

**INFORMATION REQUIRED TO ACCOMPANY
LEGISLATION MODIFYING CONTRACTS**

ORDINANCE NO. 1292 - 2007

**MODIFICATION NO. 3 TO THE CONSTRUCTION CONTRACT FOR
SOUTHERLY WASTEWATER TREATMENT PLANT (WWTP)
NEW HEADWORKS**

**PROJECT NO. 650352
CONSTRUCTION CONTRACT NO. S67**

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. Walsh Construction Company of Illinois, 2575 Medina Road, Medina, Ohio 44256, a Majority enterprise

2. **Name of the entity awarded the original contract:** Kokosing Construction Company, Inc. Auditor's contract number EL005302, 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 S67 that provides for the construction of a screen and grit facility with perforated panel screens, grit removal tanks, odor control facility, 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 24, 2005. 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:

Modification No. 1: \$1,162,907.00 (EL006962; Ord. No. 0264-2007, passed April 2, 2007)

Modification No. 1 provided needed additions to the contract work to provide modifications to Secondary Clarifier No. 4 to enhance sludge transport and improve settling efficiency and then perform a stress test to verify its performance for achieving the needed peak wet weather flow rate of 330 MGD. This work was included in CIP 650352 in order to meet the City's Consent Order commitment to Ohio EPA. The modification provided an additional contingency amount of \$1,162,907.00 to fund known costs that would exceed the original contract contingency amount.

Modification No. 2: \$1,092,642.00 (EL007177; Ord. No. 0764-2007, passed June 11, 2007)

As a result of the June, 2004, and the January, 2005, flooding of the Scioto River at the project site, the Contract S65 excavation was flooded and substantially delayed the construction work on this contract. The January, 2005 flood was part of a regional disaster declared by the Federal Emergency Management Agency (FEMA). The delay of the Contract S65 construction work, specifically the Intermediate Site Grading Work, negatively impacted the work for the S67 Contract by not permitting the S67 Contractor to proceed with their work in a logical, uninterrupted fashion as planned and indicated in the S67 Contract Documents.

The originally-stipulated schedule dates for the S67 Contract must be recovered in order to honor the City's commitments to Ohio EPA. This recovery effort is necessary and expensive.

Modification No. 2 provided an additional contingency amount of \$1,092,642.00 to fund known costs of needed additions to the contract work to provide the Schedule Recovery effort, resulting from the project site flooding, that would have exceeded the original contract contingency amount.

6. Work to be performed under this Modification:

Proposed Modification No. 3: \$495,000.00

This Modification will provide two items of work which must be undertaken immediately in order to meet the City's schedule commitments under the Consent Orders with Ohio EPA, as follows: A portion of the Southerly Plant's 15,000 Volt overhead electrical distribution grid must be relocated onto a temporary alignment, in

order to allow building and process construction which is located beneath the existing alignment to proceed; also, foundation conditions have been discovered at one of the new process sites which will require the installation of steel friction piles as the first construction measure in that project. Given the current inflation occurring in all basic construction materials, the Program Manager has advised that these piles must be procured immediately, in order to avoid certain delay and cost escalation in that project.

Modification No. 3 provides for the cost of executing these necessary program elements under the S67 contract. Since the S67 contractor is already engaged at the site on related works, they will be able to execute these needed additional matters without the delay which would result from waiting for the bidding, loan application, contract award, and contract execution process to be completed on the later S71 and S72 contracts.

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

The final siting of the facilities has been based on extensive work to determine the best locations among several alternatives; and, the full impact of the actual subsurface conditions on foundation design was only recently determined.

8. Why the work to be performed under this Modification cannot be “bid out”:

It is not deemed either feasible or reasonable to suspend work with the entity currently under contract, and undertake the work under a new procurement. This program 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. The S67 Contractor is able to execute the necessary work immediately.

9. Cost summary:

Original Contract	\$43,691,550.00
Modification No. 1	1,162,907.00
Modification No. 2	1,092,642.00
Proposed Modification No. 3	<u>495,000.00</u>
CONTRACT TOTAL	\$46,442,099.00