

WASHINGTON STATE  
DEPARTMENT OF TRANSPORTATION  
CHANGE ORDER

DATE: 04/14/21  
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CONTRACT NO: 009242 FEDERAL AID NO:  
CONTRACT TITLE: I-405, RENTON TO BELLEVUE WIDENING AND EXPRESS TOL  
CHANGE ORDER NO: 36 COVID 19 SUSPENSION IMPACTS

PRIME CONTRACTOR: SW0256804 FLATIRON WEST, INC.-THE LANE  
A JOINT VENTURE  
1400 TALBOT ROAD SOUTH SUITE #500  
RENTON WA 98055-4227

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

ENDORSED BY:  <b>Signature on file</b> <hr/> CONTRACTOR SIGNATURE Apr 20, 2021 <hr/> DATE	SURETY CONSENT:   <hr/> ATTORNEY IN FACT   <hr/> DATE
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ORIGINAL CONTRACT AMOUNT: 704,975,000.00  
CURRENT CONTRACT AMOUNT: 701,842,510.00  
ESTIMATED NET CHANGE THIS ORDER: 12,000,000.00  
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 713,842,510.00

Signature Required: (x) Project Engineer (x) State Construction Engineer  
(x) Regional Administrator ( ) Other Agency

<b>Signature on file</b> Jim Slavicek (Apr 21, 2021 08:33 PDT) <hr/> PROJECT ENGINEER SIGNATURE Apr 21, 2021 <hr/> DATE	<b>Signature on file</b> Robert E. Christopher III (Apr 21, 2021 12:58 PDT) <hr/> STATE CONSTRUCTION ENGINEER SIGNATURE Apr 21, 2021 <hr/> DATE
<b>Signature on file</b> Philip A. Fordyce, P.E. (Apr 21, 2021 08:37 PDT) <hr/> REGIONAL ADMINISTRATOR SIGNATURE Apr 21, 2021 <hr/> DATE	OTHER APPROVAL WHEN REQUIRED   <hr/> 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:

Any references to provisions of Chapter 1 of the Standard Specifications contained herein shall be deemed to refer to the appropriate provisions of the Request for Proposal and other Contract Documents. Any references to Prime Contractor or Contractor contained herein shall be deemed to refer to the Design-Builder.

**DESCRIPTION:**

This is a Design-Builder initiated change in accordance with General Provisions Section 1-04.4 of the Contract. This Change Order provides full compensation to the Design-Builder for costs and time related to the Suspension Impacts for the Suspension Period of March 26, 2020 to June 7, 2020, due to the COVID-19 Pandemic WSDOT Suspension for Convenience.

This Change Order also provides full compensation to the Design-Builder, for all actions required by the terms of the Contract, to mitigate, recover, and fully resolve the Suspension Impacts.

This Change Order also incorporates the following Contract modifications:

1. Conformed General Provisions Chapter 1, page 132, Section 1.08.5(4).3 King County Eastside Rail Corridor Regional Trail Completion lines 13-17 are replaced with the following:

WSDOT has committed to King County to build a portion of the trail, as described in Section 2.27 Eastside Rail Corridor Regional Trail, of the Technical Requirements. For the Wilburton Gap Bridge and Trail segment within WSDOT ROW Boundary, Regional Trail Completion shall be no later than October 31, 2022. For the segment of trail beginning at the Ripley Lane trestle and ending at Coal Creek Parkway, Regional Trail Completion shall be no later than May 15, 2021.

2. Conformed General Provisions Chapter 1, page 141, Section 1-08.9(8) Liquidated Damages for Delayed Regional Trail Completion lines 18-24 are replaced with the following:

One of the segments that WSDOT is building contains the new Wilburton Gap Bridge. This segment of the ERC regional trail connects to King County's work at the eastern and western edges of WSDOT Right-of-Way. WSDOT has committed to King County to having this segment ready for use by October 31, 2022. If the Design-Builder has not reached Regional Trail Completion by this date, users of the trail will incur delays along current detour routes. Accordingly, the Design-Builder agrees to pay the following liquidated damages:

1. \$6,200 in liquidated damages per Calendar day past October 31, 2022.

3. In accordance with Std. Specification Section 5-04.3(1), Weather Limitations, this Change Order acknowledges WSDOT's written concurrence requirement for wearing course on the Traveled Way beginning October 1st through March 31st of the following year. Written concurrence may include some conditions.

**MEASUREMENT**

No specific unit of measure will apply to the Lump Sum item: "COVID-19 Suspension for Convenience".

**PAYMENT**

Payment will be made in accordance with General Provisions Section 1-04 of the Contract, in the agreed amount of \$12,000,000, for the following new pay item:

"COVID-19 Suspension for Convenience", Lump Sum item.

This Change Order shall be full and final compensation for the costs as

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described herein, including but not limited to any and all claimed and unclaimed cumulative impacts or disruption costs from the Suspension Period, as well as all future risks related to the Suspension Impacts realized by the Design-Builder and/or its subcontractors, consultants, suppliers and others of any tier.

Upon execution of this Change Order, WSDOT will ensure that payment is made at the earliest possible date as agreed to by the two parties.

**CONTRACT TIME:**

Contract Time is not a part of this Change Order.

WSDOT recognizes that delays to the Critical Path, attributable to the COVID-19 pandemic, may be ongoing and could qualify as an Exceptional Cause under the General Provisions Section 1-08.8 of the Contract. WSDOT will consider future requests for time extensions that are submitted in accordance with the General Provisions Sections 1-08.8 of the Contract, demonstrating that the critical path was impacted as a result of the COVID-19 pandemic, in the event that time impacts did occur.

**EXCEPTIONS:**

The following matters are specifically excluded from this Change Order:

Future COVID-19 direct health and safety costs beyond May 31, 2021 that WSDOT may participate in as stated in Change Order 18.

Additional impacts related to future WSDOT COVID 19 mandates or shutdowns that occur after the date of this Change Order that are submitted in accordance with the Contract.

**MISCELLANEOUS:**

By signing this Change Order, the Design-Builder agrees and certifies that WSDOT has the right to demand full reimbursement for the costs of any items in this Change Order to the extent that WSDOT reasonably determines that the Design-Builder, any Subcontractor or supplier who were compensated under this change order, received full or partial compensation for such items through other public funding sources, including but not limited to any federal funding related to Suspension Impact claims. To recover such funds, WSDOT may:

process a future Change Order deducting any and all amounts paid for items related to this Change Order,

withhold payment for any and all remaining bid items associated with this Change Order, or

use any other means necessary to recover such funds.

After Physical Completion, in order to obtain Final Completion, the Design-Builder shall provide the Engineer a certification stating that the Design-Builder, any Subcontractor or supplier who were compensated under this change order, have not received full or partial compensation through other public funding sources for any items within this Change Order. Design-Builder may rely upon attested-to certifications from its subcontractors and suppliers without further investigation in making its certification to WSDOT.

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ITEM NO	GROUP NO	STD ITEM	UNIT OF MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE
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ITEM DESCRIPTION:	SUSPENSION AND COVID-19					
1018 CV		L.S.		12,000,000.00	0.00	12,000,000.00

AMOUNT TOTAL

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12,000,000.00  
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