



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300  
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September 7, 2018

Electronic Copy

Brett MacDonald, Project Manager  
3 Kings Environmental, Inc.  
PO Box 280  
Battle Ground, WA 98604

**Re: Response to Request for Additional Contract Time—Aladdin Plating Co. Inc.**

**Site Name:** Aladdin Plating Co Inc

**Site Address:** 1657 Center St, Tacoma, Pierce County, WA 98409-7919

**Cleanup Site ID:** 3257

**Facility/Site ID:** 1277

Dear Mr. MacDonald:

The Washington State Department of Ecology (Ecology) has reviewed your request for additional contract time as stated in your letter dated August 23, 2018. Based on this review, it is Ecology's opinion that the Contractor (3 Kings) was not delayed by any fault or negligence of Ecology as suggested in the letter; therefore, Ecology does not agree to change the Contract Time for Completion or Contract Sum.

The following paragraphs summarize facts Ecology reviewed to deny the request for additional contract time:

The Contract Documents specify, in Section 00 72 00 of the General Conditions, 7.03 for Change in Contract Time, B. 3.:

*“ . . . the Contractor shall, within 30 days of providing the notice, supplement the information provided in the notice with additional supporting data that provides specific facts, circumstances, and analysis that confirms not only that the Contractor suffered the delay claimed, but the delay claimed was actually the result of the act claimed of [Ecology's failing to provide permit related documents to the City of Tacoma]. ”*

3 Kings provided the notice in letter received on July 18, 2018, followed by a letter requesting additional Contract Time, received on August 23, 2018. The information provided in the notice and request for additional Contract Time does not provide specific facts, circumstances, and analysis that confirms that the Contractor suffered the delay claimed or that the delay claimed was actually the result of the act claimed of [Ecology]. Also note that the letter requesting additional Contract Time was not provided within 30 days of the notice as required in the

Brett MacDonald, Project Manager

September 7, 2018

Page 2

Contract Documents. Failure to provide such additional information and documentation within the time allowed constitutes a waiver of Contractor's right to an adjustment in the Contract Time.

The letters referenced above state the delay is associated with Ecology's failing to provide permit related documents to the City of Tacoma (City) associated with the Cultural Resources Notice and job-specific permits. Ecology did not fail to provide permit related documents to the City, in any manner required by the Contract Documents, for the following reasons:

- It is the responsibility of the Contractor to apply for and secure all necessary permits for the work specified in the Contract Documents. The Contract Documents contained all the documents needed to be submitted to the City, other than items to be provided by the Contractor, such as specific application forms and details such as the shoring design. Therefore, Ecology was not responsible for submitting any documents to the City. In one instance, Ecology assisted the Contractor with responding to a City question regarding documents missing from the Contractor's permit application materials by supplying to the City certain portions of the Contract Documents that should have been sent to the City by the Contractor, but apparently were not. Thus, Ecology facilitated more rapid issuance of the permits.
- Ecology's coordination of the DAHP Cultural Resources approval was a completely separate process from any City reviews or permit issuance and the City did not need the DAHP approval in order to issue permits, and, as such, the time to obtain the DAHP approval caused no delay to the City, and, therefore, no delay to the Contractor.

Additionally, 3 Kings has not been delayed by the City's issuance of permits as 3 Kings has not yet completed specified submittals to allow for mobilization to the Site. The Request for Additional Contract Time letter submitted by 3 Kings states the City of Tacoma Permits were approved on August 21, 2018. The Contractor provided the last of the submittals that were required to have been received by Ecology prior to scheduling a Pre-construction Meeting on August 27, 2018, 21 days after the DAHP comment period ended, and 10 days after permits were issued.

The Pre-construction Meeting occurred on September 6, 2018, and 3 Kings has not yet provided all the Pre-mobilization submittals specified in the Contract Documents. Therefore, 3 Kings can't yet mobilize to the Site based on the submittal requirements in the Contract Documents.

If you have any questions about this correspondence please contact me at (360) 407-6256 or [mohsen.kourehdar@ecy.wa.gov](mailto:mohsen.kourehdar@ecy.wa.gov).

Sincerely,



Mohsen Kourehdar, P.E.

Project Manager

Toxics Cleanup Program

Southwest Regional Office