



June 18, 2019

TO:  Derek Case,
MS-47354

THRU:  P. Johnson / K. Klingman,
NB82-230

FROM:  P. Fuller
NB82-66

SUBJECT: Contract 9160
SR99, AWW-Replacement South Access SR99 Connections
CHANGE ORDER #084
PVC Delay

RECEIVED
JUN 26 2019

It should be noted for clarity: These references to "delay" do not apply to decisions made outside this contract, specifically those associated with the closure of the Viaduct.

AM
9/24/2019

Attached for your execution and further processing is State Construction office executed change order No. 84 "PVC Delay". This change order has been processed in accordance with the attached change order checklist.

Description of Change

This change order provides compensation to the Contractor for extended overhead for the delays to the project from unforeseen obstructions, WSDOT directed delays to the Permanent Viaduct Closure (PVC) and tunnel celebration. In addition, 28 days were added that were not compensable due to the union strike and for WSDOT not suspending work between September 28, 2018 and December 7, 2018. This change order also provides compensation to the Contractor for additional costs incurred for Traffic Control Supervisor and temporary traffic control devices for the additional working days.

Development of the Change

October 2, 2018 Request For Time Extension

In a letter dated October 2, 2018, Scarsella requested an extension of time due to the Operator's Union strike and due to the obstructions encountered in the construction of the signal system at 1st and Dearborn.

The Operator's Union strike started on August 21, 2018 and ended on September 6, 2018. This caused a delay of 17 calendar days (12 working days). WSDOT completed a time analysis and agreed with Scarsella's position that they should be granted 12 excusable/non-compensable Working Days.

During installation of the conduit crossing 1st Avenue at Dearborn, Valley Electric encountered obstructions under the existing pavement that were not detailed in the Plans. The obstructions were old city trolley tracks. The Contractor was further impacted by the traffic control restrictions and the noise variance requirements in removing these obstructions. Since the 1st Avenue electrical work impact was concurrent to the strike, the strike had to be factored into the time analysis for the 1st Avenue work. The time analysis determined that the total schedule delay was 33 calendar days (23 working days). Twelve (12) working days were attributable to the strike and the remaining 11 working days were determined to be excusable/compensable.

Permanent Viaduct Closure Delay

There was also a delay to the start of the PVC specified by the Contract. The Contract Specification added by Addendum 1 stated "The Contractor shall be ready to start the Permanent Viaduct Closure September 28, 2018. The actual closure will start sometime between September 28, 2018 and December 7, 2018, dependent on other Contracts (and the Contract) having critical components tested and accepted before the closure occurs. The Engineer will provide written notice to the Contractor of the actual closure date 30 calendar days prior to the closure. If the Contractor is ready but the Contracting Agency is not ready for the start of the Permanent Viaduct Closure on September 28, 2018, the Engineer will suspend work in accordance with Section 1-08.6."

On August 28, 2018 WSDOT made a decision to delay the start of the PVC until October 12, 2018 to allow completion of the tunnel commissioning by the tunnel design-build Contractor. As October approached WSDOT management decided to delay the PVC until January 11, 2019. This decision was made as any delay due to weather or other reasons would have pushed the full closure of SR 99 into the Thanksgiving holiday weekend. The Contractor was notified of the change of PVC starting date on September 20, 2018. The delay of the PVC start date from the specified date of December 7, 2018 to January 11, 2019 caused a 25 working day delay. These 25 working days are compensable.

The Contract Specifications stated that the Engineer would suspend time if the start of the PVC was delayed beyond the September 28, 2018 PVC start date. The Engineer did not suspend Contract working days between the date the Contractor was ready to start PVC and December 7, 2018 because the Contractor was progressing PVC work and other work added to the Contract by change order. Progressing the PVC work was an advantage to WSDOT in it reduced the risk of work not being able to be completed due to weather conditions in January. The change order adds an additional 16 excusable/non-compensable days for the work completed during this time period as the original Contract working days did not include enough days for this time period.

Tunnel Grand Opening Ceremony

Prior to the start of the PVC, WSDOT decided to have a celebration in honor of opening the tunnel that would allow the public to travel on foot through the tunnel and to walk up

on the closed viaduct. During the three days of the celebration the Contractor was restricted in what work they could perform. Due to the timing of the celebration, on a weekend, it was decided that the PVC would be lengthened by an additional 6 days so as not to impede the Contractor in completing the work required to open the tunnel. This change order adds an additional 6 compensable working days for this time period.

SR 99 Traffic Control Closures

The Contract provided the Contractor with 4 full closures of SR 99 to perform the Contract work. Due to conflicts with other WSDOT projects the Contractor was not able to take these closures to perform the required work prior to the original PVC start date. The Contractor was allowed to take these closures in between October and December of 2018 to progress paving the SR 99 mainline to reduce risk of delay during the PVC. This change order adds 8 compensable working days for this work.

Due to the added working days granted for the above reasons, the Contractor is entitled to additional compensation for added costs to the lump sum Contract Items Traffic Control Supervisor and Other Temporary Traffic Control.

| Delays | Compensable Days | Non-Compensable Days |
|------------------------------------|------------------|----------------------|
| Operator Union Strike | | 12 working days |
| 1 st Avenue Obstruction | 11 working days | |
| PVC Delay | 25 working days | |
| Non-Suspension of Work | | 16 working days |
| Grand Opening | 6 working days | |
| Traffic Control Closures | 8 working days | |
| Total | 50 working days | 28 working days |

Approvals

- PE Approval – Patrick Fuller gave approval on 5-31-2019 (*Attachment B*).
- Region Approval – Paul Johnson gave approval on 6-6-19 (*Attachment B*).
- HQ Approval – Derek Case gave approval on 6-6-19 (*Attachment B*).
- AWV Program Management – Mario Mathisen gave approval on 5-23-2019 (*Attachment B*).

Entitlement

Due to the obstructions encountered during the excavation of the conduit trench across 1st Avenue at Dearborn, the completion of the Dearborn Street signal at Alaskan Way affected the milestone date of September 28, 2018 for the start of the PVC. The comparison of the approved baseline schedule to the as-built schedule supports the delay caused by the obstruction encountered on 1st Avenue. This analysis is the basis for

entitling the Contractor to additional compensation for direct and indirect costs and an extension to the contract time.

Due to the Operator Unions strike the Contractor is entitled to an extension of time in accordance with Standard Specification Section 1-08.8.

Due to WSDOT's decision to delay the start of the Permanent Viaduct Closure and extend the duration of the PVC for the grand opening ceremony the Contractor is entitled to direct and indirect costs and an extension of Contract time.

The Contractor is entitled to an equitable adjustment for costs accrued for work covered by lump sum bid items for the extension of Contract time.

Schedule Analysis

The schedule analysis completed for the conflict with underground obstructions on 1st Avenue and the Operator's Union strike concluded that there were 33 calendar days of slippage for the time period during August and September of 2018 that affected the milestone date of September 28, 2018 for the beginning of the Permanent Viaduct Closure. (Schedule Analysis - Attachment C)

Price

This is a negotiated cost adjustment in a lump sum amount of \$757,738.52. It compensated the Contractor for all costs related to extended overhead for the 50 working day delay. We performed an independent cost estimate of \$833,064.82 and we accepted. (Estimate - Attachment D)

Contract Time

The delays to the Contractor's work were on the critical path for the overall completion of the Contract work. The number of working days allowed are revised. There are 78 working days being added to the Contract as a result of this change order. The added working days change the Contract time from 260 working days to 338 working days.

PF:dc,zu
Attachments
File: C9160 5(084)

CHANGE ORDER-CHECKLIST

| | | |
|---|--|---|
| Cont. #: <u>9160</u> Cont. Title: <u>SR99_AWV-Replacement South Access-SR99 Connections</u> | If yes, State Construction Office Approval Required. | |
| C.O. #: <u>84</u> C.O. Title: <u>PVC Delay</u> | | |
| I. Executed by the State Construction Office | | |
| 1. Cost or credit equal to or exceeding \$500,000. *1, *3 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | X |
| 2. Change in the contract documents beyond the scope, intent or termini of the original contract. *2 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 3. Any proposed revision or deletion of work that affects the condition of award requirements. (Must be coded "CO" in CCIS, Includes changes to goal or commitment) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 4. Change in contract time greater than 30 working days, or a change in contract time not related to any change order. *1 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | X |
| II. Executed at the Region (Per Delegation) value less than \$500,000 and up to 30 days | | |
| 5. Determination of impacts and/or overhead. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | X |
| 6. Change to Contract Provisions or Standard Plans. | <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 7. Material or product substitution. (Excludes materials associated with Std. Specification Sections 6-07, 8-01, 8-02, 8-12, 8-18 & 8-20) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 8. Structural design change in the roadway section. (Requires concurrence from designer) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 9. Determination of changed condition. (Section 1-04.7 of the Standard Specifications) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 10. Settlement of a claim. (Section 1-09.11(2) of the Standard Specifications) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 11. Repair of damage regarding "acts of God" or "acts of the public enemy or of government authorities". (Section 1-07.13 of the Standard Specification) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |
| 12. Structural change to structures. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | X |

NOTE: PE delegated authority to execute value less than \$100,000 and up to and including 10 days

Approvals obtained:

| | |
|--|------------------------|
| Project Engineer: <u>Patrick Fuller</u> | Date: <u>5/31/2019</u> |
| Region: <u>Paul Johnson</u> | Date: <u>6/6/2019</u> |
| State Construction Office: <u>Patrick Casper</u> | Date: <u>6/6/2019</u> |
| Other (Local Agency, FHWA, Surety, etc.): _____ | Date: _____ |

To be completed by the Project Engineer :

CO Reason(s) (See "2008 Codes & Definitions" on State Construction Office web page): AB-05 IIC & OS SA

Change Order Prepared By: Zoie Urvin Date: 6/18/2019

Is this project under full FHWA stewardship oversight (Project Of Division Interest)? *1 Yes No

To be completed by the Region :

Is the change eligible for Federal participation where applicable? -- Yes No NA

Change Order Reviewed By: [Signature] Date: 6/20/19

- *1 Change (Cost or Credit) greater than \$200,000 or greater than 30 days on Projects Of Division Interest (PODI) requires FHWA approval. (see Construction Manual - Chapter 1-00.10, Chapter SS1-04.4, and State Construction Office web page)
- *2 Per RCW 47.28.050, any change beyond \$7,500 that is beyond the original scope shall go through the competitive bidding process.
- *3 Engineering error changes over \$500,000 requires reporting (See reporting instructions & template on State Construction Office web page)

This form represents the minimum information required by the State Construction Office. If you wish to supplement this information, you may do so on a separate sheet of paper.

NWR Change Order Checklist (Rev. July 2010)

Cont. No. : 9160
C.O. No.: 84

Cont. Title: SR99, AWV-Replacement South Access - SR99 Connections
C.O. Title: PVC Delay

Clearances:

| | | |
|----------------------------|---|------------------------|
| Funding | Name: <u>Mario Mathisen</u> | Date: <u>5/23/2019</u> |
| Is Sales Tax Included? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Design/Technical Lead | Name: _____ | Date: _____ |
| Maintenance | Name: _____ | Date: _____ |
| Agreements? | Name: _____ | Date: _____ |
| Local Agency Coordination? | Name: _____ | Date: _____ |
| Other? _____ | Name: _____ | Date: _____ |

Checklist Prepared by (Project Field Office): Zoie Urvina Date: 6/18/2019

Change Order Reviewed by (Project Field Office): Dave Clarke Date: 6/18/2019

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER**

DATE: 06/07/19
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CONTRACT NO: 009160 FEDERAL AID NO:
CONTRACT TITLE: SR 99, ALASKAN WAY VIADUCT - REPLACEMENT SOUTH ACC
CHANGE ORDER NO: 84 PVC DELAY

PRIME CONTRACTOR: 910680994 SCARSELLA BROS., INC.
P O BOX 68697

 ORIGINAL

SEATTLE

WA 98168-0697

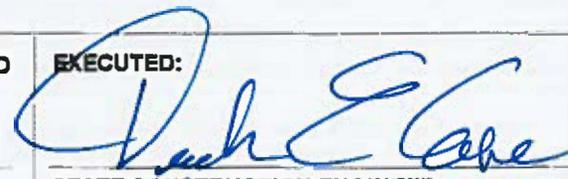
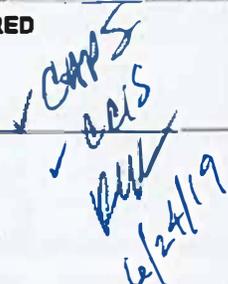
Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications

Change proposed by Contractor

| | |
|--|--|
| ENDORSED BY:  <hr/> CONTRACTOR 6/18/19 <hr/> DATE | SURETY CONSENT: <hr/> ATTORNEY IN FACT <hr/> DATE |
|--|--|

ORIGINAL CONTRACT AMOUNT: 22,583,904.00
 CURRENT CONTRACT AMOUNT: 25,299,598.72
 ESTIMATED NET CHANGE THIS ORDER: 757,738.52
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 26,057,337.24

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

| | |
|---|---|
| <input checked="" type="checkbox"/> APPROVAL RECOMMENDED () EXECUTED  <hr/> PROJECT ENGINEER 6/18/19 <hr/> DATE | EXECUTED:  <hr/> STATE CONSTRUCTION ENGINEER 6/20/19 <hr/> DATE |
| <input checked="" type="checkbox"/> APPROVAL RECOMMENDED () EXECUTED REGIONAL ADMIN:  <hr/> BY: 6/20/19 <hr/> DATE | OTHER APPROVAL WHEN REQUIRED  <hr/> SIGNATURE 6/24/19 <hr/> DATE REPRESENTING |

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CONTRACT NO: 009160

CHANGE ORDER NO: 84

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 OF WORK

The purpose of this Change Order is to provide additional Contract Time, compensation for maintaining traffic control devices and providing Traffic Control Supervisors for the compensable additional Contract Time.

One or more future no time change order(s) will be executed to address any other cost related to the compensable Contract time provided in this change order.

1) This change order adds 11 working days and compensates the Contractor for the extended overhead associated with the delay for:

Underground obstructions delaying completion of installation of conduits on 1st Ave. as stated in the Contractor's letter dated October 2, 2018, from August 21, 2018 through September 6, 2018.

2) This change order adds 25 working days and compensates the Contractor for extended overhead associated with the Permanent Viaduct closure (PVC) delay from December 7, 2018 through January 11, 2019, as directed by WSDOT.

3) This change order compensates the Contractor for extended overhead associated with 6 working day delay for the Tunnel opening celebration during which critical path work could not be performed from January 28, 2018 through February 4, 2019.

4) This change order compensates the Contractor for extended overhead associated with 8 working day delay due to conflicts with other WSDOT projects. The Contractor was not allowed to take weekend closures, four in total, to complete the required work prior to the Contract PVC date of September 28, 2018.

5) This change order provides 13 non-compensable working days for the time period between August 21, 2018 through September 6, 2018 for the Operating Engineers strike.

6) This change order provides 15 additional working days for the time period between the PVC window dates of September 28, 2018 and December 7, 2018. The Contract working days were not suspended during this time as the Contractor was completing as much of the PVC work as possible to mitigate for potential delays due to weather during the PVC. The Contract working days did not include enough working days to cover this time period. These 15 days are non-compensable.

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CHANGE ORDER**

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Total sum of 50 compensable working days added for Items 1, 2, 3, and 4, as listed above.

In addition, this change order compensates the Contractor for the added costs to maintain the traffic control devices and for providing a Traffic Control Supervisor for the added duration of work.

MATERIALS & CONSTRUCTION REQUIREMENTS

There are no additional material requirements or construction requirements as a result of this Change Order.

MEASUREMENT

Measurement of the new lump sum item, "CO84 PVC Delay Costs", shall be in accordance with Standard Specification 1-09.1, Measurement of Quantities of Lump Sum Items.

PAYMENT

This Change Order creates a new lump sum item, "CO84 PVC Delay Costs" in the amount of \$757,738.52.

RELEASE

By signing this Change Order the Contractor, Scarsella, agrees and certifies that any and all claims, disputes, costs, requests for additional compensation/time and/or other matters identified in the Description Section of this Change Order above are hereby satisfied in full and the State of Washington is hereby released discharged in full from all said claims, disputes, costs, requests, and/or identified matters.

CONTRACT TIME:

The Contractor, Scarsella, and WSDOT agree that this Change Order extends Contract Time by seventy-eight (78) days to this Contract.

On Page 229, Line 47 of the Special Provisions is deleted and replaced with: This project shall be physically completed within 338 working days.

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER

DATE: 06/07/19
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CONTRACT NO: 009160

CHANGE ORDER NO: 84

| ITEM NO | GROUP NO | STD ITEM | ITEM DESCRIPTION | UNIT MEASURE | UNIT PRICE | EST QTY CHANGE | EST AMT CHANGE |
|---------|----------|----------|------------------|--------------|------------|----------------|----------------|
| 1056 | 01 | | COB4 PVC DELAY | L.S. | 0.00 | 0.00 | 757,738.52 |

339

757,738.52
