

CONTRACT CHANGE ORDER MEMORANDUM

DC-CEM-4903 (OLD HC-39 REV. 6/93) CT# 7541-3544-0

DATE: 12/09/2009

Page 1

TO Pete Siegenthaler, Principal TE			FILE 04-0120F4	
FROM Gary Pursell, STE / Richard Morrow, SBE			04-SF-80-13.2/13.9	
CCO NO. 123	SUPPLEMENT NO. 1	CATEGORY CODE CHXX	CONTINGENCY BALANCE (including this change) \$53,971,776.00	
\$4,750,000.00			HEADQUARTERS APPROVAL REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
INCREASE <input checked="" type="checkbox"/> DECREASE <input type="checkbox"/>			IS THIS REQUEST IN ACCORDANCE WITH ENVIRONMENTAL DOCUMENTS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
SUPPLEMENTAL FUNDS PROVIDED \$				
CCO DESCRIPTION: Additional Funds - East End Detailing			PROJECT DESCRIPTION CONSTRUCT SELF-ANCHORED SUSPENSION BRIDGE	
Original Contract Time 2490 Day(s)	Time Adj.: This Change Deferred	Previously Approved CCO Time Adjustments 150 Day(s)	Percentage Time Adjusted: (including this change) 6 %	Total # of Unreconciled Deferred Time CCO(s): (including this change) 6

THIS CHANGE ORDER PROVIDES FOR:

Schedule recovery incentives for the expedited development of shop drawings for the East End of the Orthotropic Box Girder (OBG). It is understood that these drawings have taken longer to complete and that the Department may be responsible for additional compensation due to but not limited to, completeness of working drawing submittals, timeliness of preparation, submittal, review, and approval of working drawings, completeness of design, and clarifications and decisions involving constructability and construction means and methods. In addition, the time required to develop these drawings is much longer than originally intended and are now behind schedule. The change order establishes four target dates; one for each critical section of the OBG. Dates are prioritized based on the criticality of the section.

The responsibility for this work and the delay has not yet been established and it is thought that full resolution won't be able to occur until the shop drawings are completed (Current estimate March 2010). This change order is issued to provide incentives for completion of the drawings earlier than indicated in the Contractor's current CPM Schedule. This change provides an adjustment of compensation in the order of \$650 and \$1,250 for each substantially complete working drawing submitted prior to the target dates defined in the change order. Caps of \$1,000,000.00 are established for each of the four target dates with a maximum possible incentive of \$4,000,000.00

This change also includes a lump sum payment of \$750,000.00 for mobilization of additional staff, re-assigning current work to other firm(s) and committing sufficient staff through the accelerating period initially compensated for in Supplement 0. The issues surrounding this compensation are still pending as the work continues. Therefore, language from Section 5-306E, Situation 10, of the Construction Manual addressing full and complete compensation is premature at this time and inappropriate for this change order. Appropriate language will be added in a supplement to this change when full and complete compensation is provided. The language in this change order was directed by the Toll Bridge Program Oversight Committee (TBPOC).

This change order was, in concept, proposed by the Toll Bridge Project Oversight Committee (TBPOC) as a way to provide encouragement to the contractor to perform the work faster than scheduled and to mitigate delays to the project. The Project Management Team (PMT) concurs with this change, for it is consistent with the Department's Risk Management plan to provide a proactive means to mitigate identified risk and impacts to the bridge opening schedule.

This work is not covered by any contract items. To date, the Department's exposure in this matter is in the order of \$4,750,000.00, which can be financed from the contingency fund, for a cumulative amount of \$10,600,000.00 for this change. This exposure is based on the Department being responsible for a portion of the extra work claimed by the Contractor. A cost analysis is on file.

Adjustment of contract time is deferred pending completion of the work specified in this change as it may affect the controlling operation. Although detailing overhead cost is included in Contract Item 5, "Time-Related Overhead," the additional unanticipated work is resulting in a longer than originally scheduled duration. The Department has estimated that additional merited compensation, impacts and overhead, will equal or exceed \$4,750,000.00. If a future change order increases the number of working days in Contract Item 5, "Time-Related Overhead," and includes delays associated with detailing the east end Orthotropic Box Girder and/or other working drawings, the parties agree that the TRO daily value will be offset \$2,788.00 for each additional working day. It is also agreed that after February 28, 2009, detailing work subject to this change order will be compensated at a rate of \$105 per hour, inclusive of TRO.

CONTRACT CHANGE ORDER MEMORANDUM

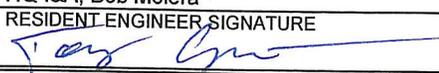
DC-CEM-4903 (OLD HC-39 REV. 6/93) CT# 7541-3544-0

DATE: 12/09/2009

Page 2

This change order received concurrences from Gary Pursell (Resident Engineer), Peter Siegenthaler (Principal Engineer), Ken Terpstra (Project Manager), Tony Anziano (Toll Bridge Manager) and Jon Tapping (SFOBB Project Risk Manager). Maintenance and Design concurrences are not required for this change.

This change order received approval from TBPOC on November 17, 2009 and an Issue and Approve from Headquarter Construction on December 7, 2009. A copy of the Issue and Approve from Headquarters is attached for reference and the comments from this I&A have been addressed in this CCO Memorandum.

CONCURRED BY:		ESTIMATE OF COST	
CONSTRUCTION ENGINEER	DATE	THIS REQUEST	TOTAL TO DATE
Res. Eng. Gary Pursell, Sup. TE	10/15/09		
SR. BRIDGE ENGINEER	DATE	ITEMS	\$0.00
		FORCE ACCOUNT	\$0.00
FHWA REPRESENTATIVE	DATE	AGREED PRICE	\$0.00
		ADJUSTMENT	\$4,750,000.00
PROJECT MANAGER	DATE	TOTAL	\$4,750,000.00
Proj. Manager, Ken Terpstra	10/15/09		\$10,600,000.00
OTHER (SPECIFY)	DATE	FEDERAL PARTICIPATION	
HQ Project Risk Manager, Jon Tapping	12/09/09	<input type="checkbox"/> PARTICIPATING <input type="checkbox"/> PARTICIPATING IN PART <input checked="" type="checkbox"/> NONE	
HQ Oversight, Richard Foley	12/08/09	<input type="checkbox"/> NON-PARTICIPATING (MAINTENANCE) <input type="checkbox"/> NON-PARTICIPATING	
Toll Bridge Manager, Tony Anziano	11/17/09		
TBPOC	11/17/09		
Principal TE, Peter Siegenthaler	DATE	FEDERAL SEGREGATION (IF MORE THAN ONE FUNDING SOURCE OR P.I.P. TYPE)	
DISTRICT PRIOR APPROVAL BY	10/15/09	<input type="checkbox"/> CCO FUNDED PER CONTRACT <input type="checkbox"/> CCO FUNDED AS FOLLOWS	
HQ (ISSUE & APPROVE) (TO PROCEED) BY	DATE	FEDERAL FUNDING SOURCE	PERCENT
HQ I&A, Bob Molera	12/07/09		
RESIDENT ENGINEER SIGNATURE	DATE		
	12/19/09		