



DEC 23 2016

Change Record

Contract Number 008607	Contract Title I-5, M St to Portland Ave - HOV	Federal Aid Number State
Change Order Number 180R1	Change Description Interim Clear All	Date October 28, 2016
Region Olympic Region	Project Engineer Brenden Clarke	Phone Number 253-365-6700
Prime Contractor / Design-Builder Max J. Kuney Company		

- 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

This change order provides full compensation for all direct and indirect costs resulting from project wide delays and impacts resulting from a number of issues and changed work. This change order also settles all outstanding issues, disputes, and protests through May 4, 2016, with the exceptions as documented in this change order.

At the beginning and throughout the Contract, the Contractor has encountered project-wide issues while performing work on-site for roadway, walls, and bridges. To complicate the Contract work, the Contractor uncovered contaminated soils project-wide and identified many staging constructability issues. During the construction of the NBN Wall A and SSB walls, differing site conditions were encountered which caused difficulties in completing the Contract work. The Project Office previously processed multiple change orders to compensate the Contractor for the direct costs resulting from the added work.

The Project Office reviewed the Contractor's direct and indirect added costs associated with the project delays and impacts due to changed work. Also, WSDOT and the Contractor agreed to negotiate and resolve many open unresolved issues as part of this change order without further escalation and prior to the end of the project.

On August 8, 2016, Craig McDaniel of HQ Construction granted change approval and on August 31, 2016, Jon Deffenbacher of OR Construction concurred with the change. On August 31, 2016, Brenden Clarke of Fife PEO granted change approval. See Attachment A

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

Change Record

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Basis Of Cost & Justification:

This change order adds 88 working days to the Contract. As a result of the increase in working days, the Project Office determined that the Contractor is entitled to 59 compensable days for indirect costs involving additional unavoidable project and home office overhead costs for the added days of which there were no concurrent delays. Project overhead costs include items on-site such as utility bills, temporary sanitary facilities, Superintendent wages, equipment standby, etc. and for home office overhead the costs include the owner and support staff wages, office rent and utilities, etc.

There are a total of twenty outstanding issues and protests related to the Contract. The Project Office categorized the issues into four main categories involving added costs for wall work, bridge work, future work, and other outstanding project-wide issues.

<u>Description</u>	<u>WSDOT Estimated Cost</u>
Indirect Costs	\$1,357,000.00
Added Costs for Wall Work	\$ 221,600.00
Added Costs for Bridge Work	\$ 183,100.00
Added Costs for Future Work	\$ 294,000.00
<u>Other Outstanding Project-Wide Issues</u>	<u>\$ 306,800.00</u>
CO#180 Estimated Total Cost	\$2,362,500.00

The total net change to the Contract is \$2,350,000.00. This price includes all added costs resulting from the project-wide delay and added costs associated with the resolutions to all outstanding issues and protests except the issues outlined in the change order.

An Independent Engineer's Estimate was completed by the Project Office which substantiated the final negotiated price. See **Attachment B**

Contract Time:

Based upon negotiations with the Contractor and evaluation of the new baseline schedule, this change order adds 88 working days to the main Contract time and 28 working days to the intermediate Pacific Avenue closure.

The Project Office recognizes up to 93 working days of delay to the overall project duration due to the following change orders and differing site conditions:

	Days
NBN Dewatering	20
CO-089 MC-Additional Tree Removal	3
CO-067 MC-BR 5-437 Modify Pvmnt Seat	6
CO-097 NBS Drainage Crossing	2
CO-110 ADA Ramps at Pacific Avenue	3
CO-102 NBN Underdrain Modifications	14
CO-107 WZTC for NCD Barrier Const	2

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CO-059/070/071/148 Wedges	13
CO-115 BR5/444 P3 Shoring Obstruction	5
CO-123 I5 SB Rdwy Section Rev Vic SSB	3
CO-128, CO-152, CO-153 Soft Spots	10
CO-129 NBS Line SS Barrier Vic D24	2
Southbound Wall Differing Site	10
Total:	93 Days

For further discussion see **Attachment C**.

In addition to the days related to the Contract, an evaluation was conducted for the working days associated with the Pacific Avenue closure. It was determined that a 28 day extension for the Pacific Avenue closure was warranted using the following criteria: activities that affect the traffic switch into the Stage 2 traffic control staging configuration in order to start work on the Pacific Avenue Pier 5 spread footing.

Four change orders (#89, 102, 107, and 115) were processed with the agreement that contract time would be addressed separately when the actual effects could be evaluated. Additionally, other time delays were recognized for near critical path activities. These would have required extensions of Contract time if not for the groundwater issues encountered in the NBN Wall A vicinity which extended the construction duration forcing it onto the critical path.

Another significant time delay was the result of three differing site conditions; two at the southbound walls and at NBN Wall A. WSDOT initially disagreed that two of the three areas described in the written notifications to the Project Office represented differing site conditions. However, this decision was reversed upon further evaluation and the impacts of all three areas were incorporated into this change order.

Prior Approvals:

HQ Approved, HQ executed change order.

<u>Approvals Obtained:</u>	<u>Change Approval</u>	<u>Approval to Proceed</u>
Project Engineer: Brenden Clarke	8/31/2016	N/A
OR Construction: Jon Deffenbacher	8/31/2016	N/A
HQ Construction: Craig McDaniel	8/8/2016	N/A

List Attachments:

- Change Order No. 180R1 Interim Clear All
- Attachment A: HQ, OR, & PE Approvals
- Attachment B: Independent Engineer's Estimate
- Attachment C: Contract Time Explanation
- Change Order Checklist

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**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER**

DATE: 09/30/16
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CONTRACT NO: 008607
CONTRACT TITLE: I-5, M ST TO PORTLAND AVE - HOV
CHANGE ORDER NO: 180 R1 INTERIM CLEAR ALL

FEDERAL AID NO:


PRIME CONTRACTOR: [REDACTED] MAX J. KUNEY COMPANY
120 N RALPH ST

SPOKANE

WA 99202-4744



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

Change proposed by Contractor

<p>ENDORSED BY:</p> <p></p> <p>CONTRACTOR</p> <p>9-30-16</p> <p>DATE</p>	<p>SURETY CONSENT:</p> <hr/> <p>ATTORNEY IN FACT</p> <hr/> <p>DATE</p>
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ORIGINAL CONTRACT AMOUNT: 98,175,443.97
CURRENT CONTRACT AMOUNT: 106,173,511.36
ESTIMATED NET CHANGE THIS ORDER: 2,350,000.00
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 108,523,511.36

Approval Required: Region Olympia Service Center Local Agency PE

<p><input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED</p> <p></p> <p>PROJECT ENGINEER</p> <p>10/31/16</p> <p>DATE</p>	<p><input checked="" type="checkbox"/> EXECUTED <i>TML 12/27/16</i></p> <p></p> <p>STATE CONSTRUCTION ENGINEER</p> <p>12/28/16</p> <p>DATE</p>
<p><input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED</p> <p>REGIONAL ADMIN: <i>Kevin Dayton</i></p> <p>BY: <i>Jon Hoffmann</i></p> <p>12/22/16</p> <p>DATE</p>	<p>OTHER APPROVAL WHEN REQUIRED</p> <p>SIGNATURE _____ DATE _____</p> <p>REPRESENTING _____</p>

RECEIVED
OCT 07 2016
WSDOT FIFE PED

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CONTRACT NO: 008607

CHANGE ORDER NO: 180 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:

Description:

The Contractor, by endorsing this change order, agrees and certifies that any and all claims for compensation in any manner arising out of or pertaining to Contract 008607 through May 4, 2016, have been satisfied in full and the State of Washington is released and discharged from any such claims or extra compensation in any manner arising out of Contract 008607 prior to May 4, 2016 and for the following items:

* Coordination of the work and coordination of the associated workzone traffic control for the following project starting on April 16, 2017:

WSDOT I-5/SR 16 Interchange Construct HOV Connections project
Brenden Clarke, Project Engineer
6610 16th Street East, Suite A
Fife, WA 98424
(253) 365-6700

* Rental of all water storage tanks currently on site used to provide untreated stormwater storage capacity for the CESF Treatment System throughout the duration of the project.

* All costs incurred by the Contractor in performing the Traffic Control Supervisor work defined in Section 1-10.2(1)B of the Standard Specifications through the extended duration of the project.

* Changes to the order of work as defined on page 62 of the Special Provisions, lines 39 to 41, between Bridge 5/448 Pier 4 and the SNB Wall-A.

The change order does not include the following:

* Compensation for any increased or decreased quantities eligible for compensation under Section 1-04.6 of the Standard Specifications.

* Outstanding force account payments and existing item quantity adjustment corrections.

* Fuel tax adjustments as specified under Section 1-07.1 of the Standard Specifications.

* Stage 2 and 3 sequencing impacts.

* All issues associated with excess camber of the Pacific Ave. Bridge No. 5/444.

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CONTRACT NO: 008607

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Construction Requirements:

On Page 62 of the Special Provisions, Lines 39 to 41 are deleted and replaced with the following:

The Contractor may begin constructing the SNB Wall-A from station SNB 12+59 to station SNB 13+71 after completion of the Bridge 5/448 Pier 4 shafts.

Measurement:

No specific unit of measurement will apply to the new lump sum item "CO#180 Interim Settlement".

Payment:

Payment will be made in accordance with Section 1-04.1, for the following new item:

"CO#180 Interim Settlement", by lump sum shall be full pay for any and all issues pertaining to Contract 008607 as described above.

Contract Time:

An extension of 88 working days is granted to the total project duration as a result of this change order. An extension of 28 working days is granted to the intermediate stage of work "Pacific Ave. Roadway Closure and Detour".

The Contractor, by endorsing this change order, agrees and certifies that no additional time extensions will be granted as a result of the following change orders:

- * Change Order 089, MC-Additional Tree Removal
- * Change Order 102, NEN Underdrain Modifications
- * Change Order 107, WZTC For NCD Barrier Const
- * Change Order 115, BR5/444 P3 Shoring Obstruction

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CONTRACT NO: 008607				CHANGE ORDER NO: 180 R1			
ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE

1180	01		CO#180 INTERIM SETTLEMENT	L.S.	0.00	0.00	2,350,000.00
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2,350,000.00
