



**OFFICIAL MINUTES OF:**

Meeting of:	CEO Committee Meeting
Date:	December 16, 2009
Time:	9:30 a.m.

**MEMBERS PRESENT:**

Michael Salvadore, CEO Chairman  
Jonathan Farnum  
John MacQueen  
Vincent J. Mesolella  
Al Montanari  
Angelo Rotella  
Leo Thompson  
Richard Worrell

**MEMBERS ABSENT:**

Robert Andrade

**STAFF AND GUESTS PRESENT:**

Raymond J. Marshall, Executive Director  
Karen Giebink, NBC  
Lori Vernon, NBC  
Tom Brueckner, NBC  
Tom Uva, NBC  
Joe Pratt, Louis Berger Group  
Richard Bernier, NBC  
Laurie Horridge, NBC  
Linda George, Senate Fiscal Office  
Joanne Maceroni, NBC  
Deborah Samson, NBC  
Karen Musumeci, NBC

Theresa Cote, NBC  
Paul Nordstrom, NBC  
Sherri Arnold, NBC  
Mark Thomas, NBC  
Jamie Samons, NBC

**1. Call to Order**

Recognizing a quorum, Chairman Salvadore called the December 16, 2009 Construction/Engineering/Operations (CEO) Committee Meeting to order at 10:00 a.m.

**2. Approval of Minutes – November 4, 2009 CEO Committee**

Chairman Salvadore asked for a motion to approve the November 4, 2009 CEO Committee Meeting minutes as written. Commissioner Macqueen moved to approve the minutes of the November 4, 2009 CEO Committee as written. Commissioner Farnum seconded the motion. The vote taken by the CEO Committee was unanimous. The motion carries.

**3. Items for Action**

**A. Review and Approval of Resolution 2009:37; Review and Approval of Revised Change Order Request Review and Authority to Modify Procedures related to NBC Construction Projects**

Executive Director Raymond Marshall advised that the Commission has been following procedures for construction Change Order approvals, which were established at the March 12, 1984 NBC Board Meeting and subsequently modified at the September 1995 and May 2002 NBC Board Meetings.

These procedures have not been updated since the reorganization of the NBC management in 2007. At that time, the Deputy Director position was left vacant and two new Director positions were created- Director of Executive Affairs and Director of Construction Services. As a result of this reorganization the NBC staff is desirous of modifying existing procedures to accurately reflect practices in place at the current time.

The modification we are requesting is administrative in nature. We are not requesting any additional authority. The changes are necessary to conform with the current organizational structure and it gives authority to make similar modifications in the future.

We respectfully request the Committee's approval of Resolution 2009:37, Review and Approval of Revised Change Order Request Review and Authority to Modify Procedures related to NBC Construction Projects

Commissioner Farnum motioned to approve Resolution 2009:37, Review and Approval of Revised Change Order Request Review and Authority to Modify Procedures related to NBC Construction Projects Commissioner Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**B. Review and Approval of Resolution 2009:38; Authorizing the Executive Director and Chairman of the NBC Board of Commissioners**

Executive Director Raymond Marshall stated that the Commission adopted procedures for Construction Contract change order approvals at its May 2002 NBC Board Meeting. Under these procedures the Executive Director is authorized to approve change order requests up to a maximum of 5% of the value of each contract. Any change order is also signed by the Chairman of the NBC Board.

With regard to Engineering contracts NBC's procurement regulations allow the Executive Director to approve engineering contracts up to \$20,000 without Board approval. Any Engineering Contract greater than that amount must be approved by the Board. In an effort to provide consistency and uniformity to our project implementation process we would like to the Board's authorization to approve amendments to engineering contracts to mirror the authority provided for construction contracts. This Resolution will authorize the Executive Director and Chairman of the NBC Board of Commissioners to approve

amendments for Engineering contracts in an amount up to a maximum of 5% of the original contract amount authorized by the Board or \$20,000 whichever is greater, without further Board Approval. The Executive Director will have to obtain Board Approval for any contract amendments in excess of the amount authorized by this Resolution.

We respectfully request the Committee's approval of Resolution 2009:38, Authorizing the Executive Director and Chairman of NBC Board of Commissioners to Approve Engineering Contract Amendments

The Committee members had a discussion relative to the verbiage in the Resolution and clarification on the maximum amount the Executive Director and Chairman of the NBC would have the authority to approve on Engineering contract change orders. The issue was the need to include in the Resolution clarification that the 5% and \$20,000 amounts were aggregate and any such approvals would subsequently be reported to the Board in the Executive Director's Monthly Report.

Commissioner Salvatore made a motion to defer action on Resolution 2009:38, Authorizing the Executive Director and Chairman of the NBC Board of Commissioners to Approve Engineering Contract Amendments to the next meeting in order to amend the verbiage in the Resolution. Commissioner Montanari seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**C. Review and Approval of Resolution 2009:39; Authority to Amend Contract 09:304.61P with Dewberry-Goodkind, Inc. to Complete the North Providence Inflow Study (Amount \$19,000)**

Executive Director Raymond Marshall advised in April 2008, the Environmental Protection Agency (EPA) issued an Administrative Order (AO) to the Town of North Providence and NBC requiring the Town and NBC to jointly address and resolve a specific sewer surcharging issue that had occurred in the Town in the past. In order to address the requirements of the AO and to locate sources of the wet weather flow, NBC staff determined that an inflow study consisting of smoke-testing of local and NBC-owned sewers in North Providence should be conducted. NBC issued a Request for Qualifications and Proposals in October 2008 to solicit proposals for smoke testing. Dewberry-Goodkind, Inc. was subsequently awarded the contract at the December 2008 Board meeting for a total contract amount not to exceed \$221,000 which included a contingency of 10%.

The cost of this contract was based on smoke testing 440,000 linear feet of sewer line. The 440,000 linear feet was based on an estimate of the number of linear feet of roads with sewers because the Town of North Providence does not have a map of their sewers. The contractor has completed smoke testing of the 440,000 linear feet of sewer, but estimates that an additional 75,000 feet needs to be smoke tested to complete the inflow study. Dewberry-Goodkind, Inc. has estimated that it will cost an additional \$35,000 to smoke test the additional 75,000 feet for a total contract cost of \$237,888. Dewberry-Goodkind, Inc. will perform the additional work for the same unit price that they bid (\$0.36 per linear foot plus 28% administrative fee) on the original contract. Therefore, we are requesting an additional authorization of \$19,000 to complete the project.

We respectfully request the Committee's approval of Resolution 2009:39; Authority to Amend Contract 09:304.61P with Dewberry-Goodkind, Inc. to Complete the North Providence Inflow Study (Amount \$19,000)

Commissioner Worrell motioned to approve Resolution 2009:39; Authority to Amend Contract 09:304.61P with Dewberry-Goodkind, Inc. to Complete the North Providence Inflow Study (Amount not to exceed \$19,000). Commissioner Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**D. Review and Approval of Resolution 2009:40; Contract 705.00C-Central Avenue Pump Station Upgrades-Recommendation to Increase the Limit for Change Order Requests (Amount \$115,000)**

Executive Director Raymond Marshall advised this project was awarded to John Rocchio Corporation in June 2009 and was issued a Notice to Proceed on July 30, 2009 for Contract 705.00 C-Central Avenue Pump Station Upgrades. The work included construction of approximately 900 linear feet of new 6 inch force main up Central Avenue to be connected to the existing force main at the curb line in front of the pump station.

When a test pit was excavated at the curb line of the pumping station it was determined that the location of the existing force main was not as shown on the Contract Drawing and was not on Narragansett Bay Commission property. It was decided that this portion of the force main should also be replaced.

We received an initial cost estimate of approximately \$50,000 from the Contractor, however, while completing the work the Contractor encountered subsurface conditions that neither, the Contractor or NBC staff had anticipated. The average depth of the force main from the pump station was deeper than anticipated, the soil was extremely unstable and there was an excessive quantity of ground water entering the excavation. The work required around the clock pumping, additional manpower and more equipment than was anticipated in order to work the excavation due to a very tight site.

We are hereby recommending that the Chairman and the Executive Director be authorized to approve the Change Order Request for Contract 705.00C for an aggregate amount not to exceed \$115,000 in addition to the 5% authorized limit and recommend approval of Resolution 2009:40.

Commissioner Montanari motioned to approve Resolution 2009:40; Contract 705.00C-Central Avenue Pump Station Upgrades-Recommendation to Increase the Limit for Change Order Requests (Amount \$115,000). Commissioner Worrell seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**E. Review and Approval of Resolution 2009:41; Kruger Procurement Agreement Field's Point WWTF Project #109D ARRA "Buy American" Requirements (Amount 225,548)**

Executive Director Raymond Marshall advised that this contract is part of the Biological Nutrient Removal Upgrade at the Field's Point WWTF. We procured through an RFQ/P process AnoxKaldnes, Inc., now known as Kruger to design, deliver and place into operation an Integrated Fixed Film Activated Sludge (IFAS) system to meet the new nitrogen permit limits at the Field' Point WWTF. Kruger has worked with NBC's staff and engineering consultant over the last two years to design the system and to specify the equipment. The shop drawings have been submitted and approved.

Subsequent to completing the design, NBC was awarded Stimulus Funding under the American Recovery and Reinvestment Act (ARRA) for this project. As part of the conditions of the ARRA funding, all equipment provided under the construction contract must be made in the United States (the "Buy American" clause).

The original contract with Kruger did not include the "Buy American" requirement because the Stimulus Program did not exist in 2007. After the award of the Stimulus Funding in September 2009 the NBC requested Kruger to review the source of all their equipment for compliance with "Buy American". Kruger has determined that the plastic media, the mixers for the anoxic zones and the pumps for recirculation flow did not comply with the "Buy American" Requirement.

NBC staff approached the firm and asked that they provide NBC with an estimate of what it would cost to comply with the “Buy American” provision.

Kruger has negotiated tentative agreements with other manufacturers, who will meet ARRA Buy American requirements, to supply the needed equipment.

This change will increase the original proposal by \$225,548 from \$9,547,390 to \$9,772,938. Kruger has confirmed that other than these items all their equipment supplied for this contract will meet “Buy American” requirements. After careful review, the NBC has determined that these costs are reasonable and are supported by proper documentation. The increase cost (\$225,548) will be assigned to the Daniel O’Connell’s Sons construction contract via change order after we amend NBC’s agreement with Kruger.

We respectfully request the Board approve Resolution 2009:41; authorizing staff to negotiate an amendment to the Agreement with Kruger for ARRA compliant equipment for an additional \$225,548 for a total contract amount not to exceed \$9,772,938.

Commissioner Worrell motioned to approve Resolution 2009:41; Kruger Procurement Agreement Field’s Point WWTF Project #109D ARRA “Buy American” Requirements (Amount \$225,548). Commissioner Farnum seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**F. Review and Approval of Resolution 2009:42; Authorization for Purchase of Computer Hardware for HMI Implementation at Field’s and Bucklin Point WWTF’s Project #809 ( Amount \$96,350)**

Executive Director Raymond Marshall advised that this work is associated with the upgrade of the two control systems at Field’s and Bucklin Point WWTF’s. Recently the Board of Commissioners’ approved the purchase of new software (Wonderware) and also approved the selection of Optimization to provide integration services to design and implement the new HMI (Human Machine Interface) for both WWTF’s.

The computer hardware requirements for both facilities have been defined. Some of the equipment will be provided by Hewlett Packard (HP) under the State’s Master Price Agreement (MPA). We intend to purchase the HP hardware for Field’s Point facility which will be upgraded first, at a cost of \$24,800. The HP hardware for the Bucklin Point facility will be purchased separately next year when that facility’s control system will be upgraded.

The additional computer equipment needed for the upgrades that is not manufactured by HP and cannot be ordered under the MPA would need to be purchased through a bid process. Therefore, we opted to purchase the non-HP equipment for both facilities at this time. Three vendors submitted bids. The low bid for the non-HP computer hardware was \$71,546 from Wonderware Northeast a Q-mation Company.

We respectfully request approval of Resolution 2009:42 authorizing staff to procure hardware from Hewlett Packard under the Master Price Agreement for \$24,800 and hardware from Wonderware Northeast, a Q-mation Company for the low bid amount of \$71,546 for a total amount not to exceed \$96,350.

Commissioner Worrell motioned to approve Resolution 2009:42; Authorization for Purchase of Computer Hardware for HMI Implementation at Field’s and Bucklin Point WWTF’s Project #809 (Amount \$96,350). Commissioner MacQueen seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**4. Other Business**

There was no other business to report.

**5. Adjournment**

A motion to adjourn was made by Chairman Mesoletta, seconded by Commissioner Montanari and the CEO Committee meeting adjourned at 10:35 a.m.

Respectfully submitted,



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