



INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

March 10, 2020

Mr. Mike Herz
Project Superintendent
Walsh Construction

RE: B-36229 Munster 45th St Grade Separation
-Acceleration Costs

Dear Mr. Herz,

This letter is a follow up to ongoing meetings and conversations between INDOT, Town of Munster, DLZ and Walsh Construction concerning construction of the 45th St Grade Separation project on the above noted contract. Given delays encountered as a result of the Temporary Earth Retaining System (TERS) submittal review period and utility relocation delays within the Canadian National (CN) Railway Right of Way, Walsh has indicated the project cannot be completed within the originally scheduled timeframe. Acceleration, in accordance with INDOT SS 104.02(d)1, is being utilized to return the project to the original contractor's baseline schedule including HMA Surface and permanent pavement markings on or before 11/30/2020. All acceleration costs would expire when the schedule is returned to a point where construction will be completed in 2020 or cancelled at any time. Construction of Calumet Ave will not be included in the acceleration because work on Calumet Ave is currently scheduled to be completed within the intermediate completion date timeframe, nor was it delayed by the aforementioned TERS review period or utilities in CN Right of Way. In addition, select operations already built into the schedule to include premium time will not be included in the acceleration costs, such as HMA Paving and structural concrete pours. HMA Paving on weekends will be reviewed on a case-by-case basis should circumstances arise. As a result of acceleration, claims for delays and costs associated with the TERS review period and utility relocations will be eliminated. Claim and letters associated with the TERS review period that will be eliminated as a result of acceleration are: Letter 002 – Submittal Review Periods, Letter 005 – Submittal TERS Wall, Letter 008 – Request for Additional Contract Time and Compensation from TERS Review Period, and Letter 009 – Notice of Claim for Submittal Review Period. In addition, letters associated with utility delays within CN Right of Way that will be eliminated as a result of acceleration are: Letter 010 – Notice of Changed Condition for Fiber Utility Delay, Letter 011 – Notice of Changed Conditions for Windstream Fiber Utility Delay, and Letter 014 – Time and Compensation Request Caused by Windstream Utility Conflict.

Overtime Labor Acceleration

INDOT and the Town of Munster agree that there are acceleration costs associated with completing the work by the November intermediate completion date. From conversations with Walsh, the original schedule was based on a 40-hour work week. Weekly costs shall be forecasted each week prior to commencing any work. A change order will be created for acceleration costs up to \$275,000.00 and may be extended following approval by INDOT and the Town of Munster. The Town of Munster agrees to pay the premium labor time necessary to accelerate the contract and meet the intermediate completion date. This process will involve tracking the premium time worked over 8 hours per day Monday thru Friday, and hours worked on Saturday. Operational hours for trucking in excess of 8 hours and 8.75 hours (Monday thru Friday) for Austgen and San Corp, respectively, and hours worked on Saturday will be paid as premium time. Operational needs and compensation for work performed on Sunday shall require expressed written consent from the Town of Munster and INDOT prior to commencement of such work. The acceleration process will involve bi-

weekly tracking of reported premium labor time based on certified payroll submittals. Bi-weekly tracking meetings will be required between Walsh, Town of Munster, INDOT and DLZ. INDOT and the Town of Munster can cancel the acceleration at any time and request a meeting to change the schedule if work is not progressing as intended. The cost to accelerate can also be stopped at any time by the engineer.

Added Equipment and Mobilization

At this time, no additional equipment is expected to accelerate the contract. Should the need arise, the Town of Munster and INDOT will review the potential use, function and schedule impacts of additional equipment. If agreed, Walsh will be due the cost for additional mobilization and demobilization, of additional equipment that was not intended to be used under the original schedule but required for an accelerated schedule, and the operating costs for such added equipment in excess of 176 hours per month. The need for such equipment shall be submitted in writing, including but not limited to, type of equipment, specific use, duration and anticipated cost. Approval of any such additional equipment needs must be received prior to equipment mobilization.

Damages

INDOT and the Town of Munster will charge liquidated damages of \$5,000.00 per day, as set out in the original contract, for each day that lanes required to be open remain closed to traffic after the intermediate completion date of 11/30/2020. This method is intended to validate the accelerated labor costs that the Town of Munster has agreed to pay to accomplish this task. If there are additional unforeseen factors that contribute to further delays beyond the contractors control, INDOT and the Town of Munster will consider this delay in accordance with applicable INDOT specifications.

Respectfully,



Lee Randell, P.E.
Project Engineer
DLZ Indiana, LLC

cc: Dustin Anderson, Munster Town Manager
Jon Kruger, INDOT LaPorte District DCD
Cortney Beale, INDOT LaPorte District AE
Jessica Spiess, INDOT LaPorte District PM
Marc Arena, Walsh Construction
Brad Dailey, DLZ Indiana