

The Narragansett Bay Commission  
One Service Road  
Providence, RI 02905

(401) 461-8848  
(401) 461-6540 FAX

Vincent J. Mesolella  
Chairman

Raymond J. Marshall, P.E.  
Executive Director



## OFFICIAL MINUTES OF:

Meeting of:	CEO Committee Meeting
Date:	June 20, 2007
Time:	9:00 a.m.

### MEMBERS PRESENT

Vincent J. Mesolella, NBC Chairman  
Angelo Rotella, Vice Chairman  
Robert Andrade, Treasurer  
Raymond J. Marshall, Executive Director  
Michael Salvatore, CEO Chair  
Al Montanari  
John MacQueen  
Jonathan Farnum  
Patrick Caine

### MEMBERS ABSENT

### STAFF AND GUESTS PRESENT

Paul Nordstrom, NBC  
Joanne Maceroni, NBC  
Thomas Brueckner, NBC  
Mark Thomas, NBC  
Jamie Samons, NBC  
Kathryn Kelly, NBC  
Richard Worrell, NBC  
Joseph Pratt, LBG

Richard Bernier, NBC  
Thomas Uva, NBC  
Karen Giebink, NBC  
Paul Nordstrom, NBC  
Daniel Smith, NBC  
Jason Galego, NBC  
Bruce Stevens, M2T

#### 1. Call to Order

Recognizing a quorum, CEO Chair Salvatore called the June 20, 2007 Construction/Engineering/Operations (CEO) Committee Meeting to order at 9:15 a.m.

#### 2. Approval of Minutes – April 4, 2007 CEO Committee May 16, 2007 CEO Committee (FYI Only)

CEO Chair Salvatore asked if all Committee members had a chance to review the minutes of the April 4, 2007 CEO Committee meeting. Commissioner Rotella motioned to approve the minutes of the April 4, 2007 CEO Committee as written. Commissioner Farnum seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

Mr. Marshall stated that the minutes of the May 16, 2007 CEO Committee do not require approval due to the fact that the May 16, 2007 CEO Committee meeting minutes are not “official minutes” due to the fact that the May 16, 2007 CEO Committee meeting was not noticed properly with the Secretary of State’s Office. He noted that we want to make sure that all Committee members had all of the information that was discussed on May 16, 2007.

Mr. Marshall also stated that the first five (5) Action Items were discussed in detail at the May 16, 2007 unofficial CEO Meeting. Mr. Marshall further noted that the members of the NBC’s CEO Committee have already heard the explanations in detail of each of the following Resolutions: 2007:08, 2007:09, 2007:10, 2007:11, and 2007:12.

### **3. Items for Action**

*A. Review and Approval of Resolution 2007:08, Request to Award Asset Management Phase III Project*

With no questions or comments, Commissioner Rotella motioned to approve Resolution 2007:08, Request to Award Asset Management Phase III Project as explained in detail by Mr. Marshall on May 16, 2007. Commissioner Farnum seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

*B. Review and Approval of Resolution 2007:09, Recommendation to Evaluate Biogas Treatment and Cogeneration Technologies for the Bucklin Point WWTF*

With no questions or comments, Commissioner Montanari motioned to approve Resolution 2007:09, Recommendation to Evaluate Biogas Treatment and Cogeneration Technologies for the Bucklin Point Facility and authorizing NBC staff to negotiate a contract with SCS Engineers for an amount not to exceed \$22,000. Commissioner MacQueen seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

*C. Review and Approved of Resolution 2007:10, Authorization to Enter into Contract 07:809.00P with Camp Dresser & McKee (CDM) for the Preparation of an Engineering Analysis to Evaluate Compliance with Permit Limits for Nitrogen at the Bucklin Point WWTF*

With no questions or comments, Commissioner MacQueen motioned to approve Resolution 2007:10, Authorization to Enter into Contract 07:807.00P with Camp Dresser & McKee (CDM) for the Preparation of an Engineering Analysis Report to Evaluate Compliance with Nitrogen Permit Limits at the Bucklin Point WWTF. Commissioner Farnum seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

D. *Review and Approval of Resolution 2007:11, Recommendation to Reject Bids for Contract 907.00C, Laboratory HVAC Improvements*

With no questions or comments, Commissioner MacQueen motioned to approve Resolution 2007:11, Recommendation to Reject Bids for Contract 907.00C, Laboratory HVAC Improvements. Commissioner Montanari seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

E. *Review and Approval of Resolution 2007:12, Approval of Fiscal Year 2009-2013 Capital Improvement Program (CIP)*

With no questions or comments, Commissioner Farnum motioned to approve Resolution 2007:12, Approval of Fiscal Year 2009-2013 Capital Improvement Program as presented by NBC staff. Commissioner Montanari seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

F. *Review and Approval of Resolution 2007:18, Authorization to Enter Into a procurement Agreement for Contract 07:109.01D with Anox Kaldnes, Inc., to Provide Design and Construction-Related Services and Supply of an Intergraded Fixed Film Activated Sludge (IFAS) System for Biological Nitrogen Removal at the Field's Point WWTF*

Mr. Marshall began by passing out plastic discs that the Committee will be discussing next. He noted that this is the process that our Engineering Section, along with our Consultants, have recommended and will be implementing to remove nitrogen down to the limits the RIDEM is requiring of NBC, which is 5 mg/l, also known as 5 parts per million. The NBC issued a Request for Qualifications on December 6, 2006. Four (4) firms submitted qualifications statements by the January 22, 2007 due date. He noted that a Review Committee was selected which included the following individuals:

Thomas Brueckner, NBC Engineering Manager  
Terry Cote, NBC Principal Environmental Engineer  
Deb Elenter, CH<sup>2</sup>M Hill  
James McQuarrie, CH<sup>2</sup>M Hill  
Julian Sandino, CH<sup>2</sup>M Hill  
Michael Wilson, CH<sup>2</sup>M Hill  
Stanley Elkerton, SEA Consultants

Mr. Marshall stated that the Review Committee extensively reviewed the qualification statements and experience of the four firms that submitted qualifications statements. He noted that of the four firms who submitted qualifications statements, NBC staff determined that only three (3) of the firms were qualified to move on to the proposal phase. He noted that the Review Committee evaluated not only what the firms submitted to us for the capital cost, but also most importantly on the net present value which includes all of the future costs of actually operating the system. He further noted that NBC took into account the ease of construction, operation and maintenance, and how the proposed firms responded to the Review Committee's questions at the interview process.

Mr. Marshall stated that the concept is that we are selecting the technology that will be used, and then the general contractor that will perform the work. That work will be publicly put out to bid, the general contractor will then have to incorporate the technology that we have

chosen into their work, and the contractor would have to work the recommended vendor, which is Anox Kaldnes. He noted that the NBC has ten aeration tanks, however, only eight aeration tanks are in use at any given time. The first thing that this vendor is going to do is use the two tanks that are not being used, and will convert the tanks to this new process, and then run their process with their design and equipment in those two tanks over a period of time to prove that they can achieve the levels of Nitrogen Removal levels that they indicated to NBC that they are capable of. Once this process is complete, we plan to move on to have Anox Kaldnes convert two aeration tanks at one time until all ten aeration tanks are done.

Mr. Brueckner noted that the only thing he would like to mention is that this technology requires a different set-up of the tanks compared to what we presently have. He noted that basically we just have standard aeration tanks. All three vendors in their proposals came in with an approach where they would have to install baffle walls to separate what is now going to be an anoxic zone where there is no oxygen in the beginning of the tank. He noted that a portion of the tank will be devoted to the plastic media which would include some fine screens at the end to hold the media in place, and there will be another anoxic zone to further reduce the nitrogen in each tank. There will have to be a chemical added to the process; a carbon source usually ethanol or methanol, and then a further re-aeration zone in the last compartment so that the existing tank, which is only one compartment, will be converted into four compartments in order to achieve the levels we are required to meet for nitrogen removal. He further noted that all three proposed firms came up with the same basic concept, but there were variations on the design work.

Mr. Marshall asked Mr. Brueckner to explain what the media does and why it is configured the way it is. Mr. Brueckner stated that the media is configured to give a lot of surface area for bacteria to grow on. He noted that basically what the media provides is aeration tank capacity. It is like expanding the volume of the tank, because these are sites where the bacteria can grow. Normally, they just float freely in the tank, but once the media is in place, it provides additional surface for the bacteria. He stated that once you provide the media, it provides additional surface for the bacteria; therefore, we can raise the amount of bacteria in the tank to accomplish what we need to without increasing tank volume. He noted that one of the big problems we have experienced at the Field's Point facility is the lack of space to extend the tanks. Therefore, this alternative was selected to basically provide more tank volume without doing substantial structural work and building new tanks where there is really no room.

Commissioner Worrell asked if the end result will be 5 ppm? Mr. Brueckner answered, yes. Commissioner Worrell asked what the parts per million is now? Mr. Brueckner stated approximately 17 ppm. Commissioner Worrell asked if the proposals we have represent the present value of the 20-year expense. Mr. Brueckner answered, yes. Commissioner Worrell asked if that is for retaining the services of Anox Kaldnes, Inc., or is it for running the entire system. Mr. Brueckner answered that it is for running the system for 20 years, which includes primarily chemical costs and electrical costs. Mr. Brueckner noted that those costs were factored in to the evaluation, because the way the proposals were set up, the different vendors came up with different electrical costs and difference chemical costs in order to achieve those limits. Mr. Brueckner stated that it was a very rigorous labor-intensive process that we went through both for NBC and the proposed vendors. He further noted that our Consultants performed a lot of work in evaluating the qualification statements received. He noted that our Consultants had to actually go in and do the calculations to make sure that the designs the firms were proposing would get us to the numbers that they claim they could reach. They also had to evaluate the numbers for the net present value costs as well as to make sure they were accurate.

Commissioner Rotella asked what the size of these tanks to begin with? Mr. Brueckner stated that the aeration tanks are one million gallons each tank and ten million gallons total. Commissioner Rotella asked if we are presently using 8 million gallons in capacity. Mr. Brueckner stated that at various times of the year between 8 and 9 tanks. Mr. Brueckner further

stated that once we integrate the nitrogen removal process, during the summer months when we have to meet the criteria, (May through October), we will be using all 10 tanks because we need that volume in order to meet the discharge limit numbers.

Commissioner Andrade asked Mr. Brueckner how would the tanks be separated into four different sections and how is the media used? Mr. Brueckner stated that the media is agitated by the air and it is basically free-floating in the tanks. He further noted that the first tank section which is an anoxic zone is a concrete wall between that zone and the next zone. He stated that the second zone is the aerated zone where the free-floating media are and is separated from the next zone by fine stainless steel screens to keep the media in place, and there is another baffle wall after that to separate the anoxic zone from the aeration zone. Mr. Brueckner noted that the best we will be able to do with the existing tanks and this particular media is 5 ppm. He noted that we may do better than 5 ppm, but we are not optimistic, because we feel that 5 ppm will be difficult to meet consistently.

Mr. Marshall noted that our aerations tanks presently have a series of pipes running along the bottom of the tank with big discs that the air bubbles up through, and that action is what keeps the media tumbling over in the tank and suspended throughout the liquid. Mr. Brueckner stated that the agitation actually suspends the bacteria, but they are just free-floating and are not attached to anything.

After some additional comments and questions, Commissioner Rotella motioned to approve Resolution 2007:18, Authorization to Enter into a Procurement Agreement for Contract 07:109.01D with Anox Kaldnes, Inc., to Provide Design and Construction-Related Services and Supply of an IFAS System for Biological Nitrogen Removal at the Field's Point WWTF. Commissioner Andrade seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

CEO Chair Salvadore apologized that he neglected to note that Commissioner Worrell has been appointed to the NBC's CEO Committee; welcome Commissioner.

*G. Review and Approval of Resolution 2007:19, Authorization to Enter into an Agreement for Contract 07:304.10D with the BETA Group, Inc., to Provide Professional Engineering Services for Conducting a Sewer System Evaluation Survey (SSES) on Sections of the Louisquisset Pike Interceptor and the Branch-Douglas Avenue Interceptor*

Mr. Marshall stated that this item and the next item, just to set the stage, are the outgrowth of work that the Beta Group, Inc., had done over the last three or so years in evaluating the flows of our sewer system. He noted that the project involved evaluating the condition of our sewer system during dry, wet, high-ground water level times and low-ground water level times of the year. He noted that there are several projects that will come out of that study, and he noted that the Beta Group, Inc. did a great job analyzing and documenting the data, all of which is presented on charts, tables and analyses forms. What they determined was that there is one particular interceptor that has an extreme amount of extraneous flow. He further noted in the Capacity Report, they identify two sub-basins in which one has five million gallons of excessive flow and the other has almost nine million gallons of excessive flow.

Mr. Marshall stated that NBC believes if we can remove fifty percent of the extraneous flow the pipes in the two drainage sub-basins and the southern part of the drainage basin overall, then we will have the capacity going into the future. He noted that the way you find this type of extraneous flow is through additional metering because you now have narrow down all of the branches that come off of the main branch. He noted that smoke testing can be used, which is

essentially means you set off a smoke bomb in the sewer and with fans you force it back through the pipes, and then you will see where it comes out. He stated that the NBC informs the neighbors and fire departments that this test will occur in order to alleviate any panic when it starts happening. He further noted that the smoke will start coming out of storm drains, the holes in manhole covers, and roof leaders. The smoke will not actually go into homes in the area, as long as the homes are all trapped. He noted that this is a very helpful way of identifying where there are large sources of wet weather flow in a fairly short period of time.

Mr. Marshall noted that NBC is anxious to implement this work because, again, it can be tied into the CSO Program from the point of view that the more extraneous flow and wet weather flow is removed from the system, the less the tunnel has to receive or the larger rainstorms that can be accommodated. He noted that the next action item is a follow-up item from this Study, but there are several others spin-offs from this Study where we have identified problems that need to be corrected. He further noted that NBC wants to solve these problems as quickly as we can. He noted that it will take years to get to all of them, but there are some that are more critical than others.

Commissioner Worrell asked how do we remove excessive flow? Mr. Marshall stated it will depend on what is found. For example, he stated that if it is found that there are three or four streets where the storm drains are tied-in, then we will have to find a way to get the storm drainage into a storm drain pipe or to the nearest river or pond, wherever it can be discharged to. Mr. Marshall stated that while NBC does not own the storm drains, with the information we develop from the SSES we can then go to the cities and towns to inform them that they need to remove these storm drains from our sewer system.

With no further comments or questions, Commissioner Montanari motioned to approve Resolution 2007:19, Authorization to Enter into an Agreement for Contract 07:304.10D with the Beta Group, Inc., to Provide Professional Engineering Services for Conducting a Sewer System Evaluation Survey (SSES) on Sections of the Louisquisset Pike Interceptor and the Branch-Douglas Avenue Interceptor. Commissioner Andrade seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

*H. Review and Approval of Resolution 2007:20, Authorization to Enter into an Agreement for Contract 07:304.21D with the BETA Group, Inc., to Provide Professional Engineering Services for the Design of Replacement of a Section of the Louisquisset Interceptor*

CEO Chair Salvadore stated that this item is actually a continuation of Resolution 2007:19. He asked if there were any questions or comments. Commissioner Montanari asked if the renovations to Lincoln Downs have created more water and waste water? Mr. Marshall answered, yes. He noted that any other company, be it CCRI, Davies School, BLB, wanted to significantly increase the flows in the future we would need a new larger pipe, and that is what this contract is designed to do. He stated that Lincoln Downs has paid \$250,000 toward the work that involved improvements to the existing pipe.

With no further comments or questions, Commissioner Rotella motioned to approve Resolution 2007:20, Authorization to Enter into an Agreement for Contract 07.304.21D with the Beta Group, Inc., to Provide Professional Engineering Services for the Design of Replacement of a Section of the Louisquisset Interceptor. Commissioner Caine seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

I. *Review and Approval of Resolution 2007:21, Authorization to Enter into Contract 07:705.00P with Pare Corporation to Prepare an Assessment of the Central Avenue Pump Station and Force Main Relocation*

Mr. Marshall stated that the existing Central Avenue Pumping Station is the last pumping station in NBC’s system that requires rehabilitation. This particular pumping station was built in 1985 and is over twenty years old. With that, we want to have the station and force main evaluated due to problems with the pumps and other equipment in the station. He noted that NBC has a force main right now that is 6,000 feet long, which is over one mile long, and runs out eventually to Hartford Avenue. He stated that in addition to looking at the rehabilitation of the pumping station, we want to evaluate sending a force main the other way, out to Atwood Avenue. Mr. Marshall noted that in the 1990’s, NBC made improvements in the sewer in Atwood Avenue, and now we have capacity in that line to accept the flow from this pumping station. He noted that this work would help reduce energy costs because the pumps would be pumping against a lower head.

Mr. Marshall continued to state that the NBC wishes to hire a consultant to provide an assessment of the Central Avenue Pumping Station and to evaluate the feasibility of re-directing the flow to Atwood Avenue. A Request for Qualifications/Proposals (RFQ/P) was developed and issued on April 4, 2007. The NBC received five (5) responses to the RFQ/P and they are as follows:

1. BETA Group, Inc.
2. Fuss & O’Neil
3. Gordon R. Archibald, Inc.
4. Pare Corporation
5. Weston & Sampson

Mr. Marshall noted that in accordance with NBC’s Procurement Regulations, he designated Thomas Brueckner, NBC Engineering Manager, to coordinate a Review Committee to conduct a review and rating of the statements of qualifications and proposals. Also included in the Review Committee with Mr. Brueckner were Meg Goulet, NBC’s Interceptor Maintenance Manager, and Kathryn Kelly, Environmental Engineer.

Mr. Marshall noted a summary of the cost and man hours of the five proposals NBC received:

<u>Firm</u>	<u>Cost</u>	<u>Hours</u>
Beta Group, Inc.	\$62,295.26	542
Fuss & O’Neill	\$36,050.00	Not Provided.
Gordon Archibald, Inc.	\$29,460.00	297
Pare Corporation	\$32,671.00	343
Weston & Sampson	\$14,548.00	141

Mr. Marshall noted that although Weston & Sampson had the lowest cost, they were eliminated from consideration because the Review Committee felt that their proposal did not include an adequate number of hours to complete the work. The Beta Group, Inc. was also eliminated from consideration because their cost proposal and hours were too high. The cost proposals from the remaining three firms were considered to be essentially equal. The Review Team concluded that Pare Corporation provided the best proposal based on cost, previous pump station design experience and their proposed approach to the Project. Therefore, NBC staff recommends approval of Resolution 2007:21, authorizing staff to enter into Contract 07:705.00P with Pare Corporation to prepare an Assessment Report of the Central Avenue Pump Station and Force Main Relocation in an amount not to exceed \$33,000.00.

With no comments or questions, Commissioner MacQueen motioned to approve Resolution 2007:21, Authorization to Enter into Contract 07:705.00P with Pare Corporation to Prepare an Assessment of the Central Avenue Pump Station and Force Main Relocation. Commissioner Caine seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

*J. Review and Approval of Resolution 2007:22, Recommendation to Award Contract 03:304.09, Grotto Brook Siphon and Burrington Street Sewer Repair*

Mr. Marshall stated that bids for construction Contract 03:304.09C, Grotto Brook Siphon Replacement and Burrington Street Sewer Repair were received by the NBC's Procurement Section on June 6, 2007. Three bids were received and are as follows:

John Rocchio Corporation	\$1,676,274
Rosciti Construction Co., LLC	\$2,899,000
R. Zoppo Corporation	\$2,930,250

Mr. Marshall stated that NBC's Construction Manager, Richard Bernier, met with Mr. John Rocchio on June 7. Mr. Rocchio indicated that there were many items that were required by the specifications which he did not put into his bid (he claimed that he was confused as to what bid item to carry certain specification requirements, so he did not carry them anywhere). He further stated that his bid was approximately \$350,000 short and that he could not sign a contract for the bid amount. Later in the day, Mr. Rocchio faxed the attached letter requesting that his bid be adjusted with a change order for \$355,150 or that he be allowed to withdraw his bid.

Mr. Marshall noted that several discussions took place with NBC staff, including legal counsel, and we considered all relevant procurement laws and regulations to determine which options are available to the NBC under these circumstances. The options are as follows:

- 1. Compel Rocchio to Accept the Job for \$1,676,274**
  - Analysis:** We believe that it would be impossible for Rocchio to complete the work in an acceptable manner for their bid price. Forcing them to honor their bid would likely result in problems throughout construction, potentially resulting in significant costs and delays.
- 2. Permit Rocchio to Adjust their Bid Upward Provided they Could Satisfy NBC that the Mistake was Legitimate**
  - Analysis:** Allowing a low bidder to increase their bid price after the fact is not an approach we support and would very likely result in a bid protest and/or litigation from other bidders, which could add significant costs and delays to the Project. In addition, NBC has never allowed a bidder to increase a bid after the bid has been submitted.
- 3. Reject Rocchio's Bid and Award it to the Second Low Bidder**
  - Analysis:** This option is the one that NBC staff is recommending. The NBC's Procurement Regulations directs NBC to award to the lowest, responsive/responsible bidder. Due to the fact that Rocchio requested to withdraw his bid, this makes the low bidder non-responsible (he cannot accomplish the work for the amount he bid). This makes the second low bidder the lowest responsive/responsible bidder. If we have to re-bid the project, we will lose the summer months. We have Coastal Management Council and the Army Corps of Engineers permits, which are time dependant that is certain work

has to be completed during certain times of the year. By losing the summer, we would lose more than three months.

**4. Reject all Bids and Re-bid the Project**

- Analysis: As mentioned in Item 3 above, it is felt that time is of the essence.

Mr. Marshall stated that while we appreciate that no solution is perfect under these circumstances, we believe this third option is the NBC's best option to ensure we stay on schedule with our permits. He also noted that this Contract will be funded through capital financing.

Mr. Marshall noted that based on the analyses, it is NBC staff's recommendation to approve Resolution 2007:22, Recommendation to Award Contract 03:304.09C, Grotto Brook Siphon Replacement and Burrington Street Sewer Repair to Rosciti Construction Co., LLC, of Johnston, RI, in the amount of \$2,899,000, because they have been determined to be the lowest, responsive, responsible bidder, subject to the RI Department of Administration's approval of the Contractor's MBE Plan and EEO requirements.

Commissioner Rotella stated that he recommends NBC legal counsel to get back to Rocchio and request he release the NBC from any liability.

After some comments, Commissioner Rotella motioned to approve Resolution 2007:22, Recommendation to Award Contract 03:304.09C, Grotto Brook Siphon Replacement and Burrington Street Sewer Repair to Rosciti Construction Co., LLC in the amount of \$2,899,000. Commissioner Caine seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

Chairman Mesolella stated as the Committee members may recall, the NBC had a situation where a contractor came in with the low bid; however, they noted problems with their bid. He stated that we need to go through one more process, which he noted he would go into greater detail at the 11:00 AM Board meeting. He stated that this matter should be reviewed by the NBC's Rules and Regulations Committee or a Policy Committee to talk about matters such as these. He further noted that this practice provides for a controversy for all the legitimate bids. He noted that NBC needs to be proactive to prohibit firms from this kind of practice. He further stated that NBC needs to develop a policy.

Chairman Mesolella then suggested that CEO Chair Salvadore make himself available, along with our legal counsel, to meet regarding the legal issues involved in that process and to establish a policy. After much discussion on the matter, CEO Chair Salvadore made a motion for the CEO Committee to establish a policy for bid review and the general operational procedures as to how the NBC will handle all bids. Commissioners' Worrell, Montanari and Caine seconded the motion, and the vote taken by the CEO Committee was unanimous. The motion carries.

**4. Other Business**

None to report.

**5. Adjournment**

Commissioner Rotella motioned to adjourn. Commissioner Caine seconded the motion, and the CEO Committee meeting adjourned at 10:10 AM.

Respectfully submitted,



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Raymond J. Marshall, P.E.  
*Executive Director*