

**INFORMATION REQUIRED TO ACCOMPANY
LEGISLATION MODIFYING CONTRACTS**

ORDINANCE NO. 2299-2006

**MODIFICATION NO. 1 TO THE CONSTRUCTION CONTRACT FOR
SOUTHERLY WASTEWATER TREATMENT PLANT (WWTP)
NEW HEADWORKS**

**PROJECT NO. 650352
CONSTRUCTION CONTRACT NO. S65**

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

- A. C.J. Mahan Construction Company, 3400 Southwest Blvd., Grove City, Ohio 43123, a Majority enterprise
- B. Kokosing Construction Company, Inc., 886 McKinley Avenue, Columbus, Ohio 43222, a Majority enterprise.
- C. Barton Marlow Company, 26000 American Drive, Southfield, Michigan 48034, a Majority enterprise

2. Name of the entity awarded the original contract: C.J. Mahan Construction Company. Auditor's contract number EL004202 was awarded to this entity.

3. Scope of work performed to date, and future phasing: 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. Schedule to work 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 February 19, 2008.

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: \$9,861,370.00

In June, 2004, and again with greater severity in January, 2005, flooding of the Scioto River at the project site flooded the Contract S65 excavation and substantially delayed the construction. 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).

Emergency work was focused on the BWO during and after the January, 2005 flood. In addition to this emergency work, it is necessary to forestall additional possible flooding during the construction period, by providing both increased dewatering effort, and actual floodproofing which was not required in the specifications as bid. The originally-stipulated schedule dates for the S65 project must be recovered in order to honor the City's commitments to Ohio EPA. This recovery effort is necessary and expensive.

The several matters included in this modification are:

1. Big Walnut Outfall (BWO) Stabilization and Protection;
2. Site Floodproofing;
3. Additional Dewatering; and
4. Schedule Recovery.

Modification No. 1 provides 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.

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

The severity of the wet weather events and site flooding experienced was above and beyond levels previously experienced or predicted.

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

The Contractor was present during the site flooding and took immediate action to protect the BWO. 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. This project is proceeding on a very tight schedule, in order to meet the City's Consent Order commitment to Ohio EPA. 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	\$50,868,825.00
Proposed Modification No. 1	\$ 9,861,370.00
Future Anticipated Needs	<u>\$ 0.00</u>
CONTRACT TOTAL	\$60,730,195.00