

Information to be included in all Legislation Modifying a Contract:

Modification of Engineering Services Contract
for
Clinton Heights/Colerain Area Sanitary Improvements
CIP 650675
With
Malcolm Pirnie, Inc.

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>
Malcolm Pirnie, Inc.	Columbus, Ohio	Majority
Brown And Caldwell	Columbus, Ohio	Majority
Fuller, Mossbarger, Scott & May	Columbus, Ohio	Majority

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

Malcolm Pirnie, Inc.
1900 Polaris Parkway, Suite 200
Columbus, Ohio 43240
Telephone: (614) 888-4953
Fax: (614) 888-6295
Contact: Jim Hays, P.E., E-mail: jhays.pirnie.com
Contract No.: EL003107, dated 1/31/03
Ordinance No.: 1972-2002, passed 12/16/02

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 contract with Malcolm Pirnie, Inc. was to provide design service, preparation of bidding documents and perform engineering services during construction for the following projects:

Crestview/Calumet Area Sanitary Improvements, CIP 650671,
Clinton Heights/Colerain Area Sanitary Improvements, CIP 650675, and
Como/Milton Area Sanitary Improvements, CIP 650685

4. An updated contract timeline to contract completion.

All work on CIP650675 should be complete by October 31, 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 to Contract No. EL003107, dated 3/20/06

Contract No. EL005918, dated 4/25/06

Ordinance No. 1938-2004, passed 11/29/04

Dollar Amount: \$42,460.00

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.)**

Malcolm Pirnie, Inc. will continue to respond to contractor's requests for information, respond to inquiries regarding the interpretation of the contract documents, review contractor's claims for additional services and costs, review quality or materials/equipment substitutions and provide recommendations to the City. Continue to review project submittals, review CCTV tapes, review and evaluate recommended lining thickness parameters, attend progress meetings, and other services as directed by the City.

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.)**

Due to significant construction delays by the contractor the engineer will exhaust all fees for their engineering services during construction. The construction completion date of October 10, 2007 was missed by the contractor and the current schedule for the project shows completion schedule for July 31, 2008. The contractor is being assessed liquidated damages per Item 108.08, Liquidated Damages which will be used to cover the additional costs incurred by the engineer.

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 resultant delay in entering into a new contract would further delay completion of the construction contract as submittal review and approval of CIPP lining thickness would have to wait until a new engineer is under contract to provide these reviews. The construction contract also has an SSO Consent Decree mandated completion date, and further delay in completion of the project puts the City at risk of being fined for missing the deadline.

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.**

Contract No.: EL003107, dated 1/31/03
Ordinance No.: 1972-2002, passed 12/16/02
Contract Dollar Amount: \$366,084.00 for CIP650675
Total EL003107 Dollar Amount: \$894,464.00 for CIPs650671, 650675 and 650685

Modification No. 1 to Contract No. EL003107, dated 3/20/06
Contract No. EL005918, dated 4/25/06
Ordinance No. 1938-2004, passed 11/29/04
Dollar Amount: \$42,460.00

Modification No. 2, This Request
Dollar Amount: \$10,037.93

No other contract modifications are envisioned at this time.

Total Contract Dollar Amount: \$418,581.93

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

The modification costs were developed by the engineer and reviewed by the DOSD Project Manager.