

**NOTICE:
EXTENSION OF
CONTRACT TIME
No. 4**

Date: March 19, 2020

To: William Charles Construction
833 Featherstone Road, Rockford, IL 61107

Project: Rochelle Industrial Rail Improvements Contract No. 3 +

| | | |
|-------------------------|---------------------------------|--------------------------|
| Historical Information: | Date of Agreement: | <u>July 25, 2018</u> |
| | Notice to Proceed: | <u>July 25, 2018</u> |
| | Contract Calendar Days: | <u>180 Days</u> |
| | Original Completion Time: | <u>January 20, 2019</u> |
| | Time Extension No. 1: | <u>August 31, 2019</u> |
| | Time Extension No. 2: | <u>November 15, 2019</u> |
| | Time Extension No. 3: | <u>June 30, 2020</u> |
| | <i>Track Constr. Extension:</i> | <i>December 19, 2019</i> |

You are hereby notified that the contract completion date has been extended for WORK in accordance with the Agreement dated July 25, 2018.

For WORK commencing on or before the Notice to Proceed, dated July 25, 2018, you are to complete the WORK within 707 consecutive calendar days thereafter, with the exception noted below (*). The date of completion of for all WORK is **June 30, 2020**.

(*). Track construction shall be completed by **May 8, 2020** and shall be approved and accepted for operation at that date by the City, their representative(s) and the operating Railroad. For details on the track completion date, see below.

**** For Track Construction Completion Only ****

Trackwork under Contract Items 12 through 20, inclusive, and any future, as needed and relevant work items, shall be completed on or before Friday May 8, 2020, or 30 PRODUCTIONS DAYS, whichever time is longer. “**PRODUCTION DAYS**” are defined on the next page.

All track work in the Contract Items listed above, and any future work items shall be completed by the Contractor and accepted by the City before the later calendar date of the two (2) time constraints above. The Contractor shall pay liquidated damages of \$1000/day for each consecutive calendar day (Monday-Sunday) after the applicable time constraint, as acknowledged by the Contractor on the original Bid Form and according to Section 15 of the Contract General Conditions.

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PRODUCTION DAYS - DEFINITION

A PRODUCTION DAY is defined as any 8-hour day in a 6-day work week (Monday-Saturday) that has been above 35 degrees Fahrenheit for a minimum of the previous 48 consecutive hours. The full day start time is 7:00am CDT. The 6-day week is defined as Monday through Saturday. Sundays are excluded from the PRODUCTION DAY count.

At the end of each workday (or the start of the next day), the City will communicate to William Charles Construction, via the City's Engineering Representative, whether the completed calendar day is to be considered a PRODUCTION DAY.

In the case where the temperature drops below the 35-degree Fahrenheit threshold after PRODUCTION DAY counting has begun, the 48-hour minimum requirement shall start over, and the first PRODUCTION DAY will not be until as described in the first paragraph.

Low Temperatures for the Rochelle site will be according to NOAA Daily Climate Report (CLI) Data made available for the Rockford, IL airport.

<https://w2.weather.gov/climate/index.php?wfo=lot>

When the number of PRODUCTION DAYS reaches an accumulation of 30 days, and the date is before May 8, the Contractor shall have until May 8, 2020 to complete the work. If the number of PRODUCTION DAYS has not yet reached an aggregate of 30 days by May 8, 2020, then the Contractor shall be given until the end of Day 30 to complete the work.

Special weather conditions may be considered, but the impacts must be enough in a day to affect progress.

As of March 19, 2020, any complications in providing labor, material and equipment due to the conditions of the novel coronavirus COVID-19 will be considered, but a detailed letter to the City, co-signed by the Human Resources department and the President or CEO of the company affected by the delay will be required. Mandates from Federal, State and Local governments and authorities that prevent personnel presence on the construction site will be acknowledged by all parties and the Production Day count will be suspended accordingly.

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CITY OF ROCHELLE

Owner

By _____

Title _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE for EXTENSION OF CONTRACT TIME is hereby acknowledged

By William Charles Construction

This the _____ day of _____, 20__ 19__

By _____

Title _____