

LOWER BRUSHY CREEK WCID
Lower Brushy Creek Watershed Site 20 Rehabilitation
Modification/Change Order No. 3

Date: July 14, 2021
Contract Number: LBC-2019-02
Location: Williamson County, Texas

DESCRIPTION OF MODIFICATION

1. Pursuant to *Part II, General Conditions, Article 20 Workweek* (as modified) and Article 26, Weather, one hundred and eighteen (118) calendar days are added to the Contract Performance time due to holidays and weather-related delays from April 1, 2020 thru June 30, 2021 as follows:

April:	3, 4, 5, 6, 10, 11, 12, 22, 23, 29 and 30
May:	12, 13, 14, 24, 25, 26 and 28
June:	23
July:	3, 4, 5 and 27
August:	none
September:	2, 3, 4, 5, 6, 7 and 22
October:	none
November:	26, 27, 28 and 29
December:	20, 21, 22, 23, 24, 25, 26, 27, 28, 28, 30 and 31
January:	1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 24 and 31
February:	5, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28
March:	7, 14, 21, 23, 24, 25, 26, 27 and 28
April:	4, 11, 16, 17, 18, 19, 20 and 25
May:	1, 2, 3, 9, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, and 31
June:	none

2. Pursuant to *Part II, General Conditions, Article 5 Termination for Default, Damages for Delay, Time Extensions*, the Contract Performance time is hereby extended by one-hundred twenty (120) calendar days as an additional adjustment towards the extra efforts of the Contractor to complete all work required of the contract. HWH Industrial (Contractor) is a new contractor to this type of work with NRCS funding and specifications and CLO contract requirements. The WCID is offering this additional time so that the Contractor can complete all work under the contract on-time; will not be found in default of the contract; and will not be assessed actual damages which could affect its reputation for bidding and bonding of future projects. Any delays following the revised completion date as established herein will result in the WCID assessing actual liquid damages in the amount of upto \$650 per calendar day.
3. Waterway 3 shall be installed at the northeast corner of the dam along the downstream side in lieu of a drainage swale per the request of the landowner. The Contract Price is increased by \$10,179.95 as detailed in the email from Zach Cooper of HWH Industrial dated February 9, 2021 and the Performance Time is increased by seven (7) calendar days for this work.
4. An additional gate was provided and installed at the request of the landowner. The Contract Price is increased by \$2,000 plus 15% for overhead and profit (\$300) and the Performance Time is increased by three (3) calendar days for this work.

Summary of Modification:

Current Contract Price:	\$1,732,870.15
Contract Price Changed:	\$12,469.95
Revised Contract Price:	\$1,745,130.10
Current Completion Date:	May 18, 2020
Current Performance Time Changed:	add 248 calendar days (from 406 calendar days to 654 calendar days)
Revised Completion Date:	January 21, 2021

APPROVAL OF MODIFICATION/CHANGE ORDER No. 3

HWH - Industrial (Contractor)

Signature

Date

Name/Title

Lower Brushy Creek WCID (Owner)

James R. Clarno, P.E.
General Manager and Contracting Officer

Date

Contract No. LBC-2019-02
Lower Brushy Creek Watershed
Floodwater Retarding Structure (FRS) Site 20 Rehabilitation
Williamson County, TX

July 14, 2021

Pursuant to Article 3 – Changes, the contract shall be changed as follows:

1) Waterway 3 shall be installed at the northeast corner of the dam along the downstream side in lieu of a drainage swale as shown on the drawings per the request of the landowner. The final location and dimensions shall be determined by the Contracting Officer.

All work and materials shall meet Construction Specifications 21 and 23, as applicable.

The addition of line item 32 shall constitute full compensation for all labor, and equipment and all other items necessary and incidental to the completion of the work. An additional 7 calendar days shall be added to the performance time due to the added work.

2) One additional gate shall be installed at a location as approved by the Engineer.

All work and materials shall meet Construction Specification 92, and all Material Specifications as applicable.

The addition of line item 33 shall constitute full compensation for all labor, and equipment and all other items necessary and incidental to the completion of the work. An additional 3 calendar days shall be added to the performance time due to the added work.

Pursuant to Article 5 – Termination for Default, Damages for Delay, Time Extensions, the contract shall be changed as follows:

Per the request and authorization of the Lower Brushy WCID Contracting Officer, the performance time will be increased by 120 Calendar Days. Any delays following the revised completion date as established herein will result in the WCID assessing actual liquidated damages of upto \$650 per calendar day.

Pursuant to Article 26 – Weather, the contract shall be changed as follows:

For delays caused by weather during the period of April 1, 2020 thru June 30, 2021, add 118 calendar days to the contract performance time.

Changes to the Bid Schedules:

Add

<u>Item No.</u>	<u>Work or Material</u>	<u>Spec.</u>	<u>Estimated Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
32	Mod 3 – Waterway #3	21/23	1	LS	\$xxxxx	\$10,179.95
33	Mod 3 – New Gate	92	1	LS	\$xxxxx	\$2,300.00

Previous Contract Site Total - \$1,732,870.15 New Site Total – 1,745,350.10
(\$12,479.95 increase)

Contract price change – **\$1,745,350.10 (increased from \$1,732,870.15)**

Total increase to contract price: **+\$12,479.95**

Performance Time Change – **Add 248 Days**

Estimated Ending Date – **May 18, 2020**

Revised Ending Date – **January 21, 2021**

CONTRACTOR'S STATEMENT OF RELEASE

In consideration of the modification agreed to herein as complete equitable adjustment for the Contractor's proposal, dated 7-14-2021, the Contractor hereby releases the Lower Brushy WCID and the U.S. Government from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances concerning the added work for the above added work, including all impacts to the work, overhead and profit.