

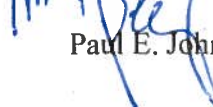


Nov. 17, 2014

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# 074R1 – POS T25 Lease Costs

Attached for HQ review and execution is Change Order No. 074R1, “POS T25 Lease Costs”.

DESCRIPTION:

This change order provides full and final compensation to the Design-Builder for PCO #004A – Port of Seattle Fund T25 Leases and all issues and costs related to its use of Terminal 25 as provided in Contract Section 7.4 and Technical Requirements Section 2.58.7.5.2. With the execution of this change order the Port of Seattle fund will be exhausted.

EVOLUTION OF CHANGE:

During preliminary design and contract development for the Bored Tunnel Contract, WSDOT identified potential staging areas for the project including Port of Seattle Terminal 25. This terminal is located west of East Marginal Way and north of Spokane Street Viaduct.

WSDOT developed and included Contract Section 7.4 which states, in part:

The Port of Seattle Work shall be procured by Design-Builder using a competitive process approved by WSDOT. WSDOT has established a fund in the amount of \$20,000,000 (the “Port of Seattle Fund”) to pay for (a) the Port of Seattle Work pursuant one or more Change Orders and (b) rent owing to the Port of Seattle for the property identified in TR Section 2.58. Design-Builder shall submit a Change Order request to WSDOT once Design-Builder has determined the cost of performance of any Port of Seattle Work. The Change Order request shall meet the requirements of and be subject to the limitations set forth in Article 11. The amount of each such Change Order will be further limited to the amount available in the Port of Seattle Fund as of the date that WSDOT approves the Change Order. In determining availability of funds in the Port of Seattle Fund to pay for a Change Order under this Section 7.4, WSDOT will deduct all amounts previously allocated by WSDOT to pay for Port of Seattle Work and to make rent payments to the Port of Seattle.

The Design-Builder submitted a Change Order Request for PCO#004A on October 11, 2013 for costs for lease of Port of Seattle Pier 25 and requested to be paid via the Port of Seattle Fund in the amount of \$762,902. WSDOT responded on June 11, 2014 with a letter (W-C-COR-GEN-CR07-0003545-01) acknowledging the Design-Builder’s right to reimbursement and provided an accounting of funds previously allocated by WSDOT to pay for Port of Seattle Work. These costs include CO#010 – Port of Seattle Fund #1 (\$11,346,000), T106 Lease Cost (\$3,965,467 estimated), and T46 Lease Cost (\$4,187,521 estimated), leaving a balance of \$501,011.86 in the

TCM 11-17-2014

Marco Foster, P.E.
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Port of Seattle Fund. On October 6, 2014 the Design-Builder submitted a revised Change Order Request for PCO#004A in the amount of \$501,011.86.

Upon execution of this change order and payment under it, the Port of Seattle Fund will be exhausted. Per Contract Section 7.4, the Design-Builder is responsible for any costs it may incur in connection with performance of Port of Seattle Work in excess of the amount payable from the Port of Seattle Fund.

PRICING THE CHANGE:

This change order issues one new lump sum item "CO#74 - POS T25 Lease Costs" in the amount of \$501,011.86.

CONTRACT TIME:

Contract time is not affected by this change.

APPROVALS:

- Brian Nielsen, P.E.- Contract Administrator, approved the change June 5, 2013
- Matt Preedy, P.E.- Deputy Program Administrator, approved the change November 4, 2014
- Ward Anderson, P.E. - Project Controls Manager, funding concurrence November 4, 2014

ATTACHMENTS TO THE MEMO:

- Change Order
- Change Order Checklist
- Approvals listed above
- WSDOT Letter W-C-COR-GEN-CR07-0003545-01

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

PEJ/akw

cc: Project File


WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER

DATE: 11/13/14
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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: 74 R1 POS T25 LEASE COSTS




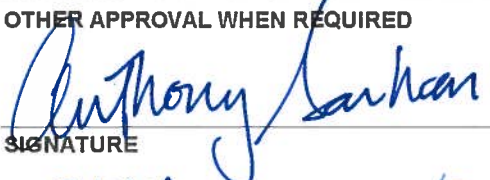

PRIME CONTRACTOR: SW0080679 SEATTLE TUNNEL PARTNERS
999 THIRD AVE STE 2424
SEATTLE WA 98104-4044

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

ENDORSED BY:  <hr/> CONTRACTOR 11/14/14 <hr/> DATE	SURETY CONSENT: <hr/> ATTORNEY IN FACT <hr/> DATE
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ORIGINAL CONTRACT AMOUNT: 1,089,700,002.00
 CURRENT CONTRACT AMOUNT: 1,103,742,275.62
 ESTIMATED NET CHANGE THIS ORDER: 501,011.86
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 1,104,243,287.48

Approval Required: () Region () Olympia Service Center () Local Agency

(X) APPROVAL RECOMMENDED () EXECUTED  PROJECT ENGINEER 11/17/14 DATE	EXECUTED:  STATE CONSTRUCTION ENGINEER 11/26/14 DATE
(X) APPROVAL RECOMMENDED () EXECUTED REGIONAL ADMIN:  BY: 11/25/2014 DATE	OTHER APPROVAL WHEN REQUIRED  SIGNATURE 12/2/14 DATE FHWA REPRESENTING <div style="text-align: right; margin-top: 10px;"> v CAPS v CC/16 12/14/14  </div>

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER**

DATE: 11/13/14
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CONTRACT NO: 007999

CHANGE ORDER NO: 74 R1

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:

With this change order pursuant to Contract Section 7.4 the balance of the \$20,000,000 "Port of Seattle Fund" is \$0.00. This change order provides final compensation out of the Port of Seattle Fund to the Design-Builder for PCO #004A.

MEASUREMENT:

No specific unit of measurement shall apply to the new lump sum item.

PAYMENT:

The new lump sum item, "CO#74 POS T25 Lease Cost" in the agreed amount of \$501,011.86, shall be full and final payment for all cost out of the Port of Seattle Fund related to PCO #004A.

CONTRACT TIME:

The Design Builder and WSDOT agree that this Change Order has no impact to Contract Time, and as such, no extension of Contract Time will be granted as a result of this Change Order.

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CHANGE ORDER**

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CONTRACT NO: 007999				CHANGE ORDER NO: 74 R1			
ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE

1065	01		CO#74 POS T25 LEASE COSTS	L.S.	501,011.86	1.00	501,011.86
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80

501,011.86
