

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. Kokosing Construction Company, Inc., CCCN: 311023518, 886 McKinley Ave., Columbus, Ohio 43222, a Majority enterprise.		
B. Heavy & Environmental Group, A Division of Shook, Inc., 310443680, 4977 Northcutt Place, Dayton, Ohio 45414, a Majority enterprise.		

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

Kokosing Construction Company, Inc., 886 McKinley Ave., Columbus, Ohio 43222
Contact Person: Bill Lauder, (614) 294-1005

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.

This project provides for installing new sludge dewatering centrifuges and centrifuge process support systems at the Jackson Pike Wastewater Treatment Plant. The work to install the new centrifuge system includes the removal of existing facilities, improvements to the existing building, improvements to the sludge holding tanks and surrounding site, and installation of an odor control system. When completed, this project will provide a new high solids centrifuge system to replace the aged, existing equipment which is at the end of its useful life. In order to provide a complete, operational system, it has become necessary to adjust the work scope to address these changes in order to effectively complete the project.

It was planned that this contract will be modified to provide needed monies, as necessary, for correction of any anomalies in the work as designed which may become evident as the work progresses. This is an absolutely necessary procedure on large engineered construction programs, as the interleaved schedules which such programs are committed to today will not allow insertion of work by others under separate procurement - such insertions will usually result in delay claims due to overlapping work and coordination issues not evident before the work is undertaken.

5. An updated contract timeline to contract completion.

The Contract Notice to Proceed was issued November 27, 2001. Substantial Completion of construction, defined as completely operational building and process systems, was issued on March 17, 2005. Final Completion of construction, defined as all work being complete, is now projected to occur in December, 2007. Construction is completed. Extension of the duration of the contract has been primarily caused by the modifications required for the polymer storage system, electrical revisions required for the polymer blending units and modifications necessary to reduce high noise levels at the dewatering centrifuge operating floor area and control room.

All identified needed work additions are defined and priced, and there modification provides sufficient funding for all remaining contract work anticipated as of this modification. No further additions to contract work or funding are planned or anticipated.

6. **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: \$500,000.00

This modification provided funding for additional items of work that were identified as necessary and funding to settle Contractor's claims for compensation, the cost of which was greater than the remaining contract contingency amount. The identified additional items include additional training, additional instrumentation & control programming, monitoring, communication modification, additional electrical modification, and additional building modification.

7. **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. 2: \$59,921.06

This modification will provide funding for additional items of work, which are identified as Change Order No. 13 and have been identified as necessary to ensure the successful completion of the sludge dewatering system improvements phase. The total cost of Change Order No. 13 will be greater than the funding available in the WPCLF Loan's contingency. The specific work beyond current funding is:

<u>Item No.</u>	<u>Description</u>	<u>Cost</u>
RFP-031	Provides necessary removal of contaminated polymer from the bulk storage tanks, cleaning of the tanks, and necessary revisions to allow for proper operation of the polymer storage system.	\$32,709.00
RFP-032	Provides electrical revisions necessary for the proper operation of the polymer blending units.	\$94,750.00
RFP-033	Provides for modification to the dewatering centrifuge operating floor area and control room to reduce high noise levels.	\$51,275.00

The additional work items identified above, total \$178,734.00.

The WPCLF Loan, which is funding this construction contract, has a remaining contingency balance of \$118,812.94. Modification No. 2 provides an additional amount of \$59,921.06, in order to allow the above items of additional work:

\$178,734.00 - Change Order No. 13 Amount
 -\$118,812.94 - WPCLF Loan Available Contingency
 \$59,921.06 - Proposed Modification No. 2

8. 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, 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.

9. 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.

10. 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	\$ 14,410,000.00
Modification No. 1	\$ 500,000.00
Proposed Modification No. 2	\$ 59,921.06
Future Anticipated Needs	\$ 0.00
CURRENT PROPOSED TOTAL	\$ 14,969,921.06

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

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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