

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>
A. Brown and Caldwell Ohio, LLC	680442806 / 06/17/2010	Columbus / OH	MAJ
B. ms consultants, inc.	346546916 / 07/10/2010	Columbus / OH	MAJ

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

RFP

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

1. Brown and Caldwell Ohio, LLC
2. ms consultants, inc.

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

Brown and Caldwell Ohio, LLC, 4700 Lakehurst Court, Suite 100, Columbus, OH 43016
Contact: Jeff Sharon. P.E. (614) 410 - 6144
Contract No.: EL006517

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.**

This is a contract for professional engineering design services and services during construction (Design Professional, or “DP” services) for one of the key, time-critical wastewater plants construction projects in the City’s Wet Weather Management Plan (WWMP) program, for the period through 2010. The work in that program is a very substantial group of sewer capital improvement projects (CIPs), both collections systems and treatment works improvements, which have been agreed to by the City and Ohio EPA in order to conform to the requirements of the City’s consent orders. The WWMP projects at the Jackson Pike Wastewater Treatment Plant will increase the plant’s wet weather treatment capacity to 150 million gallons per day.

This contract provides engineering services for the Jackson Pike Wastewater Treatment Plant JPWWTP A Plant Wet Weather Hydraulic Improvements, construction Contract J211. This construction contract is combined and bid with CIP 650245, Jackson Pike Wastewater Treatment Plant (JPWWTP) B Plant Secondary Clarifier Upgrade, construction Contract J210, Headworks Continuation and B Plant Improvements, designed by Burgess & Niple, Inc., under a separate contract with the City. Contract J211 will implement the sizing increase for sections of primary influent piping, construction of Bay 5 step feed capability to Aeration Tanks 1 through 8, replacement of aeration air piping and diffusers in Aeration Tanks 1 through 8, modification of the RAS pumping system, construction of energy dissipating baffles in Secondary Clarifiers 1 through 9, decommissioning and abandonment

of a ground water well, and other work as shown on drawings and described in the Project Manual.

The actual emplacement of the work will be by construction contract. This engineering contract provided detailed design, bidding assistance and construction-phase engineering assistance. Construction Management services are being performed by others.

All engineering design services have been completed and the construction of Contract J211 is proceeding.

6. An updated contract timeline to contract completion.

As part of the Professional Program Manager's (PPM) scope of services for the capital improvement projects included in the Wet Weather Management Program, 2006 – 2010, the PPM and their team initiated work on the draft Detailed Design Memorandum (DDM) in October, 2006.

The Contract Notice to Proceed was issued January 11, 2007, and preliminary design was initiated immediately. The DDM was completed and submitted to the City on April 19, 2007. Brown and Caldwell Ohio, Inc. completed the Detailed Design and the construction contract bids were received on December 21, 2007. The construction contract Notice to Proceed (NTP) was issued on April 15, 2008. The construction engineering services commenced at the same time, which began the next stage of this contract's work. Brown and Caldwell's services will continue beyond completion of construction to provide "as-built" record drawings of the constructed facilities.

7. 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.)

ORIGINAL CONTRACT: \$1,300,000.00 (EL006517)

Provided funding, estimated to be needed, for preliminary design, detailed design, and bidding assistance services for Contract J211.

MODIFICATION NO. 1: \$1,930,555.00 (EL007758)

Provided funding for additional Detailed Design and funding estimated to be needed for Services During Construction and Commissioning tasks for Contract J211.

8. 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.)

PROPOSED MODIFICATION NO. 2: \$130,288.00

This modification provides funding for additional construction-phase engineering services tasks that became necessary during the course of construction for Contract J211.

9. 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.)

This Contract Modification No. 2 is a continuation of the services included within the existing contract's scope of service and was anticipated as construction progressed. In a construction project for renovation of existing facilities, changes to contract work are expected and sometimes require a protracted level of services to reconcile a myriad of complex schedule, technical and interface issues. The additional effort required construction-phase engineering, on site, and time critical efforts and commissioning assistance beyond the level originally estimated.

10. 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 funding provided by this contract modification is for completion of the existing work of the contract. Due to the highly complex and technical nature of this wastewater treatment plant infrastructure, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services. 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.

11. 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	\$ 1,300,000.00
Modification No. 1	\$ 1,930,555.00
Proposed Modification No. 2	\$ 130,288.00
CURRENT PROPOSED TOTAL	\$ 3,360,843.00

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

The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

13. 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>
See attached Subcontracting and MBE/FBE Utilization Report, 3/23/10, and Subcontractor Contact Report, 3/23/10.		

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

See attached Subcontracting and MBE/FBE Utilization Report, 3/23/10, and Subcontractor Contact Report, 3/23/10.

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.

Updated as of 4-3-09 (JPM)