

**Modification No. 1  
to the  
Letter of Agreement  
for the  
Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main**

**City of Gahanna, Department of Public Service Improvement No. 699  
City of Columbus, Department of Public Utilities CIP No. 431**

Whereas, the design of a large diameter transmission main in the Morse Road and Reynoldsburg-New Albany Road area, which has been undertaken pursuant to a Letter of Agreement between the two parties as authorized under City of Gahanna Ordinance No. 970357, adopted on December 16, 1997 and City of Columbus Ordinance No. 2940-97, adopted on December 15, 1997, respectively, is nearing completion, and

Whereas, the City of Columbus wishes to adjust the level of effort and project schedule for the design phase of the project in order to further extend the routing and overall length of the aforementioned transmission main, and

Whereas, The City of Gahanna and The City of Columbus Division of Water have reviewed and accepted the adjustments to the scope of work and proposed costs to provide additional design engineering services for the Morse Road & Reynoldsburg-New Albany road Area 36-inch Transmission Main, as outlined in the, as outlined in the ms consultants, inc. Proposal letter dated November 30, 1998, and

Whereas, the actual level of effort relative to the preparation of easements on the original transmission main project is substantially less than budgeted in the original scope of services, and

Whereas, Item Number 5 outlines the need to amend the proposed scope of design services and the original Letter of Agreement to incorporate the aforementioned changes, and

Whereas, Item Number 6 in the above referenced Letter of Agreement outlines the need for amendments relative to the bidding and administering of the project being designed, and

Whereas, The City of Gahanna and The City of Columbus Division of Water have reviewed and accepted the scope of work and associated proposed costs to provide bidding assistance and construction engineering services for the Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main, as outlined in the ms consultants, inc. Proposal letters dated September 12, 1997 and October 10, 1997, respectively, and

Whereas, the Director of Public Utilities has been authorized by the Council of the City of Columbus to reimburse the City of Gahanna an additional amount of \$224,045.00 for said additional design and construction services, and up to a maximum amount of \$334,829.00 for all

**EXHIBIT A**

design and construction services on the Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main, as outlined in Ordinance No.2768-99, adopted on December 6, 1999, and

Whereas, the Mayor has been authorized by the Council of the City of Gahanna under Ordinance No. \_\_\_\_\_, adopted on \_\_\_\_\_, 1999, to amend the current engineering agreement with ms consultants, inc. to include the aforementioned additional design and construction services in the maximum amount of \$247,717.00, and complete the design and construction of the Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main; Now, Therefore,

It is mutually agreed that:

1. Columbus will reimburse Gahanna for the additional design services (segment from Reynoldsburg-New Albany Road to Waggoner Road/Clark State Road) outlined in the November 30, 1998 ms consultant's proposal in the total amount of \$32,141.00. As design work proceeds and ms consultants, inc. will transmit monthly invoices to Gahanna. Gahanna would be responsible for payments to ms consultants, inc..
2. Requests for reimbursement from the City of Columbus will be by Gahanna, in the form of a copy of the approved monthly invoice being transmitted to Columbus. Columbus will reimburse Gahanna for the invoices amount generally within 30 days of receipt of each approved monthly invoice from Gahanna.
3. The amendatory agreement also included an allowance of \$18,000 for ms consultants, inc. to prepare up to 18 permanent and/or construction easements, when authorized in writing by the City of Columbus. As each specific description is completed, associated fees will be included in monthly invoices are transmitted to Gahanna, Columbus would reimburse Gahanna for easement descriptions which are prepared, up to the maximum amount of \$18,000, generally within 30 days of receipt of each approved monthly invoices from Gahanna. Gahanna would be responsible for payments to ms consultants, inc. subsequent to receipt of funds from Columbus.
4. Costs for bidding and construction services for the initial segment of the 36-inch transmission main (from SR 62 to Reynoldsburg-New Albany Road) are \$109,288.00. A summary of the costs for bidding and construction services for this project, as well as the amounts of participation for Gahanna and Columbus, are presented in Exhibit 1.

As the bidding and construction phases of this initial segment of the project proceeds and monthly invoices are transmitted to Gahanna, Columbus will reimburse Gahanna for the bidding and construction services in the total amount of \$85,616.00 generally within 30 days of receipt of each approved monthly invoices from Gahanna. Gahanna would be responsible for payments to ms consultants, inc. subsequent to receipt of funds from

Columbus.

5. **Costs for bidding and construction services for the second segment of the 36-inch transmission main (from Reynoldsburg-New Albany Road to Waggoner Road/Clark State Road) are \$109,288.00. A summary of the costs for bidding and construction services for this project, as well as the amounts of participation for Gahanna and Columbus, are also presented in Exhibit 1.**

As the bidding and construction phases of this second segment of the project proceeds and monthly invoices are transmitted to Gahanna, Columbus will reimburse Gahanna for the bidding and construction services in the total amount of \$109,288.00 generally within 30 days of receipt of each approved monthly invoices from Gahanna. Gahanna would be responsible for payments to ms consultants, inc. subsequent to receipt of funds from Columbus.

6. **Should the level of effort for the above engineering design, bidding and construction services require adjustment to perform additional activities not delineated in the present scope of work, ms consultants, inc. will make appropriate adjustments to the scope of work and associated costs for performing said services at the mutual, written request of both parties. No additional services will be performed without expressed written consent of both parties. This letter of agreement will also be amended to stipulate responsibilities relative to shared costs and methods of payment.**
7. **A summary of the resultant design and construction services costs for this project as a result of the above changes, as well as the amounts of participation for Gahanna and Columbus, are presented in Exhibit 1.**
8. **Future Amendment(s) to this Letter of Agreement outlining roles and responsibilities relative to the bidding and administering of the construction phase of the project will be prepared as expeditiously as practicable, so as to obtain construction bids for the initial project segment within the 2000 calendar year, and the second segment in calendar year 2001.**

No additions/modifications to this letter of agreement shall be made relative to responsibilities as to shared costs and methods of payments, or other matters, without expressed written consent of both parties.

City of Gahanna

City of Columbus

\_\_\_\_\_  
James F. McGregor, Mayor  
City of Gahanna

\_\_\_\_\_  
John R. Douth, PE, Director  
City of Columbus  
Department of Public Utilities

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Witness:

Witness:

\_\_\_\_\_

\_\_\_\_\_

City of Gahanna

\_\_\_\_\_  
G. Terry Jordan, Director of Public Service  
City of Gahanna

Date: \_\_\_\_\_

Witness:

\_\_\_\_\_

# Exhibit 1

## SUMMARY OF PROJECT COSTS AND PARTICIPATION AMOUNTS

	<u>Total Amount</u>	<u>Gahanna Share</u>	<u>Columbus Share</u>
<b><u>Design Services-Original Engineering Agreement</u></b>			
Morse Road-SR 62 to R-NA Rd.	\$ 24,976.00	\$ 12,488.00	\$ 12,488.00
R-NA Rd.-Morse to Clark State	\$ 9,518.00	\$ 4,759.00	\$ 4,759.00
Subtotal-Engineering	\$ 34,494.00	\$ 17,247.00	\$ 17,247.00
<b><u>Design Services-Modification #1 to Engineering Agreement</u></b>			
Design of 36-inch Main	\$ 53,037.00	\$ 0.00	\$ 53,037.00
Easements for 36-inch Main	\$ 41,000.00	\$ 500.00	\$ 40,500.00
Subtotal-Engineering(Mod #1)	\$ 94,037.00	\$ 500.00	\$ 93,537.00
Revised Contract Amount	\$128,531.00	\$ 17,747.00	\$110,784.00
<b><u>Design Services-Modification #2 to Engineering Agreement</u></b>			
Additional Design of 36-inch Main	\$ 32,141.00	\$ 0.00	\$ 32,141.00
Easements for 36-Inch Main(Mod#2)	\$18,000.00	\$ 0.00	\$ 18,000.00
Reduction in Easements (Mod #1)	\$(21,000.00)	\$ 0.00	\$(21,000.00)
Subtotal-Engineering(Mod #2)	\$ 29,141.00	\$ 0.00	\$ 29,141.00
Revised Contract Amount	\$157,672.00	\$ 17,747.00	\$139,925.00

## Exhibit 1 (Continued)

### SUMMARY OF PROJECT COSTS AND PARTICIPATION AMOUNTS

	<u>Total Amount</u>	<u>Gahanna Share</u>	<u>Columbus Share</u>
<b><u>Construction Engineering Services(36-inch From SR 62 to Reynoldsburg-New Albany Road)-Modification #2 to Engineering Agreement</u></b>			
Bid Assistance	\$ 5,344.00	\$ 2,672.00	\$ 2,672.00
Construction Administration	\$ 40,972.00	\$ 6,000.00	\$34,972.00
Construction Inspection	\$ <u>62,972.00</u>	\$ <u>15,000.00</u>	\$ <u>47,972.00</u>
Subtotal-Engineering Mod #2)	\$109,288.00	\$23,672.00	\$85,616.00
Revised Contract Amount	\$266,960.00	\$ 41,419.00	\$225,541.00
<b><u>Construction Engineering Services(36-inch From Reynoldsburg-New Albany Road to Clark State Road/Waggoner Road Intersection)-Modification #2 to Engineering Agreement</u></b>			
Bid Assistance	\$ 5,344.00	\$ 0.00	\$ 5,344.00
Construction Administration	\$ 40,972.00	\$ 0.00	\$ 40,972.00
Construction Inspection	\$ <u>62,972.00</u>	\$ <u>0.00</u>	\$ <u>62,972.00</u>
Subtotal-Engineering Mod #2)	\$109,288.00	\$ 0.00	\$109,288.00
Revised Contract Amount	\$376,248.00	\$ 41,419.00	\$334,829.00
<b><u>Total Project Costs to Date-</u></b>	<b><u>\$376,248.00</u></b>	<b><u>\$ 41,419.00</u></b>	<b><u>\$334, 829.00</u></b>

**Modification No. 2  
to the  
Letter of Agreement  
for the  
Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main**

**City of Gahanna, Department of Public Service Improvement No. 699  
City of Columbus, Department of Public Utilities CIP No. 431**

Whereas, the design of the initial segment of a large diameter transmission main along Morse Road from SR 62 to Reynoldsburg-New Albany Road, which has been undertaken pursuant to a Letter of Agreement between the two parties as authorized under City of Gahanna Ordinance No. 970357, adopted on December 16, 1997 and City of Columbus Ordinance No. 2940-97, adopted on December 15, 1997, respectively, has been completed, and

Whereas, the design of a second segment further extending this large diameter transmission main east of Reynoldsburg-New Albany Road and terminating at the intersection of Clark state Road and Waggoner Road, which has been undertaken pursuant to Modification Number 1 to the original Letter of Agreement between the two parties as authorized under City of Gahanna Ordinance No. \_\_\_\_\_, adopted on \_\_\_\_\_, 1999 and City of Columbus Ordinance No. \_\_\_\_\_, adopted on \_\_\_\_\_, 1999, respectively, is nearing completion, and

Whereas, Item Number 6 in the original Letter of Agreement outlines the need for amendments relative to the bidding and administering of the project, and

Whereas, the Director of Public Utilities has been authorized by the Council of the City of Columbus to reimburse the City of Gahanna up to a maximum amount of \$3,651,580.00 for the construction costs for the Morse Road & Reynoldsburg-New Albany Road Area 36-Inch Transmission Main, as outlined in Ordinance No. \_\_\_\_\_, adopted on \_\_\_\_\_, 2000,

It is mutually agreed that:

1. The overall project will be bid as two individual contracts, in accordance with the following schedule:
  - a. Bidding and construction of the initial segment of the transmission main, from SR 62 to Reynoldsburg-New Albany Road shall occur as soon as practicable, so as to complete construction within calendar year 2000.
  - B. Bidding and construction of the second segment of the transmission main, from Reynoldsburg-New Albany Road to Clark State Road and Waggoner Road, shall occur so as to complete construction within calendar year 2001.
2. The current budgeted construction cost estimate for the initial segment of the 36-inch transmission main from SR 62 to Reynoldsburg-New Albany Road is \$1,995,930.00, with Gahanna bidding and administering the construction contract. Gahanna will also be responsible for monthly payments to the contractor as construction progresses.

**EXHIBIT B**

For this segment of the project, Columbus will reimburse Gahanna for the final adjusted construction cost amount less \$225,000.00 (which represents Gahanna's amount of participation with regard to the construction costs), in the following manner:

- a. Upon receipt of bids and identification of the apparent successful bidder, Gahanna will inform City of Columbus, Division of Water Administrator in writing of the anticipated contract amount and will request that an initial reimbursement, in the amount of 50% of the apparent successful bidder's contract amount. Reimbursement will be made to Gahanna within 30 days of receipt of this written request.
  - B. Partial payment requests received from the contractor will be processed by Gahanna using the initial reimbursement funds, until such time that they are exhausted. Gahanna shall provide Columbus with a copy of each accepted partial pay request.
  - C. Once a partial payment request exceeds the initial reimbursement funds, Columbus will then reimburse Gahanna on the basis of accepted partial pay request amounts not to exceed the successful bidder's original contract amount, less \$225,000. Reimbursement will be made within 30 days of Columbus's receipt of the accepted partial pay requests from Gahanna.
  - D. Upon receipt of the final contractor's pay request (inclusive of modification(s) to the original contract amount) and processing by Gahanna, Columbus will reimburse Gahanna on the basis of the accepted final pay requests amount, less \$225,000.
3. The current budgeted construction cost estimate for the extension of the 36-inch transmission main from Reynoldsburg-New Albany Road to Clark State Road and Waggoner Road is \$1,995,930.00, with Gahanna bidding and administering the construction contract. Gahanna will also be responsible for monthly payments to the contractor as construction progresses.

For this segment of the project, Columbus will reimburse Gahanna for the entire final adjusted construction cost (as the City of Gahanna has no amount of participation with regard to the construction costs for this segment), in the following manner:

- a. Upon receipt of bids and identification of the apparent successful bidder, Gahanna will inform City of Columbus, Division of Water Administrator in writing of the anticipated contract amount and will request that an initial reimbursement, in the amount of 50% of the apparent successful bidder's contract amount. Reimbursement will be made to Gahanna within 30 days of receipt of this written request.
- B. Partial payment requests received from the contractor will be processed by Gahanna using the initial reimbursement funds, until such time that they are exhausted. Gahanna shall provide Columbus with a copy of each accepted partial pay request.
- C. Once a partial payment request exceeds the initial reimbursement funds, Columbus will then reimburse Gahanna on the basis of accepted partial pay request amounts not to exceed the successful bidder's original contract amount. Reimbursement will be made within 30 days of Columbus's receipt of the accepted partial pay requests from Gahanna.
- D. Upon receipt of the final contractor's pay request (inclusive of modification(s) to the original contract amount) and processing by Gahanna, Columbus will reimburse Gahanna



on the basis of the accepted final pay requests amount.

4. a summary of the total project costs, consisting of the currently budgeted construction costs plus engineering costs for design, bidding and construction services for this project, as well as the amounts of participation for Gahanna and Columbus, are presented in Exhibit 1.
5. Upon completion of the construction and final acceptance of the work performed under the individual construction contracts by both parties, the 36-inch diameter transmission main shall become the property of the City of Columbus. The City of Columbus shall also be responsible for the future operation and maintenance of these facilities.

No additions/modifications to this letter of agreement shall be made relative to responsibilities as to shared costs and methods of payments, or other matters, without expressed written consent of both parties.

City of Gahanna

City of Columbus

\_\_\_\_\_  
James F. McGregor, Mayor  
City of Gahanna

\_\_\_\_\_  
John R. Douth, PE, Director  
City of Columbus  
Department of Public Utilities

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Witness:

Witness:

\_\_\_\_\_

\_\_\_\_\_

City of Gahanna

\_\_\_\_\_  
G. Terry Jordan, Director of Public Service  
City of Gahanna

Date: \_\_\_\_\_

Witness:

\_\_\_\_\_

# Exhibit 1

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	<u>Total Amount</u>	<u>Gahanna Share</u>	<u>Columbus Share</u>
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Easements for 36-inch Main	<u>\$ 41,000.00</u>	<u>\$ 500.00</u>	<u>\$ 40,500.00</u>
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Revised Contract Amount	\$128,531.00	\$ 17,747.00	\$110,784.00
<b><u>Design Services-Modification #2 to Engineering Agreement</u></b>			
Additional Design of 36-inch Main	\$ 32,141.00	\$ 0.00	\$ 32,141.00
Easements for 36-Inch Main(Mod#2)	\$18,000.00	\$ 0.00	\$ 18,000.00
Reduction in Easements (Mod #1)	<u>\$(21,000.00)</u>	<u>\$ 0.00</u>	<u>\$(21,000.00)</u>
Subtotal-Engineering(Mod #2)	\$ 29,141.00	\$ 0.00	\$ 29,141.00
Revised Contract Amount	\$157,672.00	\$ 17,747.00	\$139,925.00
<b><u>Construction Engineering Services(36-inch From SR 62 to Reynoldsburg-New Albany Road)-Modification #2 to Engineering Agreement</u></b>			
Bid Assistance	\$ 5,344.00	\$ 2,672.00	\$ 2,672.00
Construction Administration	\$ 40,972.00	\$ 6,000.00	\$34,972.00
Construction Inspection	<u>\$ 62,972.00</u>	<u>\$15,000.00</u>	<u>\$47,972.00</u>
Subtotal-Engineering Mod #3)	\$109,288.00	\$23,672.00	\$85,616.00
Revised Contract Amount	\$266,960.00	\$ 41,419.00	\$225,541.00

## Exhibit 1 (Continued)

### SUMMARY OF PROJECT COSTS AND PARTICIPATION AMOUNTS

<u>Construction Engineering Services(36-inch From Reynoldsburg-New Albany Road to</u>			
<u>Clark State</u>			
<u>Road/Waggoner Road</u>			
<u>Intersection)-</u>			
<u>Modification</u>			
<u>#2 to</u>			
<u>Engineering</u>			
<u>Agreement</u>			
Bid Assistance			
			\$
			5,344.00
			\$
			0.00
			\$
			5,344.00
Construction Administration	\$ 40,972.00	\$ 0.00	\$ 40,972.00
Construction Inspection	<u>\$ 62,972.00</u>	<u>\$ 0.00</u>	<u>\$ 62,972.00</u>
Subtotal-Engineering Mod #2)	\$109,288.00	\$ 0.00	\$109,288.00
Revised Contract Amount	\$376,248.00	\$ 41,419.00	\$334,829.00
<u>Project Cost Subtotal-</u>			
<u>Engineering Services</u>	<b>\$376,248.00</b>	<b>\$ 41,419.00</b>	<b>\$334,829.00</b>

#### Construction Contract (36-inch From SR 62 to Reynoldsburg-New Albany Road)

Estimated Construction Cost	\$1,995,930.00	\$225,000.00	\$1,770,930.00
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#### Construction Contract (36-inch From Reynoldsburg-New Albany Road to Clark State Road/Waggoner Road Intersection)

Estimated Construction Cost	\$1,880,650.00	\$ 0.00	\$1,880,650.00
<b><u>Project Cost Subtotal- Construction Costs</u></b>	<b>\$3,876,580.00</b>	<b>\$ 225,000.00</b>	<b>\$3,651,580.00</b>
<b><u>Total Project Costs-</u></b>	<b><u>\$4,252,828.00</u></b>	<b><u>\$266,419.00</u></b>	<b><u>\$3,986,409.00</u></b>