

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE APPROVAL OF A FIRST AMENDMENT TO A CONSTRUCTION MANAGER AT RISK (CMAR) PRECONSTRUCTION SERVICES CONTRACT BETWEEN THE CITY OF DENTON AND SUNDT CONSTRUCTION, INC., AMENDING THE CONTRACT APPROVED BY CITY COUNCIL ON FEBRUARY 6, 2024, IN THE NOT-TO-EXCEED AMOUNT OF \$2,452,441.00, SAID FIRST AMENDMENT TO PROVIDE ADDITIONAL PRECONSTRUCTION DESIGN SERVICES AND EXPAND THE TIMELINE FOR THE PECAN CREEK WATER RECLAMATION PLANT HEADWORKS AND EXPANSION PROJECT FOR THE WATER UTILITIES DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (RFP 8289 - PROVIDING FOR AN ADDITIONAL FIRST AMENDMENT EXPENDITURE AMOUNT NOT-TO-EXCEED \$296,273.00, WITH THE TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$2,748,714.00).

WHEREAS, on February 6, 2024, City Council awarded a contract to Sundt Construction, Inc. in the amount of \$2,452,441.00, for pre-construction services of the Pecan Creek Water Reclamation Plant Expansion Project for the Water Utilities Department; and

WHEREAS, this procurement was undertaken as part of the City's governmental function; and

WHEREAS, the additional fees under the proposed First Amendment are fair and reasonable and are consistent with, and not higher than, the recommended practices and fees applicable to the Provider's profession, and such fees do not exceed the maximum provided by law; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The First Amendment, increasing the amount of the contract between the City and Sundt Construction, Inc., which is on file in the office of the Purchasing Agent, in the amount of Two Hundred Ninety-Six Thousand Two Hundred Seventy-Three and 0/100 (\$296,273.00) Dollars, is hereby approved, and the expenditure of funds therefor is hereby authorized in accordance with said amendment which shall be effective upon the execution of the amendment attached hereto. The total contract amount increases to \$2,748,714.00.

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

The motion to approve this ordinance was made by _____ and seconded by _____. This ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn



Docusign City Council Transmittal Coversheet

RFP	8289
File Name	CMAR for PCWTP Headworks and Expansion - Amendment #1
Purchasing Contact	Cori Power
City Council Target Date	
Piggy Back Option	Not Applicable
Contract Expiration	
Ordinance	

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

FIRST AMENDMENT TO CONTRACT
BY AND BETWEEN THE CITY OF DENTON, TEXAS
AND **SUNDT CONSTRUCTION, INC. 8289**

THIS FIRST AMENDMENT TO CONTRACT 8289 (“Amendment”) by and between the City of Denton, Texas (“City”) and **SUNDT CONSTRUCTION, INC.** (“CM@Risk”) to that certain contract executed on February 6, 2024, in the original not-to-exceed amount of \$2,452,441.00 (the “Agreement”); for services related to the **PCWRP Headworks and Expansion Project**.

WHEREAS, the City deems it necessary to further expand the services provided by CM@Risk to the City pursuant to the terms of the Agreement, and to provide an additional not-to-exceed amount \$296,273.00 with this First Amendment for an aggregate not-to-exceed amount of \$2,748,714.00; and

NOW THEREFORE, the City and CM@Risk (hereafter collectively referred to as the “Parties”), in consideration of their mutual promises and covenants, as well as for other good and valuable considerations, do hereby AGREE to the following First Amendment, which amends the following terms and conditions of the said Agreement, to wit:

1. This Amendment modifies the Agreement amount to provide an additional \$296,273.00 for additional services and materials to be provided in accordance with the terms of the Agreement with a revised aggregate not-to-exceed total of \$2,748,714.00.
2. The additional services described in Exhibit “A” of this Amendment, attached hereto and incorporated herein for all purposes, for the Construction Manager at Risk preconstruction design services for the Pecan Creek Water Reclamation Plant Headworks and Expansion Project, are hereby authorized to be performed by CM@Risk. For and in consideration of the additional services to be performed by CM@Risk, the City agrees to pay, based on the cost estimate detail attached as Exhibit “A”.

The Parties hereto agree, that except as specifically provided for by this Amendment, that all of the terms, covenants, conditions, agreements, rights, responsibilities, and obligations of the Parties, set forth in the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the City and the CM@Risk, have each executed this Amendment, by and through their respective duly authorized representatives and officers on this date_____.

“CM@Risk”

SUNDT CONSTRUCTION, INC.

DocuSigned by:
By: Stephen Bradford President
AUTHORIZED SIGNATURE, TITLE

“CITY”

CITY OF DENTON, TEXAS
A Texas Municipal Corporation

THIS AGREEMENT HAS BEEN
BOTH REVIEWED AND APPROVED
as to financial and operational
obligations and business terms.

Signed by:
Stephen D. Gay Stephen D. Gay
SIGNATURE PRINTED NAME

General Manager
TITLE

Water Utilities and Street Operations
DEPARTMENT

By: _____
AUTHORIZED SIGNATURE, TITLE

ATTEST:
LAUREN THODEN, CITY SECRETARY

By: _____

APPROVED AS TO FORM:
MACK REINWAND, CITY ATTORNEY

BY: DocuSigned by:
Marcella Lunn
4B070831B4AA438...

CHANGE
ORDER

Exhibit A



(Simulates AIA Document G701)

CONTRACTOR: Sundt Construction, Inc.
2620 S. 55th Street, Tempe, AZ 85282
Contractor Project No.: 162482

CO NO.: 0001
DATE: 06/26/2025

PROJECT: PRECON Pecan Creek WRP
1100 S. Mayhill Road
Denton, Texas 76201

CONTRACT DATE: 02/06/2024

Time Delay Due to Change from 5 vs 26 MGD Expansion

Preconstruction time delay due to changing from 5 vs 26 MGD Expansion.

The Contract is hereby revised by the following items:

Issue	Description	Amount
1	Time Delay Due to Change from 5 vs 26 MGD Expansion	\$ 296,273.00
Total:		\$ 296,273.00

Not valid until signed by the Owner and Contractor

The original Contract sum was	\$ 2,452,441.00
Net change by previously authorized Change Orders	\$ 0.00
The Contract sum prior to this Change Order was	\$ 2,452,441.00
The Contract sum will be increased by this Change Order in the amount of	\$ 296,273.00
The new Contract sum including this Change Order will be	\$ 2,748,714.00
The Contract time will be changed by this Change Order by	days
The date of Substantial Completion including this Change Order is	08/11/2026

CONTRACTOR

Sundt Construction, Inc.

CLIENT/OWNER

City of Denton

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Certificate Of Completion

Envelope Id: A70388BE-C1B7-4F99-BDAE-288E261E2A74

Status: Sent

Subject: Please DocuSign: City Council Contract 8289 CMAR for PCWTP Headworks and Expansion Amendment #1

Source Envelope:

Document Pages: 5

Signatures: 3

Envelope Originator:

Certificate Pages: 6

Initials: 1

Cori Power

AutoNav: Enabled

901B Texas Street

Envelopeld Stamping: Enabled

Denton, TX 76209

Time Zone: (UTC-06:00) Central Time (US & Canada)

cori.power@cityofdenton.com

IP Address: 198.49.140.10

Record Tracking

Status: Original

Holder: Cori Power

Location: DocuSign

7/9/2025 1:30:00 PM

cori.power@cityofdenton.com

Signer Events

Signature

Timestamp

Cori Power

Completed

Sent: 7/9/2025 1:31:14 PM

cori.power@cityofdenton.com

Viewed: 7/9/2025 1:31:27 PM

Purchasing Supervisor

Signed: 7/9/2025 1:31:46 PM

City of Denton

Using IP Address: 198.49.140.10

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Lori Hewell



Sent: 7/9/2025 1:31:48 PM

lori.hewell@cityofdenton.com

Viewed: 7/9/2025 1:37:50 PM

Purchasing Manager

Signed: 7/9/2025 1:38:11 PM

City of Denton

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 198.49.140.10

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Marcella Lunn



Sent: 7/9/2025 1:38:13 PM

marcella.lunn@cityofdenton.com

Viewed: 7/9/2025 1:39:26 PM

Senior Deputy City Attorney

Signed: 7/9/2025 1:43:48 PM

City of Denton

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 198.49.140.10

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Stephen Bradford



Sent: 7/9/2025 1:43:50 PM

sbradford@sundt.com

Viewed: 7/9/2025 2:04:50 PM

Group President

Signed: 7/9/2025 7:01:08 PM

Security Level: Email, Account Authentication (None)


Signature Adoption: Pre-selected Style

Using IP Address: 155.190.3.6

Electronic Record and Signature Disclosure:

Accepted: 7/9/2025 2:04:50 PM

ID: b80607db-a399-4d06-8f03-e7b90cfa09ea

Signer Events	Signature	Timestamp
Stephen D. Gay Stephen.Gay@cityofdenton.com General Manager Water Utilities Security Level: Email, Account Authentication (None)	<div>Signed by:  FEB48BB9726E4A9...</div> Signature Adoption: Pre-selected Style Using IP Address: 198.49.140.10	Sent: 7/9/2025 7:01:10 PM Viewed: 7/10/2025 8:21:22 AM Signed: 7/10/2025 8:22:20 AM

Electronic Record and Signature Disclosure:
Accepted: 7/10/2025 8:21:22 AM
ID: c6539556-2d60-4fee-82de-a129e585dbf0

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

Sent: 7/10/2025 8:22:23 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Sara Hensley
sara.hensley@cityofdenton.com
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Lauren Thoden
lauren.thoden@cityofdenton.com
Security Level: Email, Account Authentication (None)

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
Carbon Copy Events	Status	Timestamp

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

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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Gretna Jones
gretna.jones@cityofdenton.com
Legal Secretary
City of Denton
Security Level: Email, Account Authentication (None)

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Sent: 7/10/2025 8:22:22 AM
Viewed: 7/10/2025 9:38:24 AM

Carbon Copy Events	Status	Timestamp
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
City Secretary Office citysecretary@cityofdenton.com Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
David Brown David.Brown@cityofdenton.com Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Accepted: 6/25/2025 3:24:49 PM ID: aead9905-e8bb-4259-8c36-e6db85fd4e3d		
Jason Donnell jason.donnell@cityofdenton.com Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/9/2025 1:31:14 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Denton:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: purchasing@cityofdenton.com

To advise City of Denton of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at melissa.kraft@cityofdenton.com and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Denton

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to purchasing@cityofdenton.com and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Denton

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- 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, US 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.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Denton as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Denton during the course of my relationship with you.