

COLLIN COUNTY
FRONTIER PARKWAY PAVING AND DRAINAGE IMPROVEMENTS
Dallas North Tollway to S.H. 289 (Preston Road)
Project No. IFB 2020-303

CHANGE ORDER NO. 2

A. INTENT OF CHANGE ORDER

The intent of this change order is to outline the negotiations by Collin County, the project Stakeholders (City of Celina and Town of Prosper) and Mario Sinacola & Sons Excavation, Inc. (MSSEI) regarding the Project Escalation Cost and Accelerated Project Schedule on the contract entered between Collin County and MSSEI for construction of the Frontier Parkway Paving and Drainage Improvements project, dated January 4, 2021 (Collin County Project No. IFB 2020-303)

B. DESCRIPTION OF CHANGE

- 1) Project Cost Escalation: As requested by MSSEI, in their letter proposal to Collin County dated July 29, 2021 (attached) this change order adds Project Escalation Pay Item CO-2.1 due to unavoidable start of construction delays as follows:
 - a) Due to on-going Franchise Utility clearance delays, Collin County issued a Partial Notice to Proceed to MSSEI on February 15, 2021. The partial notice to proceed provided MSSEI limited access to the project site and contract work until the franchise utilities were clear. No contract time was assessed during this period.
 - b) The full Notice to Proceed (NTP) was issued on August 9, 2021.
 - c) The Project Cost Escalation pay item of \$375,536.93 is a lump sum pay item that will be paid partially at each pay application according to the percent complete of construction.
- 2) Accelerated Project Schedule: As requested by Collin County, this change order covers the added cost for MSSEI to accelerate construction efforts to completely remove the Temporary Detour Road and vacate the Temporary Construction Easement situated over and across the 15.014-acre Tract 88, Abstract 167, owned by CPR/AR Prose Frontier. The terms of the project acceleration payment are as follows:
 - a) New Pay Item CO-2.2 in the amount of \$600,000 covers all costs including but not limited to, labor, equipment, materials, administration and overhead for MSSEI to accelerate construction efforts to completely remove the temporary detour road and vacate the temporary construction easement on or before September 30, 2022.
 - b) The target date of September 30, 2022 shall be pushed back one day for each day conflicts with the franchise utility companies prevent MSSEI from working on or after August 9, 2021.
 - c) If the temporary detour road is not completely removed and the site returned to like or better original condition, and the temporary construction easement is not completely vacated at the close of normal business on September 30, 2021, Collin County will assess liquidated damages in the amount of \$2,500.00 per calendar day starting on October 1, 2022. Liquidated Damages will be assessed and deducted from any monies due MSSEI, and will continue accruing with no cap, until the temporary detour road is completely removed, and the temporary construction easement vacated, and the area restored.

C. EFFECT OF CHANGE ON CONTRACT AMOUNT

This change order will have the following effect on the cost of this project:

Item No.	Description	Previous Quantity	Quantity This C.O.	Revised Quantity	Unit	Unit Price	Amount of Change
CO-2.1	Project Escalation Cost	0	1	1	LS	\$ 375,536.93	\$ 375,536.93
CO-2.2	Construction Acceleration Effort for Detour Removal & Vacate Temp Const Easement	0	1	1	LS	\$ 600,000.00	\$ 600,000.00
CO-2.3	Acceleration Liquidated Damages	0	0	0	Day	\$ (2,500.00)	\$ -
Total:							\$ 975,536.93

Original Contract Amount:	\$21,917,967.50
Change Order No. 1	\$84,516.98
Change Order No. 2	<u>\$975,536.93</u>
Revised Contract Amount:	\$22,978,021.41

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will not add any additional calendar days to this project.

Original Contract Time	633 Calendar Days
Change Order No. 1	0 Calendar Days
Change Order No. 2	<u>0</u> Calendar Days
Revised Contract Time	633 Calendar Days

E. AGREEMENT

By the signatures below of duly authorized agents, Collin County, Texas and Mario Sinacola & Sons Excavation, Inc. do hereby agree to append this Change Order No. 2 to the original contract between themselves, dated January 4, 2021.

COLLIN COUNTY, TEXAS

MARIO SINACOLA & SONS EXCAVATION, INC.

Owner

Contractor

By: _____
(signature)

By: _____
(signature)

Name: _____
(print name)

Name: _____
(print name)

Title: _____

Title: _____

Date: _____

Date: _____

Attest: _____

Attest: _____

ATTACHMENT: MSSEI letter proposal dated July 29, 2021 (2-pages)

MARIO SINACOLA & SONS
EXCAVATING, INC.



July 29, 2021

Collin County, Texas
Engineering Department
Attn: Ms. Bridell Miers, P.E.
4690 Community Avenue – Suite 200
McKinney, Texas 75071

RE: Frontier Parkway – Utility Delay & Acceleration Terms
CSP 2020-303
MSSEI Letter Number 20790-003

Dear Ms. Miers:

We are writing to you to follow up and summarize our previous letters, specifically MSSEI Letter Number 20790-002, as well as various email correspondence that has taken place over the last several weeks surrounding the Frontier Parkway franchise utility delays.

It is MSSEI's understanding that Collin County, as well as the other financiers of the project, have agreed to the following proposals and terms. MSSEI will be additionally compensated \$375,536.93 for the costs escalators that will be incurred by MSSEI throughout construction as a direct result of the unforeseen franchise utility delays. At the County's request, MSSEI has agreed to insert a milestone date of September 30, 2022 whereby MSSEI will be required to have the temporary detour removed. This will require all Frontier Parkway traffic to be placed bidirectionally, from DNT to Preston Road, on new concrete pavement by mid-September 2022. MSSEI will be compensated an additional \$600,000.00 for the additional costs that MSSEI will incur to achieve this September 30, 2022 milestone date.

In addition to the monetary items outlined above, below you will find a list of qualifications that need to be adhered to by all parties throughout construction. This will ensure that all parties are successful in achieving this aggressive timeline collectively.

- All franchise utilities must be cleared by the time MSSEI is ready to switch traffic to the temporary detour, which is anticipated to be Monday, August 9, 2021. If the franchise utilities are not relocated, and wrecked out of

MSSEI's way by August 9, 2021, then one additional day will be added to the September 30, 2022 milestone date for every day that the franchise utilities remain in conflict. If applicable, MSSEI proposes that all utility conflict days are reconciled with each monthly pay estimate to ensure an accurate accounting.

- BNSF has the temporary railroad crossing installed and operational by August 9, 2021.
- Wesley Drive can be closed on August 9, 2021 at Frontier and detoured South to the Eastern Stadium Drive entrance.
- MSSEI forces will have the ability to work 7 days a week if deemed necessary.
- There are no other unforeseen issues that are encountered in the field, or other, once construction commences that cause us to deviate from the plans, specifications, and schedule.
- MSSEI has included 50 weather days in our schedule to meet the September 30, 2022 milestone date. Any weather days incurred beyond the 50 weather days included in MSSEI's schedule, from August 9, 2021 through September 30, 2022, would need to be added to the milestone date. MSSEI proposes that all weather days are reconciled with each monthly pay estimate to ensure an accurate accounting.
- MSSEI will agree to \$2,500.00 per day in Liquated Damages beginning October 1, 2022 until the temporary detour is removed. Please keep in mind that this date could slide as a direct result of weather and utility conflicts, and terms, as outlined above.

Please let us know if you have any questions, or if you require any other information.

Sincerely,



Bradley S. Missler
Vice President of Public Operations

UTILITIES • PAVING • EXCAVATING

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