

# Hover Junction Project



**RESPONSE TO MPC's (Contractor) EXTENSION OF TIME CLAIM**

**FOR SCO #3**

## **Executive Summary:**

Rangewater, the owner of the Hover Junction project, has received a delay claim report from MPC, the main contractor. MPC has updated SCO #2 (May 26<sup>th</sup> 2023) schedule and added impacts to provide SCO #3 (August 30<sup>th</sup>, 2023). They are seeking an extension of time citing several reasons for the delays, including post box walks comments, design changes (ASI 15, 17 & 20), RFI 94 (confirmation of lighting), and the unforeseen delay caused by the determination of mold causes. MPC has outlined the impact of these delays on specific buildings, including Buildings 1 through 8 and Buildings 32, 33, and 34. They have also mentioned a delay in the City of Longmont (COL) review and approval period for PIA Phase 1 and Phase 2, that are necessary for issuance of Certificates of Occupancy (CO).

MPC Claims the following:

Building 1 (107 working days), Building 2 (104 working days), Building 3 (59 working days), Building 4 (51 working days), Building 5 (50 working days), Building 6 (23 working days), Building 7 (25 working days), Building 8 (20 working days), Building 32 (15 working days), Building 33 (11 working days), Building 34 (7 working days) and finally PIA Phase 1 & Phase 2 (30 working days).

After studying the claim, it is concluded that MPC is not eligible for an extension of time for Buildings 1, 2, 3, 4, 5, 6, 9, 10 and 34 due to mold growth, as it is their responsibility to preserve and protect their work to prevent damage. Additionally, MPC is not entitled to an extension of time for Buildings 7, 8, 32, and 33, as the delay in product approval for DenShield was caused by MPC's late submission of product submittal #83. It is also worth noting that none of the buildings impact the project's longest path, and the project completion date remains unchanged September 6<sup>th</sup>, 2024. However, the delays experienced have resulted in a significant change in the contractual completion dates for phases 1, 2 and 3 of the townhomes/duplexes and phase 1 and 2 PIA work. After careful evaluation, the completion date for phase 1 townhomes/duplexes has been pushed from October 19<sup>th</sup>, 2023 to January 23<sup>rd</sup>, 2024, 65 working days plus any additional time for repairs. Similarly, the completion date for phase 2 townhomes/duplexes has been pushed from November 27<sup>th</sup>, 2023 to February 12<sup>th</sup>, 2024, 53 working days plus any additional time for repairs. Phase 3 of the townhomes/duplex's completion date after evaluation of delays has been pushed from February 19<sup>th</sup>, 2024 to June 27<sup>th</sup>, 2024, 91 working days plus any additional time for repairs. As for the approval period for Phase 1 and Phase 2 of the PIA, MPC can only be granted 15 days for each phase, not 30 days, since they already had an initial 15-day period for COL approval. However, MPC can expedite their work before the approval period to mitigate any potential delays or utilize remaining float that may still be available MPC.

Though SCO #3 does include a Mold Determination activity, the schedule does not include Mold Abatement activities for each building. The mold abatement had not commenced on any building when SCO #3 was submitted, though successor activities are shown commencing after the completion of Mold Determination. As such, SCO #3 never accurately reflected the status of the project caused by the mold delay. Highlighting the importance of the matter, it is crucial for MPC to promptly deliver monthly schedule updates to Rangewater. These updates should accurately depict the current state of affairs on the site, enabling effective tracking of any potential project delays or impacts.

## Delay Events:

### Building 1:

#### MPC Claim:

MPC has submitted a request for an extension of time for Building 1 due to several factors causing delays. These include an incomplete design issue (ASI 20), a delay in receiving lighting confirmations (RFI 94), and a delay caused by mold growth. According to MPC's proposed timeline, they were initially ready for electrical inspection on March 27th, 2023. However, due to the incomplete design issue, they had to wait until May 16th, 2023, when the design was finally completed and provided to them. After making the necessary design changes within 5 working days, they were prepared for electrical inspection on May 24th, 2023. However, they had to wait for lighting confirmations until July 19th, 2023, and it took them an additional 5 days to implement the required lighting changes after receiving the confirmation. On July 26th, 2023, they encountered a mold growth issue, which caused a delay that was resolved by August 25th, 2023.

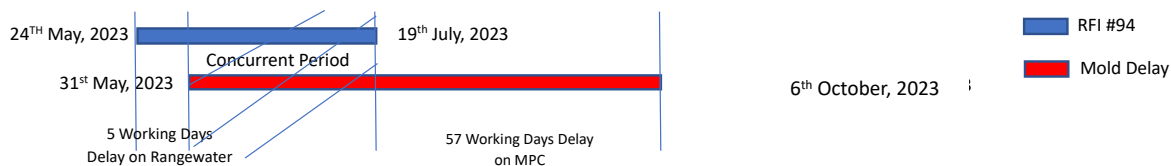
#### RW Response:

The delay in ASI 20 incomplete design delayed MPC from March 27<sup>th</sup>, 2023 until May 16<sup>th</sup>, 2023 (37 working days). However, the time frame for the **delay in ASI 20 falls before the cutoff date of the SCO #2 of May 26<sup>th</sup>, 2023**. From May 24<sup>th</sup>, 2023 until July 19<sup>th</sup>, 2023 MPC was waiting on RFI 94 lighting confirmation. However, MPC did not have to stop work on the whole building waiting for the response to RFI 94 as it is only related to lighting. They had open front to work on other tasks related to Building 1 such as, power work and other interior finishes that are not impacted by lighting confirmation. Regarding the Mold growth delay. The mold growth was actually discovered and notified by MPC to Rangewater on **May 31<sup>st</sup>, 2023**. Although **the mold growth is MPC's responsibility as they did not protect and preserve their work properly**, Rangewater with good faith at the time made an investigation and issued a report regarding the Mold growth and submitted it to MPC on June 9<sup>th</sup>, 2023. The mold growth delay was then actually resolved for unit 2348 on October 6<sup>th</sup>, 2023, as shown in the snapshot below.

10/06/2023	2348, 1927, 1931, 1929, 2353, 2357	2348, 1927, 1931, 1929, 2353, 2357	Remediation in all units verified to be complete
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This means the mold growth delay and the delay in RFI 94 are concurrent delays as they both fall in the same time frame.

Mold Delay & RFI 94 Diagram (Concurrent Delays):



[illegible]

When actually the impact was resolved on October, 6<sup>th</sup>, 2023. If we calculate the difference between August 25<sup>th</sup>, 2023 and October 6<sup>th</sup>, 2023, this will give us 43 calendar days. Therefore, the turnover of Building 1 should actually be January 17<sup>th</sup>, 2024.

Building Type: 1	Building Number: 1 - Duplex					Phase: 1		Project Number 22-089		
Building (Unit)	2348 & 2350 Rye Place					Lots 36 & 37, Block 1 Hover Junction Subdivision				
	Ext. Shear & Anchorage	Beams, Headers, columns, connections	Decks & Porch Framing	Int. Shear & Anchorage	Observation Status	Completed Letter	Billing Amount	Invoice Number	Notes	
Observation Date		3/20/2023			Incomplete		\$200.00		Noted ledger requires ledger lock screws per plan. * Noted corner is covered and can't be verified. *Add noted studs. *Noted Steel beam hangers to be installed.	

Based on our evaluation, MPC is not eligible for an extension of time for Building 1. The main factor contributing to the delay on the building was the mold growth, for which MPC bears responsibility. As depicted in the provided diagram, **MPC caused a delay of 52 working days (calculated as 57 working days minus 5 working days)**. Furthermore, the delay related to the ASI 20 design change occurred before the agreement on SCO #2, which had a cutoff date of May 26th, 2023. Consequently, MPC is not entitled to an extension of time due to the ASI 20 issue. Additionally, the schedule SCO #3 is missing the Structural Repairs, which will definitely have an impact on the critical path of Building 1, as they are incomplete.

45	Turn-over Building 2 - Duplex = 9/5/23	1d	Dec 06 23	Dec 06 23	Se
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When actually the impact was resolved on October, 10<sup>th</sup> 2023. If we calculate the difference between August 25<sup>th</sup>, 2023 and October 10<sup>th</sup>, 2023, this will give us 47 calendar days. Therefore, the turnover of Building 2 should actually be January 21<sup>st</sup>, 2023.

In SCO #3, it seems that MPC lacks an essential task after the mold impact, needed to advance with the interior work for Building 2. This critical activity is the Structural Repairs, required to remedy subcontractor structural deficiencies, prior to insulation and drywall close-in. As for Building 2, the structural repairs have not yet been complete for the beams, headers, columns, connections, as shown in the snapshot below.

Building Plan Type: 1	Building Number: 2 Duplex					Phase: 1		Project Number: 22-090	
Building (Unit)	2352 & 2354 Rye Place					Lots 38 & 39, Block 1, Hover Junction Subdivision			
	Ext. Shear & Anchorage	Beams, Headers, columns, connections	Decks & Porch Framing	Int. Shear & Anchorage	Observation Status	Completed Letter	Billing Amount	Invoice Number	Notes
Observation Date		3/20/2023			Incomplete		\$200.00		Noted ledger requires ledger lock screws per plan. * Noted corner is covered and can't be verified. *Add noted studs. *

### **Conclusion for Building 2:**

MPC is not eligible for a time extension for Building 2 since the main delay on the building was due to mold growth, for which MPC bears responsibility. As indicated in the diagram presented, **MPC is accountable for a delay of 53 working days (58 working days minus 5 working days)**. Moreover, the delay caused by the ASI 20 design change occurred prior to the agreement on SCO #2, which had a cutoff date of May 26th, 2023. Therefore, MPC is not entitled to any extension of time based on the ASI 20 issue. Additionally, the schedule SCO #3 is missing the Structural Repairs, which will definitely have an impact on the critical path of Building 2, as they are incomplete.

### **Building 3:**

#### **MPC Claim:**

MPC is requesting extension of time for Building 3 due to that the framing backout was scheduled on May 15<sup>th</sup>, but the process couldn't proceed due to incomplete design. However, on May 16<sup>th</sup>, 2023, an (ASI 20) was received, allowing the backout to continue with a delay of 2 days. MPC was prepared for electrical inspections on June 5<sup>th</sup>, but they couldn't schedule them due to incomplete electrical designs. An RFI 94 was submitted, and the response to it was received on July 19<sup>th</sup>, 2023. It took an additional 5 working days to complete the necessary design changes, resulting in a total delay of 30 days due to the incomplete electrical designs. On July 27<sup>th</sup>, 2023 a delay occurred in determining the cause of mold, preventing the progress of MEPs and rough frame inspections. The mold growth delay lasted until August 25<sup>th</sup>, 2023.

#### **RW Response:**

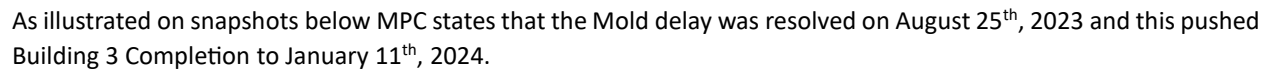
The delay in ASI 20 incomplete design delayed MPC from May 15<sup>th</sup>, 2023 until May 16<sup>th</sup>, 2023 (2 working days). However, the time frame for the **delay in ASI 20 falls before the cutoff date of the SCO #2 of May 26<sup>th</sup>, 2023**. MPC claims that they were ready for electrical inspection by June 5<sup>th</sup>, 2023. However, in their submitted claim report it is apparent that the electrical rough ins actually lasted until June 13<sup>th</sup>, 2023 when it was planned to finish on June 1<sup>st</sup>, 2023. Therefore, there is a delay from MPC in the Electrical Rough of 8 working days as illustrated in the snapshot below.

	Backout Framing & Sols		7d	Jun 05 23 A	Jun 13 23 A	May 23 23	Jun 01 23	-8d
7	Electrical Rough	7d	Jun 05 23 A	Jun 13 23 A	May 23 23	Jun 01 23	-8d	
8	IMPACT: Directional Can Light Delay / Ceiling Fan Reintroduction #94	25d	Jun 14 23 A	Jul 19 23 A				
9	IMPACT: Electrical Changes for RFI #94	5d	Jul 20 23 A	Jul 26 23 A				
10	IMPACT: Determination of Mold Delay Cause	22d	Jul 27 23 A	Aug 25 23				
11	Punchlists	5d	Aug 28 23	Sep 01 23				

RFI #94 impacted the building from June 14<sup>th</sup>, 2023 and the response was received on July 19<sup>th</sup>, 2023 (24 working days). However, MPC did not have to stop work on the whole building waiting for the response to RFI 94 as it is only related to lighting. They had open front to work on other tasks related to Building 3 such as, power work and other interior finishes that are not impacted by lighting confirmation. Regarding the Mold growth delay. The mold growth was actually discovered and notified by MPC to Rangewater on **May 31<sup>st</sup>, 2023**. Although **the mold growth is MPC's responsibility as they did not protect and preserve their work properly**, Rangewater with good faith at the time made an investigation and issued a report regarding the Mold growth and submitted it to MPC on June 9<sup>th</sup>, 2023. The mold growth delay for units 2321, 2319, 2317, 2315 and, 2311 was then resolved on September 20<sup>th</sup>, 2023, as shown in the snapshot below.

9/20/2023	2321, 2319, 2317, 2315, 2311	2321, 2319, 2317, 2315, 2311	Remediation in all units verified to be complete
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Mold Delay & RFI 94 Diagram (Concurrent Delays):



46	Turn-over Building 3 - 10 Plex = 10/6/23	1d	Jan 11 24	Jan 11 24
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In SCO #3, it seems that MPC is missing a vital step after the mold impact, required to remedy subcontractor structural deficiencies, prior to insulation and drywall close-in. This is necessary to proceed with the interior work for Building 3. This crucial task is the completion of structural repairs for the beams, headers, columns, and connections. As indicated in the below snapshot, MPC has failed to complete the structural repairs for Building 3.

### Conclusion for Building 3:

MPC is not eligible for a time extension for Building 3 since the main delay on the building was due to mold growth, for which MPC bears responsibility. As indicated in the diagram presented, **MPC is accountable for a delay of 56 working days (45 working days plus 11 working days)**. Moreover, the delay caused by the ASI 20 design change occurred prior to the agreement on SCO #2, which had a cutoff date of May 26th, 2023. Therefore, MPC is not entitled to any extension of time based on the ASI 20 issue. Furthermore, it is worth noting that the schedule for SCO #3 does not include the Structural Repairs, which will undoubtedly affect the critical path of Building 3 since those repairs remain unfinished.

#### **Building 4:**

#### **MPC Claim:**

MPC Claims that the mechanical roughs for Building 4 were scheduled for May 16<sup>th</sup>, 2023, but framing changes were required, delaying the process. The necessary framing changes were received on the same day May 16<sup>th</sup>, 2023, and MPC required 5 working days to make the changes, resulting in a total of 6 days of delay. Similarly, electrical rough inspections were planned for June 23<sup>rd</sup>, 2023 but incomplete design issues (RFI 94) prevented MPC from proceeding. This led to an 18 working day delay from June 23 to July 19<sup>th</sup>, 2023 along with an additional 5 working days to address the changes. The delay related to determining the cause of the mold issue began on July 27<sup>th</sup>, 2023, preventing progress with MEPs and rough frame inspections. MPC's insurance company identified the cause and approved work to commence on August 25<sup>th</sup>, 2023.

#### **RW Response:**

The delay in ASI 20 incomplete design delayed MPC from May 16<sup>th</sup>, 2023 until May 16<sup>th</sup>, 2023 (1 working days). However, the time frame for the **delay in ASI 20 falls before the cutoff date of the SCO #2 of May 26<sup>th</sup>, 2023.** Regarding the delay in RFI 94, MPC was ready for electrical inspection on June 23<sup>rd</sup>, 2023 the response for the RFI was received on July 19<sup>th</sup>, 2023 (18 working days). It was planned that MPC finishes the Electrical Rough on June 7<sup>th</sup>, 2023. Therefore, there is a delay from MPC in the Electrical Rough of 11 working days as illustrated in the snapshot below.

7	Electrical Rough	6d	Jun 15 23 A	Jun 22 23 A	May 31 23	Jun 07 23	-11d	
8	IMPACT: Directional Can Light Delay / Ceiling Fan Reintroduction RFI #94	18d	Jun 23 23 A	Jul 19 23 A				
9	IMPACT: Electrical Changes for RFI #94	5d	Jul 20 23 A	Jul 26 23 A				
10	IMPACT: Determination of Mold Delay Cause	22d	Jul 27 23 A	Aug 25 23				
11	Remediation	5d	Aug 05 23	Aug 11 23				

However, MPC did not have to stop work on the whole building waiting for the response to RFI 94 as it is only related to lighting. They had open front to work on other tasks related to Building 4 such as, power work and other interior finishes that are not impacted by lighting confirmation. Regarding the Mold growth delay. The mold growth was actually discovered and notified by MPC to Rangewater on **May 31<sup>st</sup>, 2023.** Although **the mold growth is MPC's responsibility as they did not protect and preserve their work properly,** Rangewater with good faith at the time made an investigation and issued a report regarding the Mold growth and submitted it to MPC on June 9<sup>th</sup>, 2023. The mold growth delay was then actually resolved for units 2215, 2213 and, 2205 on September 22<sup>nd</sup>, 2023, as shown in the snapshot below.

9/22/2023	2215, 2213, 2205, 1897, 1895	2215, 2213, 2205, 1897, 1895	Remediation in all units verified to be complete
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This means that RFI 94 and the mold growth delay are concurrent delays as they both fall in the same time frame.

#### **Mold Delay & RFI 94 Diagram (Concurrent Delays):**



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When actually the impact was resolved on September 22<sup>nd</sup>, 2023. If we calculate the difference between August 25<sup>th</sup>, 2023 and September 22<sup>nd</sup>, 2023, this will give us 29 calendar days. Therefore, the turnover of Building 4 should actually be February 22<sup>nd</sup>, 2024.

Building Plan Type: 3		Building Number: 4 Townhomes				Phase: 1			Project Number: 22-137		
Building (Unit)		2201, 2203, 2205, 2207, 2209, 2211, 2213, 2215 and 2217 Pike Road							Lots 2-10, Block 1, Hover Junction Subdivision		
	Beams, Headers, columns, connections	Decks & Porch Framing	Hanging Balcony Framing	Int. Shear & Anchorage	Observation Status	Complete d Letter	Billing Amount	Invoice Number	Notes		
Observation Date	8/3/2023				FAIL		\$200.00		Abe/Jim walked with Daymen Davis & Juan - Noted/Marked items need to be corrected		
Observation Date	9/22/2023				Partial Approved		\$25.00		Susan did a spot check to confirm the hangers in the cantilever soffit area so they could move forward with insulation		

MPC is not qualified to receive a time extension for Building 4 because the primary cause of the delay in construction was mold growth, for which MPC is accountable. According to the provided diagram, **MPC is responsible for a delay of 64 working days (47 working days plus an additional 17 working days)**. Additionally, the delay resulting from the ASI 20 design change occurred before the agreement on SCO #2, which had a cutoff date of May 26th, 2023. Therefore, based on the ASI 20 issue, MPC does not have the right to any extension of time. Furthermore, it is worth noting that the schedule for SCO #3 does not include the Structural Repairs, which will undoubtedly affect the critical path of Building 4 since those repairs remain unfinished.

### Building 5:

**MPC Claim:**

MPC claims that the electrical rough inspections for Building 5 were scheduled for June 16, but RFI 94 was not received until July 19, resulting in a delay of 23 days. Additionally, an additional 5 days were required to implement the necessary changes based on the RFI 94, extending the overall delay to 28 days. Furthermore, the mold delay issue arose on July 27, preventing the progression of MEPs and rough frame inspections. However, MPC's insurance acknowledged the cause of the delay and granted approval to commence work on August 25.

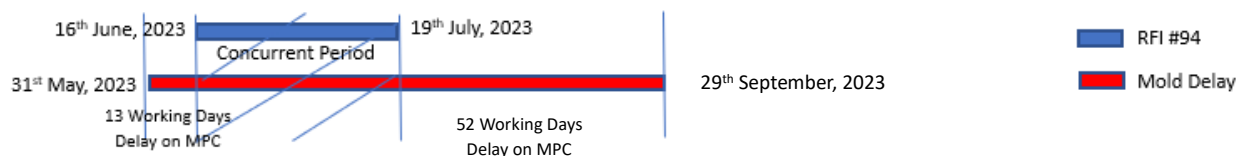
**RW Response:**

Regarding the delay in RFI 94, it impacted the building on June 16<sup>th</sup>, 2023, and the response was received on July 19<sup>th</sup>, 2023, resulting in a delay of 22 working days. However, it is important to note that MPC was not required to halt work on the entire building while waiting for the response to RFI 94, as it specifically pertained to lighting. MPC had the flexibility to continue working on other tasks related to Building 5, such as power work and other interior finishes that were not impacted by the lighting confirmation. Regarding the mold growth delay, MPC discovered and notified Rangewater about the mold growth on **May 31<sup>st</sup>, 2023**. Although **MPC bears responsibility for not adequately protecting and preserving their work**, Rangewater, acting in good faith, conducted an investigation and issued a report on the mold growth, which was submitted to MPC on June 9, 2023. The mold growth delay was ultimately resolved for unit 1893 on September 29<sup>th</sup>, 2023, as shown in the snapshot below.

9/29/2023	1893, 1907, 1911, 1915, 1917, 1919, 2852,	1893, 1911, 1915, 1917, 1919, 2852,	1907
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Therefore, both the delay caused by RFI 94 and the mold growth can be considered concurrent delays as they occurred within the same timeframe.

Mold Delay & RFI 94 Diagram (Concurrent Delays):



As illustrated on snapshots below MPC states that the Mold delay was resolved on August 25<sup>th</sup>, 2023 and this pushed Building 5 Completion to January 18<sup>th</sup>, 2024.

[illegible]

45	Turn-over Building 5 - 10 Plex = 10/23/23	1d	Jan 18 24	Jan 18 24
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When actually the impact was resolved on September 29<sup>th</sup> 2023. If we calculate the difference between August 25<sup>th</sup>, 2023 and September 29<sup>th</sup>, 2023, this will give us 36 calendar days. Therefore, the turnover of Building 5 should actually be February 22<sup>nd</sup>, 2024.

In SCO #3, MPC is missing a crucial step following the mold impact, required to remedy subcontractor structural deficiencies, prior to insulation and drywall close-in. In order to proceed with the interior work for Building 5. The completion of structural repairs for the beams, headers, columns, and connections is a critical task that remains unfinished. This is evident from the provided snapshot below, which shows that MPC has not yet completed the structural repairs for Building 5.

Building Plan Type: 14				Building Number: 5 Townhomes			Phase: 2		Project Number: 22-138	
Building (Unit) Address(es): 1881, 1883, 1885, 1887, 1889, 1891, 1893, 1895, 1897 & 1899 South Hover Road								Lots 11-20, Block 1, Hover Junction Subdivision		
	Beams, Headers, columns, connections	Decks & Porch Framing	Hanging Balcony Framing	Int. Shear & Anchorage	Observation Status	Completed Letter	Billing Amount	Invoice Number	Notes	
Observation Date	8/4/2023				FAIL		\$200.00		Walked Bldg w/ Jim B and Dayman Davis - Patio Decks not installed	
Observation Date	9/22/2023				Partial Approved		\$25.00		Susan did a spot check to confirm the hangers in the cantilever soffit area so they could move forward with insulation	

### Conclusion for Building 5:

MPC is not qualified to receive a time extension for Building 5 because the primary cause of the delay in construction was mold growth, for which MPC is accountable. According to the provided diagram, **MPC is responsible for a delay of 65 working days (52 working days plus an additional 13 working days)**. Additionally, the schedule SCO #3 is missing the Structural Repairs, which will definitely have an impact on the critical path of Building 5, as they are incomplete.

### Building 6:

**MPC Claim:**

MPC Claims that Building 6 was prepared for electrical rough inspections on July 26<sup>th</sup>, 2023. However, the delay attributed to the mold growth issue commenced on July 27<sup>th</sup>, 2023, preventing the inspections from taking place. MPC's insurance acknowledged the cause of the delay and granted approval for work to commence on August 25, resulting in a delay of 22 days. Therefore, the total delay for Building 6 amounts to 23 working days.

**RW Response:**

The mold growth delay for Building 6 was initially discovered and reported by MPC to Rangewater on **May 31, 2023**. It is acknowledged that **MPC bears responsibility for not adequately protecting and preserving their work**, resulting in the mold growth issue. Rangewater, acting in good faith, conducted an investigation and issued a report on the mold growth, which was submitted to MPC on June 9, 2023. The mold growth delay was ultimately resolved for units 1911, 1915, 1917, and 1919 on September 29<sup>th</sup>, 2023 and for unit 1907 on October 3<sup>rd</sup>, 2023, as shown in the snapshot below.

9/29/2023	1893, 1907, 1911, 1915, 1917, 1919, 2852,	1893, 1911, 1915, 1917, 1919, 2852,	1907
10/03/2023	2352, 2350, 1907	2352, 2350, 1907	Remediation in all units verified to be complete

MPC delayed the Electrical Rough which was planned to finish on July 20<sup>th</sup>, 2023 as illustrated on the snapshot below.

24	Electrical Rough	6d	Jul 18 23 A	Jul 25 23 A	Jul 13 23	Jul 20 23	-3d
25	IMPACT: Determination of Mold Delay Cause	23d	Jul 26 23 A	Aug 25 23			

Which means the impact it has on building 6 is actually from July 20<sup>th</sup>, 2023 until October 3<sup>rd</sup>, 2023 **(53 working days)**

As illustrated on snapshots below MPC states that the Mold delay was resolved on August 25<sup>th</sup>, 2023 and this pushed Building 6 Completion to January 4<sup>th</sup>, 2024.

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61	Turn-over Building 6 - 9 Plex = 11/27/23	1d	Jan 04 24	Jan 04 24
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When actually the impact was resolved on October 3<sup>rd</sup>, 2023. If we calculate the difference between August 25<sup>th</sup>, 2023 and October 3<sup>rd</sup>, 2023, this will give us 40 calendar days. Therefore, the turnover of Building 6 should actually be February 12<sup>th</sup>, 2024.

In SCO #3, MPC is missing a crucial step following the mold impact, required to remedy subcontractor structural deficiencies, prior to insulation and drywall close-in. In order to proceed with the interior work for Building 6. The completion of structural repairs for the Beams, Headers, columns, and connections is a critical task that remains unfinished. This is evident from the provided snapshot below, which shows that MPC has not yet completed the structural repairs for Building 6.

Building Plan Type: 3	Building Number: 6 Townhomes					Phase: 2			Project Number: 22-179		
Building (Unit) Address(es): 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1010 & 1021 South Hover Road									Lots 21-29, Block 1, Hover Junction Subdivision		
	Ext. Shear & Anchorage	Beams, Headers, columns, connections	Decks & Porch Framing	Hanging Balcony Framing	Int. Shear & Anchorage	Observation Status	Completed Letter	Billing Amount	Invoice Number	Notes	
Observation Date		8/7/2023				FAIL		\$200.00		Walked w/ Dayman, noted items need to be installed or repaired	
Observation Date		9/22/2023				Partial Approved		\$25.00		Susan did a spot check to confirm the hangers in the cantilever soffit area so they could move forward with insulation	

### **Conclusion for Building 6:**

MPC is responsible for the delay in construction of Building 6 due to mold growth. As a result, MPC is not eligible to receive a time extension for Building 6. **The delay caused by the mold growth is attributed to MPC, and the total delay for Building 6 is indicated as 53 working days.** Additionally, the schedule SCO #3 is missing the Structural Repairs, which will definitely have an impact on the critical path of Building 6, as they are incomplete.

### **Building 7:**

#### **MPC Claim:**

MPC claims that building 7 was ready to frame 3<sup>rd</sup> floor on June 6<sup>th</sup>, 2023. However, they could not proceed with the work until DenSheild product was approved. MPC did not receive approval until July 5<sup>th</sup>, 2023. They also claim additional 5 days to make changes.

#### **RW Response:**

The submittal for the DenSheild product was submitted (Submittal #83) by MPC on June 26<sup>th</sup>, 2023 and the approval was granted on the same day on June 26<sup>th</sup>, 2023. The delay regarding the DenSheild product is not true. Which shows that MPC is responsible for the delay of Building 7 since June 6<sup>th</sup> until July 12<sup>th</sup> 2023, **25 working days delay from MPC.**

#### **SUBMITTAL WORKFLOW**

#	NAME	SUBMITTER/ APPROVER	SENT DATE	DUE DATE	RETURNED DATE	RESPONSE	ATTACHMENTS	COMMENTS
1	Daniel Rotner	Approver	6/26/2023	6/27/2023	6/26/2023	Approved As Noted	<a href="#">DensGlass-Sheathing_RHAP.pdf</a>	Clarify that 5/8" Type X (DensGlass Fireguard) panels are to be installed per UL Design No. U305

#### **Conclusion for Building 7:**

MPC claims that they were not able to proceed with frame of 3<sup>rd</sup> floor since June 6<sup>th</sup>, 2023 due to the DenSheild product approval. When actually the product was submitted (Submittal #83) on June 26<sup>th</sup>, 2023 and was approved on the same day. Therefore, any delay that occurred in the framing of Building 7 is **MPC's responsibility as they submitted the product later than they should have. Delay of 25 working days.**

### **Building 8:**

#### **MPC Claim:**

MPC claims that building 8 was ready to frame 3<sup>rd</sup> floor on June 14<sup>th</sup>, 2023. However, they could not proceed with the work until DenSheild product was approved. MPC did not receive approval until July 5<sup>th</sup>, 2023. They also claim additional 5 days to make changes.

#### **RW Response:**

The submittal for the DenSheild product was submitted (Submittal #83) by MPC on June 26<sup>th</sup>, 2023 and the approval was granted on the same day on June 26<sup>th</sup>, 2023. The delay regarding the DenSheild product is not true. Which shows that MPC is responsible for the delay of Building 8 since June 14<sup>th</sup> until July 12<sup>th</sup> 2023, **19 working days delay from MPC.**

#### **SUBMITTAL WORKFLOW**

#	NAME	SUBMITTER/ APPROVER	SENT DATE	DUE DATE	RETURNED DATE	RESPONSE	ATTACHMENTS	COMMENTS
1	Daniel Rotner	Approver	6/26/2023	6/27/2023	6/26/2023	Approved As Noted	<a href="#">DensGlass-Sheathing_RHAP.pdf</a>	Clarify that 5/8" Type X (DensGlass Fireguard) panels are to be installed per UL Design No. U305

#### **Conclusion for Building 8:**

MPC claims that they were not able to proceed with frame of 3<sup>rd</sup> floor since June 14<sup>th</sup>, 2023 due to the DenSheild product approval. When actually the product was submitted (Submittal #83) on June 26<sup>th</sup>, 2023 and was approved on the same day. Therefore, any delay that occurred in the framing of Building 8 is **MPC's responsibility as they submitted the product later than they should have. Delay of 19 working days.**

### Building 32:

**MPC Claim:**

MPC claims that building 32 was ready for roof install on June 21<sup>st</sup>, 2023. However, they could not proceed with the work until DenShield product was approved. MPC did not receive approval until July 5<sup>th</sup>, 2023. They also claim additional 5 days to make changes.

**RW Response:**

The submittal for the DenShield product was submitted (Submittal #83) by MPC on June 26<sup>th</sup>, 2023 and the approval was granted on the same day on June 26<sup>th</sup>, 2023. The delay regarding the DenShield product is not true. Which shows that MPC is responsible for the delay of Building 32 since June 21<sup>st</sup>, 2023 until July 12<sup>th</sup> 2023, **15 working days delay from MPC**. Additionally, the snapshot below shows that MPC added an impact of 26 days “IMPACT: Roof Framing”, which is an unidentified delay.

[illegible]

## SUBMITTAL WORKFLOW

#	NAME	SUBMITTER/ APPROVER	SENT DATE	DUE DATE	RETURNED DATE	RESPONSE	ATTACHMENTS	COMMENTS
1	Daniel Rotner	Approver	6/26/2023	6/27/2023	6/26/2023	Approved As Noted	<a href="#">DensGlass- Sheathing_RHAP. pdf</a>	Clarify that 5/8" Type X (DensGlass Fireguard) panels are to be installed per UL Design No. U305

### Conclusion for Building 32:

MPC claims that they were not able to proceed with frame of 3<sup>rd</sup> floor since June 21<sup>st</sup>, 2023 due to the DenShield product approval. When actually the product was submitted (Submittal #83) on June 26<sup>th</sup>, 2023 and was approved on the same day. Therefore, any delay that occurred in the framing of Building 32 is **MPC's responsibility as they submitted the product later than they should have. Delay of 15 working days.**

### **Building 33:**

#### **MPC Claim:**

MPC claims that building 33 was ready for roof install on June 27<sup>th</sup>, 2023. However, they could not proceed with the work until DenSheild product was approved. MPC did not receive approval until July 5<sup>th</sup>, 2023. They also claim additional 5 days to make changes.

#### **RW Response:**

The submittal for the DenSheild product was submitted (Submittal #83) by MPC on June 26<sup>th</sup>, 2023 and the approval was granted on the same day on June 26<sup>th</sup>, 2023. The delay regarding the DenSheild product is not true. Which shows that MPC is responsible for the delay of Building 33 since June 27<sup>th</sup>, 2023 until July 12<sup>th</sup> 2023, **11 working days delay from MPC.**

#### **SUBMITTAL WORKFLOW**

#	NAME	SUBMITTER/ APPROVER	SENT DATE	DUE DATE	RETURNED DATE	RESPONSE	ATTACHMENTS	COMMENTS
1	Daniel Rotner	Approver	6/26/2023	6/27/2023	6/26/2023	Approved As Noted	<a href="#">DensGlass-Sheathing_RHAP.pdf</a>	Clarify that 5/8" Type X (DensGlass Fireguard) panels are to be installed per UL Design No. U305

#### **Conclusion for Building 33:**

MPC claims that they were not able to proceed with frame of 3<sup>rd</sup> floor since June 27<sup>th</sup>, 2023 due to the DenSheild product approval. When actually the product was submitted (Submittal #83) on June 26<sup>th</sup>, 2023 and was approved on the same day. Therefore, any delay that occurred in the framing of Building 33 is **MPC's responsibility as they submitted the product later than they should have. Delay of 11 working days.**



**PIA PH1 & PH2 Approval Period:**

**MPC Claim:**

MPC claims that initially in the GMP they had the COL review and approval period as 15 days per phase. They are requesting additional time based on Jeff Ditty's email on August 3<sup>rd</sup>, 2023 stating that the approval period is actually 30 days (5 days comments and CA approval + 5 days for punch repair + 20 days for CA approval).

**RW Response:**

On what basis has MPC assumed in GMP schedule that the COL approval period will only last for 15 days for each phase. MPC is claiming for 30 days for each phase based on Jeff Ditty's email. However, if their claim is valid then they should only claim for the difference between the initial period of 15 days and the 30 days. Meaning that MPC can only claim for 15 days for each phase not 30 days. Based on the information MPC provided, it seems that the period of approval for both PIA Phase 1 and Phase 2 of the project has not yet started on SCO #3. In this situation, MPC can utilize this time to expedite the completion of site improvements to make up for the potential delay caused by the approval process.

**Conclusion PIA PH1 & PH2 Approval Period:**

MPC is only entitled for 15 days for each phase not 30 days, as they initially included 15 days for each phase for COL approval. However, MPC can expedite the completion of site improvements to account for potential delay in COL approval.

### **Building 9 and 10:**

Despite the fact that Buildings 9 and 10 experienced mold growth delays, MPC did not include this information in their submitted schedule SCO#3. Rangewater's Industrial Hygienist has discovered additional mold growth in these buildings, which will further postpone their progress and potentially affect contractual milestone dates. According to the provided snapshot, the mold growth issue in units 2353 and 2357 of Building 9, as well as units 2350, 2352, 2354, 2356, 2358, and 2360 of Building 10, was not addressed until October. As shown on the below snapshot.

10/03/2023	2352, 2350, 1907	2352, 2350, 1907	Remediation in all units verified to be complete
10/06/2023	2348, 1927, 1931, 1929, 2353, 2357	2348, 1927, 1931, 1929, 2353, 2357	Remediation in all units verified to be complete
10/10/2023	2354, 2360, 2358, 2356	2354, 2360, 2358, 2356	Remediation in all units verified to be complete

### **Building 9 Delay:**

The mold growth delay for Building 9 was initially discovered and reported by MPC to Rangewater on **May 31, 2023**. It is acknowledged that **MPC bears responsibility for not adequately protecting and preserving their work**. The mold growth issue for building 9 was resolved by October 6<sup>th</sup>, 2023. Which means the mold issue delayed the progress on building 9 for **90 working days**. Additionally, after the mold remediation there should also be a task included representing the required repairs due to subcontractor's deficiencies.

### **Building 10 Delay:**

MPC informed Rangewater about the mold growth delay in Building 10 on **May 31, 2023**. **The Mold growth delay is MPC's responsibility for not properly safeguarding and maintaining their work**. The mold issue in Building 10 was resolved by October 10, 2023, resulting in a delay of **91 working days** for the progress of the building. This delay would also potentially delay progress of Phase 3 townhomes/duplex's completion, which is a contractual date. Furthermore, it is important to include a task in the schedule to address the necessary repairs resulting from subcontractor deficiencies after the mold remediation has taken place. This task is crucial to ensure that any issues caused by subcontractors' shortcomings are properly addressed and resolved.

### **Conclusion for Building 9 & 10:**

MPC's submitted SCO#3 schedule does not accurately reflect the mold growth issue in Buildings 9 and 10. This omission highlights the fact that the submitted schedule does not provide an accurate representation of the project's current status. It is important to state that the mold issues for buildings 9 and 10 will have a great impact on Phase 3 townhomes/duplex's contractual completion. **The mold growth is attributed to MPC, and the total delay for Building 9 and 10 is indicated as 90 working days and 91 working days respectively plus any additional days for repairs.**

### **Conclusion:**

MPC is not entitled to any extension of time for Buildings 1, 2, 3, 4,5,6,9,10 and 34 due to the fact that the buildings delay was due to the mold growth. The mold growth is MPC's responsibility as they should preserve and protect all their work on site to avoid any damage to the executed work, MPC failed to do so. Additionally, MPC's exclusion of structural repairs as the next step after the mold delay on the impacted buildings suggests that they have misrepresented the actual state of the buildings and the planned order of work for each individual building. MPC is not entitled any extension of time for Buildings 7,8,32 and 33; the delay of DenSheild product approval. MPC claims that they were waiting on the product approval to proceed with work. When actually the DenSheild product was submitted on June 26<sup>th</sup>, 2023 and approved on the same day. So, the delay is due to the fact that the product submittal #83 was submitted by MPC later than it should have. Additionally, none of the buildings impact the longest path of the project. As even after the impacts were added to the buildings the project completion has not shifted it remained September 6<sup>th</sup>, 2024 as it was on SCO #2. However, the contractual completion dates for phases 1,2 and 3 of the townhomes/duplexes have been impacted due to the delays. Phase 1 of the townhomes/duplex's completion date after evaluation of delays has been pushed from October 19<sup>th</sup>, 2023 to January 23<sup>rd</sup>, 2024 (65 working days) plus any additional time for repairs. Phase 2 of the townhomes/duplex's completion date after evaluation of delays has been pushed from November 27<sup>th</sup>, 2023 to February 12<sup>th</sup>, 2024 (53 working days) plus any additional time for repairs. Phase 3 of the townhomes/duplex's completion date after evaluation of delays has been pushed from February 19<sup>th</sup>, 2024 to June 27<sup>th</sup>, 2024 (91 working days) plus any additional time for repairs. Regarding the PIA Phase 1 & Phase 2 approval period, MPC can only be entitled for 15 days for each phase and not 30 days. This is due to the fact that they already had an initial 15 days period for COL approval. However, MPC can expedite the work as the approval period has still not started yet, to account for any potential delays. It is very important to emphasize on the urgency for MPC to provide Rangewater with monthly updates to ensure that the updates actually represent what is happening on site and to be able to track any potential delays or impacts on the project.

# Mold Remediation Inspection (Vertex)

### 1901 S Hover St Progress

Date on site:	Units Inspected:	Remediation Verified to be Completed:	Units Failed:	Comments:
9/18/2023	2325, 2323, 2352	2325, 2323, 2352	Remediation in all units verified to be complete	None
9/20/2023	2321, 2319, 2317, 2315, 2311	2321, 2319, 2317, 2315, 2311	Remediation in all units verified to be complete	Visible mold growth was observed in unit 2315. Edge removed mold, area was re-inspected, and remediation is verified to be complete.
9/22/2023	2215, 2213, 2205, 1897, 1895	2215, 2213, 2205, 1897, 1895	Remediation in all units verified to be complete	Observed mold growth in units 2215 and 1895. Edge re-cleaned areas, units were re-inspected, and remediation is verified to be complete.
9/27/2023	1883, 1893	1883	1893	Visible mold was observed in unit 1893 on the 3 <sup>rd</sup> floor. Edge will re-clean area to remove mold. Unit will be re-inspected on 9/29
9/29/2023	1893, 1907, 1911, 1915, 1917, 1919, 2852,	1893, 1911, 1915, 1917, 1919, 2852,	1907	3 <sup>rd</sup> floor in unit 1907 needs to be re-inspected on 10/03
10/03/2023	2352, 2350, 1907	2352, 2350, 1907	Remediation in all units verified to be complete	3 <sup>rd</sup> floor in unit 1907 remediation is verified to be complete. No visible mold growth remaining
10/06/2023	2348, 1927, 1931, 1929, 2353, 2357	2348, 1927, 1931, 1929, 2353, 2357	Remediation in all units verified to be complete	Units 2353 and 2357 are only partially complete. OSB flooring still has visible mold growth throughout OSB flooring. Only containments from original scope of work need no further action.
10/10/2023	2354, 2360, 2358, 2356	2354, 2360, 2358, 2356	Remediation in all units verified to be complete	None