



December 11, 2024

LTC-104.1

Rafael Torres
Project Manager
J.F. Shea Construction
(909) 824-4293
Rafael.Torres@jfshea.com

Subject: Burrowing Owl Impacts / Earthwork Operations Inefficiencies

References: Potential Change Order No. 038 / Meeting Minutes dated 10/25/2022

Dear Mr. Torres,

The District is in receipt of JF Shea's (JFS) Cost Proposal Letter dated 07/03/2024 requesting payment in the amount of \$295,107.00 for cost associated with Earthwork Operations Inefficiencies due to Burrowing Owl Impacts.

In light of discussions had during the meet and confer between JFS and the District held on November 7, 2024, the District has performed additional review of the proposed cost associated with PCO 038.

The District acknowledges that JFS experienced inefficiencies resulting in direct cost losses due to work restrictions caused by Burrowing Owl Impacts. JFS's willingness to shuffle labor force and equipment to other areas of the project to continue progress and attempt to mitigate schedule delays did not allow for the Infiltration Basins at the south portion of the project to be constructed in a single mobilization. The District appreciates JFS's efforts and flexibility with respect to completion of the Infiltration Ponds while complying with Environmental Constraints.

The Districts review of the proposed cost determined that some of the quantities used in JFS's analysis appear to include quantities for the entire project. The District is prepared to acknowledge inefficiencies for work that pertain only to areas directly affected by the Burrowing Owl Constraints, more specifically, only that work which is associated with the construction of the Infiltration Basins. The District performed a take-off (Bluebeam, see attached Sheet C-002) for the area in question to determine quantities to be compared to JFS's analysis (See attached). Construction activities in question include Slope Finish, Subgrade Finish, and Install Redwood Header. Where the District has determined a different quantity than JFS, the District considered the difference in cost based on "Estimate Unit Cost" vs. "Job to Date Unit Cost".

The Districts analysis has determined that JFS may be entitled to payment in the amount of \$220,889.00 for Earthwork Inefficiencies due to Burrowing Owl Impacts.

A change order for the above mentioned inefficiencies shall be executed upon receipt of JFS acceptance of the Districts cost proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Valenzuela", is written over a light blue horizontal line.

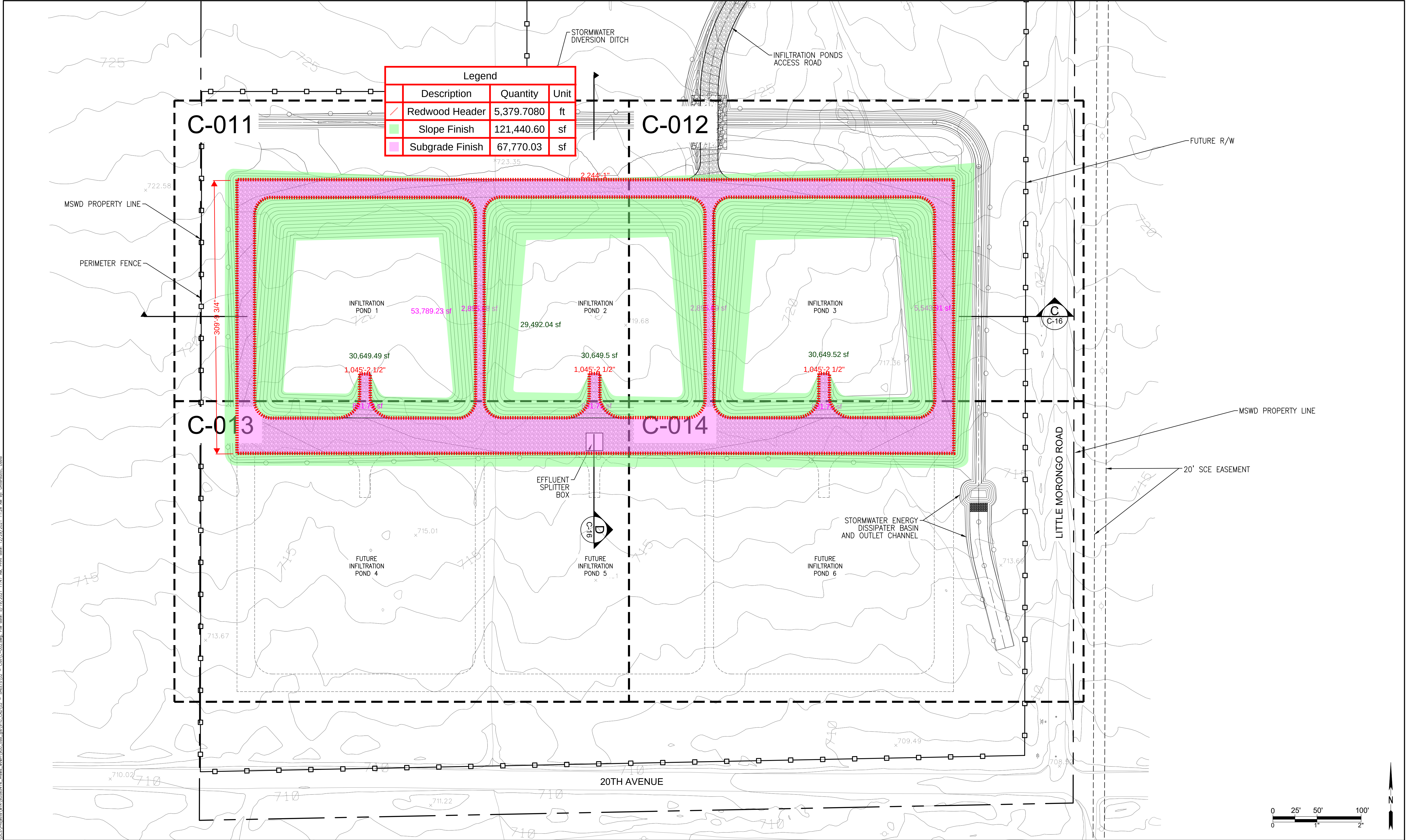
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For:

Lucas Rathe, PE
Resident Engineer
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Cost Code	Cost Code Description	Uom	Type	Estimate Dollars	Estimate Units	Estimate Unit Cost	Job to Date % Compl.	Job to Date Units	Job to Date Dollars	Job to Date Bdgt Earned	Job to Date Unit Cost	Job to Date Gain / Loss
02-203-003	South Portion Excavation	CY	L	83,249	41,000.000	2.030	100.00%	41,000.000	130,381	83,249	3.180	(47,132)
02-203-003	South Portion Excavation	CY	I	48,075	41,000.000	1.173	100.00%	41,000.000	109,364	48,075	2.667	(61,289)
02-203-003	South Portion Excavation	CY	O	33,000	41,000.000	0.805	100.00%	41,000.000	39,523	33,000	0.964	(6,523)
Cost Code:				164,324		4.008			279,268	164,324	6.811	(114,943)
02-203-011	Slope Finish	SF	L	44,676	200,000.000	0.223	100.00%	200,000.000	69,041	44,676	0.345	(24,365)
02-203-011	Slope Finish	SF	I	6,221	200,000.000	0.031	100.00%	200,000.000	39,493	6,221	0.197	(33,272)
02-203-011	Slope Finish	SF	O	17,600	200,000.000	0.088	100.00%	200,000.000	10,534	17,600	0.053	7,066
Cost Code:				68,497		0.342			119,069	68,497	0.595	(50,572)
02-213-011	Subgrade Finish	SF	L	63,728	180,000.000	0.354	100.00%	180,000.000	91,236	63,728	0.507	(27,508)
02-213-011	Subgrade Finish	SF	I	6,705	180,000.000	0.037	100.00%	180,000.000	42,371	6,705	0.235	(35,666)
02-213-011	Subgrade Finish	SF	O	36,630	180,000.000	0.204	100.00%	180,000.000	2,681	36,630	0.015	33,949
Cost Code:				107,063		0.595			136,288	107,063	0.757	(29,225)
02-213-013	Base/Sand Placement	TN	L	49,790	4,693.000	10.609	100.00%	4,693.000	55,176	49,790	11.757	(5,386)
02-213-013	Base/Sand Placement	TN	I	10,723	4,693.000	2.285	100.00%	4,693.000	14,091	10,723	3.003	(3,368)
02-213-013	Base/Sand Placement	TN	O	28,619	4,693.000	6.098	100.00%	4,693.000	10,845	28,619	2.311	17,774
Cost Code:				89,132		18.993			80,112	89,132	17.071	9,020
02-213-017	Install Redwood Header	LF	L	25,395	8,795.000	2.887	100.00%	8,795.000	58,481	25,395	6.649	(33,086)
02-213-017	Install Redwood Header	LF	I	1,770	8,795.000	0.201	100.00%	8,795.000	2,347	1,770	0.267	(577)
Cost Code:				27,165		3.088			60,828	27,165	6.916	(33,663)
02-213-023	Large Area Rip Rap Chanls	TN	L	30,596	7,750.000	3.948	100.00%	7,750.000	38,413	30,596	4.957	(7,817)
02-213-023	Large Area Rip Rap Chanls	TN	I	17,040	7,750.000	2.199	100.00%	7,750.000	15,323	17,040	1.977	1,717
02-213-023	Large Area Rip Rap Chanls	TN	O		7,750.000		100.00%	7,750.000	2,355		0.304	(2,355)
Cost Code:				47,636		6.147			56,091	47,636	7.238	(8,455)
50-100-015	Dewater Basin (PCO-38)	LS	L	-	100.000	-	100	100.000	11,213	-	-	(11,213)
50-100-015	Dewater Basin (PCO-38)	LS	I	-	100.000	-	100	100.000	4,186	-	-	(4,186)
Cost Code:									15,399			(15,399)
TOTAL SOUTH BASINS RELATED WORK				503,817					747,055			(243,237)

	QTY	COST @ ESTIMATE UNIT RATE	COST @ "TO DATE" UNIT RATE	JOB GAIN/LOSS
SOUTH PORTION EX. (CY)	41,000	\$ 164,324.00	\$ 279,268.00	\$ (114,944.00)
SLOPE FINISH (SF)	121,441	\$ 41,532.82	\$ 72,257.40	\$ (30,724.57)
SUBGRADE FINISH (SF)	67,771	\$ 40,323.75	\$ 51,302.65	\$ (10,978.90)
BASE/SAND PLACEMENT (TN)	4,693	\$ 89,132.00	\$ 80,112.00	\$ 9,020.00
INSTALL REDWOOD HEADER (LF)	5,380	\$ 16,613.44	\$ 37,208.08	\$ (20,594.64)
LARGE AREA RIP RAP (TN)	7,750	\$ 47,636.00	\$ 56,091.00	\$ (8,455.00)
DEWATER BASIN (LS)	-	\$ -	\$ 15,399.00	\$ (15,399.00)
TOTAL				\$ (192,076.12)
MARKUP 15.5%				\$ (28,811.42)
GRAND TOTAL				\$ (220,887.53)



REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE	ATTENTION: 01/21 IF THIS BAR DOES NOT MEASURE 2" @ 22x34 or 1" @ 11x17, THEN DRAWING IS NOT TO SCALE - SCALE ACCORDINGLY	DESIGNED:	REGISTERED PROFESSIONAL ENGINEER DYLAN T. LAFRANCE No. C85727 Exp. 9/30/22 STATE OF CALIFORNIA	AECOM 999 TOWN & COUNTRY ROAD ORANGE, CA 92868 714.567.2400 www.aecom.com	APPROVED ARDEN WALLUM GENERAL MANAGER DANNY FRIEND DIRECTOR OF ENGINEERING & OPERATIONS	MISSION SPRINGS WATER DISTRICT REGIONAL WATER RECLAMATION FACILITY	PROJECT NO. 17-002-S
					DRAWN:	5/18/2021			DATE	INFILTRATION PONDS PAVING AND GRADING KEY PLAN	DRAWING NO. C-002
					CHECKED:	5/18/2021			DATE		SHEET 10 OF 246
	CONFORMED DRAWINGS			DEC. 29, 2021	DATE: 5/18/2021						