

Information to be included in all Legislation Modifying a Contract:

1. The names, location by City/State and status of all companies that submitted a competitive bid or RFP/RFSO for the original contract.

<u>Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Benatec Associates, Inc.	Columbus, Ohio	MAJ
Buckeye Engineering, Ltd.	Columbus, Ohio	MAJ
Burgess & Niple, Limited	Columbus, Ohio	MAJ
ms consultants, inc.	Columbus, Ohio	MAJ
Owen Engineering & Mgt Consul.	Columbus, Ohio	MAJ
R. D. Zande & Associates, Inc.	Columbus, Ohio	MAJ

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

ms consultants, inc.
2221 Schrock Road
Columbus, OH 43229
Ken Ricker, P.E. (614) 898-7100
EL003473

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 original contract provided for engineering design and construction administration/construction inspection for Part 1 and Part 2 of the contract. The first contract modification was to provide funding for Part 3 and Part 4 of the contract.

- Contract was originally to be implemented in 4 phases (now 5 phases)
 - Part 1, clean Lagoon 2 & 3 – construction complete
 - Part 2, clean Lagoon 1 – construction complete, final invoice paid 12/5/06
 - Part 3, build baffles in existing Lagoon 1 & 2 and construct embankment improvements – currently advertised for bids. Lagoon 3 used for sludge disposal during this period
 - This has now been split into two parts, Lagoon 2 improvements (Part 3) and Lagoon 1 improvements (Part 3a, to be performed after completion of Part 3)
 - Part 5, clean Lagoon 3 and abandon or fill Lagoon 3 – to be performed after completion of part 3a and 3b

During design of Part 3 it was determined that a Letter of Map Revision (LOMR) would be required from the Federal Emergency Management Agency (FEMA) and a formal LOMR application was submitted in November 2006. LOMR was granted by FEMA April 2008. In the interim, Lagoon 3 was utilized when on-site sludge storage was needed. The process of receiving the LOMR caused significant project delay and required several changes to the project scope which could not have been anticipated. These items are outlined in detail in the attached document titled “mod 2 additional scope.doc”. These tasks included Part 4, emergency cleaning of Lagoon 3 engineering design and construction administration/construction inspection services.

Part 4 was necessary because of the 2 year project delay from the LOMR process and due to several sludge line leaks which prompted additional use of Lagoon 3 for sludge storage. A decision was made to utilize the previously approved funds to complete these tasks, which has necessitated this current modification request to fund the remaining project tasks.

The remaining project tasks include:

- Part 3, construct embankment improvements and baffles in Lagoon 2 – construction administration/construction inspection services
- Part 3a, construct embankment improvements and baffles in Lagoon 1 – construction administration/construction inspection services
- Part 5, clean Lagoon 3 and abandon or fill Lagoon 3 – engineering design and construction administration/construction inspection services

4. An updated contract timeline to contract completion.

- Part 3, currently bidding construction, anticipate completion March 2010
- Part 3a, anticipate construction May 2010 – March 2011
- Part 5, anticipate construction May 2011 – May 2012

Construction Administration / Construction Inspection services will continue throughout the above listed construction timelines.

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 #1 \$850,556.01 EL005455 approved by council 7/11/2005, Ord# 1121-2005.

Modification #1 was to provide for detailed design services and construction administration/construction inspection for Part 3 and Part 4 of the project.

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.)

This project modification will provide for a small portion of remaining design services and for construction administration/construction inspection services for Part 3 of the project. This modification will also provide for detailed design and bidding services for Part 3a of the project.

A future contract modification(s) will be required for construction administration/construction inspection services for Part 3a and for detailed design, bidding services, and construction administration/construction inspection for Part 5 of the project.

Due to budget and cash flow constraints it was decided to only request the current contract modification for services that will be required for the immediate phase of the project. A future contract modification(s) will be requested for the upcoming project phases.

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.)

As listed in item 3 above, the unanticipated need to request a Letter of Map Revision (LOMR) from the FEMA delayed the project for over two years. During this delay several compromises in the sludge force main caused the one active sludge lagoon to be filled to capacity. This necessitated an additional unanticipated emergency lagoon cleaning project

which was designed and inspected utilizing previously approved funds from this project. During the two year delay in proceeding with the scope of work consultants wage rates and overhead rates have increased. Several other additional tasks were performed as outlined in the attached document titled “mod 2 additional scope.doc”

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 consultant team is very familiar with the details of the project, the approving agencies and the bid documents. The process of selecting and contracting with a new consultant team at this time would further delay the project which would cause problems in meeting regulatory compliance and keeping the City’s largest water treatment plant in operation.

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.

Original contract amount	\$ 387,743.74
Modification #1	\$ 850,556.01
Modification #2 (current request)	\$ 912,025.00
Current new contract amount	\$2,150,324.75
Future Mod. for Part 3a services	\$ 730,000.00
Future Mod. for Part 5 services	<u>\$ 700,000.00</u>
Future anticipated total contract amount	\$3,580,324.75

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

The Consultant prepared a detailed estimate of cost per task for remaining scope of work, broken down by project phase and year. The Consultant also prepared a cost for all work that was performed outside the original scope of work to quantify how the previous Modification #1 funds were utilized. City Project management staff reviewed and approved these cost summaries.

11. Sub-Consultants identified to work on this contract:

BBC&M Engineering CC#: 31-1166709, expires 11/15/09 – costs anticipated at \$136,975.00.

Note: this is the geotechnical consultant that was utilized on the original contract and during Modification #1 services. There is a significant amount of geotechnical testing services needed during the construction administration/construction inspection phase of the project.

12. EBOCO information:

- A. Total number of firms solicited: none; this is a modification to an engineering agreement
- B. Status titles of vendors solicited: n/a; see A above.
- C. Scope of work: see number 6 above.
- D. Bid ranking of all offerors: n/a; this is a modification to an engineering agreement
- E. Bidding processes used: none; this is a modification to an engineering agreement