

ORDINANCE NO. 20-2436

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE CITY OF DENTON AND QUALITY EXCAVATION, LLC, FOR THE 2019 STREET RECONSTRUCTION PROJECT FOR THE CITY OF DENTON WITH GEOGRAPHICAL LIMITS AS FOLLOWS: HERCULES LANE FROM LOCUST STREET TO STUART ROAD, SCRIPTURE STREET FROM THOMAS STREET TO JAGOE STREET, THOMAS STREET FROM WEST OAK STREET TO PANHANDLE STREET, AND WINDSOR DRIVE FROM NORTH LOCUST STREET TO ARMSTRONG STREET; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (IFB 7237 – CHANGE ORDER NO. 2 IN THE NOT-TO-EXCEED AMOUNT OF \$1,104,792.54 FOR A TOTAL CONTRACT AWARD AGGREGATED TO \$11,388,235.44).

WHEREAS, on February 18, 2020, by Ordinance No. 20-362, the Council awarded a contract to Quality Excavation, LLC, in the amount of \$10,202,355.45 for the 2019 Street Reconstruction project for the City of Denton; and

WHEREAS, on July 28, 2020, by Ordinance No. 20-1371, the Council awarded a Change Order No.1 to Quality Excavation, LLC, in the amount of \$81,087.45; and

WHEREAS, the Staff having recommended, and the City Manager having recommended to the Council that a change order be authorized to amend such contract agreement with respect to the scope of work and a decrease in the payment amount; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Change Order No. 2, increasing the amount of the contract between the City and Quality Excavation, LLC, which is on file in the office of the Purchasing Agent, in the amount of One Million One Hundred Four Thousand Seven Hundred Ninety-Two and 54/100 dollars (\$1,104,792.54), is hereby approved and the expenditure of funds therefore is hereby authorized in accordance with said change order. The total purchase order amount increases to \$11,388,235.44.

SECTION 2. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by Jesse Davis and seconded by John Ryan, the ordinance was passed and approved by the following vote [7 - 0]:

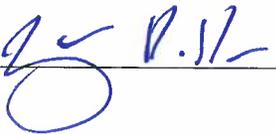
| | Aye | Nay | Abstain | Absent |
|---------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Mayor Gerard Hudspeth: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Birdia Johnson, District 1: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Connie Baker, District 2: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jesse Davis, District 3: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| John Ryan, District 4: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Deb Armintor, At Large Place 5: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Paul Meltzer, At Large Place 6: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PASSED AND APPROVED this the 17th day of December, 2020.



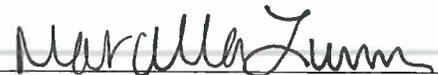
 GERARD HUDSPETH, MAYOR

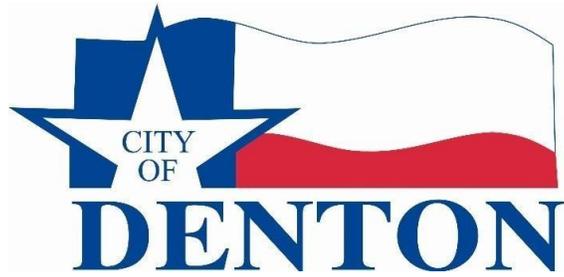
ATTEST:
 ROSA RIOS, CITY SECRETARY

BY:  _____
 ROSA RIOS, CITY SECRETARY



APPROVED AS TO LEGAL FORM:
 AARON LEAL, CITY ATTORNEY

BY:  _____



DocuSign City Council Transmittal Coversheet

| | |
|--------------------------|-----------------------------------|
| IFB | 7237 |
| File Name | 2019 Street Reconstruction - CO#2 |
| Purchasing Contact | Laura Hermosillo |
| City Council Target Date | December 17, 2020 |
| Piggy Back Option | Not Applicable |
| Contract Expiration | N/A |
| Ordinance | 20-2436 |

FILE #7237
CITY OF DENTON CHANGE ORDER

| 1. Division (Department) Engineering | | 2. Purchase Order No. 192874 | | 3. Change Order No. 2 | | | |
|--|--------------------|---|----------------------------|-------------------------------------|-----------------------------------|--------------------------------|-------------------------------|
| 4. Name of Project 2019 Street Reconstruction Project | | 5. Project Acct No. 350496402; 350498467; 640426541 | | 6. Date Prepared 9/5/2020 | | | |
| 7. Name and Address of Contractor Quality Excavation 5580 Highway 377. Aubrey, Tx. 76227 | | | | | | | |
| 8. Description of Work Included in Contract Work includes reconstruction of four Roadways. Also includes water and wastewater improvements | | | | | | | |
| 9. Changes ordered and reason ordered Changes include extra work associated with unforeseen conditions found in the field, utility conflicts, contract bid quantity underruns, and unsuitable subgrade found on Thomas Street. | | | | | | | |
| 10. Contract Changes | Bid Item No | Original Estimated Quantity | Contract Unit Price | Revised Estimate Quantity | Negotiated C.O. Unit Price | Original Estimated Cost | Revised Estimated Cost |
| Added 8" & 10" Sewer Lining | New | 0 | \$0.00 | 1 | \$128,186.64 | \$0.00 | \$128,186.64 |
| Mill & Overlay side street connections | New | 0 | \$0.00 | 600 | \$135.63 | \$0.00 | \$81,378.00 |
| Temporary Asphalt Repair - School Reopenings | New | 0 | \$0.00 | 1 | \$2,498.10 | \$0.00 | \$2,498.10 |
| Stuart Rd - Sanitary Sewer Realignment | new | 0 | \$0.00 | 1 | \$4,575.00 | \$0.00 | \$4,575.00 |
| Remove Asphalt payment | 12 | 55,706 | \$5.00 | 55,991 | \$5.00 | \$278,530.00 | \$279,955.00 |
| 12" Flex base | 17 | 3,033 | \$28.00 | 3,318 | \$28.00 | \$84,924.00 | \$92,904.00 |
| 3" Type C Surface | 18 | 64,257 | \$18.00 | 72,540 | \$18.00 | \$1,156,626.00 | \$1,305,720.00 |
| 6" Type B Base | 19 | 64,257 | \$30.00 | 72,540 | \$30.00 | \$1,927,710.00 | \$2,176,200.00 |
| 4" Waterline Bore Extension | New | 0 | \$0.00 | 1 | \$3,660.00 | \$0.00 | \$3,660.00 |
| Remove Asphalt payment | 11 | 8,636 | \$6.00 | 16,599 | \$6.00 | \$51,816.00 | \$99,594.00 |
| 12" Lime Subgrade Treatment | 12 | 7517.00 | \$8.00 | 16,014 | \$8.00 | \$60,136.00 | \$128,112.00 |

| | | | | | | | |
|---|-----|-------|----------|-------|--------------|-----------------------|-----------------------|
| Lime @ 9% (81 lbs/sy) | 13 | 304 | \$178.00 | 649 | \$178.00 | \$54,112.00 | \$115,522.00 |
| 12" Flexible Base | 16 | 516 | \$23.00 | 585 | \$23.00 | \$11,868.00 | \$13,455.00 |
| 6" Curb and 18" Gutter | 19 | 2,145 | \$26.00 | 2,224 | \$26.00 | \$55,770.00 | \$57,824.00 |
| Double Application Lime on Windsor due to high sulfates | New | 0 | \$0.00 | 1 | \$7,047.00 | \$0.00 | \$7,047.00 |
| Additional Water services at Wilson Elementary | New | 0 | \$0.00 | 1 | \$11,995.00 | \$0.00 | \$11,995.00 |
| Added 16" Sewer Lining | New | 0 | \$0.00 | 1 | \$256,913.80 | \$0.00 | \$256,913.80 |
| spoils | 26 | 1,500 | \$15.00 | 2,883 | \$15.00 | \$22,500.00 | \$43,245.00 |
| TOTAL | | | | | | \$3,703,992.00 | \$4,808,784.54 |

11. Original Contract Price + Previous CO's \$10,283,442.90 Increase in contract price \$1,104,792.54

New Contract Price \$11,388,235.44 Decrease in contract price

12. Contract time increased/decreased by 67 days. New contract time 823 days.

THE AFOREMENTIONED CHANGE, AND WORK AFFECTED THEREBY, IS SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

13. SUBMITTED BY:

DocuSigned by:
Trevor Crain
7B46EEAB11BC4F2...
Project Manager

14. ACCEPTED BY CITY ENGINEER/DIRECTOR OF CAPITAL PROJECTS

DocuSigned by:
Rebecca Diviney
CE9F2B4E4B6745F...
Signature

15. ACCEPTED BY CONTRACTOR: Vice President
Title

DocuSigned by:
Garland Wilson
0FEA7C56F30A4D5...
Signature

16. CITY MANAGER:

DocuSigned by:
Todd Hileman
B776C711BA0D454...
Signature

ATTEST: CITY SECRETARY

DocuSigned by:
Rosa Rios
1C5C8C5E175493...
Signature

17. PURCHASING/FINANCE:

DocuSigned by:
Lori Howell
13E1D934887C40F...
Signature

18. APPROVED AS TO LEGAL FORM:

DocuSigned by:
Mack Reinward
7F9D328BF0204E5...
Signature

Exhibit 1

CONFLICT OF INTEREST QUESTIONNAIRE - FORM CIQ
For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local government entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

1 Name of vendor who has a business relationship with local governmental entity. Quality Excavation, LLC

2 **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information in this section is being disclosed.

None

Name of Officer

This section, (item 3 including subparts A, B, C & D), must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

- A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?
 Yes No
- B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?
 Yes No
- C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of one percent or more?
 Yes No

D. Describe each employment or business and family relationship with the local government officer named in this section.

none

4 **I have no Conflict of Interest to disclose.**

5 DocuSigned by:
Garland Wilson 10/27/2020

Signature of vendor doing business with the governmental entity Date

Certificate Of Completion

| | |
|--|-----------------------------------|
| Envelope Id: FC8687F96AEE4439BA5A620B9A89D9F3 | Status: Completed |
| Subject: Please DocuSign: City Council Contract 7237 - 2019 Street Reconstruction - CO#2 | |
| Source Envelope: | |
| Document Pages: 4 | Signatures: 8 |
| Certificate Pages: 6 | Initials: 1 |
| AutoNav: Enabled | Envelope Originator: |
| Envelopeld Stamping: Enabled | Laura Hermosillo |
| Time Zone: (UTC-06:00) Central Time (US & Canada) | 901B Texas Street |
| | Denton, TX 76209 |
| | laura.hermosillo@cityofdenton.com |
| | IP Address: 198.49.140.104 |

Record Tracking

| | | |
|-----------------------|-----------------------------------|--------------------|
| Status: Original | Holder: Laura Hermosillo | Location: DocuSign |
| 10/20/2020 2:41:17 PM | laura.hermosillo@cityofdenton.com | |

Signer Events

| Signer Events | Signature | Timestamp |
|---|--|---|
| Laura Hermosillo laura.hermosillo@cityofdenton.com Senior Buyer City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | Completed Using IP Address: 198.49.140.104 | Sent: 10/20/2020 2:47:38 PM Viewed: 10/20/2020 2:47:48 PM Signed: 10/20/2020 2:47:50 PM |

| | | |
|---|--|---|
| Lori Hewell lori.hewell@cityofdenton.com Purchasing Manager City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | DocuSigned by: 13E1D934887C40F... | Sent: 10/20/2020 2:47:52 PM Viewed: 10/21/2020 7:48:11 AM Signed: 10/21/2020 7:48:26 AM |
| Mack Reinwand mack.reinwand@cityofdenton.com City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | DocuSigned by: 7F9D328BF0204E5... | Sent: 10/21/2020 7:48:28 AM Viewed: 10/26/2020 12:11:30 PM Signed: 10/26/2020 12:12:24 PM |

| | | |
|--|--|--|
| Garland Wilson garland@qualityexcavationltd.com Vice President Quality Excavation, Ltd. Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | DocuSigned by: 0FEA7C56F30A4D5... | Sent: 10/26/2020 12:12:26 PM Viewed: 10/27/2020 6:00:37 AM Signed: 10/27/2020 6:03:59 AM |
|--|--|--|

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

| | | |
|---|--|---|
| Mack Reinwand mack.reinwand@cityofdenton.com City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | DocuSigned by: 7F9D328BF0204E5... | Sent: 10/21/2020 7:48:28 AM Viewed: 10/26/2020 12:11:30 PM Signed: 10/26/2020 12:12:24 PM |
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Electronic Record and Signature Disclosure:
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Signer Events

Trevor Crain
Trevor.Crain@cityofdenton.com
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:
Trevor Crain
7B46EEA811B04F2...

Signature Adoption: Pre-selected Style
Using IP Address: 198.49.140.104

Timestamp

Sent: 10/27/2020 6:04:01 AM
Viewed: 10/27/2020 8:05:41 AM
Signed: 10/27/2020 8:06:12 AM

Electronic Record and Signature Disclosure:
Accepted: 10/27/2020 8:05:41 AM
ID: ac48dfe5-f533-4f79-ac86-93a785939d5a

Rebecca Diviney
Rebecca.Diviney@cityofdenton.com
Director of Capital Projects/City Engineer
Security Level: Email, Account Authentication (None)

DocuSigned by:
Rebecca Diviney
CE9F2B4E4B6745F...

Signature Adoption: Pre-selected Style
Using IP Address: 47.222.28.222
Signed using mobile

Sent: 10/27/2020 6:04:01 AM
Viewed: 10/27/2020 6:51:59 AM
Signed: 10/27/2020 6:52:24 AM

Electronic Record and Signature Disclosure:
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ID: 2da29a6c-80cd-4e4d-99a5-ccf32829e029

Cheyenne Defee
cheyenne.defee@cityofdenton.com
Contract Administrator
City of Denton
Security Level: Email, Account Authentication (None)

Completed

Using IP Address: 198.49.140.104

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Viewed: 12/18/2020 8:12:56 AM
Signed: 12/18/2020 8:13:02 AM

Electronic Record and Signature Disclosure:
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Todd Hileman
Todd.Hileman@cityofdenton.com
City Manager
City of Denton
Security Level: Email, Account Authentication (None)

DocuSigned by:
Todd Hileman
B776C711BA0D454...

Signature Adoption: Pre-selected Style
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Accepted: 7/25/2017 11:02:14 AM
ID: 57619fbf-2aec-4b1f-805d-6bd7d9966f21

Rosa Rios
rosa.rios@cityofdenton.com
City Secretary
Security Level: Email, Account Authentication (None)

DocuSigned by:
Rosa Rios
1C5CA8C5E175493...

Signature Adoption: Pre-selected Style
Using IP Address: 198.49.140.104

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Electronic Record and Signature Disclosure:
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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

| Certified Delivery Events | Status | Timestamp |
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| Carbon Copy Events | Status | Timestamp |
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|---|---------------|-----------------------------|
| Cheyenne Defee cheyenne.defee@cityofdenton.com Contract Administrator City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | COPIED | Sent: 10/20/2020 2:47:52 PM |
|---|---------------|-----------------------------|

| | | |
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| Sherri Thurman sherri.thurman@cityofdenton.com City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | COPIED | Sent: 10/27/2020 8:06:14 AM |
|---|---------------|-----------------------------|

| | | |
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| Zolaina Parker Zolaina.Parker@cityofdenton.com City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | COPIED | Sent: 12/21/2020 11:37:06 AM |
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| Tracy Holt Tracy.Holt@cityofdenton.com Administrative Assistant City of Denton Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign | COPIED | Sent: 12/21/2020 11:37:07 AM Viewed: 12/21/2020 11:38:23 AM |
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| Witness Events | Signature | Timestamp |
|----------------|-----------|-----------|
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| Notary Events | Signature | Timestamp |
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| Envelope Summary Events | Status | Timestamps |
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| | | |
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| Envelope Sent | Hashed/Encrypted | 10/20/2020 2:47:38 PM |
| Certified Delivered | Security Checked | 12/21/2020 11:36:25 AM |
| Signing Complete | Security Checked | 12/21/2020 11:37:04 AM |
| Completed | Security Checked | 12/21/2020 11:37:07 AM |

| Payment Events | Status | Timestamps |
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- ii. send us an e-mail to purchasing@cityofdenton.com and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

| | |
|----------------------------|--|
| Operating Systems: | Windows2000? or WindowsXP? |
| Browsers (for SENDERS): | Internet Explorer 6.0? or above |
| Browsers (for SIGNERS): | Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above) |
| Email: | Access to a valid email account |
| Screen Resolution: | 800 x 600 minimum |
| Enabled Security Settings: | <ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection |

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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