



Change Order Checklist

Cont #: <u>009344</u> Cont. Title: <u>SR 20: Deception Pass and Canoe Pass Bridges - Painting</u>	If yes, State Construction Office Approval Required.
C.O. #: <u>005</u> C.O. Title: <u>Interim Payment</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
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
3. Any proposed revision or deletion of work that affects the condition of award requirements. (Must be coded "CO" in CCIS, Includes changes to goals or commitment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Change in contract time greater than 30 working days, or a change in contract time not related to any change order. *1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
II. Executed at the Region (Per Delegation)	
5. Determination of impacts and/or overhead.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Change to Contract Provisions or Standard Plans.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Material or product substitution. (Excludes materials associated with Std. Specification Sections 6-07, 8-01, 8-12, 8-18 & 8-20)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Structural design change in the roadway section. (Requires concurrence from designer)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Determination of changed condition. (Section 1-04.7 of the Standard Specifications)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Settlement of a claim. (Section 1-09.11(2) of the Standard Specifications)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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
12. Changes to structures considered the practice of engineering per Construction Manual SS 1-04.4.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Approvals obtained:

Project Engineer: Shane Spahr (verbal) Date: 1/23/2020

Region: Jay Drye (verbal) Date: 1/23/2020

State Construction Office: Craig McDaniel (verbal) Date: 1/23/2020

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): AL16 UC CS

Change Order Prepared By: Megan Mosebar Date: 1/28/2020

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

Change Order Reviewed By: _____ Date: _____

*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.



Contract Number 009344	Contract Title SR 20: Deception Pass and Canoe Pass Bridges - Painting & Special R	Federal Aid Number NHPP-0020(194)
Change Order Number 005	Change Description Interim Payment	Date 1/28/2020
Region Northwest	Project Engineer Shane Spahr	Phone Number 360-848-7103

Prime Contractor / Design-Builder
Eagle Industrial Painting, LLC

- Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications or the
- Change proposed by Contractor / Design-

Evolution & Description Of Change

EVOLUTION & DESCRIPTION

On January 23, 2020 the Contractor presented to the Engineer and WSDOT HQ on their protest. The Engineer determined some entitlement exists due to a change in the nature of the Contract Work. This change order provides a good faith payment in light of continuing negotiation on the amount of entitlement. Additional future payments associated with this payment, if any, will be based on the assessment of cost impacts that are the result of what we determine to be a change in nature of the work over and above what should have been bid for the Contract as advertised. This change order does not preclude the Contractor from continuing to pursue a claim.

This change order was unilaterally accepted, with surety consent provided by letter.

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

Original of Change Records & Change Order w/Backup - Region Construction Office

Region

Original of Change Records & Change Order w/Backup - State Construction Office

Contract Number 009344	Contract Title SR 20: Deception Pass and Canoe Pass Bridges - Painting & Special F	Change Order Number 005
<p>Basis of Cost & Justification:</p> <p>BASIS OF COST</p> <p>WSDOT recognized that the change in the nature of the Work increased the Contractor's costs to perform Contract Work.</p> <p>JUSTIFICATION</p> <p>The Contractor demonstrated actual cost impacts associated with the amount of effort and time necessary to perform the Contract Work. Based on a change in the nature of the Work, the Contractor is entitled to additional costs for work performed, but the final amount is not yet determined. The Deputy State Construction Engineer authorized a good faith payment of \$1,500,000 to address the apparent added cost. The final value of the change will be determined by the Engineer, with any remaining costs addressed in a later change order.</p>		
<p>Contract Time:</p> <p>There is no contract time associated with this change order.</p>		
<p>Prior Approvals:</p> <p>The Construction Office PE, Shane Spahr, verbally approved this change order on 1/23/2020. The Mt Baker Area Assistant Regional Administrator, Jay Drye, verbally approved this change order on 1/23/2020. The Deputy State Construction Engineer, Craig McDaniel verbally approved this change order on 1/23/2020.</p>		
<p>List Attachments:</p> <p>Attachment A, CO5 Document (3 pg) Attachment B, CO5 Checklist (1 pg) Attachment C, Surety Consent Letter (1 pg)</p>		

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**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER**

DATE: 01/27/20
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CONTRACT NO: 009344 FEDERAL AID NO: NHPP-0020(194)
 CONTRACT TITLE: SR 20, DECEPTION PASS AND CANOE PASS BRIDGES PAINT
 CHANGE ORDER NO: 5 INTERIM PAYMENT

PRIME CONTRACTOR: SW0247548 EAGLE INDUSTRIAL PAINTING, LLC
 3215 MAGNOLIA RD NW
 MAGNOLIA OH 44643-9527

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

ENDORSED BY: <div style="font-size: 1.5em; font-family: cursive;">"Unilateral"</div> _____ CONTRACTOR _____ DATE	SURETY CONSENT: _____ ATTORNEY IN FACT _____ DATE
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ORIGINAL CONTRACT AMOUNT: 13,998,005.00
 CURRENT CONTRACT AMOUNT: 14,010,190.23
 ESTIMATED NET CHANGE THIS ORDER: 1,500,000.00
 ESTIMATED CONTRACT TOTAL AFTER CHANGE: 15,510,190.23

Approval Required: Region Olympia Service Center Local Agency

<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED <div style="font-size: 1.5em; font-family: cursive;">[Signature]</div> PROJECT ENGINEER _____ 1/27/2020 DATE	EXECUTED: [Signature] _____ STATE CONSTRUCTION ENGINEER _____ 1/28/2020 DATE
<input checked="" type="checkbox"/> APPROVAL RECOMMENDED <input type="checkbox"/> EXECUTED REGIONAL ADMN: [Signature] _____ BY: _____ 1/27/2020 DATE	OTHER APPROVAL WHEN REQUIRED _____ SIGNATURE DATE _____ REPRESENTING

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CHANGE ORDER**

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CONTRACT NO: 009344

CHANGE ORDER NO: 5

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

In light of ongoing negotiations this change order is being processed unilaterally to provide payment in good faith as negotiations continue. As such, this payment is intended to minimize impacts due to untimely payments providing timely payment to employees, subcontractors, suppliers and etcetera. This change order does not acknowledge or compromise either party's position they might or might not have under the Contract with regard to any claim.

MEASUREMENT

No unit of measure will apply to "Interim Payment."

PAYMENT

The new lump sum item "Interim Payment" is with regard to ongoing negotiations and will be deducted from any future payment, if any, associated with a change to the nature of the work to remove existing paint.

CONTRACT TIME

There is no contract time associated with this change order.

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
CHANGE ORDER**

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CONTRACT NO: 009344	CHANGE ORDER NO: 5
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ITEM NO	GROUP NO	STD ITEM	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE
1002	02		INTERIM PAYMENT	L.S.	0.00	0.00	1,500,000.00

1,500,000.00
