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CITY AND COUNTY OF HONOLULU
STATE OF HAWAII
CONTRACT CHANGE ORDER

BFS 34053

CC04

Contract: West Oahu/Farrington Guideway DB

Change Order No. 00004

Contractor: Kiewit Infrastructure West Co.

Contract No.: 1000137

Commencement Date: 11/17/09

Contract Time (Days): ~~1434~~

* Original Completion: 10/21/13

This Change Order shall serve as a supplemental agreement covering extra work or a change in the quantity of work from what is on the proposal of this project.

DESCRIPTION OF WORK: See attached Supplemental Sheets, RFCs and corresponding Record of Negotiations.

CHANGES INCLUDED IN CHANGE ORDER

Type	Number	Title	Cost	Time Change
RFCC	00065	Builder's Risk Ins. 5/1/11-12/31/11	\$311,682.00	0
RFCR	00003	Non-OCIP Insurance 12/1/09-4/30/11	\$2,503,484.00	0
RFCR	00021	Non-OCIP Insurance 5/1/11-12/31/11	\$1,180,064.00	0

Total Amount This Change Order No. 00004

\$3,995,230.00

* The Contract Time (Days) and The Date of Substantial Completion are yet to be negotiated and are unresolved at this time. Therefore, we reserve our right to a future agreement of these two items.

The Original Contract Sum	\$482,924,000.00
Net Change by Previously Authorized Requests and Changes	\$0.00
The Contract Sum Prior to This Contract Change Order	\$482,924,000.00
The Contract Sum Will be Increased	\$3,995,230.00
The New Contract Sum Including This Contract Change Order	\$486,919,230.00
The Contract Time Will Not Be Changed	
The Date of Substantial Completion as of this Contract Change Order	10/21/2013 *

Acct. No. 69017801-09-c

Computed and Checked:

1. [Signature]
Contract Manager

Certify Availability of Funds:

5. [Signature] 7/27/11
Fiscal Officer

Approved:

2. [Signature]
Deputy Project Officer Admin. and Controls

Approved as to form and legality:

6. [Signature] 7/27/11
Deputy Corporation Counsel

Approved:

3. [Signature]
Contractor

Approved:

7. [Signature]
Interim Executive Director

Approved:

4. [Signature]
Officer In Charge, RTD
Transportation Services

7/27/2011

Execution Date DEPT. COM. 733



**CITY AND COUNTY OF HONOLULU
STATE OF HAWAII
CONTRACT CHANGE ORDER**

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The following milestones will be added to the Baseline Schedule and Schedule of Milestones:

Milestone Title	NTP	Milestone Code	Activity ID	Unit Value	Qty	Units	SM Value (\$)
Non-OCIP Insurance from 12/1/2009 to 4/30/2011.	NTP 2	00.01.73.00.40.08	CO.137.00004.01	\$2,503,484.00	1	LS	\$2,503,484.00
Non-OCIP Insurance From 5/1/2011 to 12/31/2011	NTP 2	00.01.73.00.40.08	CO.137.00004.02	\$147,508.00	8	Months	\$1,180,064.00
Negotiated Builders Risk Insurance	NTP 2	00.01.73.00.40.08	CO.137.00004.03	\$311,682.00	1	LS	\$311,682.00

3,995,230.00

RFCR-00003 SUMMARY
RTD WOFH CONTRACT #1000137
Contractor OCIP Replacement
RTD CHANGE CONTROL BOARD #5
RECORD OF DECISION

Accepted: *L*

Additional Information Required:

Date for Re-Review: _____

Denied: _____

Reason:

RTD OIC: *K. Sawaym*

DEC: *James L. Smith*
FOR HARVEY BERLINER

CFM: *[Signature]*

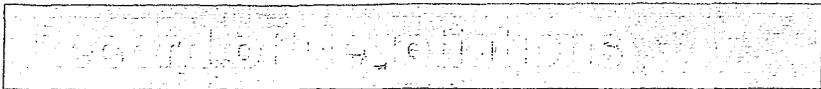
RTD PM: *[Signature]* for J. Zwerisch

DAC: *[Signature]*

DATE: *5/10/11*

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HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT



RFC No.: RFCR 003

CONTRACT: West Oahu / Farrington Highway Guideway DB

Contract No.: CT-DTS-1000137 **Contractor:** KIWC

RFC Issue: RFCR 003, Insurance Coverage Increase

Date/Time of Negotiations:

19 April 2011, 8 AM

Location of Negotiations:

KIWC Field Office

Negotiation Participants:

Name	Organization	Telephone	email
Steve Caniglia	KIWC		
Edwin Aleman	KIWC		
Colleen Furuya	KIWC		
Jim Voglino	GEC		
Tom Willoughby	GEC		
Tom Julich	GEC		

Record of Negotiations:

The negotiations addressed 3 RFC's: RFCR 003, Insurance Coverage Increase, RFCC 065, Builder's Risk Insurance, and RFCR 021, Add'l Insurance Coverage w/ No OCIP. While a separate Record of Negotiations has been prepared for RFCC 065 to expedite its processing separately, it is understood by the participants that the negotiated agreement covered all 3 RFC's.

KIWC agreed to reduce the engineering and administration of RFCR 003 by \$49,000 giving a new bottom line of \$3,687,706 (subsequently reduced to \$3,683,548 per request from Steve Caniglia) (from the proposal amount of \$3,736,706). Steve Caniglia proposed that KIWC would extend the coverage provided in RFCR 00003 from August 2011 to December 31, 2011 (part of the scope for RFCR 021) within the revised costs discussed for RFCR 003 and RFCC 065. Steve did note that the Excess Liability insurance portion of the scope (to the \$50,000,000 level) of RFCR 021 is excluded from this revised proposal, and will still need to be dealt with in RFCR 021. This was all agreed to by the GEC participants.

All parties to the agreement understand that this negotiated agreement does not set a precedent on how markups will be addressed on future RFC's.

Summary of Agreed to Conditions:

The agreed upon amount for this RFCR is \$3,683,548. This includes extending the coverage provided in RFCR 00003 from August 2011 to December 31, 2011 (part of the scope for RFCR 021).

Participants:	Signature	Date
Steve Caniglia, KIWC, PM <small>Print Name/Company/Title</small>		5-10-11 <small>Date</small>
JAMES T. VOGLINO <small>Print Name/Company/Title</small>		5/10/2011 <small>Date</small>
Darin Mar, RTD, CM <small>Print Name/Company/Title</small>		5/10/11 <small>Date</small>

LINE #	NTP #	PRICE ITEM CODE	BASELINE SCHEDULE ACTIVITY ID	MILESTONE CODE (WBS)	MILESTONE TITLE	SM VALUE (\$)	PLANNED ACHIEVEMENT (DATE)	QUANTITY	UNIT	UNIT VALUE (\$/UNIT)
	NTP 2	CO #		B.G.00.01.73.00.40.08	Builders Risk Insurance from 5/1/2011 to 12/31/2011	311,682	27-May-11		LS	
	NTP 2	CO #		B.G.00.01.73.00.40.08	Non-OCIP Insurance from 12/1/2009 to 4/30/2011	2,503,484	27-May-11		LS	
	NTP 2	CO #		B.G.00.01.73.00.40.08	Non-OCIP Insurance from 5/1/2011 to 12/31/2011	1,180,064	31-Dec-11	8	MO	147,508

Line # to be filled out by Kiewit

Activity ID to be filled out by Kiewit

Price Item code will be the Change Order designation



HONOLULU HIGH-CAPACITY CORRIDOR PROJECT

West Oahu/Farrington Guideway DB

CONTRACT No. CT-DTS: 1000137

RTD Request for Change (RFCR)

RFCR NO: 00003

To: Steve Caniglia

Date: 4/21/2011

Company: Kiewit Pacific Co.

From: Kenneth Hamayasu

Company: Rapid Transit Division

RTD Issue No: C00004

Subject: Insurance Coverage Increased

WBS Level: 01 73 00

Issued for Price\Schedule CPC Date Due: 9/15/10

Configuration Control:

Baselines Impact:

Interface Plan Impact:

Issued as DCN\FCN: Not to exceed \$0

Issued as Unilateral:

Limitations on the scope during this interim period:

Requested Change:

Update 2/17/11: Request KIWC provide additional information as indicated below.

- Provide additional information about Kiewit's self-insurance program for the City to evaluate the ability of the program to meet the requirements for this change. This should include a general description of the program, information on the coverage, and the process for handling claims.
- Provide additional breakout and/or explanation for determining the \$1,776, 720 cost of Kiewit's program. What is the basis for the unit price? Explain the cost for "insurance risk on future labor overruns."
- For subcontractor costs provide an explanation of how the insurance will be provided (i.e. is it also under the Kiewit program or handled in another manner).
- For subcontractor costs provide an explanation for the cost of "1% risk on subcontractor estimated increase due to added insurance coverage."
- For labor costs a \$99/hr rate was used. Provide a breakdown on how the rate was calculated, to include the level of individuals involved and what the blended rate covers.
- Provide an explanation to substantiate why this change will require an additional 16 hours per month for someone to administer.
- Provide an explanation for the cost of "non-OCIP adjustment for insurance."
- Be prepared to provide invoices during the negotiations process to show the actual additional costs incurred insuring under Kiewit's program for this period (both prior to the new insurance being in place and to cover the additional period requested).
- Be prepared to provide invoices to show actual additional costs incurred by subcontractors.

8-4-10: In addition to the requirement already identified in Special Provisions 3.1 (h) for coverage not expected to be included in the OCIP, it is requested that you provide insurance coverage identified in SP- 3.1(h) sub-paragraphs (2), (3), and (4) cover the additional insurance being required by the City, given that the OCIP may not be in place until 1 year from now.

Please include this coverage in your annual policy.

Please note that "Builders Risk" is not to be included in your proposal.

Please disregard the City's letter RTD-0045, dated June 21, 2010.

Justification:

The City will be providing OCIP Provided Coverage to the entire Honolulu High-Capacity Transit Corridor Project. This total coverage will reduce costs to the entire project instead of having each Contractor or Design Builder providing their own insurance. Until OCIP Provided Coverage is procured by the City, it is necessary for KIPC to purchase their own insurance.

Response:

Responder: Steve Caniglia

Date: 4/21/2011



HONOLULU HIGH-CAPACITY CORRIDOR PROJECT

West Oahu/Farrington Guideway DB

CONTRACT No. CT-DTS: 1000137

RTD Request for Change (RFCR)

RFCR NO: 00003

No Cost\Schedule Impact:

Cost Impact: \$0 (Submit assumptions and rough-order of magnitude breakdown of costs)

Schedule Impact: 0 Days (Submit assumptions and breakdown of time)

Date CPC Submitted:

4/21/11: As a follow-up to the negotiation held on 4/19/2011 regarding Non-OCIP Insurance Coverage, KIWC offers the following clarification regarding the coverage included in the proposal for RFCR 00003 Insurance Coverage Increased. The proposal for RFCR 00003 is submitted for insurance coverage assumed by KIWC to be included in the RTD's OCIP program.

To further clarify, insurance included in the RFCR 00003 proposal is not included in Price Item Code 01A Activity ID A1010 Insurance.

2/23/11: Response to RTDs request for additional information dated 2/17/11 can be found in the attachment: "Update to RFCR 00003 02-23-2011.pdf"

10/18/10: This response formally transmits Kiewit Infrastructure West's proposal for RFCR #00003. The attached proposal (RFCR 00003 Insurance Coverage Increased 10-18-2010.pdf) was presented to Rapid Transit Division (RTD) on Monday, October 18, 2010. Two options are presented: 1) A bindable outside policy, 2) Kiewit program.

9/10/10: Kiewit Infrastructure West Co. (KIWC) is currently in the internal review process regarding RFCR-00003 Increase Insurance Coverage. KIWC requests to submit this proposal by October 1, 2010. KIWC will proceed with this new date until directed otherwise.

Attached Files:

RFCR 00003 Insurance Coverage Increased 10-18-2010.pdf

Update to RFCR 00003 02-23-2011.pdf

Responder: Steve Caniglia

Date: 4/21/2011

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT



RFC No.: RFCR-00021

CONTRACT: West Oahu/Farrington Guideway Contr.

Contract No.: CT-DTS: 1000137 **Contractor:** Kiewit Infrastructure West Co.

RFC Issue: Revised to exclude additional \$25 million in excess liability coverage

Date/Time of Negotiations:
May 18, 2011

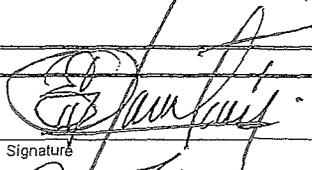
Location of Negotiations:
94-235 Leoku Street, Waipahu HUB Office

Negotiation Participants:

Name	Organization	Telephone	email
James Voglino	PB Americas, Inc.	808-686-9104	Voglino@pbworld.com
Edwin Aleman	KIWC	808-679-0636	Edwin.Aleman@Kiewit.com
Darin Mar	RTD	808-768-8353	Dmar@honolulu.gov

Record of Negotiations:
See Attachment Response to: RFCRNo. 00021, 00003, and RFCC 00065

Summary of Agreed to Conditions:
This request per RFCR #21 was revised to exclude the additional \$25 M in excess liability coverage and is in accordance with the negotiations held on April 19, 2011 for all other insurance coverage through December 31, 2011. (Reference to RFCR #3 and RFCC #65)

Participants:	<u>EDWIN ALEMAN / KIWC</u>		<u>5/20/2011</u>
	Print Name/Company/Title	Signature	Date
	<u>JAMES T. VOGLENO</u>		<u>5/20/2011</u>
	Print Name/Company/Title	Signature	Date
	<u>Darin K.H. Mar, RTD</u>		<u>5/20/11</u>
	Print Name/Company/Title	Signature	Date



HONOLULU HIGH-CAPACITY CORRIDOR PROJECT

West Oahu/Farrington Guideway DB

CONTRACT No. CT-DTS: 1000137

RTD Request for Change (RFCR)

RFCR NO: 00021

To: Steve Caniglia

Date: 4/13/2011

Company: Kiewit Infrastructure West Co.

From: Kenneth Hamayasu

Company: Rapid Transit Division

RTD Issue No: 00107

Subject: Add'l Insurance Coverage W/No OCIP

WBS Level:

Issued for Price\Schedule CPC Date Due: 5/25/11

Configuration Control:

Baselines Impact:

Interface Plan Impact:

Issued as DCN\FCN: Not to exceed \$0

Issued as Unilateral:

Limitations on the scope during this interim period:

Requested Change:

Update 5/10/11: This update revises the scope of the original RFCR to put it in line with the negotiations held with KIWC on April 19, 2011. Revised scope: Extend the coverage provided in RFCR 00003 through December 31, 2011. The requirement to secure additional Excess Liability insurance is not required at this time.

4-13-11: With construction commencing in May, KIWC shall secure insurance coverage as defined in the Contract Special Provisions, SP-3.1 (e) for (3) Excess Liability for a period from May 1, 2011 to December 31, 2011. In addition, KIWC shall extend the coverage provided in RFCR 00003 from August 5, 2011 to December 31, 2011.

Justification:

OCIP coverage as defined in the WOFH Contract, SP-3.1 (e) is not available until such time as the City procures this coverage. In the interim KIWC has been requested to cover this insurance. It is anticipated that an OCIP will be in-place by January 1, 2012. This is a City initiated RFC.

Response:

No Cost\Schedule Impact:

Cost Impact: \$0 (Submit assumptions and rough-order of magnitude breakdown of costs)

Schedule Impact: 0 Days (Submit assumptions and breakdown of time)

Date CPC Submitted:

5/26/11: RFCR 00021 has been negotiated and an agreement has been reached on this RFCR as well as RFCR 00003 and RFCC 00065. See the attached Record of Negotiations.

Attached Files:

RFCR 00003 - RON.pdf

Record of Negotiations.pdf

Responder: Steve Caniglia

Date: 5/26/2011

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT



RFC No.: RFCC-00065

CONTRACT: West Oahu/Farrington Guideway Contract

Contract No.: CT-DTS: 1000137 **Contractor:** Kiewit Infrastructure West Company

RFC Issue: Builders Risk Insurance Coverage from May 1 to December 31, 2011

Date/Time of Negotiations:
4/19/2011 8 am at Kiewit Project Office

Location of Negotiations:
Kiewit Project Office 94-235 Leoku Street, Waipahu HUB Office

Negotiation Participants:

Name	Organization	Telephone	email
Steve Caniglia	KIWC	808-679-0642	Steve.caniglia@Kiewit.com
Edwin Aleman	KIWC	808-679-0636	Edwin.aleman@Kiewit.com
Colleen Furuya	KIWC	808-679-0649	Colleen.furuya@Kiewit.com
Tom Willoughby	GEC	808-694-3243	Willoughby@pbworld.com
Jim Voglino	GEC	808-686-9104	Voglino@pbworld.com
Tom Julich	GEC	808-694-3254	Julich@pbworld.com

Record of Negotiations:

Discussed the Builder's Risk insurance cost estimate of \$234,591 (without markups; taxes, etc.) This is an estimate, not a quote, and KIWC takes the risk for any additional insurance costs and includes a condition that RTD will cover deductible for a "Named Windstorm" event. Potential risk derived from a potential loss of \$8.5 million in work at 3% deductible would be \$250,000. Discussed preparation and administration charges and KIWC reduced the total preparation amount of \$11,800 to \$5900. Increase in bond/insurance is agreeable to all parties.

Summary of Agreed to Conditions:

KIWC and RTD agreed to a total negotiated value of \$311,682 for Builders Risk coverage from May 1 to December 31, 2011. The RTD will carry the risk of deductible for a "Named Windstorm" event, which is 3% of the values at risk at the time of the loss subject to a minimum deductible of \$250,000.

Participants:	<u>Steve Caniglia, KIWC, PM</u> Print Name/Company/Title	<u>Steve Caniglia</u> Signature	<u>4-21-11</u> Date
	<u>Darin Mar, RTD</u> Print Name/Company/Title	<u>[Signature]</u> Signature	<u>4/21/11</u> Date
	<u>JIM VOGLINO</u> Print Name/Company/Title	<u>[Signature]</u> Signature	<u>4/21/11</u> Date

LINE #	NTP #	PRICE ITEM CODE	BASILINE SCHEDULE ACTIVITY ID	MILESTONE CODE (WBS)	MILESTONE TITLE	SM VALUE (\$)	PLANNED ACHIEVEMENT (DATE)	QUANTITY	UNIT	UNIT VALUE (\$/UNIT)
	NTP 2	CO #		B.G.00.01.73.00.40.08	Builders Risk Insurance from 5/1/2011 to 12/31/2011	311,682	27-May-11		LS	
	NTP 2	CO #		B.G.00.01.73.00.40.08	Non-OCIP Insurance from 12/1/2009 to 4/30/2011	2,503,484	27-May-11		LS	
	NTP 2	CO #		B.G.00.01.73.00.40.08	Non-OCIP Insurance from 5/1/2011 to 12/31/2011	1,180,064	31-Dec-11	8	MO	147,508

Line # to be filled out by Kiewit

Activity ID to be filled out by Kiewit

Price Item code will be the Change Order designation



HONOLULU HIGH-CAPACITY CORRIDOR PROJECT

CONTRACT No. CT-DTS: 1000137

Contractor Request for Change (RFCC)

RFCC NO: 00065

To: Kenneth Hamayasu

Date: 4/8/2011

Company: Rapid Transit Division

From: Josh Dole

Company: Kiewit Pacific Co.

RTD Issue No: 00110

Subject: Provide Builder's Risk Insurance

WBS Level:

Scope and Impacts ARE NOT Defined: Detailed Scope and Impacts will be submitted by:

Scope IS Defined with the Following Identified Impacts:

No Cost/Schedule Impact:

Cost Impact:

\$317,582 ROM

Configuration Control:

Schedule Impact:

0 Days

Baselines Impact:

Work Stoppage: No

CPC Date

Interface Plan Impact:

Requested Change: (Include time sensitive and schedule activities affected)

The City's Owner Controlled Insurance Program (OCIP) is not available at this time. This proposal is submitted to provide Builder's Risk Insurance for the Project from 5/1/2011 through 12/31/2011.

1. This proposal is submitted as a stop-gap measure to provide Builder's Risk Insurance for the Project for the period of 5/1/2011 through 12/31/2011 only and cannot be extended. The rates used for this stop-gap period are not valid for other time periods or scope outside of 5/1/2011 through 12/31/2011.

2. This proposal assumes that RTD will carry the risk of deductible for a Named Windstorm event, which is 3% of the values at risk at the time of the loss subject to a minimum deductible of \$250,000.

Justification:

Attached Files:

RFCC-00065-WOFH Guideway Builders Risk 4-08-2011.pdf

Response:

4/14/11: The City acknowledges receipt of this RFC. We are preparing for negotiations to be held the week of 18 April in conjunction with the original insurance change request (RFCR 00003).

Issued as DCN\FCN: Not to exceed \$0

Scope Limited to:

City Reviewer: Darin Mar

Date: 4/14/2011

GEC Reviewer: James Voglino

Date: 4/14/2011

Responder: Peeri Pappas, P.E.

Date: 4/14/2011