

Ord No.

Information to be included in all Legislation authorizing entering into a Contract:

1. **The names, contract compliance no. & expiration date, location by City/State and status of all companies (NPO, MAJ, MBE, FBE, HL1, AS1, or MBR) submitting a competitive bid or submitting an RFP or RFSO.**

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>City/State</u>	<u>Status</u>
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2. **What type of bidding process was used (ITB, RFP, RFSO, Competitive Bid).**
3. **List the ranking and order of all bidders.**
4. **Complete address, contact name and phone number for the successful bidder only.**
5. **A full description of all work to be performed including a full description of work to be performed during any known phasing of the contract.**
6. **A narrative timeline for the contract including a beginning date, beginning and ending dates for known phases of the contract and a projected ending date.**
7. **A narrative discussing the economic impact or economic advantages of the project; community outreach or input in the development of the project; and any environmental factors or advantages of the project.**
8. **An estimate of the full cost of the Contract including a separate estimate of any and all phases or proposed future contract modifications.**
9. **Sub-Consultants identified to work on this contract, their contract compliance no. & expiration date, and their status (NPO, MAJ, MBE, FBE, HL1, AS1, or MBR):**

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>Status</u>
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10. **Scope of work for each subcontractor and their estimate of dollar value to be paid.**

Ord No.:

Information to be included in all Legislation Modifying a Contract:

1. **The names, contract compliance no. & expiration date, location by City/State and status of all companies (NPO, MAJ, MBE, FBE, HL1, AS1, or MBR) submitting a competitive bid or submitting an RFP or RFSO.**

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Kenny/Obayashi JV			

2. **What type of bidding process was used (ITB, RFP, RFSO, Competitive Bid).**

Competitive bid

3. **List the ranking and order of all bidders.**

Kenny/Obayashi JV -	\$264,506,000
Traylor/Jay Dee/Shea JV -	\$290,549,492
Kiewit/McNally JV -	\$306,956,100

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

Kenny/Obayashi JV

5. **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.**

Construction of the OARS tunnel project

6. **An updated contract timeline to contract completion.**

Substantial Completion – June 30, 2017

Final Completion – August 29, 2017

7. **A narrative discussing the economic impact or economic advantages of the project; community outreach or input in the development of the project; and any environmental factors or advantages of the project.**

The project, when completed, will significantly reduce combined sewer overflows into the river, eliminating over 1 billion gallons of diluted raw sewage overflows during a typical year.

8. **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.)**

This is the first Contract modification.

Contract Modification No. 1 - \$29,500,000

9. **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.)**

This Contract Modification is needed to pay for the delayed schedule, direct labor and equipment costs to the project associated with the slower TBM slurry mode closed system. The TBM production rate was substantially reduced from original approved schedule of 68

feet per day to 31 feet per day for the TBM in closed slurry mode. The contractor agreed to pay for all costs associated with labor, equipment and material converting the existing multi-mode TBM to a closed slurry mode-only TBM, including the additional slurry plant, 12-inch piping, pumps, rock crusher and other equipment. The total cost of the modification is \$28,500,000, plus an additional \$1,000,000 to replenish project contingency fund.

10. 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.)

The Contract Documents do not provide baseline groundwater inflows for the tunnel profile as a whole, but focus on inflows for discrete water producing zones. The Contract specifications did not preclude the use of a multi-mode TBM, which could operate in both the open and closed mode. The contractor selected a Tunnel Boring Machine (TBM) with the intent to operate primarily in open mode based on the data provided in the Contract Documents. During the first few months of TBM mining groundwater inflows were not discrete or isolated events, instead these water-producing solutions features turned out to be essentially significant constant subsurface conditions. After 10 months of mining at averaging 23 feet per day production rate with continuous and substantial groundwater inflows, the Contractor was forced to redesign the TBM to a closed-only slurry mode system to handle the continuous groundwater inflows. The actual subsurface conditions were materially different than could be interpreted from the data in the Contract Documents. These events led to two Differing Site Conditions (DSC) claims. This Contract Modification is required to settle these claims in accordance with the settlement negotiated between the City and the Contractor.

11. 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 project is currently in construction and rebidding the project to accommodate for the differing site conditions is not a realistically feasible option.

12. 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.

The original Contract amount: \$240,460,000

Original Contingency Fund: \$24,046,000 (used to date: \$15,022,995.70)

Proposed Modification No. 1: \$28,500,000

Proposed Additional Contingency Fund: \$1,000,000

Total Estimated Contract amount, including Contingency: \$294,006,000

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

The \$28,500,000 settlement was negotiated by the City and the Contractor. \$1,000,000 of additional contingency is required to cover for various additional items of work which are not known at this time.

14. Sub-Consultants identified to work on this contract, their contract compliance no. & expiration date, and their status (NPO, MAJ, MBE, FBE, HL1, AS1, or MBR):

Name

C.C. No./Exp. Date

Status

15. Scope of work for each subcontractor and their estimate of dollar value to be paid.

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.

Revised Date: 05-23-11