



May 16, 2016

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

THRU: Brian D. Nielsen, PE *BN* 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)
 CO# 140 – Suspension for Convenience-AWV Closed-Interim Payment

Attached for HQ execution is Change Order #140, “SUSP FOR CONV-AWV CLSD-INTERIM”.

DESCRIPTION:

This interim Change Order compensates the Design-Builder (D-B) for estimated costs associated with a Suspension for Convenience issued for the start of mining out of the Safe Haven 3 and grants an 8 day time extension. WSDOT made the decision to close the Alaskan Way Viaduct (viaduct) while the D-B tunnels underneath it. WSDOT has committed to providing two weeks’ notice to the public and partner agencies to implement traffic mitigation measures prior to closing the viaduct. This change order compensates the D-B for estimated costs per day for extended field overhead and tunnel crew for the time extension. Final costs will be addressed in a future change order once WSDOT’s audit of the D-B’s overhead is completed and actual costs are known. The time extension for this Suspension for Convenience is final.

EVOLUTION OF CHANGE:

The Contract allows SR 99 to remain open while the D-B tunnels underneath it. As a precaution, WSDOT Executives made a decision to close the viaduct during this time. Closing the viaduct during tunneling will enable better monitoring of the structure and allow for quick repairs if any ground movement from tunneling should occur.

Roughly 90,000 vehicles use the viaduct each day and because the structure is one of three major north/south routes in the greater Seattle area, we expect this closure to have a significant effect on the region’s commute. WSDOT worked with our partner agencies on a plan to help keep traffic moving during this closure. This includes real-time traffic monitoring, police officers at key intersections, providing additional buses, standby buses, additional water taxi capacity and incident response vehicles to clear accidents quickly, as well as signing and signal timing changes. More specifically, it includes:

Transit:

King County is rerouting 12 routes and will deploy 22 extra buses to help maintain schedules. King County Water Taxi will add 5 extra round trips to the Vashon route. King County is providing extra parking lots and spots along Harbor Ave SW in West Seattle for Water Taxi riders.

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City Streets

Seattle Police Department will conduct manual traffic control in key intersections as needed to keep intersections clear. Temporary parking restrictions along key routes will facilitate transit and general purpose travel times. SDOT is expediting planned intersection markings along E. Marginal Way S. to assist bicycle and pedestrian routes. Traffic flow and temporary parking changes will help get vehicles on and off Aurora at Denny Ave, Wall Street and Battery Street. SDOT is restricting lane closure requests by third parties on city streets.

Highways

I-5 express lanes will remain open in the northbound direction overnight. Southbound I-5 HOV lane between Mercer and Corson will be "open to all" during the closure.

As part of this planning effort, the amount of advance notice needed to the City and partner agencies to implement this plan was discussed, and after consideration WSDOT committed to providing two weeks' notice to the public and partner agencies prior to closing the viaduct. In addition, WSDOT also wanted to allow commuters adequate time to adjust/modify their schedules to less congested travel times or possibly eliminate trips altogether.

When WSDOT notified the D-B of the Suspension for Convenience they were at Safe Haven 3 finishing planned intervention work. Once leaving Safe Haven 3, the D-B would immediately be tunneling under the viaduct. Prior to notifying the public and local agencies of the closure, WSDOT had to be certain that the D-B would remain on schedule for that closure period. The intervention work was planned to occur over approximately one month from mid-March through mid-April. The unpredictability and complex nature of the work at Safe Haven 3, along with changing plans regarding geotechnical investigation under the Viaduct, prevented WSDOT and the D-B from accurately predicting with certainty, when the work would be finished and Tunneling Under the Viaduct would occur. Work in Safe Haven 3 took longer than anticipated.

The D-B provided notice by email on April 13, 2016 that the D-B would not be performing or participating in any geotechnical investigation/exploration program. WSDOT's letter this same date discussed this change of plans, notification to the public planned on April 15, 2016, and required the D-B to communicate it's needs by close of business on April 14, 2016. The D-B's letter WSD-0969 dated April 14, 2016 confirms their intent to leave Safe Haven 3 on April 21, 2016, and requested an 8 day compensable time extension. It wasn't until this time that WSDOT was confident work would be finished on a predictable date, thereby allowing WSDOT to notify the Public of closing the Viaduct. This notification was provided on April 15, 2016. WSDOT's letter 16-0101 dated April 14, 2016 agrees that this is a Suspension for Convenience, eligible for an extension of contract time and an increase in compensation.

ENTITLEMENT:

The Contract does not require the D-B to close the viaduct during Tunneling Under the Viaduct nor obligate the D-B to coordinate Tunneling Under the Viaduct with WSDOT's decision to close the Viaduct. WSDOT agrees that this is a Suspension for Convenience and is eligible for a compensable time extension.

PRICE:

The new lump sum bid item "CO#140, Susp. For Conv.-AWV Closed-Interim " in the amount of \$1,200,000.00 is an estimated amount for this Suspension for Convenience. Final costs will be

addressed in a future change order. The final amount may be higher or lower than this estimated amount.

CONTRACT TIME:

This work affects the critical path schedule and as such Contract Time is extended by 8 days due to this change order. This is an agreed final time extension for this Suspension for Convenience.

APPROVALS:

- Andrew P. Walter, P.E., Contract Administrator, gave approval to proceed April 15, 2016
- Brian Nielsen, P.E., SR99 Tunnel Director, approved the change April 15, 2016
- Marco Foster, P.E. HQ Construction, approved the change April 15, 2016
- Anthony Sarhan, FHWA approved the change April 19, 2016
- Mario Mathisen, Program Management gave funding concurrence May 9, 2016

ATTACHMENTS TO THE MEMO:

- Change Order
- Change Order Checklist
- Engineer's cost estimate
- Email Approvals and Concurrences listed above

If you have any questions, please contact Brian Nielsen at 206.805.5426

ncb

cc: Project File

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CHANGE ORDER

DATE: 05/09/16
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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: 140 SUSP FOR CONV-AWV CLSD-INTERIM

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

Change proposed by Contractor

ENDORSED BY: _____ CONTRACTOR 5/13/16 _____ DATE	SURETY CONSENT: _____ ATTORNEY IN FACT _____ DATE
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ORIGINAL CONTRACT AMOUNT: 1,089,700,002.00
 CURRENT CONTRACT AMOUNT: 1,125,940,077.10
 ESTIMATED NET CHANGE THIS ORDER: 1,200,000.00
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 1,127,140,077.10

Approval Required: Region Olympia Service Center Local Agency

CAPS ✓
CC13 ✓
4MB 5/20/2016

<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED Andrew P. Walter _____ PROJECT ENGINEER 5/16/2016 _____ DATE	EXECUTED: _____ STATE CONSTRUCTION ENGINEER 5/20/16 _____ DATE
<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED REGIONAL ADMIN: _____ BY: 5/16/16 _____ DATE	OTHER APPROVAL WHEN REQUIRED Anthony Jahan 5/20/16 _____ SIGNATURE DATE FHWA _____ REPRESENTING

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CONTRACT NO: 007999

CHANGE ORDER NO: 140

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:

This Change Order provides interim compensation to the Design-Builder for direct and indirect costs, including allowable overhead costs incurred, and extends Contract Time as the result of a WSDOT Directed Suspension for Convenience relating to the start up of tunneling from Safe Haven 3. One or more additional Change Orders will be issued to reconcile final resolution of cost (either an increase or decrease) based on additional information being provided by the Design-Builder.

At WSDOT's discretion WSDOT determined it would close the Alaskan Way Viaduct (Viaduct) while tunneling activities were being performed beneath it. WSDOT committed to provide 2 weeks notice to the public of the closure. On April 14, 2016 the Design-Builder notified WSDOT that it planned to begin mining out of Safe Haven 3 and beneath the Viaduct on April, 21, 2016. WSDOT published its two week notice on April 15, 2016. As a result of the notice period, tunnel mining may not occur out of Safe Haven 3 prior to 12:01 am April 29, 2016 resulting in an 8 days Suspension for Convenience since the Design-Builder was ready to mine on April 21, 2016.

DESIGN-BUILD CONTRACT:

Contract Article 4.2, as previously revised by Change Orders 8, 43, 106 and 128, is revised as follows:

On page 10, the sentence starting on line 5 is revised to read:

Design-Builder shall achieve Substantial Completion within 1,652 days after the effective date of NTP 2, shall achieve Physical Completion within 120 days after Substantial Completion, and shall achieve Final Completion within 120 days after Physical Completion.

MEASUREMENT:

No specific unit of measure shall apply to the new lump sum Bid Item "CO#140, Susp. For Conv.-AWV Closed-Interim".

PAYMENT:

The new lump sum bid item "CO#140, Susp. For Conv.-AWV Closed-Interim" in the amount of \$1,200,000 is an interim payment for direct and indirect costs, including allowable overhead costs associated with the WSDOT Directed

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Suspension for Convenience.

CONTRACT TIME:

The Design-Builder and WSDOT agree that this Change Order extends Contract Time by eight (8) days. This is a full and final time extension for the work described above.

MISCELLANEOUS:

WSDOT's execution of this change order and payment of the lump sum bid item "CO#140, Susp. For Conv.-AWV Closed-Interim" in the amount of \$1,200,000 is an interim payment. WSDOT's execution of this Change Order and granting of a time extension to Contract Time of eight (8) days is final time extension. This change order will be superseded by one or more final change orders upon final reconciliation of all costs. The final change order(s) will increase or decrease compensation compared to this interim change order.

The Design-Builder has no reason to believe and does not believe that the factual basis for this Change Order is falsely represented.

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CONTRACT NO: 007999				CHANGE ORDER NO: 140			
ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE

131 1128	01		CO#140, SUSP. FOR CONV.-AWV CLOSED-INTERI	L.S.	0.00	0.00	1,200,000.00
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1,200,000.00
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