Kimley»Horn

March 26, 2024

Harrison Youngblood, P.E.
Indian River County Department of Utility Services
1801 27th Street
Vero Beach, FL 32960

RE: ***Indian River County Department of Utility Services***
South Oslo Road Water Treatment Plant Improvements
Change Order 4 – Time Extension & Deductive Credit for IRCDUS Project #2021-026

The intent of this letter is to outline our recommendation to Indian River County Department of Utility Services (IRCDUS) to provide TLC Diversified, Inc. with a deductive change order and contract time extension for the South Oslo Road Water Treatment Plant Improvements project. The original contract had a final completion date of November 2, 2023. TLC was not able to meet this final completion date due to delays in lead times for materials as well as an increase in scope through change orders. TLC formally requested a time extension request in October 2023 and was granted an extension under work change directive #2 and the contract final completion date was extended to May 17, 2024.

Since the execution of work change directive #2, TLC has encountered further delays as outlined in the letter to Indian River County dated March 6, 2024 (see attached). TLC is no longer able to meet the current final completion date for this project. TLC has formally requested a second time extension request of 77 days to yield final completion date of August 2, 2024 (1,094 days from NTP). The revised schedule includes the following major milestones:

Caustic Tank Startup	4/5/2024
CO2 Tank Startup	4/9/2024
Permeate and Concentrate Trench Piping in Service	3/30/2024
Train 1 Demolition	3/25/2024
Train 4 Startup	4/8/2024
Wellfield FO Panel Work Complete	4/12/2024
CTF Piping Complete	4/15/2024
Train 1 Startup	4/22/2024
Raw Water Blend Improvements	4/22/2024
CIP System Startup	6/15/2024
Substantial completion	6/15/2024
Final completion	8/2/2024

This time extension results in additional cost burden to IRCDUS. Per discussions with the TLC project manager and IRCDUS, line item 345 of the schedule of values, which totals $54,928.65, will be deducted from the contract value in exchange for additional time. This credit to IRCDUS appears satisfactory to cover costs associated with this time extension. We have reviewed the milestones and TLC's completion schedule and believe them to be achievable.

I trust this information useful. Included with this letter is the signed Change Order #4 and associated backup for IRCDUS review and approval. Should you need additional information or have any questions regarding this project, please do not hesitate to contact me at 561-421-1979.

Sincerely,

Nick Black, P.E.
PE# 84908

Cc: Rich Meckes (IRCDUS), Harrison Youngblood (IRCDUS), Leon Liberus (IRCDUS), Bert King (KH)

Attachments: Changer Order #4, TLC Request for Time Extension, Updated Schedule from TLC, TLC Letter dated 3/6/24

CHANGE ORDER

PROJECT: South Oslo Road WTP Improvements No. 4

DATE OF ISSUANCE: March 26, 2024 EFFECTIVE DATE: _____

OWNER: Indian River County

OWNER's Contract No.: 2021026 Project No.: 044572102

CONTRACTOR: TLC Diversified, Inc ENGINEER: Kimley-Horn & Associates, Inc.

You are directed to make the following changes in the Contract Documents:

1. Deductive change order of line item 345 in the schedule of values to IRCDUS. This credit is provided to cover costs associated with schedule delay shown in TLC latest schedule. Deductive change order includes time extension request of additional 77 days to final completion.

Attachments: Updated project schedule, Contractor request for time extension letter

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price $ 10,665,515.65	Original Contract Times: Substantial Completion: 760 Ready for final payment: 820
Net changes from previous Change Orders No. 1, 2, 3 $1,020,621.72	Net change from previous Work Directives: No. 1 to No. 2 197
Contract Price prior to this Change Order $ 11,686,137.37	Contract Time prior to this Change Order Substantial Completion: 954 Ready for final payment: 1017 Days or dates
Net Increase (decrease) in this Change Order $ (54,928.65)	Net Increase in this Change Order 77 days
Contract Price with all approved Change Orders $ 11,631,208.72	Contract Time with all approved Change Orders Substantial Completion: 1,046 (6/15/2024) Ready for final payment: 1,094 (8/2/2024) Days or dates

RECOMMENDED:	APPROVED:	ACCEPTED
Nick Black, P.E.		
By: KIMLEY-HORN	By: _____	By: TLC Div. PM
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 3-26-2024	Date: _____	Date: 27-March-2024

EJCDC No. C-700 (2002 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

Kimley-Horn
1920 Wekiva Way, Suite 200
West Palm Beach, Fl 33411

27-March- 2024

Attn: Mr. Nick Black, P.E. Nick.Black@Kimley-Horn.com

Reference: Change Order #4 Time Extension.

Dear Mr. Black,

Please find a quotation for the changes requested as reference above.

Labor =	$ 0
Material =	$ 0
Subcontract =	$ 0
Equipment =	$ 0
Other=	$ ($54,928.65)
Labor Burden =	$ 0
Tax =	$ 0
OH & P subs 5% =	$ 0
OH & P @ Self Perform 15% =	$ 0
Subtotal =	$ ($54,928.65)
Bond =	$ 0
Total Deduct =	$ ($54,928.65)

With the current supply chain delays that have been discussed in the project meetings it is difficult to quantify the additional time required to quote this change. TLC is therefore reserving our rights to additional time for the project that will be determined at a later date. Please provide your acceptance of this additional work and issue a change order so that TLC can release the required items for production.

Sincerely Yours,

John P. Elder (Project Manager)

OSLO WATER PLANT...

Project Start Date:04-Aug-21
Data Date:04-Mar-24

Project Finish Date:~~19-Sep-24~~
Run Date:15-Mar-24 13:17

Activity Status	Remaining Duration	Activity Name	Activity ID	Start	Finish
OSLO WATER PLANT	109			04-Mar-24	02-Aug-24
Milestones	25			15-Jun-24	11-Jul-24
Not Started	0	SUBSTANTIAL COMPLETION	A1020		15-Jun-24*
Not Started	0	PLANT EQUIPMENT START UPS COMPLETE	A2280	15-Jun-24	15-Jun-24
Not Started	0	DEMOBILIZE	A1030		11-Jul-24*
Close Out Activities	46			15-Jun-24	02-Aug-24
Not Started	5	Submit Letter to Engineer Stating Substantial Completion	A1090	15-Jun-24	20-Jun-24
Not Started	5	Engineer To Inspect Project	A1470	20-Jun-24	26-Jun-24
Not Started	5	Engineer to Provide List of Items To Complete	A1560	26-Jun-24	01-Jul-24
Not Started	10	Punchlist	A2150	02-Jul-24	11-Jul-24
Not Started	1	Engineer Reinspection Following Punchlist	A2730	11-Jul-24	12-Jul-24
Not Started	1	Remove Engineer's Trailer from Project	A5270	12-Jul-24	13-Jul-24
Not Started	2	Contractor provide Record Documents	A5020	13-Jul-24	16-Jul-24
Not Started	5	Contractor Provide Evidence of Compliance	A2740	16-Jul-24	20-Jul-24
Not Started	5	Contractor Provide Final Statement of Accounting to Engineer	A5030	22-Jul-24	25-Jul-24
Not Started	2	Engineer Provide Final Change Order	A5040	26-Jul-24	29-Jul-24
Not Started	5	Contractor Prepare and Submit Final Payment Application	A5050	29-Jul-24	02-Aug-24
GENERAL SITE ITEMS (ASPHALT AND SEE	0				
FAB & DELIVER MATERIALS FOR LABORA	20			30-Apr-24	20-May-24
Not Started	20	DELIVER AND INSTALL LAB SHELVING REPLACEMENT	A12700	30-Apr-24*	20-May-24
CONSTRUCT TRAIN #3 NANO-FILTER	7			04-Mar-24	11-Mar-24
Not Started	4	LOAD NEW NANO-FILTER FILTER ELEMENTS	A7330	04-Mar-24	07-Mar-24
Not Started	1	CONDUCT TRAIN #3 FUNCTIONAL TESTING	A7340	07-Mar-24	07-Mar-24
Not Started	2	BAC-T TEST NANO-FILTER TRAIN #2 & ACHIEVE 2 CONSECUTIVE PASSING TESTS	A7350	08-Mar-24	11-Mar-24
Not Started	0	SUBMIT QUALITY OF FEED AND PERMEATE WATER QUALITY TEST RESULTS	A7360	11-Mar-24	11-Mar-24
Not Started	0	SUBMIT FOR PARTIAL CLEARANCE TO FDEP & RECEIVE ACCEPTANCE	A7370	11-Mar-24	11-Mar-24
Not Started	0	PERFORM START UP AND TRAINING FOR NANO-FILTER TRAIN #3	A7380	11-Mar-24	11-Mar-24
Not Started	0	TRAIN #3 NANO-FILTER IS READY TO PLACE INTO SERVICE	A7390		11-Mar-24
CONSTRUCT TRAIN #4 NANO-FILTER	27			11-Mar-24	08-Apr-24
Not Started	1	FAB & DELIVER NANO FILTER EQUIPMENT PACKAGE TRAIN #4	A13940	11-Mar-24	11-Mar-24
Not Started	5	DEMO / REMOVE EXISTING NANO FILTER #4	A7610	11-Mar-24	15-Mar-24
Not Started	2	LAYOUT TRAIN #4 NANO-FILTER AREA IN PREPARATION TO INSTALL NEW FILTER RACKS	A7600	15-Mar-24	18-Mar-24
Not Started	1	REMOVE FEEDWATER PUMP FOR TRAIN #4	A7620	15-Mar-24	15-Mar-24
Not Started	3	INSTALL NEW FEEDWATER PIPING AND VALVES & PRESSURE SWITCHES @ TRAIN # 4	A7770	15-Mar-24	19-Mar-24
Not Started	5	RETROFIT FEEDWATER PUMP FOR TRAIN #4	A7630	16-Mar-24	21-Mar-24
Not Started	3	INSTALL AND ANCHOR NANO FILTER STAINLESS SUPPORTS INTO CONCRETE	A7650	18-Mar-24	20-Mar-24
Not Started	5	WIRE UP ELECTRIC VALVES & PRESSURE SWITCHES @ FEEDWATER PIPING TRAIN #4	A7780	19-Mar-24	23-Mar-24
Not Started	3	INSTALL FILTER VESSELS AND ASSOCIATED INFLUENT & EFFLUENT PIPING & VALVES	A7660	20-Mar-24	23-Mar-24
Not Started	5	INSTALL RETROFITED FEEDWATER PUMP FOR TRAIN #4	A7640	21-Mar-24	27-Mar-24
Not Started	3	INSTALL ALL CONTROL NANO-FILTER PANELS AND SENSORS	A7670	23-Mar-24	27-Mar-24
Not Started	2	PRESSURE TEST ALL PIPES, VALVES AND CONNECTIONS	A7680	27-Mar-24	28-Mar-24
Not Started	4	INSTALL ELECTRICAL CONDUITS, WIRES AND CONNECTIONS TO NANO-FILTER SYSTEM	A7690	28-Mar-24	02-Apr-24
Not Started	0	ENERGIZE NANO FILTER TRAIN #4 SYSTEM	A7700	02-Apr-24	02-Apr-24
Not Started	3	LOAD NEW NANO-FILTER FILTER ELEMENTS	A7710	02-Apr-24	04-Apr-24
Not Started	0	CONDUCT TRAIN #4 FUNCTIONAL TESTING	A7720	05-Apr-24	05-Apr-24
Not Started	2	BAC-T TEST NANO-FILTER TRAIN #2 & ACHIEVE 2 CONSECUTIVE PASSING TESTS	A7730	05-Apr-24	08-Apr-24
Not Started	0	SUBMIT QUALITY OF FEED AND PERMEATE WATER QUALITY TEST RESULTS	A7740	08-Apr-24	08-Apr-24
Not Started	0	PERFORM START UP AND TRAINING FOR NANO-FILTER TRAIN #4	A7750	08-Apr-24	08-Apr-24
Not Started	0	TRAIN #4 NANO-FILTER IS READY TO PLACE INTO SERVICE	A7760		08-Apr-24
CONSTRUCT TRAIN #1 NANO-FILTER	27			25-Mar-24	22-Apr-24
Not Started	1	FAB & DELIVER NANO FILTER EQUIPMENT PACKAGE TRAIN #1	A13990	25-Mar-24*	25-Mar-24
Not Started	5	DEMO / REMOVE EXISTING NANO FILTER #1	A8110	25-Mar-24*	28-Mar-24
Not Started	2	LAYOUT TRAIN #1 NANO-FILTER AREA IN PREPARATION TO INSTALL NEW FILTER RACKS	A8010	29-Mar-24	01-Apr-24
Not Started	1	REMOVE FEEDWATER PUMP #?	A8120	29-Mar-24	29-Mar-24
Not Started	3	INSTALL NEW FEEDWATER PIPING AND VALVES & PRESSURE SWITCHES @ TRAIN # 1	A14020	29-Mar-24	01-Apr-24
Not Started	5	RETROFIT FEEDWATER PUMP #?	A14000	29-Mar-24	04-Apr-24
Not Started	3	INSTALL AND ANCHOR NANO FILTER STAINLESS SUPPORTS INTO CONCRETE @ TRAIN #1	A8020	01-Apr-24	03-Apr-24
Not Started	5	WIRE UP ELECTRIC VALVES & PRESSURE SWITCHES @ FEEDWATER PIPING TRAIN #1	A14030	02-Apr-24	05-Apr-24
Not Started	3	INSTALL FILTER VESSELS AND ASSOCIATED INFLUENT & EFFLUENT PIPING & VALVES TRAIN #1	A8030	03-Apr-24	05-Apr-24
Not Started	1	REINSTALL RETROFITED FEEDWATER PUMP #?	A14010	04-Apr-24	05-Apr-24

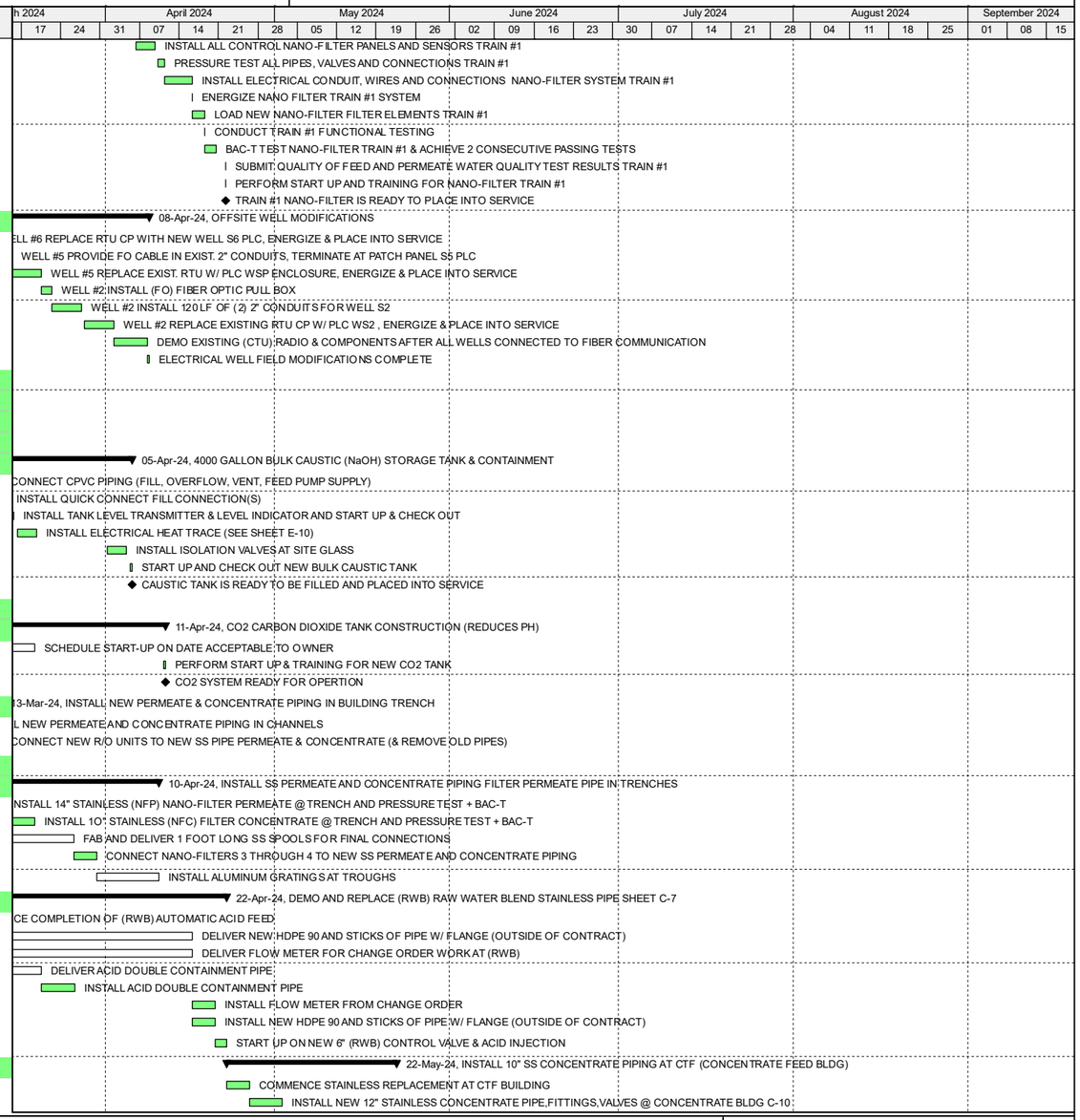
Actual Work
Remaining Work
Critical Remaining Work
Milestone
Summary

OSLO WATER PLANT...

Project Start Date:04-Aug-21
Data Date:04-Mar-24

Project Finish Date:~~19-Sep-24~~
Run Date:15-Mar-24 13:17

Activity Status	Remaining Duration	Activity Name	Activity ID	Start	Finish
Not Started	3	INSTALL ALL CONTROL NANO-FILTER PANELS AND SENSORS TRAIN #1	A8040	06-Apr-24	09-Apr-24
Not Started	2	PRESSURE TEST ALL PIPES, VALVES AND CONNECTIONS TRAIN #1	A8050	10-Apr-24	11-Apr-24
Not Started	4	INSTALL ELECTRICAL CONDUIT, WIRES AND CONNECTIONS NANO-FILTER SYSTEM TRAIN #1	A8060	11-Apr-24	16-Apr-24
Not Started	0	ENERGIZE NANO FILTER TRAIN #1 SYSTEM	A8140	16-Apr-24	16-Apr-24
Not Started	3	LOAD NEW NANO-FILTER FILTER ELEMENTS TRAIN #1	A8150	16-Apr-24	18-Apr-24
Not Started	0	CONDUCT TRAIN #1 FUNCTIONAL TESTING	A8160	18-Apr-24	18-Apr-24
Not Started	2	BAC-T TEST NANO-FILTER TRAIN #1 & ACHIEVE 2 CONSECUTIVE PASSING TESTS	A8170	18-Apr-24	20-Apr-24
Not Started	0	SUBMIT QUALITY OF FEED AND PERMEATE WATER QUALITY TEST RESULTS TRAIN #1	A8180	22-Apr-24	22-Apr-24
Not Started	0	PERFORM START UP AND TRAINING FOR NANO-FILTER TRAIN #1	A8190	22-Apr-24	22-Apr-24
Not Started	0	TRAIN #1 NANO-FILTER IS READY TO PLACE INTO SERVICE	A8200		22-Apr-24
OFFSITE WELL MODIFICATIONS	35			04-Mar-24	08-Apr-24
Not Started	7	WELL #6 REPLACE RTU CP WITH NEW WELL S6 PLC, ENERGIZE & PLACE INTO SERVICE	A9030	04-Mar-24	11-Mar-24
Not Started	5	WELL #5 PROVIDE FO CABLE IN EXIST. 2" CONDUITS, TERMINATE AT PATCH PANEL S5 PLC	A9020	11-Mar-24	15-Mar-24
Not Started	5	WELL #5 REPLACE EXIST. RTU W/ PLC WSP ENCLOSURE, ENERGIZE & PLACE INTO SERVICE	A9010	15-Mar-24	20-Mar-24
Not Started	2	WELL #2 INSTALL (FO) FIBER OPTIC PULL BOX	A8400	20-Mar-24	22-Mar-24
Not Started	5	WELL #2 INSTALL 120 LF OF (2) 2" CONDUITS FOR WELL S2	A8410	22-Mar-24	27-Mar-24
Not Started	5	WELL #2 REPLACE EXISTING RTU CP W/ PLC WS2 , ENERGIZE & PLACE INTO SERVICE	A8990	28-Mar-24	02-Apr-24
Not Started	5	DEMO EXISTING (CTU) RADIO & COMPONENTS AFTER ALL WELLS CONNECTED TO FIBER COMMUNICAT	A8480	02-Apr-24	08-Apr-24
Not Started	1	ELECTRICAL WELL FIELD MODIFICATIONS COMPLETE	A8560	08-Apr-24	08-Apr-24
ELECTRICAL PANELS #1,2,3 & 4 MODIFICAT	0				
HIGH SERVICE PUMPS #1,2 & 3 INSTALL NE	0				
CONSTRUCT TRAIN #2 NANO-FILTER	0				
INSTALLATION OF SULFURIC ACID METER	0				
4000 GALLON BULK CAUSTIC (NaOH) STO	33			04-Mar-24	05-Apr-24
Not Started	10	CONNECT CPVC PIPING (FILL, OVERFLOW, VENT, FEED PUMP SUPPLY)	A8690	04-Mar-24	13-Mar-24
Not Started	1	INSTALL QUICK CONNECT FILL CONNECTION(S)	A8700	13-Mar-24	14-Mar-24
Not Started	2	INSTALL TANK LEVEL TRANSMITTER & LEVEL INDICATOR AND START UP & CHECK OUT	A8710	14-Mar-24	15-Mar-24
Not Started	3	INSTALL ELECTRICAL HEAT TRACE (SEE SHEET E-10)	A8720	16-Mar-24	19-Mar-24
Not Started	5	INSTALL ISOLATION VALVES AT SITE GLASS	A8770	01-Apr-24*	04-Apr-24
Not Started	1	START UP AND CHECK OUT NEW BULK CAUSTIC TANK	A8750	05-Apr-24	05-Apr-24
Not Started	0	CAUSTIC TANK IS READY TO BE FILLED AND PLACED INTO SERVICE	A8760		05-Apr-24
RELOCATION OF (HFA) HYDROFLUORIC A	0				
CO2 CARBON DIOXIDE TANK CONSTRUCT	39			04-Mar-24	11-Apr-24
Not Started	15	SCHEDULE START-UP ON DATE ACCEPTABLE TO OWNER	A8310	04-Mar-24	19-Mar-24
Not Started	1	PERFORM START UP & TRAINING FOR NEW CO2 TANK	A8330	11-Apr-24*	11-Apr-24
Not Started	0	CO2 SYSTEM READY FOR OPERTION	A8360		11-Apr-24
INSTALL NEW PERMEATE & CONCENTRAT	10			04-Mar-24	13-Mar-24
Not Started	5	INSTALL NEW PERMEATE AND CONCENTRATE PIPING IN CHANNELS	A7000	04-Mar-24	07-Mar-24
Not Started	5	CONNECT NEW R/O UNITS TO NEW SS PIPE PERMEATE & CONCENTRATE (& REMOVE OLD PIPES)	A7010	08-Mar-24	13-Mar-24
INSTALL FEEDWATER PIPING	0				
INSTALL SS PERMEATE AND CONCENTRA	37			04-Mar-24	10-Apr-24
Not Started	10	INSTALL 14" STAINLESS (NFP) NANO-FILTER PERMEATE @ TRENCH AND PRESSURE TEST + BAC-T	A6610	04-Mar-24	13-Mar-24
Not Started	5	INSTALL 10" STAINLESS (NFC) FILTER CONCENTRATE @ TRENCH AND PRESSURE TEST + BAC-T	A6800	13-Mar-24	19-Mar-24
Not Started	10	FAB AND DELIVER 1 FOOT LONG SS SPOOLS FOR FINAL CONNECTIONS	A6930	15-Mar-24*	26-Mar-24
Not Started	5	CONNECT NANO-FILTERS 3 THROUGH 4 TO NEW SS PERMEATE AND CONCENTRATE PIPING	A6920	26-Mar-24	30-Mar-24
Not Started	10	INSTALL ALUMINUM GRATINGS AT TROUGHS	A6870	30-Mar-24	10-Apr-24
DEMO AND REPLACE (RWB) RAW WATER E	48			04-Mar-24	22-Apr-24
Not Started	2	COMMENCE COMPLETION OF (RWB) AUTOMATIC ACID FEED	A6850	04-Mar-24	05-Mar-24
Not Started	40	DELIVER NEW HDPE 90 AND STICKS OF PIPE W/ FLANGE (OUTSIDE OF CONTRACT)	A6790	05-Mar-24	16-Apr-24
Not Started	40	DELIVER FLOW METER FOR CHANGE ORDER WORK AT (RWB)	A6840	05-Mar-24	16-Apr-24
Not Started	15	DELIVER ACID DOUBLE CONTAINMENT PIPE	A6860	05-Mar-24	20-Mar-24
Not Started	5	INSTALL ACID DOUBLE CONTAINMENT PIPE	A6900	20-Mar-24	26-Mar-24
Not Started	5	INSTALL FLOW METER FROM CHANGE ORDER	A6880	16-Apr-24	20-Apr-24
Not Started	5	INSTALL NEW HDPE 90 AND STICKS OF PIPE W/ FLANGE (OUTSIDE OF CONTRACT)	A6890	16-Apr-24	20-Apr-24
Not Started	1	START UP ON NEW 6" (RWB) CONTROL VALVE & ACID INJECTION	A6770	20-Apr-24	22-Apr-24
INSTALL 10" SS CONCENTRATE PIPING AT	30			22-Apr-24	22-May-24
Not Started	5	COMMENCE STAINLESS REPLACEMENT AT CTF BUILDING	A6560	22-Apr-24	26-Apr-24
Not Started	5	INSTALL NEW 12" STAINLESS CONCENTRATE PIPE,FITTINGS,VALVES @ CONCENTRATE BLDG C-10	A6540	26-Apr-24	02-May-24



Actual Work
Remaining Work
Critical Remaining Work
Milestone
Summary

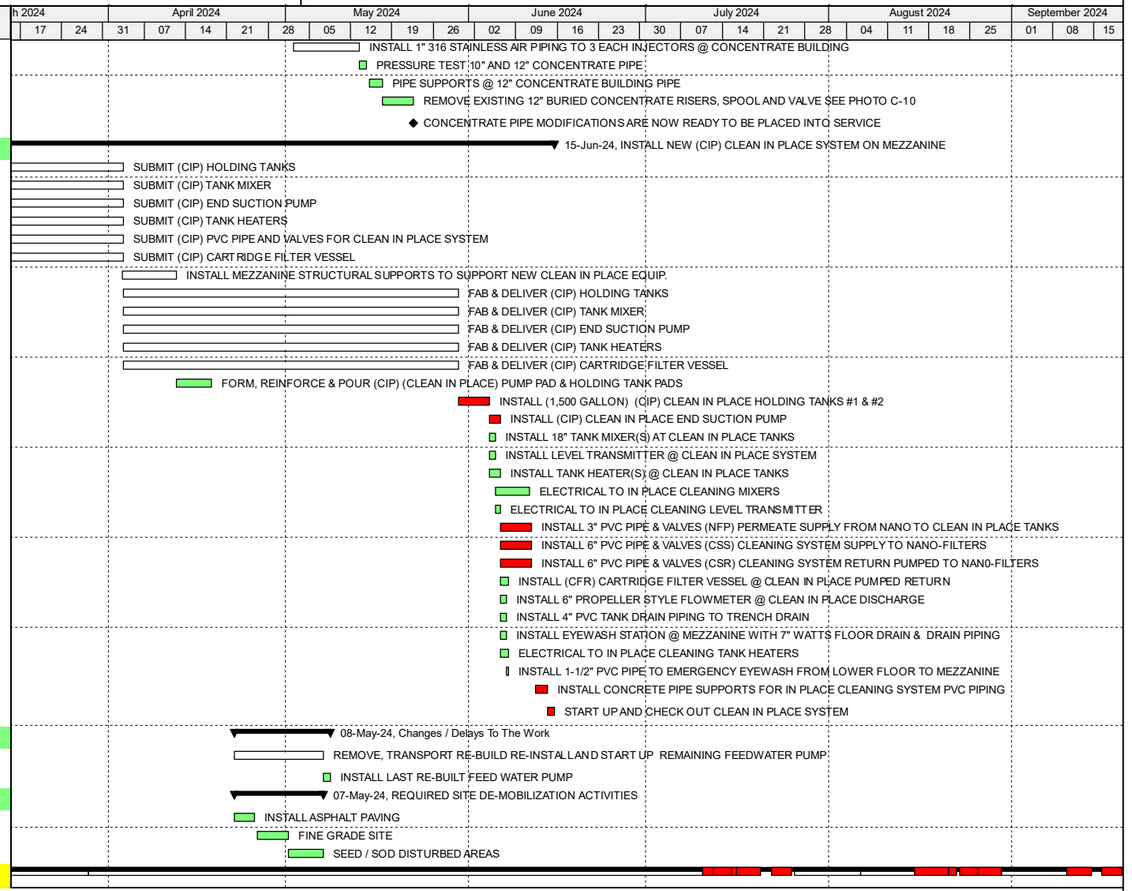
OSLO WATER PLANT...

4/15 per milestone date

Project Start Date:04-Aug-21
Data Date:04-Mar-24

Project Finish Date:~~19-Sep-24~~
Run Date:15-Mar-24 13:17

Activity Status	Remaining Duration	Activity Name	Activity ID	Start	Finish
Not Started	10	INSTALL 1" 316 STAINLESS AIR PIPING TO 3 EACH INJECTORS @ CONCENTRATE BUILDING	A6570	02-May-24	13-May-24
Not Started	2	PRESSURE TEST 10" AND 12" CONCENTRATE PIPE	A6820	13-May-24	14-May-24
Not Started	3	PIPE SUPPORTS @ 12" CONCENTRATE BUILDING PIPE	A6810	15-May-24	17-May-24
Not Started	5	REMOVE EXISTING 12" BURIED CONCENTRATE RISERS, SPOOL AND VALVE SEE PHOTO C-10	A6530	17-May-24	22-May-24
Not Started	0	CONCENTRATE PIPE MODIFICATIONS ARE NOW READY TO BE PLACED INTO SERVICE	A6830		22-May-24
INSTALL NEW (CIP) CLEAN IN PLACE SYST	101			04-Mar-24	15-Jun-24
Not Started	30	SUBMIT (CIP) HOLDING TANKS	A4350	04-Mar-24	03-Apr-24
Not Started	30	SUBMIT (CIP) TANK MIXER	A4360	04-Mar-24	03-Apr-24
Not Started	30	SUBMIT (CIP) END SUCTION PUMP	A4370	04-Mar-24	03-Apr-24
Not Started	30	SUBMIT (CIP) TANK HEATERS	A4400	04-Mar-24	03-Apr-24
Not Started	30	SUBMIT (CIP) PVC PIPE AND VALVES FOR CLEAN IN PLACE SYSTEM	A4410	04-Mar-24	03-Apr-24
Not Started	30	SUBMIT (CIP) CARTRIDGE FILTER VESSEL	A4460	04-Mar-24	03-Apr-24
Not Started	10	INSTALL MEZZANINE STRUCTURAL SUPPORTS TO SUPPORT NEW CLEAN IN PLACE EQUIP.	A5330	03-Apr-24*	12-Apr-24
Not Started	55	FAB & DELIVER (CIP) HOLDING TANKS	A13220	03-Apr-24	30-May-24
Not Started	55	FAB & DELIVER (CIP) TANK MIXER	A13230	03-Apr-24	30-May-24
Not Started	55	FAB & DELIVER (CIP) END SUCTION PUMP	A13240	03-Apr-24	30-May-24
Not Started	55	FAB & DELIVER (CIP) TANK HEATERS	A13260	03-Apr-24*	30-May-24
Not Started	55	FAB & DELIVER (CIP) CARTRIDGE FILTER VESSEL	A13280	03-Apr-24	30-May-24
Not Started	5	FORM, REINFORCE & POUR (CIP) (CLEAN IN PLACE) PUMP PAD & HOLDING TANK PADS	A6230	12-Apr-24	18-Apr-24
Not Started	5	INSTALL (1,500 GALLON) (CIP) CLEAN IN PLACE HOLDING TANKS #1 & #2	A6240	30-May-24	04-Jun-24
Not Started	2	INSTALL (CIP) CLEAN IN PLACE END SUCTION PUMP	A6300	04-Jun-24	06-Jun-24
Not Started	1	INSTALL 18" TANK MIXER(S) AT CLEAN IN PLACE TANKS	A6410	04-Jun-24	05-Jun-24
Not Started	1	INSTALL LEVEL TRANSMITTER @ CLEAN IN PLACE SYSTEM	A6420	04-Jun-24	05-Jun-24
Not Started	2	INSTALL TANK HEATER(S) @ CLEAN IN PLACE TANKS	A6430	04-Jun-24	06-Jun-24
Not Started	5	ELECTRICAL TO IN PLACE CLEANING MIXERS	A6460	05-Jun-24	11-Jun-24
Not Started	1	ELECTRICAL TO IN PLACE CLEANING LEVEL TRANSMITTER	A6470	05-Jun-24	06-Jun-24
Not Started	5	INSTALL 3" PVC PIPE & VALVES (NFP) PERMEATE SUPPLY FROM NANO TO CLEAN IN PLACE TANKS	A6310	06-Jun-24	11-Jun-24
Not Started	5	INSTALL 6" PVC PIPE & VALVES (CSS) CLEANING SYSTEM SUPPLY TO NANO-FILTERS	A6320	06-Jun-24	11-Jun-24
Not Started	5	INSTALL 6" PVC PIPE & VALVES (CSR) CLEANING SYSTEM RETURN PUMPED TO NAN0-FILTERS	A6330	06-Jun-24	11-Jun-24
Not Started	2	INSTALL (CFR) CARTRIDGE FILTER VESSEL @ CLEAN IN PLACE PUMPED RETURN	A6340	06-Jun-24	07-Jun-24
Not Started	1	INSTALL 6" PROPELLER STYLE FLOWMETER @ CLEAN IN PLACE DISCHARGE	A6360	06-Jun-24	07-Jun-24
Not Started	1	INSTALL 4" PVC TANK DRAIN PIPING TO TRENCH DRAIN	A6370	06-Jun-24	07-Jun-24
Not Started	1	INSTALL EYEWASH STATION @ MEZZANINE WITH 7" WATTS FLOOR DRAIN & DRAIN PIPING	A6390	06-Jun-24	07-Jun-24
Not Started	2	ELECTRICAL TO IN PLACE CLEANING TANK HEATERS	A6480	06-Jun-24	07-Jun-24
Not Started	1	INSTALL 1-1/2" PVC PIPE TO EMERGENCY EYEWASH FROM LOWER FLOOR TO MEZZANINE	A6380	07-Jun-24	07-Jun-24
Not Started	3	INSTALL CONCRETE PIPE SUPPORTS FOR IN PLACE CLEANING SYSTEM PVC PIPING	A6350	12-Jun-24	14-Jun-24
Not Started	1	START UP AND CHECK OUT CLEAN IN PLACE SYSTEM	A6490	14-Jun-24	15-Jun-24
Changes / Delays To The Work	17			22-Apr-24	08-May-24
Not Started	15	REMOVE, TRANSPORT RE-BUILD RE-INSTALL AND START UP REMAINING FEEDWATER PUMP	A7200	22-Apr-24	07-May-24
Not Started	2	INSTALL LAST RE-BUILT FEED WATER PUMP	A7230	07-May-24	08-May-24
REQUIRED SITE DE-MOBILIZATION ACTIVI	15			22-Apr-24	07-May-24
Not Started	5	INSTALL ASPHALT PAVING	A6180	22-Apr-24	25-Apr-24
Not Started	5	FINE GRADE SITE	A6220	26-Apr-24	01-May-24
Not Started	5	SEED / SOD DISTURBED AREAS	A5380	01-May-24	07-May-24
OSLO WATER PLANT	144			04-Mar-24	19-Sep-24



Actual Work
Remaining Work
Critical Remaining Work
Milestone
Summary

Mr. Harrison Youngblood, P.E (Utilities Engineer for Indian River County) 06-March-2024

Indian River County
1800 27th Street (Building "B")
Vero Beach, Florida 32960

Subject: Indian River Contract No. 2021026 Delays Beyond the Contractors Control.

Dear Mr. Youngblood,

TLC Diversified is in receipt of your letter dated 01-March-2024 requesting TLC to provide an updated Finishing Schedule with a written request for an extension of Contract time to include valid reasons for an extension. The letter also references the liquidated damages clause in the contract.

Please note that TLC is relying on these same documents under General Conditions section 12.03 A and 12.03 C dealing with Delays beyond the control of the Contractor. A portion of this was modified under the Supplemental General Conditions where 12.03 A was removed and replaced with modified verbiage.

Delays beyond the Contractors control are delineated in this section and state," Where Contractor is delayed or prevented from completing any part of the Work within the Contract Times due to delay beyond the control of the Contractor, the Contract Times (or Milestones) will be extended" The Contractor is tasked with providing evidence that the delay(s) impacted the critical path and prove that delays were caused by various items out of his control including acts of God and Owner related delays.

TLC and our subcontractors and suppliers have experienced multiple and ongoing delays throughout this project which have affected our anticipated completion date. The entire construction industry is experiencing this issue on projects of long durations that overlapped with the Worldwide pandemic. We continue to ask the Owner for assistance in limiting these delays as this project is **hypersensitive to <u>any delays</u>, critical shutdown requests and out of sequence work.**

TLC has commented throughout this project that we scheduled the project correctly but in reality, were forced to build it backwards and out of sequence because of the disastrous and ongoing delays caused by the pandemic.

TLC issued a written (friendly Notice) to the Engineer and Owner on 29-December-2021. We provided examples of (pricing escalations / delivery delays / labor shortages) and expressed that the project would run over. The Notice informed all parties not of one delay but instead a catastrophic set of (plural) delays in every part of the project. TLC requested help from the Owner and Engineer to deal with these issues and explained how TLC was self-performing many parts of the work in order to maintain forward motion in any place that was possible. Further examples of this can be discussed in necessary.

TLC has provided the Owner notice of delays both verbally in meetings and in writing as evidenced by language in each of the change orders stating," with the current supply chain delays that have been discussed in the project meetings it is difficult to quantify the additional time required to quote this change. TLC is therefore reserving our rights to additional time for the project that will be determined at a later date."

An important point that needs to be relayed before discussing the delays and remedies to them, is the sequencing of different interconnected systems that are specific and re-occurring on this project. Each of these systems are hypersensitive to any delays, critical shutdown requests or out of sequence work.

The work activities on this Oslo Road project were intentionally designed to be performed in series and not in parallel in order to maintain potable water delivery to customers in sufficient quantity and quality without interruption. As a result, any delay in any part of the project affects the entire series of activities on the entire project. For example:

- The New HSP pumps #4 and #5 had to be installed and operational before the existing HSP pumps 1,2,3 could be taken offline and renovated.

- Only one of four R/O skids can be taken offline and completely replaced including the initial demolition of the existing skid and related instrumentation and electrical work.

- Only one feedwater pump out of five can be taken off line at any given time including the demolition of the existing connecting 8" feedwater manifolds that selectively feed each of the four existing R/O skids.

- The R/O permeate and concentrate stainless piping in the pipe trenches require complete demolition and then require a completely new larger stainless piping system installed in specific sequences in order to tie in the new R/O systems while keeping the existing R/O systems and entire plant operational.

- There are many other areas with these requirements, but we only want to point out that work throughout this Contract must happen in specific sequences.

- Adding more people does not necessarily allow for more work to progress. For instance, TLC cannot go in and demo all of the existing R/O skids.

- Please note that TLC offered suggestions that would allow the Contractor to build uninhibited by the phasing constraints which would allow for much faster progress. Each of these requests were not acceptable to the Owner.

TLC utilized specified companies on this project and expected nothing short of on time and complete deliveries followed by the timely installation of each of the materials. We instead have continued to face delays beyond the control of not only the General Contractor but also to each of our suppliers and subcontractors.

Being specific to your request,

TLC provided a Finishing Schedule with a request for an extension of time for reasons delineated above. These re-scheduled activities rely on all predecessors to be completed before the next activity can begin

and each of the activities must be completed before its successor can begin. A slippage in only one the activities potentially delays all activities down line from it.

The Off-site Well Modifications were delayed by deteriorated optic cables that needed to be replaced. Multiple meetings were held which ultimately resulted in modifications to the fiber optic cables. The final solution was to replace portions of existing fiber to make the SCADA system reliable. Since that time, the work to complete these four wells has been scheduled. Two of them are now completed including the installation of the associated new control panels. The remaining two wells are scheduled for CC Controls and Paragon Electric to complete on Monday 06-March-2024 and the remaining has been scheduled for Monday 13-March-2024.

R/O Nano-Filter R/O Skid Work:

The work for the demolition of the first existing (R/O Skid) Nano-Filter is completed and is reported as functioning as intended.

The delays at the second R/O skid installation were extensive:

- out of sequence work to repair the Owners emergency leak.
- Delays in receipt of Aerex stainless piping.
- Delays by specified but malfunctioning R/O permeate flow meter(s).
- Delays by the denial of multiple requests to shut down the plant to tie in the R/O system.
- This was followed by delays when Harn left the site to go to another available project.
- Delays caused by a malfunctioning feedwater pump.
- These issues have now all been corrected, and the filter membrane loading is now scheduled for 04-March-2024.
- Because this project was designed in series and not in parallel, the delays to the second R/O skid also cause delay to the third and fourth skids and the Feed pump replacements and the Feedwater Pipe replacement and on down the line. We are working with the Engineer and the Owner to streamline the removal and replacement of these final skid(s).

Regarding Stainless Steel Pipe Delivery and Installation:

The project has been severely delayed by the absence of the stainless-steel pipe delivery(s). We now have delivery of this stainless-steel piping for all areas on the schedule. TLC has also intentionally increased its labor force after receiving this piping and is currently installing the stainless piping systems.

Demolition and Replacement of the (RWB) Raw Water blend Piping:

- This was part of the delayed pipe delivery and was discussed above to correct the Emergency Owner leak. The piping is installed and operational but has some accessories that need to be replaced. These accessories are on order and are included on the updated Finishing schedule for completion.

Clean In Place System:

The (CIP) Clean in Place system orders are being written and shop drawings are forthcoming. The materials for this work are on site and installation of the Mezzanine support system will also be on the updated Finishing Schedule.

The Acid Feed system in the Finishing Schedule is installed and is in operation.

The 4000 Gallon Bulk Storage tank is installed and will be scheduled for start-up in the updated Finishing Schedule.

The Co2 system final start up and tank filling is in process of being scheduled. TLC requested 2 start-up dates from the Manufacturer (Tomco) for the Owner to choose from in an email dated 29-February. We are confident that this work will be completed in the next few weeks.

TLC has not left the site since the day we mobilized. We have enjoyed a good working relationship with the Plant Superintendent and with the Owner and Engineer which is sometimes difficult on contracts that last longer than 1 year. We ask that the Owner provide an extension of time and avoid the Liquidated Damages route on this project. That route would be a slippery slope knowing what we have all experienced over the life of this project regarding delays beyond our control and especially on a phased project such as this one.

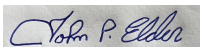
TLC has written many "do better letters" to suppliers and subcontractors over the life of this project and have had some heated discussions informing them to execute their work even in the face of the delays that we are all experiencing.

TLC has asked only for additional time on this project. We have already endured and continue to pay a heavy price for the extended overhead, supervision and even for extra work that the Owner has never received an invoice for. TLC is committed to completing the remaining work on this project as efficiently and as quickly as possible and ask that the Owner provide an extension of time for this request.

We look forward to the safe and expeditious closure to this project and appreciate any assistance the Owner and Engineer can offer.

Sincerely,

TLC Diversified, Inc.



John Elder
Project Manager

PALMETTO
Corporate Office
2719 17th St. East
Palmetto, FL 34221

WEST PALM BEACH
7233 Southern Blvd
Suite B-1
West Palm Beach, FL 33413

TAMPA
12814 Dupont Circle
Building B, Suite 4-A
Tampa, FL 33626

941.722.0621
941.722.1382
CG C041816 CU C053963

Mr. Harrison Youngblood, P.E (Utilities Engineer for Indian River County) 15-March-2024
Indian River County
1800 27th Street (Building "B")
Vero Beach, Florida 32960
Subject: Indian River Contract No. 2021026 Delays Beyond the Contractors Control.

Dear Mr. Youngblood,

TLC Diversified is in receipt of the email from Kimley-horn dated 14-March-2024 and is requesting an extension of time for the Oslo Road WTP in accordance with the dates proposed by the Engineer with a few minor date changes as shown below.

1. TLC started up Train 3 – 3/11/2024 – **MILESTONE DATE MET BY TLC**
2. TLC began demolition of Train 4 – 3/11/2024 and will complete demo 3/15/2024 – **MILESTONE DATE MET BY TLC**
3. Caustic Startup **REQUESTED** – week of 3/18/2024. The Caustic tank requires isolation valves to be installed at the site glass. **New Startup date is scheduled for 4/05/2024**
4. CO2 Startup **REQUESTED** – week of 3/18/2024. The Manufacturer is not available for Startup services until week of April 8, 2024. **New Startup date is scheduled for 4/09/2024**
5. Permeate and concentrate piping installed, tested and bac-t'd – week of 3/18/2024. Large sections of pipe are installed. We require (1 foot long) sections from Aerex. **New date is scheduled for 3/30/2024**
6. Train 1 Demo – 3/25/2024 **Schedule reflects this date.**
7. Train 4 Startup – 4/8/2024 **Schedule reflects this date.**
8. Wellfield FO Panel work complete 4/12/2024 **Schedule reflects this date.**
9. CTF piping complete - 4/15/2022 **Schedule reflects this date.**
10. Train 1 startup – 4/22/2024 **Schedule reflects this date.**
11. Raw water acid piping complete week of 4/22/2024 **Schedule reflects this date.**
12. CIP system complete – 6/15/2024 **Schedule reflects this date.**
13. Substantial completion 6/15/2024 –. **Schedule reflects this date.**
14. Final completion 8/2/2024 **Schedule reflects this date.**

TLC understands that the Engineer has recommended IRCDUS to grant TLC a time extension request of final completion up to 8/2/24 under the following conditions:

A. TLC agrees to the final completion date of 8/2/2024 and will provide an updated schedule reflecting that date.
B. TLC will provide weekly updates to the construction schedule.

C. TLC will hold the milestone dates and provide plans for how to perform schedule recovery should milestone date not be met.
D. TLC project management team will be present at the site for bi-weekly progress meetings through completion date 8/2
E. There will be no more than 3 week of overlap of time where the Owner does not have beneficial use of Train 1 and Train 4
F. TLC will maintain a current Certificate of Insurance on file with IRCDUS

TLC has already re-scheduled the project (schedule attached) with dates that match the time frames Recommended by the Engineer, and we ask that a time extension be provided by change order to the project. We look forward to the safe and expeditious closure to this project and appreciate any assistance the Owner and Engineer can offer during this process.

Sincerely,

TLC Diversified, Inc.

John Elder
Project Manager