

Utah Transit Authority
 669 West 200 South
 Salt Lake City, Utah 84101
 Phone: (801) 741-8885
 Fax: (801) 741-8892



CHANGE ORDER

No. 15

TITLE: Delay Costs and Time Extension
 PROJECT/CODE: MSP124 - Airport Station Relocation
 TO: Kiewit Infrastructure West
 ATTN: Stan Driver

DATE: 5/21/2021
 This is a change order to
 CONTRACT No: 18-2705TP

DESCRIPTION OF CHANGE: Brief scope, references to scope defining documents such as RFIs, submittals, specified drawings, exhibits, etc.

This change order reflects the costs associated with not having access to the Phase 4 area (most of the ballasted track) as scheduled as well as some phase 3 work that had to be pushed to phase 4. Change order 10 extended the Kiewit contract by 31 days to 8/13/2021 due to them not being able to access the area during the demolition of the parking garage. The cost of the delays were not included in the change order at that time. The costs for the delay from CO 10 are reflected in this change order. Due to access issues, all the construction activity in the area of the ballasted track and the delayed removal of a myriad of utilities which crossed the new alignment, the phase 4 alignment was not available until April 3, 2021. It was originally planned to be available September 15, 2020 but prior to the contract being executed it was planned to be available December 15, 2020. This 3 1/2 month delay has pushed the project back to a finish date of November 24, 2021 (103 days) which includes delays associated with additional insulator work Kiewit subs will be doing for UTA Systems (change order 13 (time was not included in this change order)).

Direction or Authorization to Proceed (DAP) previously executed: YES ___ NO X

It is mutually agreed upon, there is a schedule impact due to this Change order: YES X NO ___

The amount of any adjustment to time for Substantial Completion and/or Guaranteed Completion or Contract Price includes all known and stated impacts or amounts, direct, indirect and consequential, (as of the date of this Change Order) which may be incurred as a result of the event or matter giving rise to this Change Order. Should conditions arise subsequent to this Change Order that impact the Work under the Contract, including this Change Order, and justify a Change Order under the Contract, or should subsequent Change Orders impact the Work under this Change Order, UTA or the Contractor may initiate a Change Order per the General Provisions, to address such impacts as may arise.

Current Change Order		Contract		Schedule	
Lump Sum:	\$748,693	Original Contract Sum:	\$14,705,521	Final Completion Date Prior to This Change:	8/13/2021
Unit Cost:	-	Net Change by Previously Authorized Changes:	\$540,172	Contract Time Change This Change Order (Calendar Days):	103
Cost Plus:	-	Previous Project Total:	\$15,245,693	Final Completion Date as of This Change Order:	12/24/2021
Total:	\$748,693	Net Change This Change Order:	\$748,693		
		Current Project Total:	\$15,994,386		

ACCEPTED:

By: _____
 Date: _____

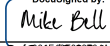
Stan Driver
 Kiewit Infrastructure West

By: _____
 Date: _____
 Andrea Pullos
 Project Manager <\$10,000

By: _____
 Date: _____
 David Hancock
 Director of Capital Construction <\$50,000

By: _____
 Date: _____
 Mary DeLoretto
 Chief Service Dev Officer <\$100,000

By: _____
 Date: _____
 Brian Motes
 Procurement

By: 
 Date: 6/24/2021
 Michael Bell
 Legal Review

By: _____
 Date: _____
 Carolyn M. Gonot
 Executive Director >\$100,000



Change Order Summary Worksheet
Previously Authorized Changes

Contract	18-2705TP KIW
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Change Order No	Date	Amount of CO	Running Contract Total	Subject
Original Contract			\$14,705,521	
1	8/7/2019	\$0	\$14,705,521	Phase 2 Construction Services Amendment
2	4/17/2020	\$41,148	\$14,746,669	Office Trailer
3	4/17/2020	\$9,287	\$14,755,956	Contaminated Soil Testing and Project Delay Costs
4	5/15/2020	\$111,687	\$14,867,643	PCO-001 - Wall/Fence Revisions from IFC Drawings
5	6/19/2020	\$81,674	\$14,949,317	Temporary Platform Work and Underdrain Section Changes
6	7/17/2020	\$28,656	\$14,977,973	PCOs 7-9 Changes to comm. layout, correct sub markup and fencing credit
7	8/21/2020	\$3,970	\$14,981,943	Temporary Restroom Power
8	9/18/2020	\$14,486	\$14,996,429	Temporary Platform Additional Unplanned Work
9	10/16/2020	\$30,645	\$15,027,074	Unknown Utilities Discovered under Canopy A Footings
10	11/20/2020	\$132,444	\$15,159,518	Various Scope Modifications for PCOs 13-16 and Time Extension
11	12/18/2020	(\$72,009)	\$15,087,509	Credit for UTA Flagging
12	2/19/2021	\$102,876	\$15,190,385	Phase 4 Drainage and Grading
13	4/16/2021	\$102,558	\$15,292,943	Various Scope Modifications for PCO-019-021
14	5/21/2021	(\$47,250)	\$15,245,693	Wolff Drainage Credit
Total to Date		\$ 540,172		



Kiewit

April 4, 2020

Letter #018

Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101
Attention: Andrea Pullos
Project Manager

RE: Direction to Proceed with Phase 4 Guideway, Airport Station Relocation #18-2705TP

Subject: Phase 4 Delay

Dear Andrea,

We have reviewed your letter from earlier today and understand this to be written Direction or Authorization to Proceed (DAP), as that term is used in the Contract with Phase 4 guideway work. It is our intention to start the guideway work 5 April 2021. In compliance with Article 7.2 of our Contract we have detailed the cost and schedule impacts of the Phase 4 delay.

Time Delay

We have attached our P-6 schedule update from our March month end report. Final Acceptance is now scheduled to be 24 November 2021. The Phase 4 delay is the period of 15 December 2020 to 3 April 2021.

- Phase 3 Utility and Footings Delay 25 CD
- Phase 4 Utility Delay 109 CD
- Total Project Delay 134 CD

Kiewit requests a total of 134 CD be added to the initial time of completion.

Cost Impact

Consistent with your letter and terms of the Contract we agree that the phase 4 delay can be addressed the same way that the delay from September to December was handled by utilizing Bid Item 3.1. Based upon the hierarchy of price adjustment methods in Article 7.6, the use of Bid Item 3.1 is the appropriate method to establish the price adjustment.

Kiewit request 123 days of delay based upon the unit price of item 3.1.

$(123 \text{ Days} \times \$5,071.81/\text{Day}) \times 20.015\% \text{ markup} = \$748,693.20$

This cost impact includes the Phase 3 work shifted to Phase 4 as discussed in executed Change Order 10 as well as the Phase 4 Utility Delay.



Kiewit

The Contract anticipates that Contract adjustments in time and price due to changes be resolved and negotiated prior to the work and failing that the parties “continue to negotiate in good faith to resolve outstanding issues expeditiously.” We do not believe there is or should be any real dispute about the above requested adjustments and would appreciate an expeditious response. We appreciate your letter of direction and look forward to bringing this matter to closure.

Sincerely,

Jim Holmes, Project Manager

Kiewit Infrastructure West Co.

P: (801) 216-3200 C: (602) 723-1761 E: james.holmes@kiewit.com

Kiewit Infrastructure West Co.

9815 South Monroe Street Suite 100
 Sandy, UT 84070
 Project Name: SLCA Station Relocation
 Project No: 18-2705TP
 EXHIBIT A - Estimate



PCO-022 - Phase 4 Delay									
#	Description	C E-(TO) Qty	C E-UOM	Labor	Construction Equipment (Owned)	Construction Equipment (Rented)	Materials & Supplies	Subcontract	Total
	PCO-021 - Phase 4 Delay - TRO and Indirects Cost Breakdown	123.0	DAYS	\$623,833.02	\$0.00	\$0.00	\$0.00	\$0.00	\$623,833.02
	Phase 3 & 4 Provisional Sum	123.0	DAYS	\$623,833.02	\$0.00	\$0.00	\$0.00	\$0.00	\$623,833.02
1	Phase 3 Utility and Footings Delay	14.0	DAYS	\$ 71,005.38	\$0.00	\$0.00	\$0.00	\$0.00	\$71,005.38
2	Phase 4 Delay (12/15/2020 - 4/3/2021) Provisional Sum	109.0	DAYS	\$ 552,827.64	\$0.00	\$0.00	\$0.00	\$0.00	\$552,827.64
	Subtotal			\$ 623,833.02	\$0.00	\$0.00	\$0.00	\$0.00	\$ 623,833.02
	Markup %			20.015%	20.015%	20.015%	20.015%	20.015%	
	Markup Value			\$124,860.18	\$0.00	\$0.00	\$0.00	\$0.00	\$124,860.18
	Grand Total			\$748,693.20	\$0.00	\$0.00	\$0.00	\$0.00	\$748,693.20

Analysis of Delay Change Order Request
MSP124 Airport Relocation Project

Kiewit

June 4, 2021

Cost Review

Phase 4 of the airport TRAX project is the construction of approximately 800' of ballasted track. This area is/was full of utilities and was planned to be the last area cleared by airport contractors prior to Kiewit beginning construction in the phase. During design this area was planned to be cleared by the airport by September 15, 2020.

During the original contract negotiations for this project UTA was told by the airport that UTA would not have access to the Phase 4 area until November 15, 2020. A 3 month delay cost was included in the contract as a provisional cost. It was placed as provisional in the hopes it would not be needed and/or that they would hit the November date.

The provisional items included the following:

1. Phase 4 Delay (9/15-12/15)
2. Winter Heating
3. Temporary Storm Drain

Kiewit sent notice to UTA that they would not be able to begin phase 4 November 18, 2020.

In October of 2020 UTA began weekly update meetings with Kiewit and HD and SLC to have a better feel of how the airport was progressing to know when we would get access.

By March we still did not have access so a change order was needed.

Discussions began in February on how it should be cost out.

Since the original delay in the contract was vetted it was determined that it was a valid number for the delay. Item 1 above was divided by the number of days in the original contract (90) and a daily cost was determined. That daily cost was then used to calculate the cost of the actual delay.

The alignment was available April 3, 2021 and work began April 5, 2021 on Phase 4. The cost for the delay is for \$748,693.20.

The costs associated with the delay are:

- Full time Project Manager, Superintendent, and Project Engineer
- Part time Quality Manager, Safety/Maintenance, Business Manager, Payroll, Accounts Payable, Scheduler
- SWPPP
- Staff sub/moves/support
- Access/laydown impacts

Mitigation Review

During the delay there were bits and pieces of the Phase 4 area that Kiewit could possibly have worked in. These areas were very small, 50' here and there. However, with the HD crews working in the area access to Phase 4 was very limited. Access to the platform and other areas were extremely limited. Working on these small areas was not feasible, and as we later found out, the utilities HD thought had been cleared out were not actually dead and removed. Trying to start the work in this area just was not a possibility. One example is the deep sewer that HD installed. They installed it in January, but then found a leak and had to dig it up again in February. The deep sewer goes under the track.

Schedule Review

Looking into the schedule I had hoped that we could catch up on some time. But as the schedule was investigated and the tasks for Phase 4 reviewed it was determined it is not possible to catch up on time. The work in Phase 4 is built consecutively...excavation must be completed before you can begin the duct work which needs to be out of the way to build the underdrain since it is such a tight space. Kiewit is able to begin duct work on one end and drainage on the other, however, there is a point where this doesn't work. Once those are complete wall construction may begin. Walls need to be installed before the ballast and the rail can be placed. So the original time planned for the construction of Phase 4 did not change, it just shifted the 3.5 months.

The other obstacle in this area is all the construction work in the area and access. If we had had access 3 months earlier, HD would not be working and trying to build the road. This is making a very tight area even tighter to work in with less lay down/storage areas than originally planned. Kiewit is currently working through these issues and progressing on the new schedule.