

**INFORMATION REQUIRED TO ACCOMPANY
LEGISLATION MODIFYING CONTRACTS**

ORDINANCE NO. 0871 - 2007

**MODIFICATION NO. 1 TO THE CONSTRUCTION CONTRACT FOR
SOUTHERLY WASTEWATER TREATMENT PLANT (SWWTP)
ELECTRICAL SYSTEM UPGRADE**

**PROJECT NO. 650346
CONSTRUCTION CONTRACT NO. S68**

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

- A. Claypool Electric, Inc., 1275 Lancaster-Kirkersville Road, Lancaster, Ohio 43130, a Majority enterprise
- B. Jess Howard Electric Company, 6630 Taylor Road, Blacklick, Ohio 43004, a Majority enterprise.
- C. Lake Erie Electric, Inc., 360 Industrial Drive, Franklin, Ohio 45005, a Majority enterprise
- D. Royal Electric Construction Corp., 1250 Memory Lane N., Columbus, Ohio 43209, a Majority enterprise
- E. The Ryan Company, 25 Constitution Drive, Taunton, MA 02780, a Majority enterprise

2. Name of the entity awarded the original contract: Lake Erie Electric, Inc., Auditor's contract number EL005424 was awarded to this entity.

3. Scope of work performed to date, and future phasing: This contract provides for the renovation and replacement of electrical equipment in the Center and West Aeration systems and associated areas which have reached the end of their useful life; the proper removal, disposal and replacement of four PCB-contaminated electrical transformers; renovate the existing blower induction motors and aeration blowers in Center and West Aeration facilities; provide new PLCs to monitor Incinerator process and incorporate these improvements into the existing Plant-Wide Process Control System. It was 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. **Schedule to work completion:** The Contract Notice to Proceed was issued August 15, 2005. Final Completion of construction was originally scheduled for April 7, 2007, but is now projected to occur on July 30, 2007.

5. **Other Modifications to Date:**

This is the first modification to this construction contract.

6. **Work to be performed under this Modification:**

Proposed Modification No. 1: \$227,142.39

This modification will provide funding for additional items of work that have been identified as necessary and funding to settle Contractor's claims for compensation, the cost of which will be greater than the remaining contract contingency. Modification No. 1 provides an additional contingency amount of \$227,142.39. The additional funding requested by this ordinance is sufficient for the cost of the claims and the additional work.

\$219,559.50 - Original Contract S68 Contingency Amount
\$174,755.00 - Approved Change Orders
\$44,804.50 - Remaining Contingency

\$271,946.89 - Claim Settlement Amounts and Needed Additional Work
- \$44,804.50 - Remaining Contingency
\$227,142.39 - Requested Modification No. 1 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	\$4,610,749.50
Proposed Modification No. 1	\$227,142.39
Future Anticipated Needs	<u>\$ 0.00</u>
CONTRACT TOTAL	\$4,837,891.89