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December 12, 2016

Mr. Brian McGinty  
Senior Project Manager  
Walsh Heery Joint Venture

Mr. Ed Kerber  
Senior Project Manager  
Walsh Heery Joint Venture

Re: DGS 577-36 3rd RRB  
DGS 577-36DBC.1 Third Revised Rebid  
New Correctional Facilities - SCI Phoenix  
Skipack, PA

Subject: Quality Concerns, WHJV letter 11/03/2016

Dear Mr. McGinty and Kerber

Your letter dated November 3, 2016 is grossly inaccurate and misleading and thereby requires additional clarifications.

You report that the Owner has repeatedly failed to provide specifics on quality concerns. This is incorrect. Hill has provided and continues to provide to WHJV Non-Conforming Work Issue lists, a series of Courtesy Reviews, email responses, and participates in QA meetings with the WHJV Management Staff. These activities and lists are all done as a courtesy to WHJV to assist in gaining issue and project completion compliant with the Contract Documents, Drawings, and Performance Requirements. Additionally, Hill and DOC provide extensive time participating in problem resolution discussions, meetings and the likes, which ultimately benefits WHJV in the execution of your contract.

You indicate that 43 items are open in the QA Meeting. The QA Meeting has never been contemplated to address every open project issue. The discussions in these meeting are largely focused on newer issues and issues WHJV is seeking input from Hill or DOC. In addition to the 43

open issues you refer to the Hill generated Non-Conforming Issues list contains 428 open items, many being site-wide issues with multiple occurrences. The multiple occurrences are not reflected in the total. WHJV Retained Professionals are reported to be entering issues from their field observations directly into the WHJV BIM 360 program which has been requested, but never provided to Hill. To date Hill has only been provided a filtered "by Owner" view. Beyond this L & I provides field inspections and observations which generate additional issues, many remaining unresolved.

Regarding Urban Engineers you are aware that this is a direct contract between DGS and Urban. Any list created by Urban is for DGS use. I personally do not recollect the Owner agreeing with you that they would turnover any lists, particularly while the list is under development. You have personally been told by me, that DGS will not issue the lists as they are being constructed by Urban. Those lists currently remain under development by Urban

You again misrepresent that you were told that DGS anticipates back charging WHJV. As I will state again, DGS maintains the right to back charge WHJV for contractually obligated work if DGS believes WHJV is not performing the contractually required work in a professional, timely, and responsible manner.

Regarding your demand that DGS provide in writing any additional QA activities which DGS elects to conduct. The General Conditions reserves DGS's rights to inspect any work conducted by the WHJV. Additionally, your allegation of the Owner using the QA process to create "wish lists" is flatly denied.

You reference that the WHJV BIM 360 issue tracking list has closed over 20,000 issues. While this list has never been provided to Hill, DGS, or DOC it has been reported by WHJV management personnel that this list is in excess of 30,000 items. Your letter seems to indicate that over 10,000 items on this BIM 360 list may remain unresolved.

Again you state WHJV has exceeded the requirements by having the Retained Professional on site weekly. Multiple letters have been previously sent to the WHJV drawing attention to the lack of Professional visits. This project has been in construction for approximately 56 months. If a Retained Professional has visited every two weeks as contractually required Hill should have approximately 121 Retained Professional Reports. To date only 71 reports have been submitted. This indicates your performance is only 60% of the contractual requirements.

With the project nearing 98% completion to have over 450 Non-Conforming Owner Issues, and possibly another 10,000 BIM 360 issues still open it is clear WHJV is struggling to deliver this project within the quality and performance requirements of the contract.

Hopefully this conveys the necessary clarifications to your letter. Please feel free to contact me regarding any questions.

Thank you,

A handwritten signature in blue ink, appearing to be "M. D. S.", is located at the bottom of the page.

Mark D. Dickinson

Cc: Elizabeth O'Reilly, DGS  
Dan Weinzierl, DGS  
Ed Olivieri, DGS  
Sam Pool, DGS  
George Hiltner, DOC  
Mike Whelan, WHJV  
Kevin Swain, WHJV  
Linda Smith, WHJV  
Brian McGinty, WHJV  
Tom Uram, WHJV