00	6.00	22.00	\$2,200.00	\$600.00	
658 6082	INST DEL ASSM (D-SW)SZ 1(BRF)GFZ(BI)	EA	\$100.00	85.00	\$8,500.00	(50.00)	35.00	\$3,500.00	(\$5,000.00)	
666 6029	REFL PAV MKR TY 1 (W)8"(DOT)(090MIL)	LF	\$5.00	100.00	\$500.00	(76.00)	24.00	\$120.00	(\$380.00)	
666 6035	REFL PAV MKR TY 1 (W)8"(SLD)(090MIL)	LF	\$5.00	80.00	\$400.00	(5.00)	75.00	\$375.00	(\$25.00)	
666 6047	REFL PAV MKR TY 1 (W)24"(SLD)(090MIL)	LF	\$15.00	15.00	\$225.00	(4.00)	11.00	\$165.00	(\$60.00)	
666 6146	REFL PAV MKR TY 1 (Y)24"(SLD)(090MIL)	LF	\$15.00	600.00	\$9,000.00	(166.00)	434.00	\$6,510.00	(\$2,490.00)	
666 6170	REFL PAV MKR TY II (W) 4" (SLD)	LF	\$1.00	23,830.00	\$23,830.00	(707.00)	23,123.00	\$23,123.00	(\$707.00)	
666 6176	REFL PAV MKR TY II (W) 8" (DOT)	LF	\$1.50	100.00	\$150.00	(100.00)	0.00	\$0.00	(\$150.00)	
666 6214	REFL PAV MKR TY II (Y) 24" (SLD)	LF	\$6.00	600.00	\$3,600.00	(166.00)	434.00	\$2,604.00	(\$996.00)	
666 6282	REF PROF PAV MKR TY (W)4"(SLD)(060MIL)	LF	\$1.00	23,335.00	\$23,335.00	(403.00)	22,932.00	\$22,932.00	(\$403.00)	
666 6287	REF PROF PAV MKR TY (Y)4"(SLD)(090MIL)	LF	\$1.00	20,050.00	\$20,050.00	123.00	20,173.00	\$20,173.00	\$123.00	
666 6311	RE PM WIRET REQ TY I (Y)4"(BRK)(090MIL)	LF	\$2.00	285.00	\$570.00	(55.00)	230.00	\$460.00	(\$110.00)	
666 6314	RE PM WIRET REQ TY I (Y)4"(SLD)(090MIL)	LF	\$2.00	5,195.00	\$10,390.00	(484.00)	4,711.00	\$9,422.00	(\$968.00)	
666 6326	RE PM WIRET REQ TY II (Y) 4" (BRK)	LF	\$1.00	285.00	\$285.00	5.00	290.00	\$290.00	\$5.00	
666 6327	RE PM WIRET REQ TY II (Y) 4" (SLD)	LF	\$1.00	25,245.00	\$25,245.00	(342.00)	24,903.00	\$24,903.00	(\$342.00)	
				The "Totals" from Table B of the previous work sheet:						
				TOTALS						
				\$2,121,124.00				\$1,551,352.44		(\$569,771.56)
				\$2,533,541.00				\$1,952,811.52		(\$580,729.48)

CHANGE ORDER REASON(S) CODE CHART

<p>1. Design Error or Omission</p>	<p>1A. Incorrect PS&E 1B. Other</p>
<p>2. Differing Site Conditions (unforeseeable)</p>	<p>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</p>
<p>3. County Convenience</p>	<p>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</p>
<p>4. Third Party Accommodation</p>	<p>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</p>
<p>5. Contractor Convenience</p>	<p>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</p>
<p>6. Untimely ROW/Utilities</p>	<p>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</p>

Williamson County Road Bond Program

**Hairy Man Road/Brushy Creek Road Improvements
Williamson County Project No. T2232**

Change Order No. 3

Reason for Change

This Change Order provides the final balancing for the overrun/underrun of Contract quantities on the project as a result of addressing field conditions not accounted for in the original plans and adds an item to adjust the unit price of Item 351-6006.

The Plan Quantity for Item 351-6006 Flexible Pavement Structure Repair (10") was not utilized on the project. This item is defined as a major bid item in the contract because the total cost of the item, \$474,390.05, is greater than 5% of the total contract cost, \$3,974,320.00. The total cost of this item is 12% of the total contract cost. The original Plan Quantity is 8,480.00 SY. 2,270.71 SY was used on the project, which is 27% of the original Plan Quantity. Since the actual quantity used on the project was greater than 25% and less than the original plan quantity, the Contractor is allowed by the General Conditions of Agreement to request a revised unit price for the work. The Contractor submitted a revised unit price of \$85.00 per SY. This Change Order adds Item 351-WC01 to the contract to compensate the contractor for 2,270.71 SY of pavement repair at the revised unit price of \$85.00 per SY. The areas repaired were identified by the observer upon review of the existing road conditions.

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

ITEM	DESCRIPTION	UNIT	PRICE	QUANTITY
351-WC01	FLEXIBLE PAVEMENT STRUCTURE REPAIR (10")	SY	\$85.00	2270.71

This Change Order results in a net decrease of \$447,390.05 to the Contract amount, for an adjusted Contract total of \$3,526,893.95. The original Contract amount was \$3,964,380.00. As a result of this and all Change Orders to-date, \$437,486.05 has been deducted from the Contract, resulting in a 11.0% net reduction in the overall Contract cost. No time will be added to the Contract for this Change Order.

HNTB Corporation

Oscar Salazar-Bueno, P.E.
HNTB Senior Resident Engineer

Eddie R. Church

From: Oscar Salazar-Bueno
Sent: Wednesday, January 19, 2022 8:13 AM
To: paul@denucciconstructors.com; Clayton Weber; l@denucciconstructors.com
Cc: Tracy Cooper; Josh Walenta; Aaron DeNucci; Ryan DeNucci; Christen Eschberger; 34275_RB_GreatOaksatBrushy Creek; Cindy Niels; 34275_RB_ForestNorthDrainage; Eddie R. Church; Julissa Vasquez
Subject: RE: T2232 Estimated Quantities Section 5.02 Response 3 -- Price Adjustment AGREED

For the record, as of today we have not received any documentation or calculations supporting Denucci's proposed price of \$105.00/SY. A statement from the subcontractor saying that the price should have been \$300.00/SY does not suffice. However, in order to move forward and resolve this issue we agree with Denucci's proposed price of **\$85.00/SY** for item 351-6006 Flexible Pavement Structure Repair (10").

A Change Order adjusting the price of the item will be prepared and send to your office for signature, once the CO is executed we will pay for the monies due in the next estimate.

Oscar Salazar-Bueno, PE
Sr. Resident Engineer
Williamson County Road Bond Program
Tel (512) 527-6734 Mobile (737) 237-3581 Email osalazarbueno@hntb.com

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From: paul@denucciconstructors.com <paul@denucciconstructors.com>
Sent: Wednesday, January 19, 2022 7:26 AM
To: Oscar Salazar-Bueno <osalazarbueno@HNTB.com>; Clayton Weber <cweber@HNTB.com>; l@denucciconstructors.com
Cc: Tracy Cooper <tcooper@HNTB.com>; Josh Walenta <joshw@denucciconstructors.com>; Aaron DeNucci <aarond@denucciconstructors.com>; Ryan DeNucci <ryand@denucciconstructors.com>; Christen Eschberger <ceschberger@HNTB.com>; 34275_RB_GreatOaksatBrushy Creek <34275_RB_GreatOaksatBrushyCreek@HNTB.com>; Cindy Niels <cindyn@denucciconstructors.com>; 34275_RB_ForestNorthDrainage <34275_RB_ForestNorthDrainage@HNTB.com>
Subject: RE: T2232 Estimated Quantities Section 5.02 Response 3

I explained our position and backed it up with our subcontractor's analysis. HNTB is using TXDOT averages which do not apply to this contract and are not applicable to the project at hand.

In order to move forward, we will accept \$85.00/SY which is our historical pricing for this work at this revised qty and well below what the subcontractor would have charged.

Paul T. DeNucci
DeNucci Constructors, LLC
8310-1 Cap Tx Hwy N. Ste 275
Austin, Texas 78731
512-335-0600
512-342-0600 fax
512-658-3986 cell
paul@denucciconstructors.com
www.denucciconstructors.com

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

Subject: RE: T2232 Estimated Quantities Section 5.02 Response 3
From: Oscar Salazar-Bueno <osalazarbueno@HNTB.com>
Date: Tue, January 18, 2022 5:07 pm
To: "paul@denucciconstructors.com" <paul@denucciconstructors.com>, "Clayton Weber" <cweber@HNTB.com>
Cc: Tracy Cooper <tcooper@HNTB.com>, Josh Walenta <joshw@denucciconstructors.com>, Aaron DeNucci <aarond@denucciconstructors.com>, Ryan DeNucci <ryand@denucciconstructors.com>, Christen Eschberger <ceschberger@HNTB.com>, 34275_RB_GreatOaksatBrushy Creek <34275_RB_GreatOaksatBrushyCreek@HNTB.com>, Cindy Niels <cindyn@denucciconstructors.com>, 34275_RB_ForestNorthDrainage <34275_RB_ForestNorthDrainage@HNTB.com>

Mr. DeNucci,

I would recommend to move forward and solve the issue at hand, which is the flexible pavement repair underrun. A few emails ago you asked if the \$75.00/SY was our final proposal, I confirm that it is. That is the price that can be supported by the price adjustment methodology prescribed in the PCM and TxDOT average prices & adjustment factors.

Please let us know if you are in agreement with this price so we can prepare the CO. Conversely, if you disagree provide back up supporting your proposed price. The back-up shall demonstrate that DeNucci's cost to perform the work exceeded the amount paid for by the County.

Let me know if you have any questions.

Oscar Salazar-Bueno, PE
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Williamson County Road Bond Program
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