



Stephen F. Austin State University

Procurement and Business Services
Nacogdoches, Texas 75962-3030
Phone (936) 468-2206 * Fax (936) 468-4282

PO Number: P2301522
PO Date: 02/07/19
Delivery Date: 08/22/23

Supplier:

Kingham Dalton Wilson Ltd
PO Box 630632
Nacogdoches TX 75963-0632

**CONFIRM RECEIPT OF PURCHASE ORDER AND
ACCEPTANCE OF DELIVERY DATE
BY EMAILING PURCHASE@SFASU.EDU.**

kvaught@kdwltd.com

Send Billing Invoice to:
Stephen F. Austin State University
P.O. Box 6085
Nacogdoches, TX 75962-6085
ATTN: Accounts Payable

Ship to: Shelby Childress
Physical Plant
Physical Plant 101
2104 Wilson Dr
SFA Box 13031

Nacogdoches TX 75962

Terms: Net 30
FOB: Construction Project

**PURCHASE ORDER NO. MUST APPEAR ON ALL
SHIPPING DOCUMENTS AND INVOICES**

Item	Description	Quantity	Unit Cost	Total Cost
	BOARD APPROVAL - Oct 2018, Nov 2021, Jul 2022, and Apr 2023 Construct and Renovate Student Dining Facilities President authorized to sign all associated contracts and purchase orders Funding source: Revenue Bonds ---- Provide construction manager at risk services related to the construction of a Dining Facility in accordance with Request for Proposal #CMR-BLDG PROJECTS-2018 opened 9/20/18 and Construction Manager Agreement and Amendment per iContracts#620752. ---- RE: Dining Hall Version II			

Purchaser: Kay Johnson (936) 4684037

ADDITIONAL CHARGE:
DISCOUNT/TRADE-IN:
TOTAL: CONTINUED

Stephen F. Austin State University is a tax exempt entity under Subtitle E, Chapter 151, Section 151.309 of the Tax Code, for purchases of tangible personal property herein purchased from contractor and/or shipper listed above, as this property is being secured for the exclusive use of the State of Texas.

The University reserves the right to cancel this order if delivery is not made by agreed-upon delivery date.

**ADDITIONAL TERMS & CONDITIONS LISTED ON THE UNIVERSITY WEB SITE,
<http://www.sfasu.edu/purchasing/721.asp>**

This purchase order may be funded wholly or partially with federal funds subject to the American Recovery and Reinvestment Act of 2009 (ARRA). The vendor shall comply with all applicable provisions of ARRA, which may include, but are not limited to the provisions in Division A, Titles XV and XVI (e.g., audit provisions, whistleblower protection, and preferences for American products).

STEPHEN F. AUSTIN STATE UNIVERSITY

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1	<p>----- RE: P1902486 ----- 05/09/23 INCREASE UNIT PRICE ON LINE 1 PER PRECONSTRUCTION SERVICES AMENDMENT NO. 4 AND UPDATE ITEM TEXT. ADD LINE 2 PER AMENDMENT NO. 13. -----</p> <p>000P90900B CONSTRUCTION MANAGER-AT-RISK SERVICES</p> <p>Preconstruction Services plus CM Fee in accordance with Notice to Proceed for Preconstruction Services Amendment No. 3, effective 10/27/2022, and Amendment No. 4, effective 04/28/2023. -----</p>	1.00 SRV	195,714.0000	195,714.00

Purchaser: Kay Johnson (936) 4684037

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DISCOUNT/TRADE-IN:
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Item	Description	Quantity	Unit Cost	Total Cost
2	Preconstruction Not to Exceed Lump Sum Price: \$195,714.00 ---- Preconstruction services will end at the time a Gross Maximum Price (GMP) is issued and approved by owner. 000P90900B CONSTRUCTION MANAGER-AT-RISK SERVICES Phase 1 of construction - Dining Hall Site and Utilities ---- Guaranteed Maximum Price (GMP) of \$980,413.00 in accordance with Amendment No. 13,	1.00 SRV	980,413.0000	980,413.00

Purchaser: Kay Johnson (936) 4684037

ADDITIONAL CHARGE:
DISCOUNT/TRADE-IN:
TOTAL: CONTINUED

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Item	Description	Quantity	Unit Cost	Total Cost
	effective 05/01/2023.			

Purchaser: Kay Johnson (936) 4684037

ADDITIONAL CHARGE:	.00
DISCOUNT/TRADE-IN:	.00
TOTAL:	1,176,127.00

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STEPHEN F. AUSTIN STATE UNIVERSITY

Purchasing Officer

**NOTICE TO PROCEED FOR PRECONSTRUCTION SERVICES AMENDMENT NO. 3
TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER**

This Notice to Proceed for Preconstruction Services Amendment No.3 amends and supplements the Agreement, dated February 7, 2019, as amended on February 13, 2019 and April 2, 2020, between Stephen F. Austin State University (Owner) and Kingham Dalton Wilson, Ltd (Construction Manager), for RFP #CMR-BLDG PROJECTS-2018 (Project), Owner and Construction Manager establish a Notice to Proceed and a Not-to-Exceed Price for Preconstruction Services as set forth below.

The Agreement hereby reads:

**ARTICLE I
NOT-TO-EXCEED PRICE FOR PRECONSTRUCTION SERVICES**

Construction Manager's Not-to-Exceed Price for the preconstruction Services related to the Work, including the applicable estimated Cost of the Work for Preconstruction Services as defined in Article 5 and Construction Manager's Fee as defined in Article 4, is Three Hundred Twenty Three Thousand Six Hundred Seventy Two Dollars (\$ 323,672). The Price is for the performance of the Work in accordance with the Contract Documents listed and attached to this Amendment and marked Exhibits G, as follows:

Exhibit A Preconstruction Services Scope of Work, General, Supplementary and other Special Conditions of the Contract on which the Not-to-Exceed Price for Preconstruction Services is based, pages 3 through 4

Exhibit B Allowance items, N/A

Exhibit C Assumptions and clarifications made in preparing the Preconstruction Services Not-to-Exceed Price, N/A

Exhibit D Completion schedule, N/A

Exhibit E Alternate prices, N/A

Exhibit F Unit prices, N/A

Exhibit G Detailed Estimate of Not-to-Exceed Preconstruction Services Change Request #1, page 5

It is hereby amended to read:

**ARTICLE I
NOT-TO-EXCEED PRICE FOR PRECONSTRUCTION SERVICES**

Construction Manager's Not-to-Exceed Price for the preconstruction Services related to the Work, including the applicable estimated Cost of the Work for Preconstruction Services as defined in Article 5 and Construction Manager's Fee as defined in Article 4, is Three Hundred Ninety Two Thousand Twenty Eight Dollars (\$ 392,028). The Price is for the performance of the Work in accordance with the Contract Documents listed and attached to this Amendment and marked Exhibits A through G, as follows:

Exhibit A Preconstruction Services Scope of Work, General, Supplementary and other Special Conditions of the Contract on which the Not-to-Exceed Price for Preconstruction Services is based, pages 3 through 4

Exhibit B Allowance items, N/A

Exhibit C Assumptions and clarifications made in preparing the Preconstruction Services Not-to-Exceed Price, Letter for New Dining Hall Preconstruction Services, pages 5 through 5, dated August 17, 2022

Exhibit D Completion schedule, N/A

Exhibit E Alternate prices, N/A

Exhibit F Unit prices, N/A

Exhibit G Detailed Estimate of Not-to-Exceed Preconstruction Services Change Request #2,
pages 6 through 6, dated September 8, 2022

All other terms in the Agreement shall remain in full force and effect. This Amendment shall supersede the Construction Manager Agreement as to any conflicting terms and shall become binding upon signature of the parties below.

OWNER:
Stephen F. Austin State University

CONSTRUCTION MANAGER:
Kingham Dalton Wilson, Ltd

E-SIGNED by Steve Westbrook
on 2022-10-26 19:43:59 CDT

E-SIGNED by Bob Kingham
on 2022-10-27 08:39:40 CDT

(Signature)

(Signature)

Dr. Steve Westbrook, Interim President

(Printed Name and Title)

Bob Kingham

(Printed Name and Title)

October 26, 2022

Date

October 27, 2022

Date

Exhibit A
Preconstruction – Scope of Services

The Preconstruction Phase is crucial to the success of the construction projects. The Parties therefore agree that the following Services are included in the Work.

Construction Manager (CMR) agrees to:

Project Activities

- Establish project goals and priorities for the Project Team
- Establish procedures for lines of communication
- Assist in outlining responsibilities of Owner, Architect, Construction Manager, Contractors and Third Parties
- Develop an overall management plan and schedule of critical design and construction dates in order to accomplish the project objective
- Provide Services related to the preconstruction phase as and when required by Owner
- Review each set of phase documents for:
 - Review and report on constructability
 - Identify and report long lead items
 - Identify and report material and manufactures with known problems
 - Prepare an estimate of cost at each phase
 - Prepare a list of VE suggestions for each phase that is over budget
- Participate (at each phase) in an OAC meeting to review the above items
- If the project is over budget and A-E is required to revise the phase documents, CMR will review the above items until the project is within budget and Owner issues a notice for the A-E to proceed with production of documents for the next phase

Conceptual Planning Activities

- Validate lines of communication
- Develop, implement, and monitor cost estimating model for continuous budget control
- Provide conceptual estimate
- Validate architects' document preparation schedule

Schematic Design Activities

- Prepare schematic design phase estimate
- Hold technical review sessions with Owner, Architect, and other consultants
- Analyze potential for use of systems components
- Consult with Owner and Architect on means and methods of construction
- Review schematic design documents
- Prepare "trade-off" studies relative to value engineering
- Provide constructability review
- Revise critical data schedule
- Begin marketing to subcontractor community

Design Development Activities

- Refine cost estimate
- Review design development documents with Owner and Architect
- Define scheduling milestones
- Provide input on life cycle costs
- Provide constructability review
- Prepare site use study for allocation of space (storage, parking and temporary facilities)
- Prepare cash flow analysis
- Discuss value engineering possibilities
- Evaluate cost escalation changes

Construction Document Stage

- Update estimate
- Review drawings and specifications
- Develop strategy for subcontractor participation
- Schedule and conduct pre-bid conferences
- Develop a detailed progress network schedule
- Conduct Construction Document value engineering analysis
- Finalize HUB Subcontracting Plan
- Organize and manage early site work and other early procurement items

Management of GMP Bidding Stage

- Advertise and solicit for subcontractor and vendor bids and proposals
- Conduct bid and proposal opening
- Prepare tabulations for each bid or proposal received
- Review proposals for compliance with contract documents
- Prepare variance report (preliminary estimates v. actual bids)
- Review apparent low contractors qualification and potential value to project
- Initiate procedure to mitigate over budget proposals
 - Determine reason for the overrun
 - Request that the low contract review bid
 - Reject bid and negotiate with next bidder
 - Reject all bids and re-bid the phase of the work in question
 - Self-perform if in best interests of project, and in consultation with Owner and Architect
 - Award contracts

HUB Commitment Plan Activities

- Provide all interested HUBs with access to plans and specifications
- Contact each HUB responding to solicitation to discuss scope of work and contractual requirements of project
- Assist HUBs in obtaining bonding and insurance
- Negotiate in good faith with HUBs to help ensure their participation
- Submit monthly compliance reports



Kingham Dalton Wilson, Ltd
EAST TEXAS OFFICE
P.O. BOX 630632
Nacogdoches, Texas 75963
936.564.3329 | kdwltd.com

August 17, 2022

Jessica DeWitt
Stephen F. Austin State University
1936 North Street
Nacogdoches, TX 75962

Re: New Dining Hall
Pre-Construction Services

We hereby propose the following Not to Exceed Lump Sum Price for pre-construction services on the above referenced project based on the Baseline Project Schedule received on August 9, 2022.

Proposal includes attending biweekly project meetings, providing budget estimates at schematic design and 60% design development, costs associated with Design-Assist and providing bid services for development of the GMP for Phase 2a “Underground Utilities and Site” and Phase 2b “Building”.

Total Pre-Construction Not to Exceed Lump Sum Price = \$ 140,777.00

See attached detailed estimate.

Sincerely,
Kingham Dalton Wilson, Ltd

Jack Smith
Project Manager

EXHIBIT G
Detailed Estimate of Not-to-Exceed Preconstruction Services
Change Request #2 - 09/08/2022

All Project Recap	Preconstruction Cost Components (Include Names whenever Possible)	Estimated Hours for Labor or Equipment	Average Hourly Labor Rate (Fully Burdened per Hourly Rate Breakdown Tab)	Estimated Labor Costs (Subject to Audit Adjustment to Actual Costs)	Estimated Equipment Costs (Include Breakdown of Estimated Equipment Costs)	Other Costs	Estimated Subcontract Costs	Total Estimated NTE Cost for All Projects (Note: These are not Line Item Maximums)	Total Change
All Project Recap	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)			\$ 185,102	\$ 1,684	\$ 21,542	\$ -	\$ 392,028	\$ 68,356
Performing Arts	Pre-Construction Costs - Proj. Executive	315.00	110.51	\$ 34,785	\$ 1,181	\$ 2,648	\$ -	\$ 38,614	
Performing Arts	Pre-Construction Costs - Estimator	519.00	55.58	\$ 28,852	\$ -	\$ 2,396	\$ -	\$ 31,248	
Performing Arts	Pre-Construction Costs - Project Manager	286.00	59.28	\$ 16,958	\$ 450	\$ 1,427	\$ -	\$ 18,835	
Performing Arts	Pre-Construction Costs - HUB/Plan Distribution	184.00	37.05	\$ 6,808	\$ -	\$ 150	\$ -	\$ 6,958	
Performing Arts	Pre-Construction Costs - Consultants			\$ -	\$ -	\$ -	\$ -	\$ -	
Performing Arts	Pre-Construction Costs - Plan Printing			\$ -	\$ -	\$ 2,000	\$ -	\$ 2,000	
Performing Arts	Subtotal Estimated Direct Preconstruction Costs			\$ 87,403	\$ 1,631	\$ 8,621	\$ -	\$ 97,655	
Performing Arts	Add Agreed Upon 3.25% CM Fee			\$ 2,841	\$ 53	\$ 280	\$ -	\$ 3,174	
Performing Arts	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)			\$ 90,244	\$ 1,684	\$ 8,901	\$ -	\$ 100,829	\$ -
Residence	Pre-Construction Costs - Proj. Executive	0.00	0.00	\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Pre-Construction Costs - Estimator	0.00	0.00	\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Pre-Construction Costs - Project Manager	0.00	0.00	\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Pre-Construction Costs - HUB/Plan Distribution	0.00	0.00	\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Pre-Construction Costs - Consultants			\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Pre-Construction Costs - Plan Printing			\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Subtotal Estimated Direct Preconstruction Costs			\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Add Agreed Upon 3.25% CM Fee			\$ -	\$ -	\$ -	\$ -	\$ -	
Residence	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)-Actual amount paid out			\$ -	\$ -	\$ -	\$ -	\$ 37,853	\$ (12,464)
Dining Hall	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)-Actual amount paid out							\$ 5,069	\$ (59,957)
Dining Hall Version 2:									
Dining Hall	Pre-Construction Costs - Proj. Executive	240.00	110.97	\$ 26,633	\$ 1,910	\$ 960	\$ -	\$ 29,503	
Dining Hall	Pre-Construction Costs - Estimator	456.00	43.28	\$ 19,736	\$ -	\$ 1,824	\$ -	\$ 21,560	
Dining Hall	Pre-Construction Costs - Project Manager	568.00	60.98	\$ 34,637	\$ 4,521	\$ 2,272	\$ -	\$ 41,430	
Dining Hall	Pre-Construction Costs - HUB/Plan Distribution	488.00	53.69	\$ 26,201	\$ -	\$ 1,952	\$ -	\$ 28,153	
Dining Hall	Pre-Construction Costs - Consultants			\$ -	\$ -	\$ -	\$ 10,000	\$ 10,000	
Dining Hall	Pre-Construction Costs - Plan Printing			\$ -	\$ -	\$ 5,700	\$ -	\$ 5,700	
Dining Hall	Subtotal Estimated Direct Preconstruction Costs			\$ 107,206	\$ 6,432	\$ 12,708	\$ 10,000	\$ 136,346	
Dining Hall	Add Agreed Upon 3.25% CM Fee			\$ 3,484	\$ 209	\$ 413	\$ 325	\$ 4,431	
Dining Hall	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)			\$ 110,690	\$ 6,641	\$ 13,121	\$ 10,325	\$ 140,777	\$ 140,777
Welcome Center	Pre-Construction Costs - Proj. Executive	0.00	110.51	\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Pre-Construction Costs - Estimator	0.00	55.58	\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Pre-Construction Costs - Project Manager	0.00	59.28	\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Pre-Construction Costs - HUB/Plan Distribution	0.00	37.05	\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Pre-Construction Costs - Plan Printing			\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Subtotal Estimated Direct Preconstruction Costs			\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Add Agreed Upon 3.25% CM Fee			\$ -	\$ -	\$ -	\$ -	\$ -	
Welcome Center	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Athletics	Pre-Construction Costs - Proj. Executive	284.00	110.51	\$ 31,411	\$ -	\$ 3,350	\$ -	\$ 34,761	
Athletics	Pre-Construction Costs - Estimator	85.00	55.58	\$ 4,724	\$ -	\$ 342	\$ -	\$ 5,066	
Athletics	Pre-Construction Costs - Project Manager	728.00	59.28	\$ 43,184	\$ -	\$ 4,001	\$ -	\$ 47,185	
Athletics	Pre-Construction Costs - HUB/Plan Distribution	339.00	37.05	\$ 12,554	\$ -	\$ 786	\$ -	\$ 13,340	
Athletics	Pre-Construction Costs - Consultants			\$ -	\$ -	\$ -	\$ -	\$ -	
Athletics	Pre-Construction Costs - Plan Printing			\$ -	\$ -	\$ 3,763	\$ -	\$ 3,763	
Athletics	Subtotal Estimated Direct Preconstruction Costs			\$ 91,873	\$ -	\$ 12,243	\$ -	\$ 104,116	
Athletics	Add Agreed Upon 3.25% CM Fee			\$ 2,986	\$ -	\$ 398	\$ -	\$ 3,384	
Athletics	Total Agreed Upon NTE PreConstruction Budget (Subject to Adjustment By Issuance of Additional Services Amendment)			\$ 94,859	\$ -	\$ 12,641	\$ -	\$ 107,500	\$ -
TOTAL CHANGE									\$ 68,356