



Contract Number 009269	Contract Title SR 202, Evans Creek & Patterson Creek Fish Passage	Federal Aid Number STBG-0202(059)
Change Order Number 7	Change Description Evans Creek Clear All Credit	Date 6/3/2021
Region Northwest	Project Engineer Mike Askarian, P.E.	Phone Number (206)-768-5861
Prime Contractor / Design-Builder Hamilton Construction Co.		
<input checked="" type="checkbox"/> Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications or the <input type="checkbox"/> Change proposed by Contractor / Design-		
Evolution & Description Of Change <p>Attached for review and further processing is Headquarters executed Change Order No. 7. This change order deletes all procurement and construction activities associated with the replacement of the existing fish barrier culvert crossing SR 202 at Evans Creek (SR 202 MP 11.96, WDFW Site ID 990142) and provides a clear-all for any known and unknown issues, protests, disputes, and claims pertaining to C9269.</p> <p>The Request for Proposal (RFP) provides for the design and construction of a permanent structure spanning Evans Creek and includes a Preliminary Hydraulic Design (PHD) Report, as a reference document, that indicates the desire and prior planning for an Evans Creek crossing with a naturally regrading stream. However, RFP Section 2.14.4.2 states that the Design-Builder may develop a Hydraulic Design Report that does not follow the PHD but still meets all of the requirements of the Mandatory Standards. The Contractor chose to develop their own Hydraulic Design Report that did not allow for a natural regrade of Evans Creek.</p> <p>On June 27, 2019, the Washington Department of Fish and Wildlife (WDFW) and the Muckleshoot Indian Tribe (MIT) requested that the structure spanning Evans Creek allow for a natural regrade. As a result, the Design-Builder needed to increase the depth of the three-sided culvert structure to allow natural regrading of Evans Creek. The Design-Builder protested in accordance with Section 1-04.5 that natural regrade was not a requirement of the original Contract. Separately, on March 3, 2020, in response to the Design-Builder's Joint Aquatic Resource Permit Approval submittal, MIT stated that a culvert crossing is not appropriate for Evans Creek and that WSDOT agreed at a field meeting in 2014 that a bridge was the best option. In response, the Design-Builder proposed three design solutions to shorten the culvert's length in lieu of constructing a bridge. It was agreed upon for the design-Builder to proceed with their design to add 40-foot retaining walls to shorten the culvert crossing to 90 feet. On June 16, 2020, WSDOT issued a serial letter stating that the Design Builder had some entitlement to additional cost for the re-design caused by MIT's March 3rd comments, but maintained the position that there was no entitlement for the protested natural regrade issue.</p> <p>By July of 2020, the Design-Builder determined that the Work at Evans Creek would be postponed until the 2021 in-water Work window and requested an equitable adjustment of \$6,456,157.00 for added design, construction, overhead and delay costs. Due to the magnitude of scope changes necessary to permit the structure and the associated increase in project cost and risks, WSDOT decided to delete the Work from the RFP and add the structure to a future project. The official correspondence of the deletion of Evans Creek from the RFP was sent on August 12, 2020. By repackaging this Work, WSDOT will be able to provide a more efficient solution that is better aligned with the priorities outlined in the Permanent Injunction Regarding Culvert Correction.</p>		

Distribution By:

Project Office

6/15/2021 Northwest Region Peter Klasell

Copy of Change Records & Change Order w/Backup - Project Engineer

Copy of ONLY Change Order - Prime Contractor / Design-Builder

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Region

Contract Number 009269	Contract Title SR 202, Evans Creek & Patterson Creek Fish Passage	Change Order Number 7
<p>Basis of Cost & Justification:</p> <p>New item "CO7 Evans Creek Clear All Credit" will reduce the Contract price by the agreed lump sum amount of \$3,900,000,00.</p> <p>The Contracting Agency is entitled to a credit in accordance with RFP Section 1-04.4, Item 1, because the Contracting Agency deleted Work from the RFP. The net credit for this change order is \$3,900,000.00. This amount is appropriate because it takes into account the baseline costs to construct the permanent structure at Evans Creek as well as any original RFP Work and added Work related to Evans Creek that was performed prior to or due to the deletion of the structure. Baseline construction costs are based on quantities provided by the Design-Builder in Serial Letter 196. Original RFP Work and added Work eligible for compensation include renegotiated bid prices due to decreased quantities, material procurement costs, material restocking costs, construction surveying, added design packages for Evans Creek, added Work at other locations due to the added design packages, inspection fees at Evans Creek, and project overhead associated with Evans Creek. Please see the attached estimate for further detail.</p>		
<p>Contract Time:</p> <p>This change order does not affect Contract time.</p>		
<p>Prior Approvals:</p> <p>Mike Askarian, Construction Project Engineer, gave his approval to proceed with this change on June 3, 2021. Bob Dyer, Assistant State Construction Engineer, gave his approval on June 3, 2021. Steve Strand, Northwest Region Engineering Manager, gave his approval on June 3, 2021.</p>		
<p>List Attachments:</p> <p>C9269 CO7 Evans Creek Clear All Credit Checklist Estimate Approvals</p>		

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DOT Form 422-002

Region

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WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER

DATE: 06/03/21
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CONTRACT NO: 009269 FEDERAL AID NO: FEDERAL
CONTRACT TITLE: SR 202, EVANS CREEK & PATTERSON CREEK FISH PASSAGE
CHANGE ORDER NO: 7 EVANS CREEK CLEAR ALL CREDIT

PRIME CONTRACTOR: SW0017141 HAMILTON CONSTRUCTION CO.
2213 SOUTH F ST - 97477-5207
PO BOX 659
SPRINGFIELD OR 97477-0121

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

ENDORSED BY: Signature on file <small>Kathleen Wilcox (Jun 7, 2021 09:54 PDT)</small>	SURETY CONSENT:
CONTRACTOR SIGNATURE 06/07/2021 _____ DATE	ATTORNEY IN FACT _____ DATE

ORIGINAL CONTRACT AMOUNT: 11,975,000.00
CURRENT CONTRACT AMOUNT: 11,982,438.00
ESTIMATED NET CHANGE THIS ORDER: -3,900,000.00
ESTIMATED CONTRACT TOTAL AFTER CHANGE: 8,082,438.00

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

Signature on file <small>Mike Askarian (Jun 7, 2021 10:13 PDT)</small>	Signature on file <small>Robert E. Christopher I (Jun 14, 2021 14:06 PDT)</small>
PROJECT ENGINEER SIGNATURE 6/7/2021 _____ DATE	STATE CONSTRUCTION ENGINEER SIGNATURE 6/14/2021 _____ DATE
Signature on file	OTHER APPROVAL WHEN REQUIRED
REGIONAL ADMINISTRATOR SIGNATURE 6/7/2021 _____ DATE	SIGNATURE _____ DATE _____ REPRESENTING _____

CONTRACT NO: 009269

CHANGE ORDER NO: 7

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

All Work associated with the Evans Creek fish passage (SR 202 MP 11.96, WDFW Site ID 990142) is deleted from the Contract.

Any and all protests, disputes, and claims pertaining to Contract No. 009269, including but not limited to Contractor requests for compensation for Work related to the Evans Creek fish passage that was performed prior to its deletion, and costs for delays, inefficiencies, and impacts to the unchanged work caused by the deletion of the Evans Creek fish passage, are hereby resolved.

It is agreed that the indemnifications for regrade and flooding provided in Change Order No. 2 "Indemnification" under General Provision 1-07.14(1).6 and 1-07.14(1).7 shall remain in effect.

MEASUREMENT AND PAYMENT

In consideration for the above, the Contractor and WSDOT mutually agree that the Contractor will provide WSDOT a credit in the amount of \$3,900,000.00. This will be accomplished by creating a new item "CO7 Evans Creek Clear All Credit".

CONTRACT TIME

Contract time is not affected by this change order.

WASHINGTON STATE
 DEPARTMENT OF TRANSPORTATION
 CHANGE ORDER

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CONTRACT NO: 009269 CHANGE ORDER NO: 7

ITEM NO	GROUP NO	STD ITEM	UNIT OF MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE
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ITEM DESCRIPTION:	CO7 EVANS CREEK CLEAR ALL CREDIT	L.S.	0.00	0.00	-3,900,000.00
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AMOUNT TOTAL

 -3,900,000.00
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