



6 Industry Drive, Waterford, New York 12188

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Jersen.com

May 29, 2013

Mr. Jason Ballard, P.E.
Barton & Loguidice, P.C.
10 Airline Drive, Suite 200
Albany, NY 12205

RE: Saratoga Springs Water Treatment Plant Filter Rehabilitation
Contract Time Extension

Dear Mr. Ballard:

This letter is in response to your letter dated May 28, 2013 regarding the time extension and agreement made as it pertains to liquidated damages and delay claims.

As discussed and agreed between Tim Wales of Saratoga Springs and David Jersen of Jersen Construction Group, Jersen agrees that delay claims will not be submitted as they relate to the progress of construction to date, with the understanding that we will not be assessed liquidated damages. It is important to note that due to the discovery of asbestos containing materials, lead abatement work not included in the original scope, electrical issues, etc., the time extension occurred as a result of instances beyond our control and increased scope of work.

The statements in your letter of ceasing construction after completion of the second filter bay currently being finished, and resuming after track season on September 16, 2013 was also discussed and agreed to be a viable solution. Waiving of delay claims is specific to the work and progress as it has happened to date, as it is impossible to anticipate any issues that may come up during the time of our arrival and completion.

Along with the agreement of waiving liquidated damages, Jersen will also not be held responsible for claims by any other parties including but not limited to prime contractors, engineers, or the owner.

It appears as though the dates provided on the change order cover transmitted with your letter of December 15, 2013 and January 17, 2013 for substantial completion and final payment respectively will be appropriate, so long as the work begins on September 16, 2013 as mentioned. If the project fails to start on September 16, 2013, adjustments may be required. A detailed schedule will be submitted for our remaining work in a separate correspondence.

Sincerely,

Robert Cowin, LEED AP BD+C
Project Manager
Jersen Construction Group





CHANGE ORDER City of Saratoga Springs

No. 5

DATE OF ISSUANCE: 05/29/13 EFFECTIVE DATE: _____

OWNER: City of Saratoga Springs
 CONTRACTOR: Jersen Construction Group
 Contact: IA - General Construction
 Project: Water Treatment Plant Filter Rehabilitation
 OWNER'S Contract No.: 2012-12 ENGINEER'S Contract No.: 539.021.001
 ENGINEER: Barton & Loguidice, P.C.

You are directed to make the following changes in the Contract Documents:

Description:

Time Extension

Reason for Change Order:

Due to delays in the improvements to Filters 2 and 4, the project will not meet the substantial completion date of June 5th. Therefore, the construction will be held after the completion of Filter 2 until the peak summer period and track season is done. Construction will begin September 16th. The Contractor agrees to not issue any delay claims and the City agrees to not enforce liquidated damages.
as per attached correspondence dated May 28, 2013 and May 29, 2013

CHANGE IN CONTRACT PRICE:	
Original Contract Price:	\$ <u>1,395,500.00</u>
Net Increase From Previous Change Orders:	No. <u>1</u> To <u>4</u> : \$ <u>174,586.00</u>
Contract Price Prior To This Change Order:	\$ <u>1,570,086.00</u>
Net Increase Of This Change Order:	\$ <u>0.00</u>
Contract Price With All Approved Change Orders:	\$ <u>1,570,086.00</u>

CHANGE IN CONTRACT TIMES:	
Original Contract Times:	Substantial Completion: <u>July 5, 2013</u> Ready For Final Payment: <u>August 5, 2013</u> (days or dates)
Net Change From Previous Change Orders No. _____ To _____ No. _____ : Substantial Completion: _____ Ready For Final Payment: _____ (days)	
Contract Times Prior To This Change Order:	Substantial Completion: <u>July 5, 2013</u> Ready For Final Payment: <u>August 5, 2013</u> (days or dates)
Net Increase This Change Order:	Substantial Completion: <u>165</u> Ready For Final Payment: <u>197</u> (days)
Contract Times With All Approved Change Orders:	Substantial Completion: <u>December 15, 2013</u> Ready For Final Payment: <u>January 17, 2014</u> (days or dates)

RECOMMENDED:
 By: _____
 ENGINEER (Authorized Signature)
 Date: _____

APPROVED:
 By: _____
 OWNER (Authorized Signature)
 Date: _____

ACCEPTED:
 By: [Signature]
 CONTRACTOR (Authorized Signature)
 Date: 5/28/13

May 28, 2013

Kenneth J. Jersen
Jersen Construction Group, LLC
6 Industry Drive
Waterford, New York 12188

Re: (C) Saratoga Springs Water Treatment Plant Filter Rehabilitation
Contract Time Extension

File: 539.021

Dear Mr. Jersen:

According to the Contract Documents, the Substantial Completion date for the Water Treatment Plant Filter Rehabilitation project is July 5, 2013. As of the date of this letter, Jersen Construction Group, LLC (Jersen) is currently completing the second filter repairs and therefore it is not feasible for the project to be completed by the Substantial Completion date.

Due to increased water usage beginning in June through the end of track season, it has been decided that Jersen will cease work upon completion of the second filter and begin on the third filter after track season has ended in the fall. It is anticipated that construction on the third filter would begin after September 16, 2013. The two filters that have been rehabilitated will operate off of the new filter control panel, while the two remaining filters will continue to operate from the existing control panel through the work shutdown. Jersen shall coordinate with the City WTP personnel and B&L upon remobilization in September to determine which filter will be rehabilitated first.

It is our understanding, based on a conversation between the City Engineer and Dave Jersen, that Jersen will not submit delay claims for the shut down and the City will not implement liquidated damages for not meeting the original substantial completion date. B&L is requesting a letter from Jersen confirming that this is accurate and that no delay claims will be submitted, as well as an anticipated construction schedule for the remaining two filters. Once received, our office will prepare a change order to modify the contract completion date.

Very truly yours,

BARTON & LOGUIDICE, P.C.

Jason A. Ballard, P.E.
Senior Project Engineer

EAU/dd
cc: Tim Wales, P.E., City Engineer