

**INFORMATION REQUIRED TO ACCOMPANY
LEGISLATION MODIFYING CONTRACTS**

ORDINANCE NO. 2110 - 2006

MODIFICATION NO. 2 TO THE CONSTRUCTION CONTRACT FOR

**JACKSON PIKE WASTEWATER TREATMENT PLANT
NEW HEADWORKS**

**PROJECT NO. 650252
CONSTRUCTION CONTRACT NO. J205**

1. Names, locations, and business status of all entities submitting bids on the original contract's procurement:

- A. Kokosing Construction Company, Inc., 886 McKinley Avenue, Columbus, Ohio 43222, a Majority enterprise.
- B. Adams Robinson Enterprises, Inc., 2735 Needmore Road, Dayton, Ohio, 45414, a Majority enterprise.
- C. Reynolds, Inc., 6451 Germantown Road, Middletown, Ohio 45042, a Majority enterprise.
- D. Shook, Inc. – Heavy & Environmental Group, 4977 Northcutt Place, Dayton, Ohio 45414, a Majority enterprise.
- E. Danis Environmental Industries, Inc., 2 Riverplace, Suite 200, Dayton, Ohio 45405, a Majority enterprise

2. Name of the entity awarded the original contract: Kokosing Construction Company, Inc.. Auditor's contract number EL002508 was awarded to this entity.

3. Scope of work performed to date, and future phasing: The Contract provides for construction of grit removal facilities, renovation of the Generator Building, replacement of the screens and belt conveyor in the Screen Building, standby electric power generation for the existing headworks, and paving, landscaping and general sit improvements.

The value of work completed through July 19, 2006 is \$13,067,925.00. That amount is 96.0% of the \$13,615,900.00 Contract Amount.

All needed work additions are defined and priced, and there is sufficient funding for all contract work in this modification. No further additions to contract work or funding are planned or anticipated.

4. Schedule to work completion: The Contract Notice to Proceed was issued August 15, 2002. Final Completion of construction, was originally scheduled for July 10, 2004, but is now projected to occur in December, 2006.

5. Other Modifications to Date:

Modification No. 1: \$1,000,000.00 (EL004786 Ordinance No. 1786-2004 November 1, 2004)

Modification No. 1 provided an additional contingency amount of \$1,000,000.00 to fund known costs of needed additions to contract work that would exceed the original contract contingency amount.

6. Work to be performed under this Modification:

Proposed Modification No. 2: \$1,525,000.00

This modification will provide funding for additional items of work that have been identified as necessary and funding to settle a Contractor's claim for compensation for Project Schedule delay due to multiple changes to the original work, the cost of which will be greater than the remaining contract contingency amount and for additional work required. The cost for this modification is \$1,525,000.00. The additional funding requested by this ordinance is sufficient for the cost of the claim and the additional work.

\$1,146,900.00	-	Original Contract J205 Contingency Amount
<u>\$1,000,000.00</u>	-	Modification No. 1 Additional Contingency Amount
\$2,146,900.00	-	Total Contingency Amount
<u>\$2,134,788.00</u>	-	Approved Change Orders
\$12,112.00	-	Remaining Contingency
\$1,525,000.00	-	Claim Settlement Amount and Generator Extras
<u>+ \$12,112.00</u>	-	RFP 028 Additional Work Items
\$1,474,748.00	-	Total
<u>- \$12,112.00</u>	-	Remaining Contingency
\$1,525,000.00	-	Requested Modification No. 2 Amount

7. Why the need for this Modification could not have been anticipated:

In any construction project, especially a project for renovation of existing facilities, changes to contract work are expected. Some reasons for additional work include: details of equipment and systems specified to be provided are reviewed and sometimes refined during construction in order to provide a facility that is optimally configured for operation and safety; components of the existing facility are concealed and conditions cannot be accurately determined prior to contract work; latent errors or omissions may exist in the design.

8. Why the work to be performed under this Modification cannot be "bid out":

The funding provided by this contract modification is for completion of the existing work of the contract. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract, and undertake continuation of the work under a new procurement. The lengthy process for initiating a new procurement, and for a new entity to gain understanding of the project, would likely cause an unacceptable project delay and additional cost.

9. Cost summary:

Original Contract	\$12,615,900.00
Modification No. 1	\$1,000,000.00
Proposed Modification No. 2	\$1,525,000.00
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	<u>\$15,140,900.00</u>