

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 [___ - ___]:

	Aye	Nay	Abstain	Absent
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.

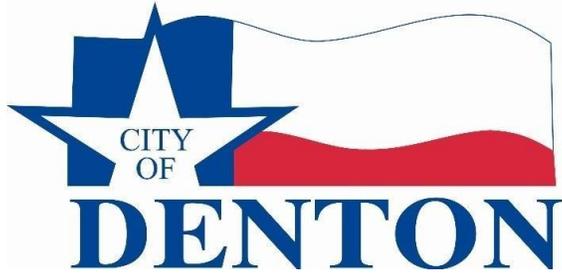
GERARD HUDSPETH, MAYOR

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: \$	7,931,684.69
Prior Approved CUA's: \$	-	Total Change Request: \$	9,891,549.22
Available Contingency: \$	2,477,258.76		
This CUA Request: \$	1,959,864.53	Orig Contract Days: <u>760</u>	This CO Days Request: <u>745</u>
Contingency Remaining: \$	517,394.23	Approved CO Days: <u>0</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 also 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 Inefficiencies - Working on Columns adjacent to Powerlines	LS	0	1	\$ 218,243.10	\$ 218,243.10
TOTAL CUA NEW ITEMS:							\$1,878,864.53

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

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: \$	59,436,724.34
% of CUA Approved To-Date:	79.11%
Total Change Order over Original Bid:	19.96%

**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:
Loni Hewell
Signature

APPROVED AS TO LEGAL FORM:

DocuSigned by:
Marcella Luna
Signature

Certificate Of Completion

Envelope Id: D8D89EB3-0E18-4368-A2A8-54378B4BE8E9
Subject: Please DocuSign: City Council Contract 7909 Hickory Creek Rd Phase 3 CO#2
Source Envelope:
Document Pages: 3
Certificate Pages: 6
AutoNav: Enabled
Envelopeld Stamping: Enabled
Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Sent

Envelope Originator:
Cori Power
901B Texas Street
Denton, TX 76209
cori.power@cityofdenton.com
IP Address: 198.49.140.10

Record Tracking

Status: Original
3/21/2025 10:35:32 AM

Holder: Cori Power
cori.power@cityofdenton.com

Location: DocuSign

Signer Events

Cori Power
cori.power@cityofdenton.com
Purchasing Supervisor
City of Denton
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

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

Marcella Lunn
marcella.lunn@cityofdenton.com
Senior Deputy City Attorney
City of Denton
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Tracy L. Beck
Tracy.Beck@cityofdenton.com
Project Mngr
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
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Signature

Completed

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Lori Hewell
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Signature Adoption: Pre-selected Style
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DocuSigned by:
Marcella Lunn
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Signed by:
Tracy L. Beck
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Signature Adoption: Pre-selected Style
Using IP Address: 198.49.140.10

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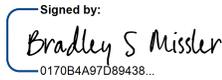
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Signed: 3/24/2025 8:41:03 AM

Signer Events

Bradley S Missler
bmissler@mariosinacola.com
Vice President
Security Level: Email, Account Authentication (None)

Signature

Signed by:

0170B4A97D89438...
Signature Adoption: Pre-selected Style
Using IP Address: 206.123.110.212

Timestamp

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Electronic Record and Signature Disclosure:

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Seth Garcia
Seth.Garcia@cityofdenton.com
Interim Director of Capital Projects
Security Level: Email, Account Authentication (None)

Signed by:

A13701F6BC954FC...
Signature Adoption: Pre-selected Style
Using IP Address: 198.49.140.10

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Electronic Record and Signature Disclosure:

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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

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:

Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

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Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Carbon Copy Events	Status	Timestamp
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Cheyenne Defee
cheyenne.defee@cityofdenton.com
Procurement Administration Supervisor
City of Denton
Security Level: Email, Account Authentication (None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

COPIED

Sent: 3/21/2025 10:41:58 AM

Gretna Jones
gretna.jones@cityofdenton.com
Legal Secretary
City of Denton
Security Level: Email, Account Authentication (None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

COPIED

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Viewed: 4/3/2025 2:26:36 PM

City Secretary Office
citysecretary@cityofdenton.com
Security Level: Email, Account Authentication (None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

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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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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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.

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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