

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

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE CITY OF DENTON AND MARIO SINACOLA & SONS EXCAVATING, INC., FOR THE CONSTRUCTION OF HICKORY CREEK ROAD PHASE 3 FOR THE CAPITAL PROJECTS DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (CSP 7909 – CHANGE ORDER NO. 2 IN THE NOT-TO-EXCEED AMOUNT OF \$7,931,684.69, FOR A TOTAL CONTRACT AWARD AGGREGATED TO \$59,954,118.57).

WHEREAS, on May 3, 2022, by Ordinance No. 22-911, the City Council awarded a contract to Mario Sinacola & Sons Excavating, Inc., in the amount of \$52,022,433.88, for the construction of the Hickory Creek Road Phase 3 Project consisting of the realignment and bridge installation of Hickory Creek Road between FM 1830 to Riverpass; and

WHEREAS, on March 24, 2023, Purchasing awarded a Change Order No. 1 between the City of Denton and Mario Sinacola & Sons Excavating, Inc., for additional items added to the scope of work; 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. 2, increasing the amount of the contract between the City and Mario Sinacola & Sons Excavating, Inc., which is on file in the office of the Purchasing Agent, in the amount of Seven Million Nine Hundred Thirty-One Thousand Six Hundred Eighty-Four and 69/100 (\$7,931,684.69) 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 \$59,954,118.57.

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:	_____	_____	_____	_____
Paul Meltzer, 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	7909
File Name	Hickory Creek Rd Phase 3 CO#2
Purchasing Contact	Cori Power
City Council Target Date	
Piggy Back Option	Not Applicable
Contract Expiration	
Ordinance	

CITY OF DENTON CHANGE ORDER FORM



City of Denton - Capital Projects  
401 N. Elm Street  
Denton, TX 76201  
Attn: Tracy L. Beck, PE, PMP (Capital Projects)

Contractor: Mario Sinacola & Sons Excavating, Inc.  
10950 Research Road  
Frisco, Texas  
Contact Name Robert L. Stevens VP

Project: **Hickory Creek Rd Phase 3**

CSP#: 7909

CIP/ENG#: 190101

CHANGE ORDER NO. **2**  
PO #: 201057

Notice To Proceed Issued:  
9/29/2022

Current Completion Date:  
10/28/2024

New Completion Date:  
11/12/2026

Contract BID Amount:	\$ 49,545,175.12	Prior Approved Other Funded CO's:	\$ -
5% Contingency Amount:	\$ 2,477,258.76	Current Contract Amount w CUA & CO's:	\$ 49,545,175.12
Total NTE Amount :	\$ 52,022,433.88	This CO Other Funding Request:	\$ <b>7,931,684.69</b>
Prior Approved CUA's:	\$ -	Total Change Request:	\$ <b>9,891,549.22</b>
Available Contingency:	\$ 2,477,258.76		
This CUA Request:	\$ <b>1,959,864.53</b>	Orig Contract Days:	<u>760</u>
Contingency Remaining:	\$ 517,394.23	Approved CO Days:	<u>0</u>
		This CO Days Request:	<u>745</u>
		New Contract Days:	<u>1505</u>

PROJECT SCOPE AND REASON FOR CHANGE

**Project Scope included in Contract:** Expansion of Hickory Creek from a two-lane rural roadway to a four-lane divided urban roadway from FM 1830 to Riverpass Drive with a bridge over the railroad and floodplain. The project alos includes street lighting, 10-foot sidewalks, and a northbound right turn lane on FM 1830.

Reason for change:

Multiple delays to the contractor resulted in cost escalations. The contractor provided a highly-detailed breakdown of the costs and escalations that included: Labor Escalation, Equipment Escalation, Material Escalation, Subcontractor Escalation, AFco Steel Freight and Storage, 1% Bond, Extended Overhead and Delay Time for Project Manager, Extended Project Survey Time, Outside Equipment Rent, Structural Inefficiencies, Reestablish Construction Site & Creek Crossing, and Traffic Control/Barricades. The City of Denton reviewed all costs, coordinated with the contractor to agree to the final **not-to-exceed negotiated costs**.

CONTINGENCY USE AUTHORIZED (CUA) CONTRACT CHANGES

QUANTITY CHANGES TO EXISTING ITEMS

Item No.	Spec. Section No.	Description of work	UOM	BID QTY	+/- QTY	Unit Price	Extended Price
73	502 6001	Barricades, Signs and Traffic Handling	MO		18	\$ 4,500.00	\$ 81,000.00
TOTAL CUA QTY CHANGES:							\$81,000.00

NEW ITEMS OF WORK

		Labor Escalation (All)	LS	0	1	\$ 1,279,877.91	\$ 1,279,877.91
		Equipment Escalation (All)	LS	0	1	\$ 380,743.52	\$ 380,743.52
		Structural Ineffeciencies - Working on Columns adjacent to Powerlines	LS	0	1	\$ 218,243.10	\$ 218,243.10

Contingency funds are used at City's discretion per contract spec language

TOTAL CUA NEW ITEMS: \$1,878,864.53

OTHER FUNDED CONTRACT CHANGES (CO)

QUANTITY CHANGES TO EXISTING ITEMS

Item No.	Spec. Section No.	Description of work	UOM	BID QTY	+/- QTY	Unit Price	Extended Price
							\$ -

TOTAL OTHER FUNDED QTY CHANGES: \$0.00

NEW ITEMS OF WORK

		Material Escalation (All)	LS	0	1	\$ 1,495,852.50	\$ 1,495,852.50
		Subcontractor Escalation	LS	0	1	\$ 676,814.95	\$ 676,814.95
		Afco Steel Freight & Storage Fees	LS	0	1	\$ 718,706.30	\$ 718,706.30
		1% Bond Request	LS	0	1	\$ 45,519.95	\$ 45,519.95
		Extended Overhead and Delay Time for Project	LS	0	1	\$ 356,034.04	\$ 356,034.04
		Extended Project Survey Time	LS	0	1	\$ 66,507.25	\$ 66,507.25
		Outside Equipment Rent	LS	0	1	\$ 4,429,534.98	\$ 4,429,534.98
		Reestablish Construction Site & Creek Crossings	LS	0	1	\$ 142,714.72	\$ 142,714.72

TOTAL OTHER FUNDED NEW ITEMS: \$7,931,684.69

TOTAL CO AMOUNT: \$9,891,549.22

**Hickory Creek Rd Phase 3**

Original BID/Contract Amount:	\$ 49,545,175.12
Original Total Not To Exceed Amount:	\$ 52,022,433.88
Total CUA's:	\$ 1,959,864.53
Total CO's:	\$ 7,931,684.69
Revised Contract Amount:	\$ <b>59,436,724.34</b>
% of CUA Approved To-Date:	79.11%
Total Change Order over Original Bid:	<b>19.96%</b>

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

SUBMITTED BY:

Signed by:  
Tracy L. Beck  
Tracy Beck, Project Manager

ACCEPTED BY CITY ENGINEER/DIRECTOR OF CAPITAL PROJECTS

Signed by:  
Seth Garcia  
Seth Garcia, Interim Director of Capital Projects

ACCEPTED BY CONTRACTOR: Bradley S Missler, Vice President  
Name, Title

Signed by:  
Bradley S Missler  
Signature

CITY MANAGER:

\_\_\_\_\_  
Signature

ATTEST: CITY SECRETERY

\_\_\_\_\_  
Signature

PURCHASING:

DocuSigned by:  
Lori Hewell  
Signature

APPROVED AS TO LEGAL FORM:

DocuSigned by:  
Marcella Lunn  
Signature

## Certificate Of Completion

Envelope Id: D8D89EB3-0E18-4368-A2A8-54378B4BE8E9

Status: Sent

Subject: Please DocuSign: City Council Contract 7909 Hickory Creek Rd Phase 3 CO#2

Source Envelope:

Document Pages: 3

Signatures: 5

Envelope Originator:

Certificate Pages: 6

Initials: 1

Cori Power

AutoNav: Enabled

901B Texas Street

Envelope 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

3/21/2025 10:35:32 AM

cori.power@cityofdenton.com

## Signer Events

## Signature

## Timestamp

Cori Power

**Completed**

Sent: 3/21/2025 10:41:27 AM

cori.power@cityofdenton.com

Viewed: 3/21/2025 10:41:38 AM

Purchasing Supervisor

Signed: 3/21/2025 10:41:56 AM

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

DocuSigned by:

*Lori Hewell*  
13E1D934887C40F...

Sent: 3/21/2025 10:41:59 AM

lori.hewell@cityofdenton.com

Viewed: 3/21/2025 12:35:50 PM

Purchasing Manager

Signed: 3/21/2025 12:36:04 PM

City of Denton

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 198.49.140.104

### Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Marcella Lunn

DocuSigned by:

*Marcella Lunn*  
4B070831B4AA43B...

Sent: 3/21/2025 12:36:06 PM

marcella.lunn@cityofdenton.com

Viewed: 3/21/2025 4:54:17 PM

Senior Deputy City Attorney

Signed: 3/21/2025 4:57:56 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

Tracy L. Beck

Signed by:

*Tracy L. Beck*  
2871D291513B413...

Sent: 3/21/2025 4:57:58 PM

Tracy.Beck@cityofdenton.com

Viewed: 3/24/2025 8:34:38 AM

Project Mngr

Signed: 3/24/2025 8:41:03 AM

Security Level: Email, Account Authentication (None)

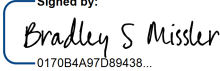

Signature Adoption: Pre-selected Style

Using IP Address: 198.49.140.10

### Electronic Record and Signature Disclosure:

Accepted: 3/24/2025 8:34:38 AM

ID: 5449d819-375e-4503-85e6-0204ba953e5b

Signer Events	Signature	Timestamp
Bradley S Missler bmissler@mariosinacola.com Vice President Security Level: Email, Account Authentication (None)	<div>Signed by:    0170B4A97D89438...</div> Signature Adoption: Pre-selected Style Using IP Address: 206.123.110.212	Sent: 3/24/2025 8:41:04 AM Resent: 3/27/2025 11:25:54 AM Resent: 3/28/2025 4:43:51 PM Resent: 3/31/2025 3:28:34 PM Viewed: 4/1/2025 3:29:02 PM Signed: 4/1/2025 3:29:51 PM
<b>Electronic Record and Signature Disclosure:</b> Accepted: 3/24/2025 9:34:45 AM ID: 9f42d877-ccb6-4d3c-80bf-5d369515f905		
Seth Garcia Seth.Garcia@cityofdenton.com Interim Director of Capital Projects Security Level: Email, Account Authentication (None)	<div>Signed by:    A13701F6BC954FC...</div> Signature Adoption: Pre-selected Style Using IP Address: 198.49.140.10	Sent: 4/1/2025 3:29:53 PM Viewed: 4/1/2025 5:07:07 PM Signed: 4/1/2025 5:07:23 PM
<b>Electronic Record and Signature Disclosure:</b> Accepted: 4/1/2025 5:07:07 PM ID: def5c255-5cde-4dc4-8b24-dd099e5f0dd1		
Cheyenne Defee cheyenne.defee@cityofdenton.com Procurement Administration Supervisor City of Denton Security Level: Email, Account Authentication (None)		Sent: 4/1/2025 5:07:26 PM
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Sara Hensley sara.hensley@cityofdenton.com Security Level: Email, Account Authentication (None)		
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Lauren Thoden lauren.thoden@cityofdenton.com Security Level: Email, Account Authentication (None)		
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

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

Carbon Copy Events	Status	Timestamp
<div>Cheyenne Defee cheyenne.defee@cityofdenton.com Procurement Administration Supervisor City of Denton Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</div>	<div>COPIED</div>	<div>Sent: 3/21/2025 10:41:58 AM</div>
<div>Gretna Jones gretna.jones@cityofdenton.com Legal Secretary City of Denton Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</div>	<div>COPIED</div>	<div>Sent: 4/1/2025 5:07:25 PM Viewed: 4/3/2025 2:26:36 PM</div>
<div>City Secretary Office citysecretary@cityofdenton.com Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign</div>		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/21/2025 10:41:27 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		



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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 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, 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"><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.

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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.