

Information to be included in all Legislation Modifying a Contract:

1. **The names, location by City/State and status of all companies submitting a competitive bid or submitting an RFP or RFSQ for the original contract.**

<u>Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
A. C. J. Mahan Construction Company, LLC	Grove City, Ohio	Majority
B. Kokosing Construction Company, Inc.	Columbus, Ohio	Majority
C. S&D/Osterfeld Mechanical Contractors, Inc.	Dayton, Ohio	Majority

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

Kokosing Construction Company, Inc., 886 McKinley Ave., Columbus, Ohio 43222
Contract No. EL007534
Contact Person: Bill Lauder, (614) 294-1005

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 contract with Kokosing Construction Company is for Contract J209 – Skimmings Concentrator System Improvements. This contract Work consists of providing two new skimmings concentrator units, skimmings transfer pumps, skimmings grinders, skimmings vault recirculation pumps and associated piping, equipment and structural modifications. It was planned that this contract could be modified to provide needed monies, if necessary, for any anomalies in the work which may become evident as the work progresses.

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

The Contract Notice to Proceed was issued December 18, 2007. Substantial Completion of construction, defined as completely operational building and process systems, was originally scheduled for November 17, 2008, and is now projected to occur February 5, 2009. Final Completion of construction, defined as all work being complete, was originally scheduled for December 17, 2008, but is now projected to occur on March 5, 2009. Construction is currently on-going. Extension of the duration of the contract has been primarily caused by uncovering existing unknown underground duct banks, unexpected motor control center modifications, existing abandoned equipment demolition, the unforeseen delaminated condition of the Sludge Thickening Building floor, additional effort for project scheduling and management, and other associated costs of needed additions to the contract work that have become necessary to complete the construction.

6. **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 modification to this construction contract.

7. 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. 1: \$350,000.00

This modification will provide funding for additional items of work that have been identified as necessary, the total cost of which will be greater than the remaining contract contingency amount. Presently, 16 RFP estimated price quotes are in the negotiation process:

<u>RFP</u>	<u>Title/Description</u>	<u>Contractor Estimate</u>
J209 - 004	Revised STB/MCC Feeder Design, RFI-13: The existing 3" conduit power feed shown is actually a 6" cable tray.	\$40,030.00
J209 - 005	Slop sink drain RFI-16: No vent of drain piping was proposed for slop sink.	\$4,184.00
J209 - 006	Skimmings Concentrator underflow drain, RFI-18: New underflow drain pipe is to extend into the drainage well.	\$4,212.00
J209 - 007	Grating Support at column in STB, RFI-15.1: Install 4"x4" steel angle support at the column and either side of the channel.	\$981.00
J209 - 011	SV-1 Trench conflict with ductbank, RFI-30: Inability to support electrical ductbank during excavation for drainage wells at either end and at the change of direction for the trench.	\$18,172.00
J209 - 013	Spalling of STB Floor at infills for 2-3" depth, RFI-42: Drawings show openings in the STB operating floor to be closed by reinforced concrete. Preparation for closing holes revealed separation of finished floor and structural slab below.	\$333,250.00
J209 - 014	SV-1 Vault Piping & Equipment Layout Problems: Proposed location for large control panel prohibited opening of panel doors. Skimmings grinder intake piping layout changed.	\$14,265.00
J209 - 015	Demolition of existing Bubbler Panel, RFI-23: Demo of bubbler and associated piping and electrical conduit.	\$1,971.00
J209 - 016	SV-2 Trench conflict with duct bank: Inability to support electrical duct bank during excavation for drainage wells at either end and at the change of direction of the trench.	\$9,807.00
J209 - 017	Heat Trace, RFI-041: Contractor to have heat trace work at STB sized for temperature controller specified.	\$293.00
J209 - 018	Electrical Panels re-arranged in SV-1 Vault	\$16,948.00
J209 - 019	STB Grating: Provide galvanized steel grating instead of stainless steel grating	\$5,127.00
J209 - 021	SV-2 Vault Piping and Electrical Revisions	\$26,713.00
J209 - 022	Modification of Contractor's Scope/Short Circuit Study	\$3,232.00
J209 - 025	Fiber Optic Cable from PIA top SV-1 and SV-2	\$7,156.00

J209 - 026	STB Air Vent Revisions	\$8,570.00
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The items identified above total, \$494,911.00.

\$494,911.00 - Total for additional items identified above
\$472,500.00 - Original Contract J209 Contingency Amount
\$ 22,411.00 - Contingency Shortfall

The construction contract work is about 25 percent complete and it is expected that additional contingency funds will be required for additional work needed for changes as a result of equipment start-up, commissioning and operational demonstration. The estimated additional contingency requested, including the shortfall shown above, is \$350,000.00.

8. 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.)

In any construction project changes to contract work are expected. Some reasons for additional work include: 1) details of equipment and systems specified to be provided are reviewed and sometimes refined during construction in order to provide a facility that is optimally configured for operation and safety; 2) components of the existing facility are concealed and conditions cannot be accurately determined prior to contract work; 3) latent errors or omissions may exist in the design.

9. 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. 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. 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 consequent additional cost to the City to settle the legitimate claims for such delay.

10. 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	\$5,197,500.00
Proposed Modification No. 1	\$ 350,000.00
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	\$5,547,500.00

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

The additional work items shown above are \$22,411.00 greater than the Contract contingency.

\$494,911.00 - Total for additional items identified above
\$472,500.00 - Original Contract J209 Contingency Amount
\$ 22,411.00 - Contingency Shortfall

The shortfall is largely due to the cost of repair for the unforeseen, delaminated condition of the Sludge Thickening Building floor. The construction contract is about 25 percent complete. It is expected that additional contingency funds will be required for additional work needed for changes as a result of equipment start-up, commissioning and operational demonstration. It is estimated that \$350,000.00 will be needed for this shortfall and to complete the construction contract.

Modification No. 1 provides the amount of \$350,000.00.

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.

7-20-07