



Contract Number 009036	Contract Title 468th Ave. SE to W Summit Rd. Rehab. Conc / Deck	Federal Aid Number NHPP-0901(490)
Change Order Number 44	Change Description Final Bridge Impacts Eq. Adj.	Date Nov 8, 2019
Region South Central Region	Project Engineer Scott Golbek	Phone Number 509-577-1810
Prime Contractor / Design-Builder IMCO General Construction		

Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications or the RFP

Change proposed by Contractor / Design-Builder

Evolution & Description Of Change

The Contract requires the removal and replacement of the existing concrete overlay on Bridge 90/97.2. This work is divided into two stages initially to be completed in one construction season. During the course of the work for Stage One, which the Plans show to be 29 feet in width on the right side of the bridge in the westbound direction of travel, the Contractor encountered a very deteriorated bridge deck which required considerable more work than presented in the Plans. The Contractor protested and has made requests for compensation for both time and money. Entitlement was found for each.

During the course of the Stage 1 work the Contractor indicated that they anticipated similar conditions on Stage 2 and would seek compensation similar to that for Stage 1. In an effort to avoid the time and added cost to negotiate a settlement for Stage 2 work, it was agreed that an equitable adjustment for the work in Stage 2 would be provided based on the costs of Change Orders 22 and 29. This concept was agreed to by all parties at the time. When the change order was sent to the Contractor it was protested; the Contractor stated that they now had actual costs in excess of the previously agreed upon amount. The Contractor indicated that information would be forthcoming. Two separate submittals were provided to WSDOT as justification of the added costs by the Contractor, these were received on December 28, 2018 and January 25, 2019. Following the initial submittals the Contractor has submitted various documents providing information on their costs.

The unanticipated condition of Bridge 90/97.2 has affected the project in multiple ways. The most significant impact is the addition of a third construction season. Other issues are the bridge work itself, more material was removed, requiring more modified concrete to be replaced, increased labor and overhead costs have also resulted in additional costs.

Contract Number 009036	Contract Title 468th Ave. SE to W Summit Rd. Rehab. Conc / Deck	Change Order Number 44
<p>Basis of Cost & Justification:</p> <p>The Contractor has submitted requests for additional payment in excess of \$8 million. Previously the Project Engineer has found entitlement for \$5,837,080.90. This has been paid by Change Orders 16, 19, 21, 22, 26, 29, 31, 32, 35 and 36</p> <p>Change Order 44 will provide the Contractor a final payment in the amount of \$2,791,142.00. This amount will clear and settle all issues regarding the change condition of the work relating to Bridges 90/97.2 and 97.8.</p> <p>The amount of this change order has been determined through the verification of costs submitted by the Contractor.</p>		
<p>Contract Time:</p> <p>This change order makes no revision to the number of working days on the project.</p>		
<p>Prior Approvals:</p> <p>Headquarters Construction; Jon Keeth - 10-23-19 *</p> <p>Region Construction; Brian White / Will Smith - 10-23-19 *</p> <p>Project Engineer; Scott Golbek - 10-23-19 *</p> <p style="text-align: right;">* AS PER BRIAN WHITE. RB 11/12/19</p>		
<p>List Attachments:</p> <p>Change Order 44</p>		

Distribution By: Project Office

- Copy of Change Records & Change Order w/Backup - Project Engineer
- Copy of ONLY Change Order - Prime Contractor / Design-Builder
- Electronic Copy of Change Records & Change Order w/Backup - State Construction Office
- Original of Change Records & Change Order w/Backup - Region Construction Office
- Region
- Original of Change Records & Change Order w/Backup - State Construction Office

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CONTRACT NO: 009036 FEDERAL AID NO: NHPP-0901(490)
 CONTRACT TITLE: I-90, 468TH AVE SE TO W SUMMIT RD CONCRETE, DECK,
 CHANGE ORDER NO: 44 FINAL BRIDGE IMPACTS EQ. ADJ.


PRIME CONTRACTOR: [REDACTED] IMCO GENERAL CONSTRUCTION, INC.
 2116 BUCHANAN LOOP
 FERNDALE WA 98248-9801

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

ENDORSED BY: _____ CONTRACTOR _____ DATE	SURETY CONSENT: _____ ATTORNEY IN FACT _____ DATE
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ORIGINAL CONTRACT AMOUNT: 27,799,358.66
 CURRENT CONTRACT AMOUNT: 34,618,938.45
 ESTIMATED NET CHANGE THIS ORDER: 2,791,142.00
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 37,410,080.45

Approval Required: Region Olympia Service Center Local Agency

<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED _____ PROJECT ENGINEER _____ DATE	EXECUTED:  _____ STATE CONSTRUCTION ENGINEER _____ DATE
<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED REGIONAL ADMIN: _____ BY: W.Brian White _____ DATE	OTHER APPROVAL WHEN REQUIRED _____ SIGNATURE DATE _____ REPRESENTING

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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:

DESCRIPTION:

This change order addresses all remaining issues not resolved by the following related and previously executed change orders:

- Change Order 16 Type 2E Working Drawings
- Change Order 19 Type 2E Equitable Adjustment
- Change Order 21 Bridge 90/97.8 Equitable Adjustment
- Change Order 22 Bridge 90/97.2
- Change Order 26 PSC 2018 Repricing
- Change Order 29 Bridge 90/97.2 Second Preliminary EA
- Change Order 31 Project Working Days
- Change Order 32 Br. 90/97.2 3rd Equitable Adjustment
- Change Order 35 2019 Traffic Control
- Change Order 36 Equitable Adjustment 4

The following new item is added:

- C.O. 44; Final Bridge Impacts Eq. Adj.

MEASUREMENT:

C.O. 44; Final Bridge Impacts Eq. Adj.; no specific unit of measurement will apply to the lump sum item.

PAYMENT:

"C.O. 44; Final Bridge Impacts Eq. Adj."; the lump sum payment will be full compensation for all protests, claims, issues, concerns, costs (direct and indirect), time considerations, and impacts associated with the unanticipated conditions encountered on Bridges 90/97.2 and 90/97.8.

CONTRACT TIME:

There is no change to contract time associated with this change order.

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ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE
1046	01		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	0.00	251,202.78
1046	02		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	0.00	893,165.44
1046	04		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	0.00	1,646,773.78

2,791,142.00

C9036; I-90 / 468th Ave. to West Summit Road - Rehab
 IMCO General Construction
 Differing Site Conditions - Bridges 97.2 and 97.8 - Additional Costs

Last updated 10 8 2019

Description	IMCO Request	WSDOT Proposal	Delta	Paid To Date	Paid By Change Order No.	Comments
2017 DSC Costs (Season 1)						DSC - Differing Site Conditions
Type 2E Working Drawings	\$215,000.00	\$259,257.12	\$44,257.12	\$259,257.12	CO 16 \$42,970.12; CO 19 \$216,287.00	Paid & Resolved
Bridge 97.8 Additional Depth	\$183,000.00	\$183,078.86	\$78.86	\$183,078.86	CO 21 \$183,078.86	Paid & Resolved
Bridge 97.2 Waves and Cracks	\$81,463.00	\$0.00	-\$81,463.00	\$0.00		Unresolved/No entitlement
Bridge 97.2 Additional Depth	\$1,600,000.00	\$1,600,000.00	\$0.00	\$1,600,000.00	CO 22 \$760,890.00; CO 29 \$839,110.00	Paid & Resolved
Subtotal 2017 DSC Costs	\$2,079,463.00	\$2,042,335.98		\$2,042,335.98		2017 FA markups, \$170,302.62. Adj to be made for 2018 OH's spoke with JK and BW 10/1/19
2018 DSC Costs (Season 1A)						
Bridge 97.2 Additional Depth	\$1,900,000.00	\$1,900,000.00	\$0.00	\$1,900,000.00	CO 29 - \$1,320,000; CO32 - \$142,194.99 CO 36 - \$437,805.01	Resolved
Season 1-A Overheads	\$2,660,869.25	+\$1,839,235.00	-\$821,634.25	\$0.00		Scott provided updated WSDOT IEE 10 4 19.
Subtotal 2018 DSC Costs	\$4,560,869.25	\$3,739,235.00		\$1,900,000.00		
Quantity Overruns						
Modified Concrete Overlay	\$137,497.05	\$137,497.05	\$0.00	\$137,497.05	CO 32	Resolved
Other Outstanding Issues						
Glare Screen- \$91K Incl. in 97.2 add. Depth	\$0.00	\$0.00	\$0.00	\$0.00	Paym't incl. in 2018 DSC 97.2 Add. Depth	Resolved
2019 Panel / Drainage Work (Season 2)						
Escalation 2019 Costs	\$690,000.00	\$690,000.00		\$690,000.00	CO 32 - \$420,307.96; CO 36 - \$269,692.04	Resolved
Panel Inefficiency (Rows F and F1)	\$1,133,825.00	↓ \$740,544.00	-\$393,281.00	-\$67,081.51	\$67,081 paid under CO 36	Scott provided update IEE 10 4 19 (includes Frank and Jons' \$740,544).
Unresolved Housing Costs (Row I)	\$97,428.24	+\$97,428.24	\$0.00	\$0.00		
3rd season -Other Temp. Traffic Control	\$181,016.00	↓ \$181,016.00	\$0.00	\$0.00		covers additional \$ requested by CO#35
Subt. 2019 Escalation/Impacts costs	\$2,102,269.24	\$1,708,988.24	-\$393,281.00	\$757,081.51		
Total DSC Costs Seasons 1, 1-A and 2	\$8,880,099	\$7,628,056	-\$1,252,042	\$4,836,915		

Difference between WSDOT Proposal and Paid to Date = 2,791,142

Difference between IMCO Request and WSDOT Prop. = 1,252,042

- other considerations
- other traffic control labor
- re-think 2017 FA markups?
- reduced scope of deleted grinding?
- WSDOT cost to fight a formal claim

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1046	01		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	9%	251,202.78
1046	02		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	32%	893,165.44
1046	04		C.O. 44; FINAL BRIDGE IMPACTS EQ. ADJ.	L.S.	0.00	59%	1,646,773.78

100%

Group 1 LE 100+00 to 187+65 = 8,765.0 L.F 9% -----
2,791,142.00

Group 2 LE 187+65 to 509+20 = 32,155.0 L.F 32%

Group 4 LE 509+20 to 1097+69 = 58,849.0 L.F 59%

99,769.0 L.F.

GROUP
BREAKDOWN



Cont. #: <u>9036</u> Cont. Title: <u>468th Ave. to W. Summit Rd. EB - Rehab</u>		If yes, State Construction Office Approval Required.
C.O. #: <u>44</u> C.O. Title: <u>Final Bridge Impacts Eq. Adj</u>		
I. Executed by the State Construction Office		
1. Cost or credit equal to or exceeding \$500,000. *1, *3		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Change in the contract documents beyond the scope, intent or termini of the original contract. *2		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Any proposed revision or deletion of work that affects the condition of award requirements. (Must be coded "CO" in CCIS, includes changes to goal or commitment)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Change in contract time greater than 30 working days, or a change in contract time not related to any change order. *1		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
II. Executed at the Region (Per Delegation)		
5. Determination of impacts and/or overhead.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Change to Contract Provisions or Standard Plans.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Material or product substitution. (Excludes materials associated with Std. Specification Sections 6-07, 8-01, 8-02, 8-12, 8-18 & 8-20)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Structural design change in the roadway section. (Requires concurrence from designer)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Determination of changed condition. (Section 1-04.7 of the Standard Specifications)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Settlement of a claim. (Section 1-09.11(2) of the Standard Specifications)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Repair of damage regarding "acts of God" or "acts of the public enemy or of government authorities". (Section 1-07.13 of the Standard Specification)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
12. Structural change to structures.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Approvals obtained:

Project Engineer: Scott Golbek

Date: 10/23/19 *

Region: Brian White / Will Smith

Date: 10/23/19 *

State Construction Office: Jon Keeth

Date: 10/23/19 *

Other (Local Agency, FHWA, Surety, etc.): _____

Date: _____

* AS PER BRIAN WHITE, RB 11-12-19

To be completed by the Project Engineer :

CO Reason(s) (See "2008 Codes & Definitions" on State Construction Office web page): AI/18/LIC/AW/WM

Change Order Prepared By: K. Holyoak Date: 10/10/2019

Is this project under full FHWA stewardship oversight (Project Of Division Interest)? *1 Yes No

To be completed by the Region :

Is the change eligible for Federal participation where applicable? Yes No

Change Order Reviewed By: W. Brian White Date: 11/12/19

*1 Change (Cost or Credit) greater than \$200,000 or greater than 30 days on Projects Of Division Interest (PODI) requires FHWA approval. (see Construction Manual - Chapter 1-00.10, Chapter SS1-04.4, and State Construction Office web page)
 *2 Per RCW 47.28.050, any change beyond \$7,500 that is beyond the original scope shall go through the competitive bidding process.
 *3 Engineering error changes over \$500,000 requires reporting (See reporting instructions & template on State Construction Office web page)
 This form represents the minimum information required by the State Construction Office. If you wish to supplement this information, you may do so on a separate sheet of paper.