



# AMENDMENT FOR CONSTRUCTION CONTRACT

State of Wisconsin  
Department of Natural Resources  
Remediation & Redevelopment Program  
101 South Webster Street  
Madison WI 53703

AMENDMENT ORDER NO.: 1

DATE OF ISSUANCE: May 12, 2020

PROJECT NAME: Portage Canal - Segment 2

PURCHASE ORDER NUMBER: 37085-0000001093

LOCATION: Columbia County, Wisconsin

DESCRIPTION: This Amendment includes seven (7) Construction Bulletins and a Contract Directive.

1. Construction Bulletin/Contract Directive #1 – The restoration of the Kirking Court Borrow Source area where cap/cover material was obtained. Whereas Entact shall restore approximately 2.5 acres by re-spreading the stripped topsoil and shall seed and establish perennial grasses as directed by the City.
2. Construction Bulletin/Contract Directive #2 – Increased schedule and amendment dosage rate for curing dredged sediment.
3. Construction Bulletin/Contract Directive #3 – Descoping of project components including: 1) a portion of Dredge Management Unit (DMU) 18 as documented in RFI 008; 2) the reduction in testing frequency for water treatment (i.e., low-level mercury and molybdenum reduced from 1 sample per week to 1 sample per month) and aggregate (i.e., Milestone source reduced from 1 per 1,000 tons to 1 per 5,000 tons); 3) the elimination of a second event from the Alum Special Study; 4) removal of Rusmar foam from on-site requirement under RFI 002;.
4. Construction Bulletin/Contract Directive #4 – Adjustments to topsoil quantities, rates, and placement location. Topsoil will not be placed on the northwestern bank per City of Portage direction. Additionally, topsoil will not be placed on the top 2-ft of the southeastern bank of the multi-use path to allow for surface water drainage. The updated detail is attached.
5. Construction Bulletin/Contract Directive #5 – Culvert Extensions for the 29” x 45” Elliptical Reinforced Concrete Pipe (RCP), the 10” Standard Dimension Ratio (SDR 35), the 36” RCP, the added culvert at 429 E Mullet Street, abandonment and backfill of three culverts, and riprap placement beyond contract quantity.
6. Construction Bulletin/Contract Directive #6 – In-water adjustments for final surveyed as-built quantities. The quantities affect the contract price and this bulletin updates Item 8.1 Dredging, Item 8.2 Dredged Material Processing, 10.0 Characterization, Off-Site Transportation, and Disposal, Item 11.1 Cap and Cover Material Procurement and Delivery.
7. Construction Bulletin/Contract Directive #7 – Adjustments for final surveyed as-built quantities. The quantities affect the contract price and this bulletin updates Item 11.5 Multi-use Path Material – Placement.

CC-001	\$25,958.18
CC-002	\$190,448.10
Construction Bulletin #1	\$9,000.00
Construction Bulletin #2	\$287,515.38
Construction Bulletin #3	(\$32,400.00)
Construction Bulletin #4	\$63,129.45
Construction Bulletin #5	\$41,971.14
Construction Bulletin #6	\$127,872.76
Construction Bulletin #7	\$230,333.52

Contingency	\$350,000.00
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TOTAL	\$36,263.87
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**Total of Costs Added** **\$36,263.87**

For these additional services, the not-to-exceed total contract fee shall be increased by \$36,263.87 (Thirty-Six Thousand, Two Hundred Sixty-Three Dollars and Eighty-Seven Cents from \$7,444,065.72 (Seven Million, Four Hundred Forty-Four Thousand, Sixty-Five Dollars and Seventy-Two Cents) to a not-to-exceed total contract fee of \$7,830,329.59 (Seven Million, Eight Hundred Thirty Thousand, Three Hundred Twenty-Nine Dollars and Fifty-Nine Cents). The contingency amount approved for this project will remain the same.

**ENTACT LLC**

**STATE OF WISCONSIN**

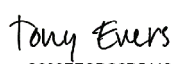
Approved:   
 By \_\_\_\_\_

Approved:   
 By \_\_\_\_\_  
 For Preston D. Cole, Secretary  
 Department of Natural Resources

Title Project Director

Date 1/14/2022 | 4:47 PM CST

Date 01/11/2022

Approved:   
 DocuSigned by: \_\_\_\_\_  
 C680EECD06D5410...S, Governor  
 State of Wisconsin

Date 1/19/2022 | 10:51 AM CST



Bureau for  
Remediation and  
Redevelopment

## CONSTRUCTION BULLETIN No. 01

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

Return the completed Construction Bulletin consisting of the itemized cost quotation and other documentation to the Oversight Engineer, not later than October 15, 2021.

RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: The restoration of the Kirking Court Borrow Source area where cap/cover material was obtained. Whereas Entact shall restore approximately 2.5 acres by re-spreading the stripped topsoil and shall seed and establish perennial grasses as directed by the City.

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Purpose of Change: The project took over the borrow area used by WisDOT for the US 51 project. The City of Portage offered the borrow area to reduce overall costs to the project and to level the area for future City development. Costs associated with Kirking Court Borrow Source loading and transportation to the Project Site are covered under CC-002 and a zeroing of quantities for Item No. 11.1, which is a net savings. The costs to restore the borrow area will be covered as a lump sum line item under this Construction Bulletin No. 1.

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Change Requested By: City of Portage and DNR

Date: December 14, 2021



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**CONSTRUCTION BULLETIN No. 01 - PAGE 2**

**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: \$9,000

Total Contract Time: 3 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 01 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature 

Title Project Director

Date 01/05/2021

Attachments: (list attached documents that support description)

Scott Inman August 9, 2021 email including the August 9, 2021 Kirking Court / Site #3 Borrow Area Memorandum and the DNR August 9, 2021 Construction Site Storm Water Runoff General Permit WI-S067831-05.

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## CONSTRUCTION BULLETIN No. 02

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

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RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: Increased schedule and amendment dosage rate for curing dredged sediment.

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Purpose of Change: Additional amendment and curing time was needed to meet Waste Management's disposal criteria (e.g., workability) per Specification Section 02 61 00 – Removal and Disposal of Materials. The additional curing time extended the schedule for dredging and operation of the pre-treatment water management system. This is a new lump sum line item for the additional Amendments and additional weeks operating the pre-treatment water management system (Item No 9.1).

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Change Requested By: Entact, LLC.

Date: December 14, 2021



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**CONSTRUCTION BULLETIN No. 02 - PAGE 2**

**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: \$287,515.38

Total Contract Time: 25 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 02 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature \_\_\_\_\_

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

The DNR and Entact have agreed to certain cost increases for amendments and water treatment as follows. Amendment costs are shared as shown in DB 2 Backup – Final Cost Share – Amendment Use – 101321.pdf. Time for increased water treatment is agreed to be an additional 3 weeks of water treatment out of 4 over the bid amount, for a total of 22 weeks of water management system Item 9.1.

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## CONSTRUCTION BULLETIN No. 03

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

Return the completed Construction Bulletin consisting of the itemized cost quotation and other documentation to the Oversight Engineer, not later than October 15, 2021.

RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: Descoping of project components including: 1) a portion of Dredge Management Unit (DMU) 18 as documented in RFI 008; 2) the reduction in testing frequency for water treatment (i.e., low-level mercury and molybdenum reduced from 1 sample per week to 1 sample per month) and aggregate (i.e., Milestone source reduced from 1 per 1,000 tons to 1 per 5,000 tons); 3) the elimination of a second event from the Alum Special Study; 4) removal of Rusmar foam from on-site requirement under RFI 002;

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Purpose of Change: To reduce project costs and facilitate project schedule. 1) Different equipment was required downstream of the Canadian Pacific railroad bridge and descoping the remediation under and downstream of Canadian Pacific railroad bridge reduced schedule as well as dredging and dewatering volumes. This DMU-18 descoping change reduces the lineal footage of dredging by 107 and volume by 837

cubic yards. 2) Reducing testing frequency provided reduced project cost when multiple samples at the project onset provided consistent results. 3) The results of the first event for the Alum Special Study resulted in use of alum application under the Low-Impact Discharge Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-0066575-01-0, thus a second event for the Alum Special Study was unnecessary resulting in reduced project costs and project schedule. 4) Project odor was not encountered, thus removal of a stand-by Rusmar foam was approved. This is a new lump sum line item for all 4 descoping items.

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Change Requested By: Entact, LLC.

Date: December 14, 2021





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**CONSTRUCTION BULLETIN No. 03 - PAGE 2**


**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: Credit of \$32,400

Total Contract Time: 0 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 03 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature 

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

RFI-002 (RUSMAR Foaming Unit – Demobilization of PFU400 Unit), RFI-003 (WTS Sampling – Adjustment to Certain Analyte Sampling Frequency), RFI-004 (Alum Use), RFI-007 (Milestone Materials Borrow Source Sampling), RFI-008 (Removal of Dredging Under and Downstream of CPR Bridge from the Scope of Work), and the Design Drawings revision 3 dated October 18, 2021 (coir fabric).

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## CONSTRUCTION BULLETIN No. 04

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

Return the completed Construction Bulletin consisting of the itemized cost quotation and other documentation to the Oversight Engineer, not later than October 15, 2021.

RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: Adjustments to topsoil quantities, rates, and placement location. Topsoil will not be placed on the northwestern bank per City of Portage direction. Additionally, topsoil will not be placed on the top 2-ft of the southeastern bank of the multi-use path to allow for surface water drainage. The updated detail is attached.

Purpose of Change: An error was made in the contract and topsoil quantities were omitted. This change updates topsoil quantities (Items No 11.6 and 11.7) and a revised unit rate based on topsoil placement and seeding.

Change Requested By: DNR

Date: December 14, 2021



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**CONSTRUCTION BULLETIN No. 04 - PAGE 2**

**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: \$63,129.45

Total Contract Time: 0 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 04 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature 

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

Entact documentation of topsoil placed.  
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## CONSTRUCTION BULLETIN No. 05

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

Return the completed Construction Bulletin consisting of the itemized cost quotation and other documentation to the Oversight Engineer, not later than October 15, 2021.

RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: Culvert Extensions for the 29" x 45" Elliptical Reinforced Concrete Pipe (RCP), the 10" Standard Dimension Ratio (SDR 35), the 36" RCP, the added culvert at 429 E Mullet Street, abandonment and backfill of three culverts, and riprap placement beyond contract quantity.

Purpose of Change: This change accounts for different conditions encountered in the field and direction provided by the City of Portage. This change includes quantities and rates for culvert extensions and riprap aprons that were not established during the bid but encountered in the field.

Change Requested By: Entact, LLC.

Date: December 14, 2021



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**CONSTRUCTION BULLETIN No. 05 - PAGE 2**

**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: \$41,971.14

Total Contract Time: 0 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 05 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature 

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

The outfall extension information as shown in DB 5 Backup – Outfall Extension Summary – Final.pdf and import fill summary of riprap material.

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## CONSTRUCTION BULLETIN No. 06

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

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RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: In-water adjustments for final surveyed as-built quantities. The quantities affect the contract price and this bulletin updates Item 8.1 Dredging, Item 8.2 Dredged Material Processing, 10.0 Characterization, Off-Site Transportation, and Disposal, Item 11.1 Cap and Cover Material Procurement and Delivery.

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Purpose of Change: Unit rates are not adjusted, but quantities are updated to reflect final surveyed as-built quantities.

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Change Requested By: Entact, LLC.

Date: December 14, 2021



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## CONSTRUCTION BULLETIN No. 06 - PAGE 2


### QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:

Total Cost: \$127,872.76

Total Contract Time: 0 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 06 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

### CONTRACTOR

Signature 

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

Final Volume Table for Items 8.1 and 8.2, and Truck Tons Table for Item 10.0. Note that the quantity for Item 11.1 was set to zero as the procurement and delivery of the cap and cover material was moved to Contract Change Order 2 – Kirking Court Borrow Source – Loading and Transportation.

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## CONSTRUCTION BULLETIN No. 07

Project: FY2021 Portage Canal Segment 2

Contractor: Entact, LLC.

This construction bulletin is issued for the purpose of investigating a potential change in the project. You are requested to review the proposed changes and advise the Department and Engineer of any change in contract price (addition deduction or no change) that may result. Your proposal should be submitted in an itemized breakdown form, listing the cost for labor, material and equipment necessary to implement the proposed change.

Return the completed Construction Bulletin consisting of the itemized cost quotation and other documentation to the Oversight Engineer, not later than October 15, 2021.

RECEIPT OF THIS CONSTRUCTION BULLETIN IS **NOT** AUTHORIZATION TO PROCEED WITH THE CHANGES PROPOSED. ISSUANCE OF FIELD ORDER OR CONTRACT DIRECTIVES IS REQUIRED.

If the proposed changes are to be made, and involve a change in cost or project time per the Articles of the General Conditions the Department shall prepare a Contract Directive.

Description of Construction Bulletin: Adjustments for final surveyed as-built quantities.  
The quantities affect the contract price and this bulletin updates Item 11.5 Multi-Use Path Material – Placement.

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Purpose of Change: Unit rates are not adjusted, but quantities are updated to reflect final surveyed as-built quantities.

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Change Requested By: Entact, LLC.

Date: December 14, 2021





Bureau for  
Remediation and  
Redevelopment

**CONSTRUCTION BULLETIN No. 07 - PAGE 2**


**QUOTATION FOR PROPOSED CONSTRUCTION BULLETIN:**

Total Cost: \$230,333.52

Total Contract Time: 0 days

This quotation is submitted for use in connection with and in response to the request for quotation for Construction Bulletin No. 07 and is valid for 60 days from the date of execution noted below. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of October 13, 2021 and that a financial management capability exists to the fully and accurately account for the financial transactions under this project. I further certify that I understand that the subagreement price may be subject to downward renegotiation and/or recoupment where the above cost and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

**CONTRACTOR**

Signature 

Title Project Director

Date 01/05/2022

Attachments: (list attached documents that support description)

Import fill material summary of multi-use path material and as-built restoration survey  
(subtracting out cap/cover and topsoil)  
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Bureau for  
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Redevelopment

**CONTRACT DIRECTIVE SUMMARY**

Project: FY2021 Portage Canal Segment 2

Contract No. 370004-Q21-C033-RR0865-01

Contractor: Entact LLC

Keyword Description: Summary of Construction Bulletins

The following modifications to the contract are hereby ordered:

Original Contract Amount	\$7,444,065.72	Original Duration	280 Days
Unspent Contract Items	\$ (557,564.66)		
CC-001 <sup>1</sup>	\$ 25,958.18	Duration	0 Days
CC-002 <sup>1</sup>	\$ 190,448.10	Duration	0 Days
Bulletin No. 1	\$ 9,000.00	Duration	3 Days
Bulletin No. 2	\$ 287,515.38	Duration	25 Days
Bulletin No. 3	\$ (32,400.00)	Duration	0 Days
Bulletin No. 4	\$ 63,129.45	Duration	0 Days
Bulletin No. 5	\$ 41,971.14	Duration	0 Days
Bulletin No. 6	\$ 127,872.76	Duration	0 Days
Bulletin No. 7	\$ 230,333.52	Duration	0 Days

Revised Contract Amount \$7,830,329.59 Revised Duration 308 Days

Note:

1. CC-001 and CC-002 were authorized by Scott Inman on February 25, 2021 and August 9, 2021 respectively. CC-002 replaced contract value for Line Item 11.1 (credit applied).

**CONTRACTOR**

*[Signature]*

01/05/2022

Entact LLC

Date

**OVERSIGHT CONTRACTOR**

*[Signature]*

01/06/2022

Anchor QEA

Date

**DEPARTMENT OF NATURAL RESOURCES**

*[Signature]*

01/06/22

DocuSigned by: **CMR Project Manager**

Date

*[Signature]*

1/14/2022 | 11:54 AM CST

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DocuSigned by: **Policy & Program Operations Director**

Date

*[Signature]*

1/14/2022 | 1:28 PM CST

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Gail Good, Division Administrator, EM Division

Date