

CO3.2 Backup

Failed Material Testing
Deduction

LeBrasse, Kyle G

From: Kevin Lang <KLang@wynnconstruction.com>
Sent: Thursday, December 15, 2022 7:09 AM
To: Thompson, David E
Cc: LeBrasse, Kyle G; andrew.mishler@okc.gov
Subject: RE: [External] Failed Testing Deduct - Atoka Balancing Tank Replacements
Attachments: Updated Dec 15 Failed test log.xlsx

Dave,

In review of the last update **Wynn is prepared to accept \$5,773.50 as deduct amount for failed tests.** Updated comment spread sheet attached.

Regards
Kevin Lang
Wynn Construction
11901 N. Eastern
Oklahoma City, Oklahoma 73131
(405) 753 1120



From: Thompson, David E <dethompson@burnsmcd.com>
Sent: Wednesday, December 14, 2022 6:12 PM
To: Kevin Lang <KLang@wynnconstruction.com>
Cc: kglebrasse <kglebrasse@burnsmcd.com>; andrew.mishler@okc.gov
Subject: RE: [External] Failed Testing Deduct - Atoka Balancing Tank Replacements

Hi Kevin,

We reviewed your mark ups on the Failed Testing spreadsheet and have questions on why not all of the failed tests were selected, specifically some of the soil material testing and shotcrete sample testing.

The attached revised Failed Testing spreadsheet includes your mark ups, the failed tests you had not marked up, and removal of the costs for Technician Driving Time and Mileage, although all of the testing performed that day failed to meet the contract requirements. The revised cost for the Failed Testing is \$9,839.50.

Please review the attached spreadsheet and provide an explanation, or justification, as to why you don't think all of the failed tests should be included in the list of failed tests.

Let me know if you have any questions regarding the information in the spreadsheet.

Thanks,
Dave

Dave Thompson \ Burns & McDonnell
Resident Representative
M 208-640-9389
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9785 Maroon Circle, Suite 400 \ Centennial, CO 80112



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From: Kevin Lang <KLang@wynnconstruction.com>
Sent: Wednesday, December 14, 2022 7:04 AM
To: Mishler, Andrew S <andrew.mishler@okc.gov>; Thompson, David E <dethompson@burnsmcd.com>
Cc: LeBrasse, Kyle G <kglebrasse@burnsmcd.com>
Subject: RE: [External] Failed Testing Deduct - Atoka Balancing Tank Replacements

Andrew

Try these, let me know if it did not work.

Kevin Lang
Wynn Construction
11901 N. Eastern
Oklahoma City, Oklahoma 73131
(405) 753 1120



From: Mishler, Andrew S <andrew.mishler@okc.gov>
Sent: Wednesday, December 14, 2022 7:58 AM
To: Kevin Lang <KLang@wynnconstruction.com>; Thompson, David E <dethompson@burnsmcd.com>
Cc: kglebrasse <kglebrasse@burnsmcd.com>
Subject: RE: [External] Failed Testing Deduct - Atoka Balancing Tank Replacements

Kevin, can you resend the attachment. It is linked to a Wynn sharepoint that it won't give me access to.

Thanks,
Andrew
405-297-2094

From: Kevin Lang <KLang@wynnconstruction.com>
Sent: Wednesday, December 14, 2022 7:51 AM
To: Thompson, David E <dethompson@burnsmcd.com>
Cc: kglebrasse <kglebrasse@burnsmcd.com>; Mishler, Andrew S <andrew.mishler@okc.gov>
Subject: RE: Failed Testing Deduct - Atoka Balancing Tank Replacements

Dave,

Wynn agrees to \$5,612.50 for the failed density tests, extra cylinder breaks for those that had a 56-day break, and the tank core tests that failed.

See attached marked up document.

Regards,
Kevin Lang
Wynn Construction
11901 N. Eastern
Oklahoma City, Oklahoma 73131
(405) 753 1120



From: Thompson, David E <dethompson@burnsmcd.com>
Sent: Tuesday, December 13, 2022 11:27 AM
To: Kevin Lang <KLang@wynnconstruction.com>
Cc: kglebrasse <kglebrasse@burnsmcd.com>; andrew.mishler@okc.gov
Subject: [External] Failed Testing Deduct - Atoka Balancing Tank Replacements

Good morning,

While working on the final amendment and change order for the contract, one of the items that we need to be agreed upon is the dollar amount to deduct from the final pay application for the failed soils and concrete tests per the Contract Documents. I went through all of Terracon Field Reports to determine the number of failed field tests throughout the project duration, see attached file Atoka Tanks – WC-0863 Failed Testing Claims – DET Comments. I broke it into 3 categories:

- Testing – Failed tests including associated costs if all testing failed on the Service Date,
- Canceled Service – Includes associated costs,
- Technician Standby Time – Time requested to Standby until services where needed.

In discussions with Andrew, we decided that the “Canceled Services” costs would not be withheld due to the nature of this item. For example, most of the Canceled Services were weather related, and as you know, the weather varied from site to site, and with the distance being traveled by the Field Technician, it made it difficult to cancel the service prior to the Field Technician traveling to the site.

It was also agreed not to withhold the costs for “Technician Standby Time”. Several factors were looked at in deciding not to withhold the costs for this item, including the advantage of having the Field Technician standby while the soils test area were re-worked/re-compacted due to travel time and schedule. There was also standby time waiting for testing to occur at two of the sites, for example, one site requiring testing in the morning and the other site needing testing several hours later, so it was more cost effect to have the Field Technician standby verses leave and travel back. This also occurred during concrete placements when a truck was rejected, and the Field Technician was on standby until a replacement truck arrived.

With that said, the proposed costs to be deducted from the final pay application for the failed soils and concrete tests is \$18,297.25.

Please review the attached spreadsheet and let me know your thoughts so we can work through this item and move forward with the final amendment and change order.

Thanks,
Dave

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