

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF DENTON AND THE O’HAVER COMPANY, LTD. DBA O’HAVER CONTRACTORS, FOR THE ADDITIONAL WORK AND EXTENSION OF DAYS NECESSARY TO COMPLETE THE FIRE STATION 3 CONSTRUCTION PROJECT FOR THE CITY OF DENTON; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (RFP 6899 – CHANGE ORDER NO. 1 IN THE NOT-TO-EXCEED AMOUNT OF \$168,802.55, FOR A TOTAL CONTRACT AWARD AGGREGATED TO \$6,466,802.55).

WHEREAS, on April 9, 2019, by Ordinance No. 19-678, the Council awarded a contract to The O’Haver Company, Ltd. dba O’Haver Contractors, in the amount of \$6,298,000.00, for the construction of a new Fire Station #3 located at the corner of McCormick Street and Underwood Street; and

WHEREAS, this procurement was undertaken as part of the City’s governmental function; 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 an increase in the payment amount; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Change Order No. 1, increasing the amount of the contract between the City and The O’Haver Company, Ltd. dba O’Haver Contractors, which is on file in the office of the Purchasing Agent, in the amount of One Hundred Sixty-Eight Thousand Eight Hundred Two and 55/100 (\$168,802.55) dollars, 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 \$6,466,802.55.

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 [\_\_\_ - \_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____


PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

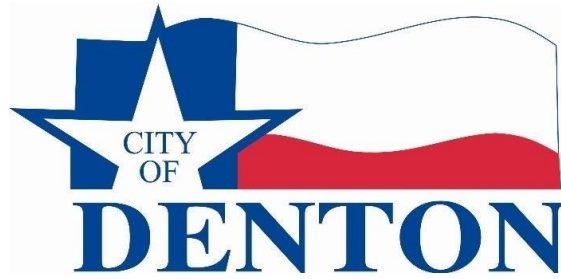
\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY:  Digitally signed by Marcella Lunn  
 DN: cn=Marcella Lunn, o, ou=City of Denton, email=marcella.lunn@cityofdenton.com, c=US  
 Date: 2022.06.14 16:23:41 -05'00'



## DocuSign City Council Transmittal Coversheet

RFP	6899
File Name	Fire Station 3 Construction Change Order 1
Purchasing Contact	Lori Hewell
City Council Target Date	
Piggy Back Option	Not Applicable
Contract Expiration	
Ordinance	

**CHANGE ORDER/CONTRACT REVISION CITY  
OF DENTON, TEXAS - OWNER**

BID/RFSP # 6899 P.O. # 189458 CHANGE ORDER #: 1  
PROJECT : Fire Station 3 Construction DATED: 6/9/2022  
CONTRACTOR: O'Haver Contractors CONTRACT DATE: 4/9/2019

THIS CHANGE ORDER/REVISION MAKES THE FOLLOWING CHANGES IN THIS CONTRACT: (written description or attach back up)


THE ORIGINAL (CONTRACT SUM) .....	\$	<u>6,298,000.00</u>
NET CHANGE BY PREVIOUSLY AUTHORIZED CHANGE ORDERS .....	\$	<u>0.00</u>
THE (CONTRACT SUM) PRIOR TO THIS CHANGE ORDER .....	\$	<u>6,298,000.00</u>
OWNER'S ALLOWANCE REMAINING .....	\$	<u>23,640.45</u>
SETTLEMENT AMOUNT .....	\$	<u>192,443.00</u>
THE (CONTRACT SUM) WILL BE (INCREASED) BY THIS CHANGE ORDER .....	\$	<u>168,802.55</u>
THE NEW (CONTRACT SUM) INCLUDING THIS CHANGE ORDER WILL BE .....	\$	<u>6,466,802.55</u>

O'Haver Contractors

CONTRACTOR (as above)

12831 O'Connor Rd  
ADDRESS

San Antonio, TX 78233

DocuSigned by:  
  
6FA92970A0044C2...  
SIGNATURE

Donald O'Haver

PRINT NAME

6/13/2022

DATE

City of Denton

OWNER

901-B Texas Str.  
ADDRESS

Denton, TX 76209

SIGNATURE

PRINT NAME AND TITLE

DATE

THIS AGREEMENT HAS BEEN  
BOTH REVIEWED AND APPROVED

as to financial and operational obligations and  
business terms.

DocuSigned by:  
Scott Gray                      Scott Gray  
A79499140F7443A...

SIGNATURE                      PRINTED NAME

Director - Airport & Facilities

TITLE  
Facilities Management

DEPARTMENT

ATTEST:

ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

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

**Certificate Of Completion**

Envelope Id: 891C9617AA1540EDB8DFB41C83E218C6	Status: Sent
Subject: Please DocuSign: City Council Contract 6899 Change Order 1	
Source Envelope:	
Document Pages: 3	Signatures: 3
Certificate Pages: 6	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Lori Hewell
Time Zone: (UTC-06:00) Central Time (US & Canada)	901B Texas Street
	Denton, TX 76209
	lori.hewell@cityofdenton.com
	IP Address: 198.49.140.104

**Record Tracking**

Status: Original	Holder: Lori Hewell	Location: DocuSign
6/13/2022 2:24:50 PM	lori.hewell@cityofdenton.com	

**Signer Events**

Signer Events	Signature	Timestamp
Lori Hewell	<b>Completed</b>	Sent: 6/13/2022 2:28:56 PM
lori.hewell@cityofdenton.com		Viewed: 6/13/2022 2:29:05 PM
Purchasing Manager		Signed: 6/13/2022 2:29:32 PM
City of Denton	Signed by link sent to lori.hewell@cityofdenton.com	
Security Level: Email, Account Authentication (None)	Using IP Address: 198.49.140.104	

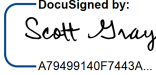
**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Marcella Lunn		Sent: 6/13/2022 2:29:35 PM
marcella.lunn@cityofdenton.com		Viewed: 6/13/2022 2:33:37 PM
Deputy City Attorney		Signed: 6/13/2022 2:34:27 PM
City of Denton	Signature Adoption: Pre-selected Style	
Security Level: Email, Account Authentication (None)	Signed by link sent to marcella.lunn@cityofdenton.com	
	Using IP Address: 47.24.6.135	

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Donald O'Haver		Sent: 6/13/2022 2:34:29 PM
don@ohcltd.net		Viewed: 6/13/2022 9:31:56 PM
President		Signed: 6/13/2022 9:35:12 PM
Security Level: Email, Account Authentication (None)	Signature Adoption: Drawn on Device	
	Signed by link sent to don@ohcltd.net	
	Using IP Address: 75.243.208.107	
	Signed using mobile	

**Electronic Record and Signature Disclosure:**  
Accepted: 6/13/2022 9:31:56 PM  
ID: 94f3a11e-2b7f-4434-9dcb-e8a9597064de

Scott Gray		Sent: 6/13/2022 9:35:14 PM
Scott.Gray@cityofdenton.com		Viewed: 6/13/2022 9:44:08 PM
Director - Airport & Facilities		Signed: 6/13/2022 9:44:44 PM
x	Signature Adoption: Pre-selected Style	
Security Level: Email, Account Authentication (None)	Signed by link sent to Scott.Gray@cityofdenton.com	
	Using IP Address: 174.204.208.30	
	Signed using mobile	

**Electronic Record and Signature Disclosure:**

Signer Events	Signature	Timestamp
<p>Accepted: 6/13/2022 9:44:08 PM ID: 29dd4c52-b89d-44d0-84a3-d3bfa5494326</p> <p>Cheyenne Defee cheyenne.defee@cityofdenton.com Procurement Administration Supervisor City of Denton Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</p>		Sent: 6/13/2022 9:44:49 PM
<p>Sara Hensley sara.hensley@cityofdenton.com Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</p>		
<p>Rosa Rios rosa.rios@cityofdenton.com Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b> Accepted: 6/13/2022 10:03:59 AM ID: 6977f4e9-c654-47fd-a19f-5f5d4b5d1b7d</p>		

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
<p>Cheyenne Defee cheyenne.defee@cityofdenton.com Procurement Administration Supervisor City of Denton Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</p>	COPIED	<p>Sent: 6/13/2022 2:29:34 PM</p>
<p>Gretna Jones gretna.jones@cityofdenton.com Legal Secretary City of Denton Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</p> <p>City Secretary Office citysecretary@cityofdenton.com Security Level: Email, Account Authentication (None)</p>	COPIED	<p>Sent: 6/13/2022 9:44:47 PM Viewed: 6/14/2022 8:52:10 AM</p>

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Hailey Payne

Hailey.Payne@cityofdenton.com

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Envelope Sent	Hashed/Encrypted	6/13/2022 2:28:56 PM
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<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>
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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](mailto: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](mailto: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.

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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](mailto: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](mailto: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"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* 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.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- 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.