CALIFORNIA High-Speed Rail Authority

CHANGE ORDER (CO)

CO No.: 00040

TITLE: Increase in required BNLL Surveys **DATE:** 07/31/2017

PROJECT: Construction Package No. 2-3 **CONTRACT NO:** HSR13-57

CONTRACTOR: Attn: Michael Costa
Dragados / Flatiron Joint Venture
1775 Park St, Bldg 75
Selma, CA 93662

DESCRIPTION OF CHANGE:

DFJV to provide labor, equipment, materials and incidentals to complete the protocol-level surveys for Blunt Nose Leopard Lizard (Gambelia sila, BNLL) on a significantly higher number of acres beyond the contractual baseline per the requirements of the Biological Opinion (BO) 08ESMF00-2012-F-0247 and Master Streambed Alteration Agreement (MSAA) No. 1600-20I5-0033-R4 for the Fresno to Bakersfield Section of the HSR project, which includes the CP 2-3 project. The Authority finds the contractual baseline for BNLL surveys is 98 acres based on Biological Opinion 08ESMF00-2012-F-0247. An interagency field meeting dated March 29, 2017, confirmed there is a total of 727.5 acres of potentially suitable BNLL habitat where BNLL protocol surveys are required within the CP2-3 alignment under Biological Opinion (BO) 08ESMF00-2012-F-0247 and Master Streambed Alteration Agreement (MSAA) No. 1600-2015-0033-R4.

This change order includes the scope of work covered in DFJV's COP No. 0140.2, attached with DFJV's Letter No. 0629, dated June 21, 2017. The scope of work is as outlined in the Biological Opinion (BO) 08ESMF00-2012-F-0247 and Master Streambed Alteration Agreement (MSAA) No. 1600-20I5-0033-R4 and Contract Provisions. The Authority and DFJV agree that all costs associated with BNLL protocol surveys for the remainder of the project have been negotiated into COP140.2. The Authority and DFJV agree that DFJV shall submit a subsequent COP for juvenile surveys, as required to complete the required protocol in accordance with Blunt-Nosed Leopard Lizard Survey Protocol (California Department of Fish and Game, 2004).

The Authority expects the DFJV will maintain properties as appropriate to ensure that no additional costs are incurred. This Change Order establishes merit for costs associated with 629.5 acres of adult survey activities, as outlined in COP 0140.2, for a total cost of $352,490 ($275,730 under BO and $76,760 under MSAA). The Authority acknowledges that the DFJV has the right to dispute the remaining amount of $76,440 as a difference between the DFJV COP No. 0140.2 and this change order.

The compensation in this change order is per Section 17.9 and Section 23.0 of the General Provisions and includes all overhead, profit, bond and insurance costs.

PCO	Payment Item	Description	Quantity	Units	Unit Price	Net Amount	Time Adj. (Days)
	00001	BNLL Protocol Surveys per Biological Opinion	451.5	Acres	$780.00	$352,170.00	D
	00002	BNLL Protocol Surveys per Master Streambed Alteration Agreement	276.0	Acres	$260.00	$71,760.00	D
	00003	Master Stream Bed Alteration, BNLL protocol Survey Report	1.0	LS	$5,000.00	$5,000.00	D
	00004	Credit for Contractual Baseline	-98.0		$780.00	($76,440.00)	D
					Total:	**$352,490.00**	**D**

DETERMINATION OF TIME AND TIME IMPACT:

Determination of time and time impact will be deferred until completion of work specified in this change order.

D = Deferred Time

Initials Acknowledging Page 1 of 2

Contractor	California High Speed Rail Authority		
Acceptance by	Submitted by	Recommended by	Approved by

CALIFORNIA High-Speed Rail Authority

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TITLE:	Increase in required BNLL Surveys	**DATE:**	07/31/2017
PROJECT:	Construction Package No. 2-3	**CONTRACT NO:**	HSR13-57

Release of Claims (Book I, Part B.2, clause 17.8 superseded as follows):
Except as modified by this Change Order, all terms and conditions of the Contract, as previously modified, remain unchanged and in full force and effect. The parties agree that this Change Order is a final and equitable adjustment of the Contract time and Contract amount and constitutes a mutual accord and satisfaction of all claims, current or future, of whatever nature caused by this Change Order including, but not limited to, direct, indirect and consequential costs; additional time for performance; and the impact of the modifications specified in this Change Order, alone or taken with other changes, on the unchanged Work.

Contractor's Sworn Certification
By executing this Change Order for the Contractor below, the undersigned for the Contractor certifies as true, under penalty of perjury (under the laws of California, executed in Fresno, California), as follows:

This Change Order is made in good faith and in accordance with the terms of the Contract.

The amount of time and/or compensation requested accurately reflects the appropriate adjustments and includes all known and anticipated impacts or amounts that may be incurred as a result of the proposed change.

The Contractor has no reason to believe and does not believe that the factual basis for this Change Order is falsely represented.

The Contractor has investigated the basis for each Subcontractor claim and has determined that each such claim is justified as to entitlement and amount of money and/or time requested and has no reason to believe and does not believe that the factual basis for the Subcontractor's claim is falsely represented.

Subcontractor's Sworn Certification(s):
Attached as _____ [indicate "none" if no such Subcontractors are involved] are sworn certifications from each Subcontractor involved in the Work or event contemplated by this Change Order in the form above.

Dragados / Flatiron Joint Venture

Acceptance by

Signature		Date
	Michael Costa - Project Director	8/2/17

California High-Speed Rail Authority

Submitted by

Signature		Date
	Carole Sanders - DB Oversight Manager	8/2/17

Approval by

Signature		Date
	Gladys Guzman - Acting Design & Construction Manager	8/8/17

Initials Acknowledging Page 2 of 2

Contractor	California High Speed Rail Authority		
Acceptance by	Submitted by	Recommended by	Approved by