

Information to be included in all Legislation Modifying a Contract:

1. The names, location by City/State and status of all companies submitting a competitive bid or submitting an RFP or RFSQ for the original contract.

<u>Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
A. C.J. Mahan Construction Company, LLC	Grove City, Ohio	Majority
B. Kokosing Construction Company, Inc.	Columbus, Ohio	Majority
C. Barton Marlow Company	Southfield, Michigan	Majority

2. The name, address, contact name, phone number and contract number of the firm awarded the original contract.

C.J. Mahan Construction Company, LLC, 3400 Southwest Blvd., Grove City, Ohio 43123
Contract No. EL004202
Contact Person: Doug McCrae, (614) 277-4532

3. A description of work performed to date as part of the contract and a full description of work to be performed during any future phasing of the contract.

The Southerly WWTP New Headworks project consists of two construction contracts that will provide these new facilities. This proposed modification is for Construction Contract S65 that provides for the construction of a raw sewage pump building with pumps, mechanically cleaned bar racks, associated equipment and building systems, piping and site work. It is planned that this contract will be modified to provide needed monies, if necessary, for any anomalies in the work which may become evident as the work progresses.

4. An updated contract timeline to contract completion.

The Contract Notice to Proceed was issued May 10, 2004. Construction on the New Headworks at the City of Columbus' Southerly Wastewater Treatment Plant is proceeding on a very tight schedule, in order to meet the City's commitment to Ohio EPA as to the operational date for the new headworks facilities. These facilities are required facilities under the City's Consent Decrees with Ohio EPA, and have been included in the City's Wet Weather Management Plan, submitted to the agency on July 1, 2005, as scheduled. Final Completion of construction is scheduled for July 2008.

5. A description of any and all modifications to date including the amounts of each modification and the Contract Number associated with any modification to date. (List each modification separately.)

Modification No. 1: \$9,861,370.00 (EL006799; Ord. No. 2299-2006, passed February 5, 2007)

As a result of the June, 2004, and the January, 2005, flooding of the Scioto River at the project site, the Contract S65 excavation was flooded and substantially delayed the

construction work. The January, 2005 flood was part of a regional disaster declared by the Federal Emergency Management Agency (FEMA), and very nearly caused the destruction of the Southerly plant's principal influent sewer, the Big Walnut Outfall (BWO).

This modification included:

1. Emergency work was focused on the BWO during and after the January, 2005 flood to provide stabilization and protection of this sewer.
2. Site floodproofing and additional dewatering to forestall additional possible flooding during the construction period.
3. Schedule recovery in order to honor the City's commitments to Ohio EPA in achieving the originally-stipulated schedule dates for the S65 project.

Modification No. 1 provided an additional contingency amount of \$9,861,370.00 to fund known costs of needed additions to contract work that would exceed the original contract contingency amount.

Modification No. 2: \$0.00 (Ord. No. 0719-2007, passed May 21, 2007)

Modification No. 2 implemented a novation agreement and acknowledged the reorganization of the contractor under a new name and Federal Identification number.

6. A full description of the work to be performed as part of the proposed contract modification. (Indicating the work to be a logical extension of the contract is not sufficient explanation.)

Proposed Modification No. 3: \$1,500,000.00

This modification will be the final modification to this construction contract and will provide funding for additional items of work that have been identified as necessary, the total cost of which will be greater than the remaining contract contingency amount. The specific work beyond current funding is:

<u>Item No.</u>	<u>Description</u>	<u>Cost</u>
RFP-043	Provides a total material escalation cost for the Contractor's additional cost of materials resulting from increases/decreases in the market price for various materials.	\$1,022,980.00

The additional work items identified above total \$1,022,980.00.

Modification No. 3 provides an additional amount of \$1,500,000.00, in order to provide the above additional work item, and an additional contingency amount for open RFPs, claims and additional work needed for changes as a result of equipment start-up, commissioning and operational demonstration.

The Total Projected Contingency Shortfall is based on the 15 RFP price quotes that have not completed the negotiation process, the 19 identified RFPs requiring the contractor's price proposal and three outstanding claims.

RFP NO.	REQUEST FOR PROPOSAL (RFP) DESCRIPTION	AMT PROPOSED
RFP Price Quotes in Negotiations		
RFP-S65-13	Fire Protection Standpipe Supply Line Rev-1	\$105,067.00
RFP-S65-26	Dowel Bar Substitutes (RFI-057)	\$8,115.00
RFP-S65-031	Add Pressure Gages RSP Suction Line	\$4,394.00
RFP-S65-040	Transformer-Generator Pad Modifications	\$19,725.00
RFP-S65-046	Louver Head Beams for RFI-S65-289	\$11,832.00
RFP-S65-047	Delete Painting of Ductwork	\$0.00
RFP-S65-048	Mechanical Room North Plenum Closure	\$2,255.00
RFP-S65-052	Field Order No. 13 Chiller Pad Modifications	\$18,343.00
RFP-S65-053	Fire Dampers for Electrical Closet 203 (See RFI S65-330)	\$9,592.00
RFP S65-061	Fan Excess Platforms	\$31,696.00
RFP S65-066	Elevator Wet Floor Switch	\$5,256.00
RFP S65-070	Recaulk Precast Panels	\$6,098.00
RFP S65-071	Linabond at IJC Haunches	\$27,500.00
RFP S65-072	Glycol Costs for S67 for Tunnel X Lines	\$5,529.00
RFP S65-073	Negotiated Settlement for S65 Claim No. 007 - Acoustical Panels	\$50,000.00
SOUTHERLY WWTP, CONTRACT S65 SUB-TOTAL		\$305,402.00

RFPs Requiring Contractor's Price Proposal		
RFP-S65-041	VOC & O2 Gas Monitors	
RFP-S65-044	A. PH and Temperature Monitor	"Draft"
	B. Flow Pace Signal Influent Samples	Rev. 0
	C. Drain Sump High, High Level Float	
RFP-S65-045	Paint Bar Rack Room Ceiling	
RFP-S65-049	Fiber Optic Backbone Modification	
RFP-S65-050	Telephone Trunk Re-Route	
RFP-S65-051	RSP-MCC-A Interlocks (Kirk Key)	
RFP-S65-054	PLC Modifications	
RFP-S65-055	Painting Coating System Modifications for Concrete	
RFP-S65-056	Bib Alternate No. 1, Install Sauerisen	
RFP-S65-057	Raw Sewage Pump Modifications	
RFP-S65-059	IJC Panel Board, IJC-LP	
RFP S65-062	A. Elevator Equipment Pad Access Revision 1	
	B. Provide Handrail Around East End Conveyor	
	C. Install Light Fixtures Elevator Pit (RFI-378)	
	D. Change out and add Various Light Fixtures RFI-359 and RFI-382	
RFP S65-064	Transformer Level and Temperature Signals (RFI S65-371)	
RFP S65-067	PLC I/O Changes RFI-380 & RFI-384	
RFP S65-068	VFD Interlock Wiring (E-mail Dated 11/01/07)	
RFP S65-069	Interconnector Sewer Level Monitoring	
RFP S65-074	Security Services for the S70/S71 Archeological Burial Site	
	E-mail dated 12-4-07	
RFP S65-075	Reroute Storm Drain to Main Drain	

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RFP S65-076	Vulcanize Bar Rack Conveyor Belt (E-Mail dated 1-26-08)	
UN-RESOLVED CLAIMS		
	BWO Concrete Cradles	
	IPS Connection Chamber Claim	
	Dowel Bar Substitute Beam Claim	
	ESTIMATED CLAIMS AMOUNT	\$250,000.00

\$2,422,325.00 - Original Contract S65 Contingency Amount
 +\$9,861,370.00 - Modification No. 1, Additional Contingency
 \$12,283,695.00 - Revised Contract Contingency Amount
 -\$11,727,642.00 - Approved Change Orders
 - \$99,740.00 - Change Order No. 7 (in the Approval Process)
 \$456,313.00 - Remaining Contingency

\$1,022,980.00 - Additional Work Items Identified in Modification No. 3 (RFP-043)
 -\$456,313.00 - Remaining Contingency
 \$566,667.00 - Additional Funding Required for RFP-043 (Contingency Shortfall)
 + \$305,402.00 - Unresolved RFP Items
 + \$250,000.00 - Unresolved Open Claims
 \$1,122,371.00 - Total Projected Contingency Shortfall

\$1,500,000.00 - Proposed Modification No. 3, including Contingency Amount Needed for Open RFPs and additional work needed for changes as a result of equipment start-up, commissioning and operational demonstration.

7. If the contract modification was not anticipated and explained in the original contract legislation a full explanation as to the reasons the work could not have been anticipated is required. (Changed or field conditions is not sufficient explanation. Describe in full the changed conditions that require modification of the contract scope and amount.)

In any construction project 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. An explanation of why the work to be performed as part of the contract modification cannot be bid out. (Indicating the work to be a logical extension of the contract is not sufficient explanation.)

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 consequent additional cost to the City to settle the legitimate claims for such delay.

9. A cost summary to include the original contract amount, the cost of each modification to date (list each modification separately), the cost of the modification being requested in the legislation, the estimated cost of any future known modifications and a total estimate of the contract cost.

Original Contract	\$50,868,825.00	
Modification No. 1	\$ 9,861,370.00	
Modification No. 2	\$ 0.00	(Amending Company Name Change)
Proposed Modification No. 3	\$ 1,500,000.00	
Future Anticipated Needs	\$ 0.00	
CONTRACT TOTAL	\$62,230,195.00	

10. An explanation of how the cost of the modification was determined.

The current remaining balance of Contingency is insufficient to fund the \$1,022,980.00 in Additional Work Items Identified (RFP-043) and \$555,402.00 in unresolved RFPs and claims, as shown above. In addition to this funding need, the Professional Construction Manager has reported that there several open RFPs and unresolved items that will add to the Contingency shortfall. The Professional Construction Manager has estimated that an additional \$1,500,000.00 will be required for RFP-043, the open RFPs, claims and additional work needed for changes as a result of equipment start-up, commissioning and operational demonstration.

Note: The Contract should be considered to include any and all work that is anticipated to be awarded to the company awarded the original contract throughout the contract/project timeline. This includes the original contract and any and all future anticipated modifications to the contract to complete the contract/project.

7-20-07