

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

ROBERT WILBUR and DUSTIN
FREDERICK

Plaintiffs,

vs.

ADMIRAL'S COVE BEACH CLUB,
a Washington non-profit corporation;
and JEAN SALLS, MARIA
CHAMBERLAIN, KAREN SHAAK,
ROBERT PEETZ, ELSA PALMER,
ED DELAHANTY AND DAN
JONES, individuals,

Defendants.

SUE CORLISS

Intervenor/Appellant,

vs.

DUSTIN FREDERICK , ROBERT
WILBUR, ADMIRAL'S COVE
BEACH CLUB, a Washington non-
profit corporation, and its BOARD OF
DIRECTORS,

Respondents.

No. 73725-2

DECLARATION OF ED
DELAHANTY IN SUPPORT
OF SUPPLEMENTAL
RESPONSE OF ADMIRAL'S
COVE BEACH CLUB IN
OPPOSITION TO
APPELLANT'S RAP 8.3
MOTION

Ed Delahanty, declares as follows:

1. My name is Ed Delahanty and I am the current Vice President of the Board of Directors ("Board") for Admiral's Cove Beach Club ("ACBC"). I am over the age of 18 and competent to testify to the matters herein.

2. Pursuant to the May 24, 2016 notation ruling by Commissioner Mary Neel of the Court of Appeals, the Court has invited ACBC to submit additional support for the 5% cost escalation caused by delay in the pool renovation work.

3. ACBC has retained Ron Young of Young Associates Project Services, Ltd. to assist with the management of the pool renovation project.

4. Attached as Exhibit A is a true and correct copy of a letter I received from Ron Young dated May 31, 2016 regarding the increased costs resulting from project delays.

5. Attached as Exhibit B is a true and correct copy of Ron Young's resume and qualifications.

6. Attached as Exhibit C is a true and correct copy of a bid for the proposed repair work given to ACBC by Orca Pacific, Inc. dated Oct. 30, 2015.

7. Attached as Exhibit D is a true and correct copy of a pool renovation bid tabulation spreadsheet from Young Associates dated Jan 6, 2016 based on the Orca Pacific bid.

I declare, under penalty of perjury under the laws of the state of Washington, that the foregoing is true and correct.

DATED this 1ST day of June, 2016, at COUPEVILLE.

Washington.



ED DELAHANTY

YOUNG ASSOCIATES

PROJECT SERVICES, LTD.

8281 COHO WAY
CLINTON, WA 98236-8902
PHONE: 360-579-2414
FAX: 360-579-2241
yaproj@whidbey.com
www.yaprojects.com
#YOUNGAP927RZ

May 31, 2016

Ed Delahanty
Admiral's Cove Beach Club
P.O. Box 366
Coupeville, WA 98239

Regarding Escalation of Contractors Estimates

Dear Mr. Delahanty,

I'm writing this is response to your recent request for information on the probable escalation of pool renovation construction costs if the project is delayed.

As you know, we reviewed and tabulated the bids that Admiral's Cove received in the fall of 2015 for the renovation of the community pool. During our review, we contacted the various bidders and, since their bid prices were only good for 30 to 60 days, we asked them what the escalation in costs might be if the project didn't start until September of 2016 when the pool closed after the summer season. They all said that the most their estimates would increase would be by about 5% to cover increased equipment costs from manufacturers.

If the project is delayed another year, it would be wise to assume that the contractors estimates could escalate another 5% - 7% or possibly more depending on the economy, inflation etc. At that point it may be necessary to re-bid the project, which would involve additional time and consulting services from Young Associates and may cost Admiral's Cove an additional \$5,000 - \$7,000 in consulting fees. Permitting fees should remain similar to what we previously estimated as we are unaware of any proposal to increase permitting fees at this time.

Please call or e-mail any questions or if you need additional information.

Thank you for using our services,

Best Regards,

Ron Young

EXHIBIT A

Ronald L. Young

Summary: Project manager/contract administrator and land use consultant with over 30 years of experience in the construction industry, including professionally managing multi-million dollar projects and owning construction and consulting firms.

Major strengths include:

- Project Coordination/liaison
- Negotiating
- Regulatory Liaison/permitting
- Administration

Experience: **Young Associates Project Services, Ltd.** Clinton, Washington, a construction management and land-use consulting firm. Partner. May 1996 to present. Projects managed include: Program manager for MARITECH research and development projects (\$1.2 and \$8.5 million); project manager for South Whidbey Parks and Rec. projects (\$1.6 million); land segregations; shoreline issues; custom homes; site development and utilities projects; church expansion projects; feasibility studies, change order and claims research. Providing project management services, permitting, expediting, contract administration, subcontractor management, scheduling, report preparation, liaison with project participants, documentation, presentations, proposal preparation, change negotiations, owner representation, and extensive problem solving/troubleshooting.

Project Manager/Contract Administrator. Employed by several commercial/industrial general construction firms and shipyards as a project manager, construction superintendent and contract administrator. Responsible for managing the construction of two motels, a medical-dental center, ice cream plant, and various commercial and industrial new constructions and remodels.

Accomplishments:

- Negotiated contracts, changes and project closeouts resulting in cost savings of several hundred thousand dollars.
- Administered materials procurement and subcontractors on the Boeing 777 Jet Airplane High Bay manufacturing expansion in Everett, Washington, (\$400 million project). Responsible for purchasing and administering over \$100 million in subcontracts and materials acquisitions. Saved Boeing over \$800,000.
- Managed interiors work and subcontractors on the construction of a cruise ship.
- Coordinated bidding process for \$60 million WA State Jumbo Ferry bid.

Employers:

Nichols Brothers Boat Builders, Freeland, Washington. Contract administrator/project manager 1994-1996

The Austin Company, Everett, Washington. Contract administrator/purchasing agent. May 1991 to December 1993.

Vik Construction, Eugene, Oregon. Project manager/superintendent. January 1989-Winter 1990.

Hyland and Sons, Eugene, Oregon. Project manager. 1987-1989.

R.L Young Assoc, General Contractors. Owner. 1977-1986

Education: University of Oregon School of Architecture, Eugene, Oregon
Lane Community College, Eugene Oregon

Affiliations: Whidbey Island Center for the Arts, building committee member
Whidbey Island Association of Realtors, affiliate member

YOUNG ASSOCIATES

PROJECT SERVICES, LTD.

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WHAT WE DO:

YOUNG ASSOCIATES PROJECT SERVICES, LTD. is a project management firm that provides a broad range of professional project management, land use, and construction administration services for residential, commercial, and institutional construction projects.

- Land use research and feasibility studies, including pre-development consulting and permitting
- Construction Project Management
- Project Planning and Scheduling
- Problem Solving/Expediting
- Construction Forensics/Litigation support for attorneys

Our goal at YOUNG ASSOCIATES is to be a strong, experienced ally and advocate for our clients. We strive to save our clients money, personal time, and frustration by working with them and other project participants to expedite the project, solve problems and help avoid costly mistakes or delays. We design project services to our clients' specific needs and requirements. Using this approach, we are confident that we can provide exceptional customer service and help to successfully complete any project in a timely, cost-effective manner.

WHO WE ARE:

Ron Young, a principal in Young Associates Project Services, Ltd., has been in the construction industry for over 30 years. He attended the University of Oregon School of Architecture, was a general contractor for 10 years, and worked as an industrial-commercial project manager for a number of years before founding Young Associates in 1996. Ron has managed many multi-million dollar projects, and is a strong problem-solver, team builder, and project coordinator with extensive hands-on experience in all phases of building construction and land development.

Jocelyn Potter Young, co-founder of Young Associates, is the firm's project administrator and researcher. With many years of experience in construction, business, and academic situations, she oversees Young Associates' research, documentation, and scheduling. With a Master's Degree and as a former Realtor, Jocelyn has been exposed to a full spectrum of regulations, documents, codes and requirements, and provides unparalleled organizational skills.



Trusted Professionals in the Aquatic Industry
Educating Pool Operators Since 1975

Orca Pacific Inc. is a Full Service Pool Company

Thank you for your business.

*Commercial * Residential*

*Project Consultation * Renovation * New Construction*

*Chemical and System Automation * Parts * Equipment * Repair*

*Chemicals * Bulk Pricing * Solutions to Unsolved Problems*

Facility: Admiral's Cove Beach Club
75 Keystone Ave.
Coupeville, WA 98239

Date: 10/30/2015

Renovation:

Orca Pacific proposes to furnish all materials and labor described herein on the premises according to the following:

Bid Specification:

- Pool to be emptied prior to Orca Pacific arrival.
- Remove a section of the fencing for equipment access into the pool area.
- Remove and dispose of 5324 square feet of concrete. (Square footage was provided by the owners representative.)
- Chip out areas where new floor will tie into existing pool floor.
- Fill deep end with clean crushed rock to a depth of 6'6".
- Re-plumb and install dual main drains per engineers specifications.
- Re-plumb 5 new pool skimmers per engineers specifications.
- Install new suction and return lines per engineers specifications. (pipe sizes to be called out by the engineer.)
- Remove and replace existing waterline tile and pool coping stones.
- Repair tile beds and coping stone beds.
- Install new frost proof waterline tile and new coping stones. (Coping stones to be Orca Pacifics standard style and colors)
- Remove existing pool lights and install three LED pool lights. (Electrical conduits and bonding is not included and would be additional.)
- Tie rebar back into the existing floor and into the new floor per engineers specifications.
- Reconfigure pool steps to meet current WAC codes.
- Furnish and install the following anchors Grab rail anchors for inset steps, hand rail anchors, break point cup anchors, cup anchors for racing lanes and an ADA lift anchor.
- Install 280lf of deck drain around the pool.
- Re-pour new 6" concrete pool floor.
- Reinstall new non-skid racing lane tile.

Continued on page 2

Prices do not include applicable sales taxes.

Prepared by: Lyndon Lengele

Terms: Deposit of ½ down with remaining balance due upon completion

Estimate valid for 30 days.

Note: Permits are not included and would be additional if required.

Warranty does not cover chemical attack, pool draining, and improper water chemistry
280 44th Street NW * Auburn, WA 98001 *Phone: (253) 867-0303 Fax: (253) 867-5695

EXHIBIT C



Trusted Professionals in the Aquatic Industry
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Facility: Admiral's Cove Beach Club
75 Keystone Ave.
Coupeville, WA 98239

Date: 10/30/2015

Renovation:

Orca Pacific proposes to furnish all materials and labor described herein on the premises according to the following:

Bid Specification: Continued from Page 1

- Re-pour new pool deck with a broom finish.
- Install new 5.5 hp pump and autofill.
- Install new liquid chlorine feed system with pH control.
- Install three new heat pumps with bypass to be able to run existing heater if necessary.
- Install new 6" x 6" non-skid depth tile markers around the pool. These will correspond with water line depth tiles.
- Prep interior of the pool for plaster.
 - Conduct a light acid wash of the interior of the pool.
 - Scrub interior of the pool with TSP to neutralize any acid residual.
 - Lightly pressure wash interior of the pool.
 - Apply Skratck Kote 2000 for bonding purposes.
- Plaster pool with white finishing plaster.
- Start to fill the pool and add chelating agents.
- Caulk between new pool decking and pool coping stones.
- Reinstall fence section that was removed at start of project.
- Once pool has reached its normal operating level Orca Pacific will start up the system.
- Review after plaster care instruction with facility personnel.
- Travel time and lodging is included in this pricing.

Total:\$540,867.73

Note: the following items are not included in this quote; Electrical, new equipment room location, propane piping and any trust support design with additional footings. If you would like to go with color quartz in lieu of white finishing plaster then you would need to add an additional \$19,200.00 to the above quoted pricing.

Prices do not include applicable sales taxes.

Prepared by: Lyndon Lengele

Terms: Deposit of 1/2 down with remaining balance due upon completion

Estimate valid for 30 days.

Note: Permits are not included and would be additional if required.
Warranty does not cover chemical attack, pool draining, and improper water chemistry
280 44th Street NW * Auburn, WA 98001 *Phone: (253) 867-0303 Fax: (253) 867-5695

ADMIRAL'S COVE POOL RENOVATION BID TABULATION

Date: 1/6/16		Contractor Bid	
BID OVERVIEW			
Ref #	ACBC Outline Item #	Item Description	BID
		TOTAL BASE BID	\$ 540,867.73
		Options per ACBC scope	
		SUB-TOTAL OPTIONS	
		SUB-TOTAL BASE BID PLUS OPTIONS	\$ 560,067.73
		PERCENTAGE ALLOWANCES BASED ON INDIVIDUAL BID TOTALS	
		Equipment escalation clause--1 year 5-7%	5% \$ 28,003.39
		Contractor Performance Bond 2-5%	5% \$ 28,003.39
		TOTAL PERCENTAGE ALLOWANCE ADJUSTMENT	\$ 56,006.77
		TOTAL ADJUSTED BID	\$ 616,074.50

ADMIRAL'S COVE POOL RENOVATION BID TABULATION

Date: 1/6/16

Contractor Bid

BID OVERVIEW

Ref #	ACBC Outline Item #	Item Description	NOTES	BID
			ESTIMATED TAX 0.087%	\$ 53,598.48
			TOTAL ADJUSTED BID AND TAXES	\$ 669,672.98

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and JEAN SALLS, MARIA
CHAMBERLAIN, KAREN SHAAK,
ROBERT PEETZ, ELSA PALMER,
ED DELAHANTY AND DAN
JONES, individuals,

Defendants.

No. 73725-2

DECLARATION PURSUANT
TO GR 17(A)(2)

SUE CORLISS

Intervenor/Appellant,

vs.

DUSTIN FREDERICK , ROBERT
WILBUR, ADMIRAL'S COVE
BEACH CLUB, a Washington non-
profit corporation, and its BOARD OF
DIRECTORS,

Respondents.

I, CHRISTOPHER J. NYE, declare as follows

1. I am over the age of 18 and competent to testify as to the following matters.
2. I submit this affidavit pursuant to GR 17(a)(2) as recipient of "Supplemental Declaration of Ed Delahanty in Support of ACBC's

Opposition to Appellant's RAP 8.3 Motion" received via electronic mail for filing with the Court in this matter.

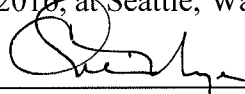
3. I have examined the document. The "Declaration of Ed Delahanty in Support of Opposition to Appellant's RAP 8.3 Motion" consists of eleven (11) pages, including the signature page, and this Declaration page. It is complete and legible.

4. The original of said declaration shall be kept file in our law offices for a period of time consistent with our firm's records retention policies.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1 day of June, 2016, at Seattle, Washington.

By



Christopher J. Nye