



Nov. 23, 2015

TO: Marco Foster, PE MS 47354 / 360-705-7824

THRU: Brian D. Nielsen, PE *BNI* NB82-230 / 206-805-5426

FROM: Andrew P. Walter, PE *APW* NB82-230 / 206-805-5452

SUBJECT: 007999 – SR99 Bored Tunnel Alternative Design-Build Project
Federal-Aid No. BR-NH-STP-STPF-0099(111)
Change Order #114 – PCO#162 Launch Pit DSC

Attached for HQ execution is Change Order No. 114, "PCO#162 Launch Pit DSC". This change order is being executed unilaterally. WSDOT sent the Design-Builder (D-B) this change order for signature via letter W-G-COR-SCC-CR05-0002777-10, which indicated if the D-B did not sign by close of business November 20, 2015, WSDOT intends to execute it unilaterally, per Contract Section 11.2.5.

DESCRIPTION:

Based on the Dispute Review Board (DRB) recommendation and the information provided by the Design-Builder (STP) to date, this change order provides full and final resolution for all costs and time impacts associated with the following:

- Costs incurred to date for waterline replacement/repair
- Future waterline replacement/repair costs
- Provides full and final compensation for costs not included in the above two items, based on information submitted in STP letter S-G-GEN-SCC-CR05-00643-10 dated April 21, 2015 and S-G-COR-SCC-CR05-00173-19 dated April 24, 2015. WSDOT has requested additional information in an email to STP on May 11, 2015.

This change order is based on the information provided to date. One or more additional change orders may be executed in the event STP responds to WSDOT's request for additional information, and this information justifies additional compensation. This Change Order will reduce the Shared Contingency Allowance by \$1,569,601.

EVOLUTION OF CHANGE:

Using the Generalized Subsurface Profile provided on the Geotechnical Baseline Report for the Project, STP assumed that it could construct the Launch Pit in the dry by embedding secant pile walls into and through an impervious layer. When STP turned on the dewatering system inside the launch pit, they detected ground water drawdown outside the "bathtub." Based upon this evidence, STP submitted a Notice of Differing Site Condition (DSC) pursuant to Contract Section 5.7.

WSDOT determined that the actual conditions did not constitute a DSC. STP protested WSDOT's determination. WSDOT denied STP's protest. The issue was referred to the DRB in fall 2014. The DRB held a hearing on this matter on October 30, 2014. The DRB provided their recommendation to STP and WSDOT on January 16, 2015 which, in part, stated the following:

In conclusion, the DRB considers that a DSC was encountered in the glacial soils and that STP is entitled to relief as it pertains to the impacts on dewatering of these soils within this southern area.

WSDOT requested and STP submitted its change order request on April 24, 2015 based on the DRB recommendation. WSDOT has requested additional information in an email to STP on May 11, 2015. This change order compensates STP based on the DRB recommendations and the information STP has provided to date.

ENTITLEMENT:

Based on the DRB recommendation transmitted to WSDOT on January 16, 2015, and the information STP has provided to date, WSDOT has determined that STP is entitled compensation for costs related to the Launch Pit DSC (PCO 162) and the impacts of dewatering the glacial soils in the southern portion of the Launch Pit. STP requested an extension of 33 days of Contract Deadlines. WSDOT denied this element of the Change Order Request as STP has not demonstrated that the project schedule critical path was impacted, or submitted a Time Impact Analysis that meets the Contract requirements.

PRICE:

STP submitted a Change Order Request on April 24, 2015 for \$21,281,528. WSDOT has agreed to compensate the Design-Builder for costs associated with PCO 162, based on the DRB recommendation and the information STP has provided to date, in the amount of \$1,569,601.

CONTRACT TIME:

Contract time is not affected by this change.

APPROVALS:

- Paul E Johnson, P.E., Contract Administrator gave approval to proceed April 24, 2015
- Brian D Nielsen, P.E., Deputy Program Administrator approved the change Nov. 10, 2015
- Marco Foster, P.E. HQ Construction approved the change Nov. 16, 2015
- Anthony Sarhan, FHWA concurred with the change Nov. 17, 2015
- Diana McCreery, Program Management gave funding concurrence Nov. 16, 2015

ATTACHMENTS TO THE MEMO:

- Change Order
- Change Order Checklist
- Engineer's Estimate
- Approvals and Concurrences listed above
- Change Order Transmittal Letter and Attachments (excluding the transmitted Change Order)

If you have any questions, please contact Andy Walter at 206-805-5452.

cc: Project File

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CONTRACT NO: 007999 FEDERAL AID NO: STP-BR-IM-0099(11)
CONTRACT TITLE: SR 99, BORED TUNNEL ALTERNATIVE - DESIGN BUILD PRO
CHANGE ORDER NO: 114 PCO#162 LAUNCH PIT DSC

PRIME CONTRACTOR: SW0080679 SEATTLE TUNNEL PARTNERS
999 THIRD AVE STE 2424
SEATTLE WA 98104-4044

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

(x) Change proposed by Contractor

ENDORSED BY: _____ CONTRACTOR _____ DATE	SURETY CONSENT: _____ ATTORNEY IN FACT _____ DATE
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ORIGINAL CONTRACT AMOUNT: 1,089,700,002.00
 CURRENT CONTRACT AMOUNT: 1,123,015,048.98
 ESTIMATED NET CHANGE THIS ORDER: 1,569,601.00
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 1,124,584,649.98

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

<input checked="" type="checkbox"/> APPROVAL RECOMMENDED _____ Andrew P. Walter PROJECT ENGINEER _____ 11/23/15 DATE	<input type="checkbox"/> EXECUTED EXECUTED: _____ STATE CONSTRUCTION ENGINEER _____ Nov 23, 2015 DATE
<input checked="" type="checkbox"/> APPROVAL RECOMMENDED REGIONAL ADMIN: _____ BY: _____ _____ 11/23/15 DATE	<input type="checkbox"/> EXECUTED OTHER APPROVAL WHEN REQUIRED _____ SIGNATURE _____ DATE _____ REPRESENTING FHWA _____ 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:

The first paragraph above is deleted and replaced with:
All work, materials and measurements to be in accordance with the Contract Documents for this Project. Unless specifically modified herein, all provisions in the Contract Documents shall remain in full force and effect.

DESCRIPTION:

Pursuant to Section 5.7.6, this Change Order compensates the Design-Builder (D-B) for the additional direct and indirect costs, including profit, incurred by the D-B directly attributable to dewatering the glacial soils within the Launch Pit due to a Differing Site Condition (DSC).

This Change Order is a final settlement for "Launch Pit" DSC associated with PCO 162 based on the information submitted by the D-B to date. Should the D-B provide the additional information requested by WSDOT on May 11, 2015 and the information is found to establish entitlement for additional compensation and/or time under the Contract, WSDOT will address such entitlement by separate change order.

MEASUREMENT:

No specific unit of measure shall apply to the new lump sum Bid Items "DSC H2O Line Replacement/Repair", "DSC Future H2O Line Replacement/Repair", and "Launch Pit DSC".

PAYMENT:

Compensation for any and all costs directly attributable to the DSC in the glacial soils in the Launch pit (PCO #162)) shall be by the new lump sum bid items, as follows:

"DSC H2O Line Replacement/Repair" in the agreed to lump sum amount of \$254,669.00

"DSC Future H2O Line Replacement/Repair" in the agreed to lump sum amount of \$468,458

"Launch Pit DSC" in the agreed to lump sum amount of \$846,474 shall be full and final pay for all costs associated with the Launch Pit DSC (PCO 162) and which are not included in other bid items established in this change order.

By execution of this change order, Per Section 5.7.6 the "Shared Contingency Allowance" shall be reduced by \$1,569,601.00. See page 5 of 5 of this Change Order for "Shared Contingency Allowance" fund status.

CONTRACT TIME:

The Design Builder and WSDOT agree that this Change Order has no impact to

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Contract Time, and as such, no extension of Contract Time will be granted as a result of this Change Order.

MISCELLANEOUS:

The Design-Builder (D-B) certifies the amount of time and/or compensation granted by this Change Order is based on the information provided to date by the D-B and includes all known and anticipated impacts or amounts, direct, indirect and consequential, which may be incurred as a result of the event or matter giving rise to this change and that the Design-Builder has no reason to believe and does not believe that the factual basis for this Change Order is falsely represented.

WSDOT's execution and payment of this change order shall not be considered acceptance of the D-B's position concerning additional entitlement and extension of contract time concerning any future information requested by WSDOT.

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ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE

1111	122	15	DSC - H2O LINE REPLACEMENT/REPAIR	L.S.	0.00	0.00	206,281.89
1111	122	16	DSC - H2O LINE REPLACEMENT/REPAIR	L.S.	0.00	0.00	48,387.11
1112	123	15	DSC - FUTURE H2O LINE REPLACEMENT/REPAIR	L.S.	0.00	0.00	379,450.98
1112	123	16	DSC - FUTURE H2O LINE REPLACEMENT/REPAIR	L.S.	0.00	0.00	89,007.02
1113	124	15	LAUNCH PIT DSC	L.S.	0.00	0.00	685,643.94
1113	125	16	LAUNCH PIT DSC	L.S.	0.00	0.00	160,830.06

1,569,601.00

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Shared Contingency Allowance Status

Fund Amount (per Contract Section 13.1) \$40,000,000.00

<u>CO#</u>	<u>CO Name</u>	<u>Date Executed</u>	<u>CO Amount</u>
113	TBM Access Shaft DSC - Interim	10/15/2015	\$1,069,677.31
114	PCO#162 Launch Pit DSC	TBD	\$1,569,601.00

Fund Amount Remaining \$37,360,721.69