

OWNER TOWN OF APEX

CHANGE ORDER

Number: 5

Date: 06/24/2025

Original Contract Date: 4/11/23

Project Name/Description: Middle Creek
Greenway Construction

Requested by:

☐ Owner

☐ Designer

☒ Contractor

☐ Other

Project Location: Middle Creek Greenway-
multiple locations, Apex, NC

Designer(s): WithersRavenel, Inc. and
Alta Engineering SE, PLLC

Contractor(s): Fred Smith Company

The following changes to the Town of Apex Greenway Construction Contract for Construction of Middle Creek Greenway Phase I and Phase IIB between Owner and Contractor (hereinafter "Contract") represent a change to Section 3 of the Contract and are hereby authorized as shown below for the change in contract amount also detailed in this Change Order. This Change Order, any work to be performed pursuant to it, and payment for said work, is subject to the terms of the Contract and nothing contained in this Change Order shall invalidate any provisions of the original Contract.

<u>Item #</u>	<u>Town Purchase Order #</u>	<u>Description</u>	<u>Reason for Change</u>	<u>Increase/Decrease/ No Change</u>	<u>Costs</u>
1	#2023-00001031	Extension of time for completion of construction	Contractor was delayed due to nearby project preventing Contractor from performing construction of Middle Creek.	No Change	\$0.00
2	#2023-00001031	Additional mobilization costs/ Asphalt Day rates & Credits	Due to delays in the Sunset Hills Lift Station Relocation the greenway contractor was unable to complete	Increase	\$15,309.40

			the southern section of Middle Creek or the trailhead. This change is to remobilize to complete contracted work and finish PH1 if Middle Creek Greenway.		
				Choose an item.	
				Choose an item.	
				Choose an item.	
				Total	\$15,309.40

CONTRACT COSTS

Original Contract Amount	\$ <u>5,354,726.00</u>
Total additions of all Change Orders for Project	\$ <u>160,706.68</u>
Total deductions of all Change Orders for Project	\$ <u>0.00</u>
Net Amount to be added or deducted for Project	\$ <u>15,309.04</u>
Revised Contract Amount	\$ <u>5,530,742.08</u>

The time of completion of the Contract, including this and all prior Change Orders, shall be increased by 188 calendar days and this Change Order hereby creates a revised contract completion date of September 19, 2025. A detailed accounting and reasoning for the requested change in completion date shall be provided in the table above.

By signing below, the Contractor certifies that it has reviewed the Change Order and agrees with the requested Change, including but not limited to the change in work to be performed pursuant to the Contract, the increase or decrease in completion time, and the change in the original contract amount (if any) based on the requested change.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Change Order and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the Change Order and any related documents. If electronic signatures are used the Change Order shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ____ day of _____, 2025.

FSC II, LLC, dba Fred Smith Company

By: _____
Austin Ferreira, Project Manager

(Signature)

Date: _____

Town of Apex (Owner)

By: _____
Randal E. Vosburg, Town Manager

Date: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Jessica Murphy-Rhem, Interim Finance Director