

WASHINGTON STATE  
DEPARTMENT OF TRANSPORTATION  
CHANGE ORDER

CONTRACT NO: 009409 FEDERAL AID NO:  
CONTRACT TITLE: SR 305, AGATE PASS BRIDGE BRIDGE PAINTING  
CHANGE ORDER NO: 11 COVID-19 SUSPENSION  
PRIME CONTRACTOR: SW0250784 CHAMPION PAINTING SPECIALTY  
130 SW 22ND STREET  
FORT LAUDERDALE FL 33315-2531

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

<p>ENDORSED BY:</p> <p><u>Carlos Hernandez</u> Carlos Hernandez (Jul 31, 2020 11:38 EDT)</p>	<p>SURETY CONSENT:</p> <p><u>Terry Shawkey</u> Terry Shawkey (Jul 31, 2020 13:35 EDT)</p>
<p>CONTRACTOR SIGNATURE</p> <p><u>Jul 31, 2020</u></p> <p>DATE</p>	<p>ATTORNEY IN FACT</p> <p><u>Jul 31, 2020</u></p> <p>DATE</p>

ORIGINAL CONTRACT AMOUNT: 8,015,044.00  
CURRENT CONTRACT AMOUNT: 8,860,345.63  
ESTIMATED NET CHANGE THIS ORDER: 750,000.00  
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 9,610,345.63

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

<p><u>Michelle L. Britton</u></p> <p>PROJECT ENGINEER SIGNATURE</p> <p><u>Jul 31, 2020</u></p> <p>DATE</p>	<p><u>Marco Foster</u> Marco Foster (Aug 3, 2020 07:20 PDT)</p> <p>STATE CONSTRUCTION ENGINEER SIGNATURE</p> <p><u>Aug 3, 2020</u></p> <p>DATE</p>
<p><u>Brenden Clarke</u> Brenden Clarke (Jul 31, 2020 11:11 PDT)</p> <p>REGIONAL ADMINISTRATOR SIGNATURE</p> <p><u>Jul 31, 2020</u></p> <p>DATE</p>	<p>OTHER APPROVAL WHEN REQUIRED</p> <p>SIGNATURE DATE</p> <p>REPRESENTING</p>

CONTRACT NO: 009409

CHANGE ORDER NO: 11

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 the signing of this change order agrees and certifies that: Upon payment of this change order in the amount of \$750,000.00, any and all claims in any manner arising out of, or pertaining to, Contract No. 009409 for the claim set forth in the letter of protest to the Department of Transportation, dated June 15, 2020 and signed by Carlos Hernandez, requesting payment of \$963,748.85 have been satisfied in full and the State of Washington is released and discharged from any such claims for additional compensation pertaining to the COVID19 suspension as described in the following paragraph.

This change order compensates the Contractor for labor, materials, equipment, and other costs associated with the COVID19 suspension from March 26, 2020 through May 7, 2020. In addition this change order compensates the Contractor any future costs for the COVID 19 supervisor and sanitation supplies for the remainder of the project.

By signing this Change Order, the Contractor agrees and certifies that WSDOT has the right to demand full reimbursement for the costs of any items in this Change Order if WSDOT determines, after due diligence and examination of documentation provided by the Contractor, that the Contractor or 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 COVID-19. Full or Partial Compensation is defined to be any Government program where the Contractor, Subcontractor, or supplier was forgiven and repayment was not required. If WSDOT and the Contractor do not agree on the determination after due diligence the resolution will follow procedures set forth in Section 1-09.11. To recover such funds, WSDOT may (i) process a future Change Order deducting any and all amounts paid for items related to this Change Order, (ii) withhold payment for any and all remaining bid items associated with this Change Order, (iii) or use any other means necessary to recover such funds.

After Physical Completion, in order to obtain Final Completion, the Contractor shall provide the Engineer a certification stating that the Contractor, 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.

**CONSTRUCTION REQUIREMENTS:**

The Contractor shall provide any labor, equipment, materials, or other services to comply with their COVID Health and Safety Plan submitted on 4/30/2020.

**MEASUREMENT:**

No specific unit of measurement will apply to the new lump sum item CO#11 COVID-19 Costs.

**PAYMENT:**

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

"CO#11 COVID-19 Costs", by lump sum, shall be full pay for all costs for labor, materials, and equipment and all other costs associated with the suspension.

**CONTRACT TIME:**

This change does not affect Contract working days.

WASHINGTON STATE  
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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:	CO#11 COVID-19 COSTS					
1009 CV	L.S.			0.00	0.00	750,000.00

AMOUNT TOTAL

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750,000.00  
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Contract Number 009409	Contract Title Agate Pass Bridge – Bridge Painting	Federal Aid Number State
Change Order Number 0011	Change Description COVID19 Suspension	Date 6/26/2020
Region Olympic Region	Project Engineer Michele Britton	Phone Number 360-874-3010
Prime Contractor / Design-Builder Champion Painting Specialty Services		

- 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 compensates Champion Painting Specialty Services (CPSS) for all labor, materials and equipment associated with the COVID19 shutdown from March 26, 2020 through May 7, 2020. This includes shelter in place housing for the shutdown period. In addition, forward priced costs of labor for a COVID 19 Supervisor and all Sanitation supplies are included for the remainder of the project.

On March 26, 2020, CPSS was issued an order to suspend all work activities in accordance with the Governor's stay at home order. On April 5th, 2020 CPSS submitted their Letter of Protest; however, the suspension was not lifted, and on May 8, 2020, WSDOT gave an order to resume when WSDOT lifted the suspension.

On June 15, 2020 CPSS supplemented their protest with a request for \$963,748.85 for direct damages associated with the shutdown, which included standby equipment, rentals, housing, insurance, bonding, materials and other costs associate with the shutdown.

CPSS staff had resumed work in early March and travelled from their hometown in Florida. Their owned equipment traveled across the Country for this project and was not able to demobilize due to the nature of the bridge painting there is highly specialized equipment that was not available for other work and remained onsite on standby. Two Crews of 15 were onsite at the time of the shutdown. Not knowing how long the shutdown would last Champion tried to maintain their crew. Despite their efforts they lost 10 staff to other states that were allowing construction activities to proceed. The remainder of their staff sheltered in place which increased costs for housing. This resulted in a change in staffing to 1 crew of 20. As they could no longer share some equipment the cost of some of the standard PPE increased beyond normal expected costs.

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

Contract Number 009409	Contract Title Agate Pass Bridge – Bridge Painting	Change Order Number 011
<p><b>Basis Of Cost &amp; Justification:</b></p> <p>An Independent Engineer’s Estimate validated costs for \$750,000.00. Shut down costs and future costs for sanitation and the required COVID19 supervisor are included. Future costs were forward priced based upon the approved project schedule.</p> <p>The Contractor also included a statement that they are not requesting compensation for this change outside of this Contract. <b>See Attachment B.</b></p> <p>The Engineer has determined that this changed Work is not included in the Contract, nor is it included in any other bid items; therefore, the Contractor is entitled to an equitable adjustment in accordance with Section 1-04.4.</p>		
<p><b>Contract Time:</b></p> <p>This change does not affect Contract working days. Contract time was suspended.</p>		
<p><b>Prior Approvals:</b></p> <p>HQ Construction, Jon Deffenbacher, P.E., July 1, 2020 OR Construction, Brenden Clarke, P.E., July 1, 2020 Project Engineer, Michele Britton, P.E., July 1, 2020</p>		
<p><b>List Attachments:</b></p> <p>Checklist Attachment A: Change Approval Attachment B: Contractor Statement of No External Compensation Attachment C: Independent Engineer’s Estimate</p>		

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