



## CITY OF EVERETT Change Order

*Project Title* Replacement of Reservoir 2  
*Department* Public Works  
*Work Order No.* UP 3658  
*Contractor:* Walsh Construction II, LLC  
*Contract Award Date:* April 21, 2021  
*City Staff Contact:* Mike Kangas/Souheil Nasr  
*Change Order No.* 003  
*Change Order Effective Date* June 9, 2023

### CONTRACT SUM

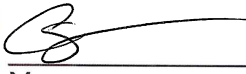




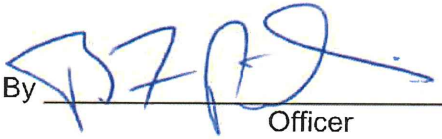
	Original Contract Sum	Total of Previous Change Orders	This Change Order	Contract Sum After this Change Order
Amount	\$18,278,400.00	\$998,589.50	\$ 1,656,165.68	\$20,933,155.18
+ WSST	\$1,791,283.20	\$108,520.01	\$ 163,960.40	\$ 2,063,763.61
Total	\$20,069,683.20	\$1,107,109.51	\$ 1,820,126.08	<b>\$ 22,996,918.79</b>

### CONTRACT TIME

Original Contract Time	425	Working Days <input checked="" type="checkbox"/> / Calendar Days <input type="checkbox"/>
Date of Notice to Proceed		6/14/2021
Cumulative adjustment to time by <i>prior</i> Change Orders		0
Adjustment to time by <i>this</i> Change Order		64
New Contract Time ( <i>including</i> this Change Order)		489

**Contractor and City agree as follows:**

- 1. The scope of Work shall be changed to the extent described in Exhibit A.**
- 2. The amount of this Change Order for the changes described in Exhibit A, represents complete compensation for the changes described in Exhibit A, including all direct and indirect costs and impacts. The Contract Sum shall be adjusted as described in this Change Order.**
- 3. Everett Municipal Code 3.80.050 sets forth the threshold amounts below which the Mayor or their designee is authorized to direct Contractor to perform additional work. In calculating such threshold amounts, Washington State sales tax, as applicable to the Work, has been considered.**
- 4. The Contract Time of the Contract shall be adjusted to the extent described in this Change Order.**
- 5. Contractor waives and releases any and all claims arising out of, or related to, this Change Order, the work described in Exhibit A, and all work and actual or constructive changes that occurred or began prior to the date of this Change Order, including, but not limited to, claims for equitable adjustment of time and compensation, delay, impact, overhead, or inefficiencies. This provision does not apply to requests for equitable adjustment of time or price for which the Contractor timely and properly provided notice of a differing site condition, protest, dispute, claim or Contract Claim as required by the Contract Documents. If the Contract Documents establish a time period for notice of a differing site condition, protest, dispute, claim, or Contract Claim that ends after the date of this Change Order, but relates to work performed prior to the date of this Change Order, then this provision does not apply if the Contractor timely and properly submits such notice.**
- 6. This Change Order only changes the contract between Contractor and City to the extent explicitly provided herein.**
- 7. Signature(s) on this Change Order may be by pdf, email, fax or other electronic means, in which case such signature(s) will have the same effect as an original ink signature. This Change Order may be signed in counterparts, each of which shall be deemed an original, and all of which, taken together, shall be deemed one and the same document.**

CITY			
 Mayor Date: <u>08/24/2023</u>		Attest:  City Clerk Date: <u>08/24/2023</u>	
Standard Document Approved as to Form Office of the City Attorney (5.13.22)			
<b>Recommended By:</b>			
Construction Manager (if applicable)	Project Manager (if applicable)	Engineering Manager (if applicable)	Department Director
 Date: <u>8/16/23</u>	Date: _____	 Date: <u>8/16/23</u>	 Date: <u>8-16-2023</u>
<b>CONTRACTOR</b>			
 By _____ Officer		Date: <u>AUG 15, 2023</u>	

### **Exhibit A—Description of Changed Work**

**New Item 117 – Tank Base Revision.** Add new item 117 Tank Base Revision by adding 1 Lump Sum Item at \$225,082.73 resulting in a \$225,082.73 increase to the Contract.

**New Item 118 – Revised Excavation Sequence.** Add new item 118 Revised Excavation Sequence by adding 1 Lump Sum Item at \$764,297.10 resulting in a \$764,297.10 increase to the Contract.

**New Item 119 – Duct Bank Relocation Revision.** Add new item 119 Duct Bank Relocation Revision by adding 1 Lump Sum Item at \$563,434.49 resulting in an \$563,434.49 increase to the Contract.

**New Item 120 – Tank Reinforcing Steel Increase.** Add new item 120 Tank Reinforcing Steel Increase by adding 1 Lump Sum Item at \$103,351.36 resulting in a \$103,351.36 increase to the Contract.

**Sales Tax.** The Contract including this Changed Work is subject to Washington State Sales Tax Rule 170. The Sales Tax obligation for this Changed Work results in a \$163,960.40 increase to the Contract.

**Working Days** – Add 64 Working Days to the Contract resulting in 489 working days in the Contract.



### **Exhibit B—Justification:**

**New Item 117 – Tank Base Revision.** Due to existing grade conditions the areas below the tanks were modified by adding depth to import base material placed atop additional geosynthetic materials. This resulted in a stable tank base.

**New Item 118 – Revised Excavation Sequence.** Due to a delay in utility relocation the excavation sequence was modified resulting in less efficient excavation. This delay resulted in work occurring beyond the typical dry season resulting in a related increase in erosion control cost. The resequencing was necessary to reduce further impacts to the schedule.

**New Item 119 – Duct Bank Relocation Revision.** The duct bank was revised to accommodate unanticipated requirements of third-party utilities crossing the site. This item is for costs associated with those revisions including associated delay.

**New Item 120 – Tank Reinforcing Steel Increase.** A delay in utility relocation resulted in a corresponding delay in final procurement of reinforcing steel. Since steel is subject to real time market price fluctuations a price increase was incurred during the delay. Due to the lack of storage space onsite, early delivery would have incurred additional offsite storage cost and/or increased secondary handling costs. This negotiated LS settlement presented the least risk to cost and schedule.

**Sales Tax.** The Contract including this Changed Work is subject to Washington State Sales Tax Rule 170.

**Working Days –** The cumulative impact of these changes resulted in an increase to the Contract duration.











# Walsh Construction-Res#2 Replace-CO#3-MK-SD

Final Audit Report

2023-08-24

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Agreement completed.

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