



3/4, 2015

TO: Marco Foster, PE MS 47354 / 360-705-7824

THRU: Matthew D. Preedy, PE NB82-230 / 206-805-2863

FROM: Paul E. Johnson, PE NB82-230 / 206-805-2920

SUBJECT: 007999 – SR99 Bored Tunnel Alternative Design-Build Project
Federal-Aid No. BR-NH-STP-STPF-0099(111)
CO# 106 – Archlgy/Susp for Conv.-Interim

Attached for HQ execution is Change Order No. 106, “Archlgy/Susp for Conv.-Interim”

DESCRIPTION:

This interim Change Order compensates the Design-Builder for eleven (11) days of direct and indirect cost including allowable overhead in support of WSDOT’s archaeological investigation of the TBM Access Pit during the WSDOT Directed TBM Access Pit Excavation Stoppage (PCO#250C).

In addition, this interim Change Order also compensates the Design-Builder for four (4) days of indirect cost including allowable overhead associated with WSDOT Directed Suspension for Convenience at the TBM Access Pit Excavation (PCO#331).

This payment constitutes an interim payment for both issues which will require one or more future Change Orders after completion of WSDOT’s audit of STP’s overhead and finalizing negotiations.

EVOLUTION OF CHANGE:

TBM Access Pit – Archaeology (PCO#250C)

On October 23, 2014, while excavating the TBM Access Pit, the Design-Builder encountered a potential archaeological and historical resource (clam shells). WSDOT immediately issued a Stop Work Order to the Design-Builder for all excavation and other work activities within the TBM Access Pit in order for WSDOT to perform an archaeological investigation.

Per the requirements of Contract Section 5.8.1, the Design-Builder assisted WSDOT with the archaeological investigation, providing labor, equipment, and material. WSDOT completed the archaeological investigation on November 1, 2014 and at that time gave the Design-Builder verbal notification that the excavation of the TBM Access Pit could resume at 7:00am November 2, 2014. This concluded the Stop Work Order.

A time impact analysis (TIA 7) was provided by STP and analyzed by WSDOT. STP claims twelve (12) days of impact to the critical path. WSDOT is currently performing an analysis on multiple TIAs and has preliminarily estimated an impact of eleven (11) days associated with this change.

Suspension for Convenience – TBM Access Pit Excavation (PCO#331)

On December 12, 2014, in accordance with Contract Section 14.1, WSDOT directed STP to suspend further excavation in the TBM Access Pit below elevation -68 feet. This suspension was strictly limited to the excavation activity in the Access Pit and did not affect any other Work under the Contract. On December 16, 2014, WSDOT lifted the suspension of work and allowed STP to resume excavation in the Access Pit.

A time impact analysis (TIA 8) was provided by the Design-Builder and analyzed by WSDOT. The Design-Builder claims five (5) days of impact to the critical path. As mentioned above, WSDOT is currently performing an analysis on multiple TIAs and has preliminarily estimated an impact of four (4) days associated with this change.

Both issues

Contemporaneous to the ongoing negotiations of both of these issue, WSDOT is auditing the Design-Builder's overhead and profit rates. Once the audit is completed WSDOT will negotiate the final cost associated with the two issues.

Due to the complexity of issues in and around the subject of the TBM stoppage and multiple TIAs currently being analyzed, WSDOT has estimated the days and cost impacts to the Design-Builder and in an effort to compensate the Design-Builder for time and money spent, WSDOT is issuing this interim Change Order. Pending further analysis of TIAs and finalizing WSDOT's audit of the Design-Builder's overhead rates, one or more Change Orders will be issued to reconcile final resolution of days and cost for these changes.

ENTITLEMENT:

TBM Access Pit – Archaeology (PCO#250C)

Per Section 11.4(b) of the Contract, the Design-Builder is entitled to compensation for this additional Work performed at WSDOT's request. Contract Section 5.8.1 requires WSDOT to compensate the Design-Builder for increases in cost to perform the Work.

TBM Access Pit – Suspension for Convenience (PCO#331)

WSDOT issued a Suspension for Convenience in accordance with Contract Section 14.1. In accordance with Contract Appendix 2, Abbreviations and Definitions, a Suspension for Convenience is a "WSDOT-Cause Delay", for which Contract Section 11.4 (b)(i) allows the Design-Builder to request a Change Order.

PRICING THE CHANGE:

TBM Access Pit – Archaeology (PCO#250C)

The Design-Builder submitted a Change Order Request (COR) for WSDOT Directed TBM Access Pit Excavation Stoppage (PCO#250C) in the amount of \$3,845,952.00. This COR included delay costs and direct support costs. WSDOT reviewed the COR and responded with letter W-G-GEN-TUN-TR2.08-0003965-05, agreeing to an initial Change Order for direct costs incurred by the Design-Builder in support of the archaeological investigation. Upon further evaluation, WSDOT has concluded that an interim Change Order will be issued to compensate the Design-Builder for direct and indirect cost including allowable overhead in support of the archaeological investigation in one new lump sum item; "CO106, TBM Access Pit Archlgy - Interim", in the agreed to amount of \$1,907,864.57

Suspension for Convenience – TBM Access Pit Excavation (PCO#331)

The Design-Builder submitted a COR for WSDOT's Suspension for Convenience – TBM Access Pit Excavation (PCO#331) in the amount of \$1,593,002. This COR included extended and field overhead costs. Upon review, WSDOT has concluded that an interim Change Order will be issued to compensate the Design-Builder for direct and indirect cost including allowable overhead as a result of the suspension in one new lump sum item "CO106, Access Pit Ex Susp for Conv - Interim", in the agreed to amount of \$678,204.00.

CONTRACT TIME:

The Design-Builder has requested a twelve (12) day extension for the archeological investigation and a five (5) day extension for the suspension of convenience. WSDOT analyzed the Design-Builder's request and is agreeable to an interim extension of Contract Time (15) days, comprised of eleven (11) days for PCO#250C and four (4) days for PCO#331. Pending further analysis of multiple time impacts submitted by the Design-Builder, one or more future Change Orders may be issued adjusting time associated with this change.

APPROVALS:

- Paul Johnson, P.E., Contract Administrator, approved the change December 5, 2014
- Marco Foster, P.E., HQ Construction, HQ email concurrence February 24, 2015
- Matt Preedy, P.E., Deputy Program Administrator, approved the change on February 24, 2015
- Anthony Sarhan, FHWA provided concurrence to proceed on February 24, 2015
- Diana McCreery, Business Group, gave funding approval February 24, 2015

ATTACHMENTS TO THE MEMO:

- Change Order
- Change Order Checklist
- Engineer's cost estimate
- Approvals listed above

If you have any questions, please contact Andy Walter at (206)805-5452.

PEJ/apw

cc: Project File

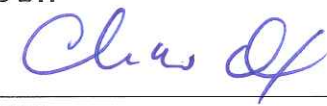
**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
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CONTRACT NO: 007999 FEDERAL AID NO: STP-BR-IM-0099 (11)
CONTRACT TITLE: SR 99, BORED TUNNEL ALTERNATIVE - DESIGN BUILD PRO
CHANGE ORDER NO: 106 ARCHLGY/SUSP FOR CONV. - INTERIM




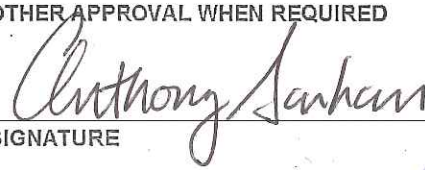
PRIME CONTRACTOR: SW0080679 SEATTLE TUNNEL PARTNERS
999 THIRD AVE STE 2424
SEATTLE WA 98104-4044

- Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications
 Change proposed by Contractor

ENDORSED BY:  _____ CONTRACTOR 2/27/15 _____ DATE	SURETY CONSENT: _____ ATTORNEY IN FACT _____ DATE
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ORIGINAL CONTRACT AMOUNT: 1,089,700,002.00
CURRENT CONTRACT AMOUNT: 1,106,783,097.70
ESTIMATED NET CHANGE THIS ORDER: 2,586,068.57
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 1,109,369,166.27

Approval Required: Region Olympia Service Center Local Agency

<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED  PROJECT ENGINEER 2/27/15 _____ DATE	EXECUTED:  STATE CONSTRUCTION ENGINEER 3-4-2015 _____ DATE
<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED REGIONAL ADMIN:  BY: 2/27/2015 _____ DATE	OTHER APPROVAL WHEN REQUIRED  SIGNATURE 3/3/15 _____ DATE FHWA REPRESENTING CROSS RECS with 3/16/15

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All work, materials, and measurements to be in accordance with the provisions of the Standard Specifications and Special Provisions for the type of construction involved.

This contract is revised as follows:

The first paragraph above is deleted and replaced with:
All work, materials and measurements to be in accordance with the Contract Documents for this Project. Unless specifically modified herein, all provisions in the Contract Documents shall remain in full force and effect.

DESCRIPTION:

This interim Change Order compensates the Design-Builder for direct and indirect costs, including allowable overhead, incurred and extends the Contract Time for Excusable Delays as a result of WSDOT's archaeological investigation of the TBM Access Shaft during the WSDOT Directed TBM Access Pit Excavation Stoppage (PCO #250C) and for WSDOT's Suspension for Convenience - TBM Access Pit Excavation (PCO #331). One or more additional Change Orders will be issued to reconcile final resolution of time and costs (either an increase or decrease).

Contract Article 4.2, as previously revised by Change Orders 8 and 43, is revised as follows:

On page 10, lines 5 through 7, the first sentence is revised to read:

Design-Builder shall achieve Substantial Completion within 1,608 days after the effective date of NIP 2, shall achieve Physical Completion within 120 days after Substantial Completion, and shall achieve Final Completion within 120 days after Physical Completion.

Technical Requirement Section 2.58.8.3.3, as revised by Change Order 8 and 43, is revised as follows:

On page 21, Technical Requirement Table 2.58-1 South Construction Area Schedule of Milestone Dates, under the table heading of "Milestone Date or Days from NIP 2" and row "M-S10: Site handback Stage IV" is revised to read: 1,608 days.

MEASUREMENT:

No specific unit of measurement shall apply to the new lump sum items "CO106, TBM Access Pit Archlgy - Interim" and "CO106, Access Pit Ex Susp for Conv - Interim"

PAYMENT:

Interim payment for costs associated with PCO #250C shall be by the new lump sum bid item, "CO106, TBM Access Pit Archlgy - Interim" in the lump sum amount of \$1,907,864.57.

Interim payment for costs associated with WSDOT Suspension for Convenience

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TBM Access Pit Excavation PCO #331 shall be by the new lump sum bid item "CO 106, Access Pit Ex Susp for Conv - Interim" in the lump sum amount of \$678,204.00.

CONTRACT TIME:

This Change Order grants an interim extension of Contract Time of fifteen (15) days, comprised of eleven (11) days for PCO #250C and four (4) days for PCO #331.

MISCELLANEOUS

WSDOT's execution of this change order and payment of the lump sum bid items "CO106, TBM Access Pit Archlgy - Interim" in the amount of \$1,907,864.57 and "CO106, Access Pit Ex Susp for Conv - Interim" in the amount of \$678,204.00 is an interim payment. WSDOT's execution of this Change Order and granting of a time extension to Contract Time of fifteen (15) days, comprised of eleven (11) days for PCO#250C and four (4) days for PCO#331, is an interim time extension. This change order will be superseded by one or more final change orders upon final reconciliation of all costs and time. The final change order(s) will increase or decrease compensation and time compared to this interim change order.

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ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE

1069	92	01	CO 106, TBM ACCESS PIT ARCHLGY - INTERIM	L.S.	1,392,741.14	1.00	1,392,741.14
1070	92	02	CO 106, TBM ACCESS PIT ARCHLGY - INTERIM	L.S.	515,123.43	1.00	515,123.43
1071	93	01	CO 106, ACCESS PIT EX SUSP FOR CONV - INT	L.S.	495,088.92	1.00	495,088.92
1071	93	02	CO 106, ACCESS PIT EX SUSP FOR CONV - INT	L.S.	183,115.08	1.00	183,115.08

KWK
3/6/15

2,586,068.57
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