



Contract Number 008607	Contract Title I-5, M St to Portland Ave - HOV	Federal Aid Number State
Change Order Number 288 <i>81</i>	Change Description TC OVERRUN PRICE ADJUSTMENT	Date June 12, 2019
Region Olympic Region	Project Engineer <i>SLJ</i> Gaius Sanoy	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 addresses the actual costs associated with variations in estimated quantities for the overrun of temporary traffic control items, and for an underrun in the planned quantity for Plastic Covering.

Standard Specifications Section 1-04.6 allows the Contractor to renegotiate the unit prices for the portion of final item quantities in excess of 1.25 times the original Proposal quantity, following change order quantity adjustments, additionally an equitable adjustment was negotiated for Bid Item #158 Plastic Covering since the item was below 75% of the Proposal quantity.

The Contractor has requested new unit prices for all of the items included in this change. The Fife PEO has negotiated to arrive at new unit prices that align with recovery cost calculations (blue book analysis) with reasonable markups. Olympic Region and HQ Construction were consulted during the negotiation process to ensure the markups were reasonable and that the method of calculation was sufficient.

The Contractor's final pricing also reflects a credit value to WSDOT for acceptance of non-conforming sidewalks that were constructed as part of this Project. The markups were lowered 3% (from FA rates) to reflect the rework of the sidewalks that will be done by others on the SB – HOV Design Build Project.

Traffic Control Item Overruns-

Throughout construction of this Project the traffic control items were paid by Bid Item. This Project has had a considerable amount of added work and schedule delays resulting in added Contract time, with both day and night time operations. The traffic control items were not adjusted when work was added or when Contract time was extended. The Proposal quantities were not generated with both day and night work anticipated.

Contract staging did not account for much of the daytime access that was required in order to progress the work. The Contractor, in agreement with Fife PEO, utilized day time traffic control including shadow vehicles, rolling slowdowns, ramp closures and spotters. This daytime use contributed to the over run of the Flaggers and Spotters, Operation of TMA, Transportable Attenuator, Other Traffic Control Labor and Sequential Arrow Sign quantities.

Long term ramp closures were in place for periods much greater than the original anticipated duration. In particular the SR 7 NB to I-5 SB ramp remained closed for over a year. The ramp remained closed to provide a safe work area for the Contractor and WSDOT staff, following several near hit incidents and

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errant vehicle collisions within the protected work areas. This long term closure required PCMS notification throughout the closure duration contributing to the PCMS overrun.

Plastic Covering-

Plastic Covering was detailed in the plans for TESC related soil stabilization. The Contractor often reused the plastic sheeting materials so the work was tracked and paid under force account item Erosion/Water Pollution Control. This lead to an underrun of the proposal quantity. The Contractor has stated that the actual cost of the work was significantly higher than the bid item unit price and has requested an equitable adjustment for the difference between the final quantity and 75% of the proposal quantity.

On June 5, 2019, Justin Janke of Fife PEO granted change approval. (See attachment A)

On June 5, 2019, Brenden Clarke of OR Construction granted change approval. (See attachment A)

On June 5, 2019, Marco Foster of HQ Construction granted change approval. (See attachment A)

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Basis Of Cost & Justification:

The Contractor has overrun on several traffic control items due to added work, scheduling delays, and work method revisions. Per Standard Specifications Section 1-04.6 the Contractor is entitled to renegotiate the unit price for quantities exceeding 125% of the original Proposal quantity, after adjusting for change order quantities. The Contractor is also entitled to an equitable adjustment for a Plastic Covering quantity underrun, below 75% of the Proposal quantity, per Section 1-04.6.

This change order adds several revised unit price items providing additional Contractor compensation, these items will apply to all units above 125% of the Proposal quantity for the remainder of this Project. Additionally a lump sum equitable adjustment item is added by this change to provide Contractor compensation for the Plastic Covering quantity underrun. This change order adds approximately \$3,277,000 to the Contract amount.

Cost Recovery Calculation (Blue Book Analysis) –

The Fife PEO has calculated revised unit prices based on the paid to date labor hours and equipment hours, and approved labor and equipment rates. Equipment Watch was used to determine the equipment operating and ownership rates. When applicable, monthly rates were used for ownership and operating costs since the equipment was used throughout the multi-year project. Detailed calculations are provided for each item, see Attachment B.

Below is a summary of the new unit prices, added cost adjustment, and an estimated added cost.

Summary of Underruns:

Bid Item #	Item Description	Original Bid Price	New Unit Price	Price Difference	Quantity Below 75% (actual quantity to be applied for price Adj.)	Total WSDOT Adjustment
158	Plastic Covering	\$3.50	\$3.81	\$0.31	28,658	\$8,202

Summary of Overruns:

Bid Item #	Item Description	Original Bid Price	New Unit Price	Price Difference	Quantity Exceeding 125%	Estimated WSDOT Adjustment
223	Transportable Attenuators	\$10,500	\$146,728	\$136,228	3	\$408,684
224	Operation of Transportable Attenuator	\$60	\$88.35	\$28.35	42,770	\$1,212,500
269	Sequential Arrow Sign	\$1.25	\$2.31	\$1.06	41,258	\$43,700
270	PCMS	\$3.50	\$7	\$3.50	99,189	\$347,200
272	Flaggers	\$55	\$62	\$7.00	29,395	\$205,765
273	Other Traffic Control Labor	\$58	\$77	\$19.00	55,313	\$1,050,947

Total Estimated Added Cost:

\$3,277,000

Contract Time:

This change order does not impact the critical path; therefore, no extension of Contract time is warranted.

Prior Approvals:

HQ Approved, HQ executed change order.

<u>Approvals Obtained:</u>	<u>Change Approval</u>	<u>Approval to Proceed</u>
Project Engineer: Justin Janke	6/5/2019	
OR Construction: Brenden Clarke	6/5/2019	
HQ Construction: Marco Foster	6/5/2019	

List Attachments:

Change Order No. 288 **LA**
Attachment A: Change Approval
Attachment B: Independent Engineer's Estimate
Change Order Checklist

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
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Region
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CONTRACT TITLE: I-5, M ST TO PORTLAND AVE - HOV
CHANGE ORDER NO: 288 R1 TC OVERRUN PRICE ADJUSTMENT

FEDERAL AID NO:

PRIME CONTRACTOR: XXXXXXXXXX MAX J. KUNEY COMPANY
120 N RALPH ST
SPOKANE WA 99202-4744

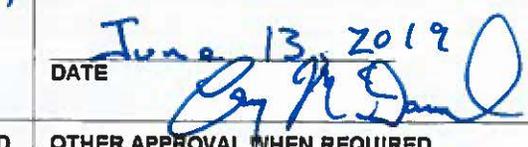
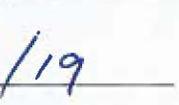
RECEIVED
JUN 12 2019
WSDOT FIFE PEO

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

<p>ENDORSED BY:</p>  <p>CONTRACTOR</p> <p>6-11-19 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: 110,987,894.15
ESTIMATED NET CHANGE THIS ORDER: 3,277,022.48
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 114,264,916.63

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

<p><input checked="" type="checkbox"/> APPROVAL RECOMMENDED () EXECUTED</p>  <p>PROJECT ENGINEER</p> <p>6/13/2019 DATE</p>	<p>EXECUTED:</p> <hr/> <p>STATE CONSTRUCTION ENGINEER</p> <p>June 13, 2019 DATE</p> 
<p><input checked="" type="checkbox"/> APPROVAL RECOMMENDED () EXECUTED</p> <p>REGIONAL ADMIN: </p> <p>BY: </p> <p>6/13/19 DATE</p>	<p>OTHER APPROVAL WHEN REQUIRED</p> <hr/> <p>SIGNATURE _____ DATE _____</p> <hr/> <p>REPRESENTING _____</p>

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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 provides Contractor compensation for traffic control items over 125% of the original Proposal quantity and an equitable adjustment for plastic coverings, under 75% of the original Proposal quantity, per Standard Specifications Section 1-04.6.

Materials:

All materials shall be in accordance with the Contract Plans and Specifications.

Construction Requirements:

All quantity overrun items added by this change order shall be constructed in accordance with the existing Contract Bid items.

Measurement:

The new item "CO#288, TRANSPORTABLE ATTENUATOR RENEG" will be measured using the same standards as "Bid Item #223, TRANSPORTABLE ATTENUATORS". The final pay quantity shall be the maximum number of transportable attenuators, above 125% of the original Proposal Quantity for "Bid Item #223, TRANSPORTABLE ATTENUATORS", in place at any one time.

The new item "CO#288, OPERATION OF TRANS. ATTENUATOR RENEG" will be measured using the same standards as "Bid Item #224, OPERATION OF TRANSPORTABLE ATTENUATORS". The final pay quantity shall be the total number of hours above 125% of the original Proposal Quantity for "Bid Item #224, OPERATION OF TRANSPORTABLE ATTENUATORS".

The new item "CO#288, SEQUENTIAL ARROW SIGN RENEG" will be measured using the same standards as "Bid Item #269, SEQUENTIAL ARROW SIGN". The final pay quantity shall be the total number of hours above 125% of the original Proposal Quantity for "Bid Item #269, SEQUENTIAL ARROW SIGN".

The new item "CO#288, PCMS RENEG" will be measured using the same standards as "Bid Item #270, PORTABLE CHANGEABLE MESSAGE SIGN". The final pay quantity shall be the total number of hours above 125% of the original Proposal Quantity for "Bid Item #270, PORTABLE CHANGEABLE MESSAGE SIGN".

The new item "CO#288, OTHER TRAFFIC CONTROL LABOR RENEG" will be measured using the same standards as "Bid Item #273, OTHER TRAFFIC CONTROL LABOR". The final pay quantity shall be the total number of hours above 125% of the original Proposal Quantity for "Bid Item #273, OTHER TRAFFIC CONTROL LABOR".

The new item "CO#288 FLAGGERS RENEG" will be measured using the same standards as "Bid Item #272, FLAGGERS". The final pay quantity shall be the

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total number of hours above 125% of the original Proposal Quantity for "Bid Item #272, FLAGGERS".

No specific unit of measurement will apply to the new lump sum item "CO#288, PLASTIC COVERING EQ. ADJ.".

Payment:

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

"CO#288, TRANSPORTABLE ATTENUATOR RENEG", per each.

This unit price shall be paid in addition to "Bid Item #223, TRANSPORTABLE ATTENUATORS" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #223, TRANSPORTABLE ATTENUATORS", per Standard Specifications Section 1-04.6.

"CO#288, OPERATION OF TRANS. ATTENUATOR RENEG", per hour.

This unit price shall be paid in addition to "Bid Item #224, OPERATION OF TRANSPORTABLE ATTENUATORS" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #224, OPERATION OF TRANSPORTABLE ATTENUATORS", per Standard Specifications Section 1-04.6.

"CO#288, SEQUENTIAL ARROW SIGN RENEG", per hour.

This unit price shall be paid in addition to "Bid Item #269, SEQUENTIAL ARROW SIGNS" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #269, SEQUENTIAL ARROW SIGNS", per Standard Specifications Section 1-04.6.

"CO#288, PCMS RENEG", per hour.

This unit price shall be paid in addition to "Bid Item #270, PORTABLE CHANGEABLE MESSAGE SIGNS" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #270, PORTABLE CHANGEABLE MESSAGE SIGNS", per Standard Specifications Section 1-04.6.

"CO#288, OTHER TRAFFIC CONTROL LABOR RENEG", per hour.

This unit price shall be paid in addition to "Bid Item #273, OTHER TRAFFIC CONTROL LABOR" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #273, OTHER TRAFFIC CONTROL LABOR", per Standard Specifications Section 1-04.6.

"CO#288, FLAGGERS RENEG", per hour.

This unit price shall be paid in addition to "Bid Item #272, FLAGGERS" and shall be considered full compensation for any additional costs resulting from an overrun, over 125% of the original Proposal quantity, of "Bid Item #272, FLAGGERS", per Standard Specifications Section 1-04.6.

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"CO#288, PLASTIC COVERING EQ. ADJ.", per lump sum.

This lump sum payment shall be considered full compensation for any additional costs resulting from an underrun, under 75% of the original Proposal quantity, of "Bid Item #158, PLASTIC COVERING", per Standard Specifications Section 1-04.6.

This change order is considered full Contractor compensation for all additional costs resulting from quantity overruns and underruns for Bid Items #158 PLASTIC COVERING, #223 TRANSPORTABLE ATTENUATORS, #224 OPERATION OF TRANSPORTABLE ATTENUATORS, #269 SEQUENTIAL ARROW SIGNS, #270 PORTABLE CHANGEABLE MESSAGE SIGNS, #272 FLAGGERS, and #273 OTHER TRAFFIC CONTROL LABOR.

Contract Time:

No extension of Contract time is granted as a result of 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
1282	01		CO#288, TRANSPORTABLE ATTENUATOR RENEG	EACH	136,228.00	3.00	408,684.00
1283	01		CO#288, OPERATION OF TRANS. ATTENUATOR RE	HOUR	28.35	42,770.00	1,212,529.50
1284	01		CO#288, SEQUENTIAL ARROW SIGN RENEG	HOUR	1.06	41,258.00	43,733.48
1285	01		CO#288, PCMS RENEG	HOUR	3.50	99,189.00	347,161.50
1286	01		CO#288, OTHER TRAFFIC CONTROL LABOR RENEG	HOUR	19.00	55,313.00	1,050,947.00
1287	01		CO#288, FLAGGERS RENEG	HOUR	7.00	29,395.00	205,765.00
1288	01		CO#288, PLASTIC COVERING EQ. ADJ.	L.S.	0.00	0.00	8,202.00

3,277,022.48
