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**From:** Ziegler, Jennifer (GOV) [Jennifer.Ziegler@gov.wa.gov]  
**Sent:** Monday, March 30, 2009 9:41 AM  
**To:** Paananen, Ron; Dye, Dave  
**Cc:** Judd, Ron  
**Subject:** RE: Potential Viaduct Amendments

Much better than mine. I'll change some of the wills to shalls and ship it to Wallace.

-----Original Message-----

From: Paananen, Ron [mailto:PaananR@wsdot.wa.gov]  
Sent: Sunday, March 29, 2009 10:18 PM  
To: Ziegler, Jennifer (GOV); Dye, Dave  
Cc: Judd, Ron (GOV)  
Subject: RE: Potential Viaduct Amendments

The amendment looks o.k. to me.

For a budget proviso, I would suggest something like this:

It is anticipated that the Department will issue a Design-Build contract for the bored tunnel in 2010. The department will provide updated cost estimates for the bored tunnel and overall SR 99 Viaduct Replacement Program to the legislature on January 1, 2010. The estimates will be conducted consistent with the Department's Cost Estimate Validation Process (CEVP). The Department will employ appropriate outside experts to review the estimates and risk assumptions. Prior to issuance of the design-build contract, the Department will provide an updated cost report to the legislature (or should it be JTC?) on the tunnel and overall program budget.

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From: Ziegler, Jennifer (GOV) [mailto:Jennifer.Ziegler@gov.wa.gov]  
Sent: Sun 3/29/2009 6:56 PM  
To: Dye, Dave; Paananen, Ron  
Cc: Judd, Ron  
Subject: Potential Viaduct Amendments

Representative Wallace wants potential amendments to address the liability issues related to cost overruns. Please take a look at the two below and let me know what you think.

#### Potential Budget Proviso

The department must complete x% of the design work on the deep bore tunnel project under first avenue in Seattle by January 1, 2010. The department shall incorporate the findings of the additional design work and report updated cost estimates to the Legislature and the Governor by January 15, 2010. Of the amount of funding appropriated in this section for the Alaskan way viaduct replacement project, \$x is contingent upon the submission of updated cost information to the Legislature and the Governor. The department shall not spend \$x of the appropriation without authorization from the Legislature in 2010.

#### Potential Amendment to ESSB 5768

Any contract the department enters into regarding construction of the deep bore tunnel must include incentives and penalties to encourage on-time completion of the project and to minimize the potential for cost overruns.

I'm making stuff up--please send edits. Thanks!

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