

Narrative

Prior to being issued NTP (Notice-to-Proceed) on 11/8, DLM submitted an RFI on 11/1 to the Design Team requesting confirmation if the project needed to meet TDI (Texas Department of Insurance) requirements due to the location of the project. A month later on 12/8, ASI 001 was issued by the Design Team with the revised specifications which complied with TDI requirements.

DLM is requesting for a time extension for the period between being issued NTP and when ASI 001 was received (30 days) to be added to our contractual duration agreement due to not having all the project specifications prior to the start of the project. This change in design has prevented DLM from signing up subcontractors and procuring materials in a timely manner and has resulted in additional costs and delays that should not be at the expense of DLM.

Please see timeline and supporting documentation below.

11/1/2021 – DLM submitted RFI #001 – TDI Requirements Confirmation to Clark Condon for review (Exhibit 1)

11/8/2021 – Clark Condon issued Notice-to-Proceed (Exhibit 2)

12/8/2021 – Studio Red issued ASI #001 for review and approved CP#01 (Exhibit 1)

2/3/2022 – DLM submitted CP#03 to Clark Condon for review (Exhibit 3)

4/13/2022 – DLM submitted revised CP#03 to Clark Condon for review (Exhibit 4)

Below are some examples of materials that changed per ASI 001. Throughout the project, DLM has spent many hours coordinating with the Design Team, our subcontractors, and the TDI inspector to procure the correct materials and to help reduce costs. DLM has released these materials, out of good faith, without having received compensation or delays in order to finish the project on time.

- **Air Barriers** – DLM submitted weather barrier (Submittal #005) on 9/24/2021 which was approved by Studio Red on 10/5/21. Per the revised specifications, the previously submitted product was not included as an approved manufacturer/product. DLM requested direction from Clark Condon as to how to proceed on 4/22/22, see attached correspondence (Exhibit 5). Per phone conversation between DLM, Clark Condon, and Studio Red, it was verbally agreed that DLM was to proceed with the originally approved product. DLM submitted RFI #041 on 8/15/22 requesting confirmation for the records.
- **Hollow Metal Doors & Frames** – DLM submitted the HM doors and frames (Submittal #026) per the revised specifications on 1/10/22 which was approved by Studio Red on 1/12/22 with exceptions noted. DLM had to coordinate with TDI inspector to confirm the returned comments by the architect met TDI requirements. DLM resubmitted the HM doors and frames (Submittal #026.1) on 2/1/22 which was approved by Studio Red on 2/7/22.
- **Door Hardware** – DLM submitted the door hardware (Submittal #027) per the revised specifications on 1/10/22 which was approved by Studio Red on 1/24/22.
- **Service Teller Window Unit** – A completely different product was requested per the revised specifications than that originally specified and shown on the drawings. DLM requested direction from Clark Condon as to how to proceed on 4/22/22, see attached (Exhibit 5). DLM submitted the service teller window unit (Submittal #045) on 6/1/22 which was approved by Studio Red on 6/23/22.

- **HVAC Louver** – The HVAC louver specified on the IFC drawings did not meet TDI requirements. DLM did not received a revised specification for this product in ASI 001, however, we coordinated with our subcontractor to submit a TDI rated product that was similar to that shown on the drawings. DLM submitted the HVAC louver (Submittal #028) on 2/4/22 which was rejected by Studio Red on 2/10/22. Studio Red approved the original product that was submitted via RFI #19 on 3/23/22, stating that there was confusion between the HVAC louver and architectural louver material callouts on the drawings.
- **Architectural Louvers** – In order to reduce costs, DLM proposed to build the architectural louvers in-house in lieu of submitting a product per the revised louver specifications. Prior to submitting shop drawings to the design team, DLM coordinated with the TDI inspector and received his approval of the proposed product. DLM submitted the architectural louvers (Submittal #046) on 6/17/22, which was approved by Studio Red on 6/21/22.

DLM is still finding design elements that do meet TDI requirements that we are diligently coordinating with the Design Team and the TDI inspector to quickly resolve. We are committed to finishing this project in a timely manner and will continue to support the City of Angleton and the Design Team in any way that we can.

Exhibit 1



D.L. Meacham LP
2102 Hoskins Dr
Houston, Texas 77080
P: (713) 465-1905
F: 713 465-2744

Project: 62805 Angleton Lakeside Park
Anchor Road
Angleton, Texas 77515
P: 979-849-4364

RFI #1: TDI Requirements Confirmation

Status	Closed on 05/23/22		
To	Brandon Whittaker (Clark Condon)	From	Tanner Shipp (D L Meacham LP)
Date Initiated	Nov 1, 2021	Due Date	Feb 11, 2022
Location		Project Stage	Pre-Construction
Cost Impact	TBD	Schedule Impact	TBD
Spec Section		Cost Code	
Drawing Number		Reference	
Linked Drawings			
Received From			
Copies To	Luis Becerra (D L Meacham LP), Isaac Espino (D L Meacham LP), Carrie Wicke (D L Meacham LP), Charlie Willing (D L Meacham LP)		

Activity

Question

Question from Tanner Shipp D L Meacham LP on Monday, Nov 1, 2021 at 02:24 PM CDT

Per previous discussion, please confirm if this project needs to meet TDI (Texas Department of Insurance) requirements.

Awaiting an Official Response

All Replies

Response from Tanner Shipp D L Meacham LP on Friday, Feb 4, 2022 at 10:57 AM CST

DLM sent cost changes associated with ASI 001 to Clark Condon for review on 2/4.

Response from Brandon Whittaker Clark Condon on Wednesday, Dec 8, 2021 at 10:53 AM CST

See attached fully executed Change Order No. 1 for TDI Inspections.
Also attached, ASI 01 Updated specifications provided by Studio Red complying with TDI requirements.

Attachments

[211130_CO #1_Lakeside Park_119-076 FINAL.pdf](#), [211208_AIA ASI_Lakeside Park_119-076.pdf](#)

Response from Brandon Whittaker Clark Condon on Tuesday, Nov 30, 2021 at 08:40 AM CST

As per discussion with the City of Angleton, TDI inspection will be required. The proposal for this inspection has been submitted to the City for their approval. Once the signed proposal has been received, we will provide a copy.

Response from Tanner Shipp D L Meacham LP on Friday, Nov 19, 2021 at 09:41 AM CST

Please see attached proposal for the TDI inspections needed for this project. This is proposal is from Jun Yang who was recommended by Sigma Engineering Services, per the previous RFI response

Attachments

[Structural Engineering Service Plus Proposal.pdf](#)

Response from Tanner Shipp D L Meacham LP *on Wednesday, Nov 10, 2021 at 11:00 AM CST*

I have forwarded this response to all our Architectural players, and have received commentary stating pricing changes to meet the TDI requirement. I am in the process of gathering all this information and will submit a change order for approval. The TDI requirements was not disclosed on the IFB's or IFC's, that is what is causing the change order.

Response from Brandon Whittaker Clark Condon *on Monday, Nov 8, 2021 at 07:35 PM CST*

See attached from Sigma Engineering Services.

Attachments

[RFI 01 - TDI Requirements confirmation.pdf](#)

D.L. MEACHAM
CONSTRUCTION LP

P.O. Box 431789 Houston, Texas 77243
Office: 713.465.1905
Fax: 713.465.2744

Angleton Lakeside Park

Change Proposal

TDI Inspector

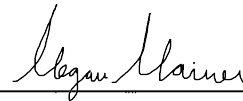
#01

PROPOSAL SUBMITTED TO		DATE	DATE OF PLANS/PAGE #'s
Clark Condon		11/23/2021	
PHONE NUMBER	Added Days	JOB NAME	
713-871-1414	0	Angleton Lakeside Park	
Attention		ADDRESS, CITY, STATE, ZIP	
Brandon Whittaker		1234 Enchanted Oaks Dr. Angleton, TX 77515	

We propose to furnish material and labor necessary of:

Description	Qty	Unit	Unit Price	Extension
Scope of work:				
TDI Inspector - Windstorm WPI-8 Certification	1	LS	\$ 3,600.00	\$ 3,600.00
- See attached proposal from Structural Engineering Service Plus (Jun Yang); recommended inspector by Sigma Engineering (RFI #01)				
- 4 Inspections				
Total:				\$ 3,600.00

SIGNATURE



DATE OF ACCEPTANCE 12/7/2021

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted.

Tanner Shipp
Project Manager
DL Meacham LP

Exhibit 2

VI. NOTICE TO PROCEED

Owner: City of Angleton
Megan Mainer
Director of Parks & Recreation
979.849.4364 ext. 4101

Contractor: D.L. Meacham Construction LP
2102 Hoskins Dr.
Houston, TX 77080
Tanner Shipp
713.465.1905

Date of Contract: September 20, 2021

Work: Angleton Lakeside Park

Owner gives notice to Contractor that the Work under the contract shall commence on **November 8, 2021**, on which date the Contract Time **270** calendar days shall begin to run.

Approval:

 
(Owner) (Owner's Representative)

Exhibit 3

Tanner Shipp

From: Tanner Shipp
Sent: Friday, February 4, 2022 7:16 AM
To: Brandon Whittaker
Cc: Carrie Wicke (carrie@dlmeacham.com); Charlie Willing (charlie@dlmeacham.com)
Subject: Lakeside Park - CP#03 - ASI 001 TDI Changes
Attachments: CP#03 - ASI 001 TDI Changes.pdf

Morning Brandon,

Please see attached **CP#03 - ASI 001 TDI Changes** for your review. I have most of the submittals ready to go. I will submit them via procore today.

Let me know if you have any questions.

Thank you,



Tanner Shipp

Phone: [713-465-1905](tel:713-465-1905) **Mobile:** 214-886-4671

Address: 2102 Hoskins Dr., Houston, TX 77080

Email: tshipp@dlmeacham.com

www.dlmeacham.com

D.L. MEACHAM
CONSTRUCTION LP

P.O. Box 431789 Houston, Texas 77243
Office: 713.465.1905
Fax: 713.465.2744

Angleton Lakeside Park

Change Proposal

ASI 001 / TDI Changes

#03

PROPOSAL SUBMITTED TO		DATE	DATE OF PLANS/PAGE #'s
Clark Condon		2/3/2022	
PHONE NUMBER	Added Days	JOB NAME	
713-871-1414	25	Angleton Lakeside Park	
Attention		ADDRESS, CITY, STATE, ZIP	
Brandon Whittaker		1234 Enchanted Oaks Dr. Angleton, TX 77515	

We propose to furnish material and labor necessary of:

Description	Qty	Unit	Unit Price	Extension
Scope of work: See cost changes below needed to meet TDI Requirements outlined in ASI 001 and per discussions with the TDI Inspector Spec Sections: 04 4313 Stone Masonry Veneer No Cost Change 07 2500 Weather Barrier No Cost Change 07 4113 Metal Roof Panels No Cost Change 07 4623 Wood Siding No Cost Change 07 4646 Fiber-Cement Siding No Cost Change 07 6200 Sheet Metal Flashing & Trim No Cost Change 08 5659 Service Teller Window Units No Cost Change 07 2700 Air Barriers 1 LS \$ 2,843.75 \$ 2,843.75 08 1113 HM Doors & Frames 1 LS \$ 3,363.75 \$ 3,363.75 08 7100 Door Hardware 1 LS \$ 1,551.88 \$ 1,551.88 08 9100 Louvers 1 LS \$ 9,499.75 \$ 9,499.75 HVAC Louvers 1 LS \$ 2,088.13 \$ 2,088.13 Construction Hardware - Allowance 1 LS \$ 5,000.00 \$ 5,000.00 **Allowance for additional clips, screws, and other misc. hardware that will be needed per the TDI Inspector's request. DLM will provide receipts for material if/when ordered				

Total: \$ 24,347.26

SIGNATURE _____

DATE OF ACCEPTANCE _____

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted.

Tanner Shipp
Project Manager
DL Meacham LP

Exhibit 4

Tanner Shipp

From: Tanner Shipp
Sent: Wednesday, April 13, 2022 4:11 PM
To: 'Brandon Whittaker'
Cc: Carrie Wicke; 'Elizabeth Gilbert'
Subject: RE: Angleton Lakeside Park
Attachments: CP#03 - ASI 001 TDI Changes Rev_2022.4.13.pdf

Brandon,

Please see attached. I'll give you a call in a few to discuss.

Thank you,

Tanner Shipp

Project Manager

2102 Hoskins Rd. Houston, TX 77080
D (713) 465-1905
C (214) 886-4671
tshipp@dlmeacham.com
www.dlmeacham.com



From: Tanner Shipp
Sent: Wednesday, April 13, 2022 9:12 AM
To: 'Brandon Whittaker' <bwhittaker@clarkcondon.com>
Cc: Carrie Wicke <carrie@dlmeacham.com>; Elizabeth Gilbert <egilbert@clarkcondon.com>
Subject: RE: Angleton Lakeside Park

Brandon,

I'm in the process of putting together everything Isaac had discussed with Studio red and the TDI inspector. I'll send over it over to you here shortly and will give you a call to discuss.

Thank you,

Tanner Shipp

Project Manager

2102 Hoskins Rd. Houston, TX 77080

D (713) 465-1905

C (214) 886-4671

tshipp@dlmeacham.com

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From: Brandon Whittaker <bwhittaker@clarkcondon.com>

Sent: Wednesday, April 13, 2022 8:40 AM

To: Tanner Shipp <tshipp@dlmeacham.com>

Cc: Carrie Wicke <carrie@dlmeacham.com>; Elizabeth Gilbert <egilbert@clarkcondon.com>

Subject: Angleton Lakeside Park

Tanner,

Where are we on the TDI items? Has all the equipment and selections been completed and discussed with Studio Red?

Thank you,

Brandon Whittaker PLA, ASLA, TX IRRIGATION LIC #20647
Senior Associate

CLARK CONDON

Change Proposal

Angleton Lakeside Park

ASI 001 / TDI Changes

#03

PROPOSAL SUBMITTED TO		DATE	DATE OF PLANS/PAGE #s
Clark Condon		2/3/2022	
PHONE NUMBER	Added Days	JOB NAME	
713-871-1414	20	Angleton Lakeside Park	
Attention		ADDRESS,CITY, STATE, ZIP	
Brandon Whittaker		1234 Enchanted Oaks Dr. Angleton, TX 77515	

We propose to furnish material and labor necessary of:

Description	Qty	Unit	Unit Price	Extension
Scope of work: See cost changes below needed to meet TDI Requirements outlined in ASI 001 and per discussions with the TDI Inspector. **Please note: Lead times have not been confirmed on all of these materials				
Spec Sections:				
04 4313 Stone Masonry Veneer			No Cost Change	
07 2500 Weather Barrier			No Cost Change	
07 4113 Metal Roof Panels			No Cost Change	
07 4623 Wood Siding			No Cost Change	
07 4646 Fiber-Cement Siding			No Cost Change	
07 6200 Sheet Metal Flashing & Trim			No Cost Change	
07 2700 Air Barriers	1	LS	\$ 2,843.75	\$ 2,843.75
Air barrier material changed from Henry Air Bloc #17 to Pecora ProPerm VP				
08 1113 HM Doors & Frames	1	LS	\$ 3,363.75	\$ 3,363.75
HM door and frame material had to be changed from 18ga to 16ga material and with additional screws				
08 7100 Door Hardware	1	LS	\$ 1,551.88	\$ 1,551.88
There is a louver shown on the door elevation but not on the door hardware schedule, Sheet A5.20. Per discussion with Studio Red and Telios, the louvers were part of the mechanical design criteria for the room and needed to be installed on the door. The louver material is to be 16ga similar to the HM door and frame				
08 5659 Service Teller Window Units	1	LS	\$ 3,840.00	\$ 3,840.00
Window unit changed from Easi-Serve SS Series Side Sliding Window to Quickserv BRDW1-4855 Combination unit with QSP-713S drive through package; The price included is for a quick serve product that matches closer with the Easi Serve sliding window, Quickserv Model SC-4030-IP (see attached product data). Please advise if we are to price the service window provided on the revised spec or if we are to proceed with a product similar to the Easi Serve originally specified				
08 9100 Louvers	1	LS	\$ 6,499.75	\$ 6,499.75
See attached proposed louver product data. DLM proposes to build the louvers in house to save on costs. Shop drawings will be provided to TDI inspector for formal approval. Photos of louvers built for another project will be sent for review and approval				
HVAC Louvers	1	LS	\$ 2,088.13	\$ 2,088.13
Louver Model # ESD-635 shown on Note 1/Sheet M-201 was not rated for TDI. Price difference is for ESD-635D which meets TDI requirements. There are 2 louvers to be installed at the concessions room				
Construction Hardware - Allowance	1	LS	\$ 5,000.00	\$ 5,000.00
This is an allowance for additional clips, screws, and other misc. hardware that will be needed per the TDI Inspector's request. DLM will provide receipts for material if/when ordered. DLM to revisit if allowance is exceeded				
Total:				\$ 25,187.26

SIGNATURE _____

DATE OF ACCEPTANCE _____

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted.

Tanner Shipp
Project Manager
DL Meacham LP

Exhibit 5

Tanner Shipp

From: Tanner Shipp
Sent: Friday, April 22, 2022 8:14 AM
To: Elizabeth Gilbert
Cc: Carrie Wicke (carrie@dlmeacham.com); Charlie Willing (charlie@dlmeacham.com); Isaac Espino; Brandon Whittaker
Subject: Lakeside Park - CP#03 - ASI 001 TDI Changes
Attachments: CP#03 - ASI 001 TDI Changes Rev_2022.4.13.pdf; TDI Insoector Response.pdf

Elizabeth,

I know you are working through the TDI pricing with Studio Red, but we are needing a decision on these items here asap in order to have this material in time. We've already released a few of these items with approved submittals to have material onsite in time.

Air Barriers: Material not released. Confirm if we are to use the original specified Henry Air Bloc (already approved submittal #005) or if we are to submit revised product Pecora ProPerm VP

HM Doors & Frames: This material was released in February (see approved submittal #026.1)

Door Hardware: This material was released in February (see approved submittal #027)

Service Teller Window Units: Material not released. The revised TDI spec 08 5659 shows a different product with a drive thru attachment, not sure if this was needed). Original product was just a single sliding window unit. Need to order asap 4-6 week lead time.

Architectural Louvers: We were able to cut costs on these louvers by proposing to build these in-house vs. ordering specified product. See attached email correspondence from TDI inspector approving alternate louver. We need to order this material asap in order to secure pricing and to start fabricating

HVAC Louvers: This material was released in March (see RFI response #19)

Construction Hardware: This is an allowance for any additional material that might be required per the TDI inspector's request. We will provide material invoices as needed.

Let us know if you have any questions.

Thank you,

Tanner Shipp
Project Manager

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