

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5b

Date of Meeting November 3, 2009

DATE: October 22, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Ralph Graves, Managing Director, Capital Development Division

SUBJECT: Change Order #005 for the Duwamish Trail Link – West Marginal Way SW et al Project, Contract MC-0315437

ACTION REQUESTED:

Requests authorization for the Chief Executive Officer to execute Change Order Number 005 for the Duwamish Trail Link – West Marginal Way SW et al Project to add the additional time required (196 days) to complete the project.

SYNOPSIS:

This project constructed approximately 1030' of new trail for pedestrian and bicyclist use along West Marginal Way in West Seattle. During the original period of performance, BNSF changed the requirements for Railroad Protective Liability Insurance. The portions of the work that were within the BNSF right-of-way could not proceed until the new insurance requirements were met by the Contractor. Work was suspended until the contractor could comply. We are requesting CO #005 be issued for an additional 196 days needed to complete the project. This is a no-cost change order.

CHANGE ORDER DESCRIPTION AND JUSTIFICATION:

The following information relates to the pending change order scope and cost:

Change Order No. 005

- **Scope of work:** The original contract completion date is 10/31/08. CO #005 will add an additional 196 calendar days to the contract duration due to the suspension of work.
- **Justification:** Although the Contract included provisions requiring the contractor to procure Railroad Protective Liability insurance for the portions of the work that impinged on the BNSF right-of-way, this insurance requirement was increased by the Railroad part way through the contract work. The delay created by this additional insurance requirement was exacerbated by the requirement that all the contractor's employees undergo railroad safety training prolonging the duration of the suspension. The direct costs with the additional insurance and additional required training were covered by CO #004 issued previously for a total cost of \$5000. CO #005 accounts for the time

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T. Yoshitani, Chief Executive Officer

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associated with this change. The contractor has not asked for any further compensation regarding this issue.

- **Consequences of not proceeding:** The contractor would be responsible for liquidated damages due to no fault of their own and make claim for delays.

FINANCIAL ANALYSIS: This is a no-cost change order.

CONTRACT INFORMATION: The following information relates to the contract and competitive award:

Contract award date:	June 06, 2008
Original period of performance:	147 Days
Previous contract extensions:	0 Days
Current Contract Completion Date:	October 31, 2008
Contract extension this change order:	196 Days
Revised Contract Completion Date:	May 15, 2009
Original contract amount:	\$263,865.85
Previous Change Order Nos. 001 – 004:	(\$9,500.00)
<u>Current contract amount</u>	<u>\$254,365.85</u>
<u>This request, Change Order No. 005</u>	<u>\$0.00</u>
Revised contract amount:	\$254,365.85