

Memorandum

Date:

December 2, 2015

To:

Fred Tharp

HQ Construction, MS 47354

Thru:

Steve Roark/Dave Ziegler O.R. Operations, MS: 47440

MB

From:

Michele Britton, Port Orchard P.E.O.

360-874-3000

Subject: C 8677 SR 104

Hood Canal Bridge—Anchor Cable Replacement

F.A. Project No.NHPP-0104(053) CO #01512 Tugboat Assistance

Requested Action:

☐ Review ☐ Review and Region Execution 💢 Review and HQ Execution

- Change Approval Date: Michele Britton, PE (9/9/15); Steve Roark, OR (10/15/15); Fred Tharp, HQ (9/15/15)

- Approval to Proceed: Michele Britton, PE (9/9/15)

Description of the Change

This change order compensates the Contractor for stabilizing the Hood Canal Bridge drawspan with the tugboats "Andrew Foss" and "Spartan" to maintain bridge alignment.

Evolution of the Change

On September 9, 2015, after a routine draw span opening, crews were unable to close the bridge due to its misalignment. The MN cable had been removed and without this tension force on the tip of the draw span, the flanker pontoons was pushed out of alignment approximately 14-feet by tidal forces. Aligning the bridge was accomplished by use of the on-site Manson tug, Nancy M, and by the commercial tug, Spartan. Manson was authorized to utilize the Spartan on September 9 to close the bridge and provide future support as needed. On September 10, an additional tug (Andrew Foss) was mobilized to allow the Nancy B to resume support of the cable replacement work. Tug support from the Andrew Foss and the Spartan was determined to be the best option to maintain bridge alignment during anchor cable replacement activities. The Spartan and the Andrew Foss were used continuously for the duration of the anchor cable replacement (MN, MS, L1N, L1S, L2N, and L2S and ceased support operations on 9/18/15 and 9/21/15, respectively.

The Project Engineer provided verbal approval to mobilize the tugs after consulting with the Region Construction Office. After it was determined that the cost would exceed the project engineer's execution authority, Region and HQ construction offices were contacted, and approvals were obtained from ARA Steve Roark and ASCE Fred Tharp.

Entitlement

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The effort and planning required to maintain the alignment during cable removal is not specified in the contract documents, nor is there notice that such condition may occur. Accordingly, the Engineer has determined that this added work was unanticipated. Therefore, in accordance with Section 1-04.4, the Contractor is entitled to compensation for the added work.

Price

The Engineer's estimate is based on invoice costs for the tugboats as supplied by Foss Marine and Brusco Tug & Barge. The estimate includes markups as described in Section 1-09.6. The cost is \$512,397.80. The Contractor did not agree to this price. See below for the Contractor's viewpoint.

Contractor's Viewpoint

The Contractor assumed that mark-ups on the invoices for the tugboat companies would be at standard force account rates. The Project Engineer offered a 7% markup in accordance with Section 1-09.6, subsection 6. The Contractor contended that the tugboat companies are not subcontractors, nor were they acting in the manner of a subcontractor; therefore, they should receive the full 21% markup as described for a "specialized service" in subsection 4. Given the contractual disagreement on the appropriate markup, and in the interest of making payment for the work, the Engineer informed the contractor that the change would be processed unilaterally.

Contract Time

This change does not affect contract time.

Attachments to Memorandum

Change Order Document
Change Order Checklist
Attachment A – Change/Verbal Approval
Attachment B – Engineer's Independent Estimate

MLB/SKC

File: C8677, OC15-047, 8.015

Serial File: SF15-270

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CHANGE ORDER

DATE: 11/12/15
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008677 CONTRACT NO: FEDERAL AID NO: NHPP-0104 (053) CONTRACT TITLE: SR 104, HOOD CANAL BRIDGE - ANCHOR CABLE REPLACEME 15 R2 TUGBOAT ASSISTANCE CHANGE ORDER NO: PRIME CONTRACTOR: MANSON CONSTRUCTION CO. PO BOX 24067 SEATTLE WA 98124-0067 (X) Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications () Change proposed by Contractor **ENDORSED BY:** SURETY CONSENT: CONTRACTOR **ATTORNEY IN FACT** DATE DATE **ORIGINAL CONTRACT AMOUNT:** 7,324,203.00 **CURRENT CONTRACT AMOUNT:** 7,601,332.58 **ESTIMATED NET CHANGE THIS ORDER:** 512,397.80 8,113,730.38 **ESTIMATED CONTRACT TOTAL AFTER CHANGE:** Approval Required: (*) PE (*) Region (X) Olympia Service Center () Local Agency

(X APPROVAL RECOMMENDED Michill & Britts	() EXECUTED	EXECUTED:	_
PROJECT ENGINEER		STATE CONSTRUCTION ENGINEER	
12/2/15 DATE		12 3/15 DATE	
APPROVAL RECOMMENDED	() EXECUTED	OTHER APPROVAL WHEN REQUIRED	
REGIONAL ADMIN: K. Wanton			
BY: Davd		SIGNATURE	DATE
DATE 12/3/15		REPRESENTING	

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CHANGE ORDER

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CONTRACT NO: 008677

CHANGE ORDER NO: 15 R2

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:

This Work consists of moving and holding the Hood Canal Bridge with the tugboats "Andrew Foss" and "Spartan" to maintain alignment.

Construction Requirements:

The Contractor shall provide and utilize the tugboats "Andrew Foss" and "Spartan" to move and/or hold the bridge in alignment during bridge openings for marine traffic and as necessary during construction activities.

Tugboats shall apply force to the pontoons at approved points.

Measurement:

There is no specific unit of measurement for the lump sum item, CO15 Tugboat Assistance.

Payment:

"CO15 Tugboat Assistance", lump sum, shall be full payment for all labor, tools, equipment, and materials to furnish and utilize the tugboats "Andrew Foss" and "Spartan" as specified.

Time:

This change does not affect contract time.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CHANGE ORDER

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CONTRACT NO: 008677			CHANGE ORDER NO: 15 R2				
ITEM NO	GROUP NO	STD	ITEM DESCRIPTION	UNIT MEASURE	UNIT PRICE	EST QTY CHANGE	EST AMT CHANGE
1002	01		CO 15 TUGBOAT ASSISTANCE	L.S.	0.00	0.00	512,397.80

512,397.80

CHANGE ORDER-CHECKLIST

Cont. #: 008677 Cont. Title: Hood Canal Bridge Anchor Cable Replacement. C.O. #: 15 22 C.O. Title: Tugboat Assistance							
	.U. #: III W C.U. Hite: Intuite Assistance			Approval Required.			
1.	Executed by the State Construction Office						
ı	Cost or credit equal to or exceeding \$500,000. *1, *3	Yes	□No	×			
	Change in the contract documents beyond the scope, intent or termini of the original contract. *2	☐ Yes	⊠ No	x			
	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)	☐ Yes	⊠ No	х			
	 Change in contract time greater than 30 working days, or a change in contract time not related to any change order. *1 	☐ Yes	⊠ No	x			
п.	Executed at the Region (Per Delegation)						
	5. Determination of impacts and/or overhead.	☐ Yes	⊠ No	x			
	Change to Contract Provisions or Standard Plans.			x			
	 Material or product substitution. (Excludes materials associated with Std. Specification Sections 6-07, 8-01, 8-02, 8-12, 8-18 & 8-20) 	☐ Yes	⊠ No	x			
	Structural design change in the roadway section. (Requires concurrence from designer)	☐ Yes	⊠ No	х			
	9. Determination of changed condition.(Section 1-04.7 of the Standard Specifications)	☐ Yes	⊠ No	x			
	10. Settlement of a claim.(Section 1-09.11(2) of the Standard Specifications)	☐ Yes	⊠ No	х			
	 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) 	☐ Yes	⊠ No	x			
	12. Structural change to structures,	☐ Yes	⊠ No	x			
Approvals obtained: Project Engineer: Michele Britton Date: 9/9/2015 Region: Steve Roark Date: 10/15/2015 State Construction Office: Fred Tharp Date: 9/15/2015							
	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): Cause: PM_Purpose: AW							
Change Order Prepared By: S. Cochran Date:							
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? The Board of the Change Order Reviewed By: Date: 12/3/15							

- *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 <u>minimum</u> information required by the State Construction Office. If you wish to supplement this information, you may do so on a separate sheet of paper.