



OFFICIAL MINUTES OF:

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| Meeting of: | CEO Committee Meeting |
| Date: | June 15, 2011 |
| Time: | 8:30 a.m. |

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Robert Andrade
Richard Worrell

STAFF AND GUESTS PRESENT:

Raymond J. Marshall, Executive Director
Paul Nordstrom, NBC
Deborah Samson, NBC
Tom Brueckner, NBC
Tom Uva, NBC
Joe Pratt, Louis Berger Group
Rich Bernier, NBC
Karen Musumeci, NBC
Karen Giebink, NBC

Laurie Horridge, NBC
Jennifer Harrington, NBC
Laurie Vernon, NBC
Terry Cote, NBC
Sherri Arnold, NBC
Mark Thomas, NBC

1. Call to Order

Recognizing a quorum, CEO Chairman Salvatore called the June 15, 2011 Construction/Engineering/Operations (CEO) Committee Meeting to order at 8:45 a.m.

2. Approval of Minutes – April 20, 2011 CEO Committee

Chairman Salvatore asked for a motion to approve the April 20, 2011 CEO Committee Meeting minutes as written. Commissioner Farnum moved to approve the minutes of the April 20, 2011 CEO Committee as written. Commissioner Montanari 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 2011:15; Contract 303.05C-CSO Control Facilities Program Phase II-Sewer Separation/Flow Modification OF-027 Recommendation for Award

Executive Director Raymond Marshall advised that six bids for construction Contract 303.05C CSO Control Facilities Program Phase II – Sewer Separation/Flow Modification OF-027 were received by the Commission’s Procurement Section on April 14, 2011. The contractors and their bids are:

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| John Rocchio Corporation | \$6,580,587.00 |
| DiGregorio, Inc. | \$6,872,586.75 |
| D’Ambra Construction Co., Inc. | \$7,485,258.00 |
| C. B. Utility, Inc. | \$7,738,251.00 |
| J. H. Lynch, Inc. | \$7,779,964.00 |
| Cardi Corporation | \$7,827,943.00 |

He stated that this contract is the first contract to be bid under the DEM mandated Phase II CSO Program. It entails sewer separation in the vicinity of Hope Street in Providence. It is the installation of approximately 15,875 feet of new drain pipe, 101 drain manholes, 126 catch basins, lining of 5,290 feet of 15” sewer and manhole modifications to 28 manholes along with water line relocation and street paving upon completion.

Mr. Marshall advised that John Rocchio Corporation (JRC) submitted the low bid of \$6,580,587. This bid is 4.4% lower than the second low bid and the Contract will be funded through Capital financing. It was noted that JRC has successfully completed other projects for the NBC over the years. Also, the Contractor must adhere to the Contract requirements for MBE/WBE compliance, including state approval of his MBE/WBE Plan.

As with all projects of this size and complexity there will be ancillary costs associated with the project including but not limited to: advertising, printing, police details, specialty engineering consultants (maximum contract ceiling of \$20,000), material/soil testing firm and staff time associated with contract inspection and administration.

Louis Berger Group (LBG) has evaluated the qualifications and the bid proposal of the low bidder and has checked references for the purpose of establishing the firm’s capability to successfully complete this construction project. LBG has recommended that the Commission award the Contract for the construction of Contract 303.05C - CSO Control Facilities Program Phase II – Sewer Separation/Flow Modification OF-027 to John Rocchio Corporation of Smithfield RI, because LBG has determined that John Rocchio Corporation is the lowest, responsive, responsible bidder .

The staff requested your approval of Resolution **2011:15** Authority to Award Contract 303.05C - CSO Control Facilities Program Phase II – Sewer Separation/Flow Modification OF-027 to John Rocchio Corporation for a cost not to exceed \$6,580,587 subject to the approval of the Contractor’s MBE/WBE plan and EEO requirements by the Rhode Island Department of Administration.

Commissioner Montanari made a motion to approve Resolution 2011:15; Contract 303.05-CSO Control Facilities Program Phase II-Sewer Separation/Flow Modification OF-027 Commissioners Farnum and Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

B. Review and Approval of Resolution 2011:16; Contract 303.09C-CSO Control Facilities Program Phase II-WCSOI Regulator Modifications Recommendation for Award

Mr. Marshall stated that four bids for construction Contract 303.09C CSO Control Facilities Program Phase II – WCSOI Regulator Modifications were received by the Commission’s Procurement Section on May 3, 2011. The contractors and their bids are:

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| Grove Construction, Inc. | \$894,000 |
| R. P. Iannuccillo & Sons Construction Co. | \$1,197,950 |
| John Rocchio Corporation | \$1,805,705 |
| DiGregorio, Inc. | \$2,030,122 |

He advised this contract is the second contract to be bid under the DEM mandated Phase II CSO Program. It entails structural modifications to three existing regulators and electrical modifications to five existing regulators. By modifying the regulators more flow will be allowed to go to the interceptor during storms and we are adding meters to monitor flow rates and quantities.

Grove Construction, Inc. (GCI) submitted the low bid of \$894,000. This bid is 25.4% lower than the second low bid. This Contract will be funded through Capital financing. GCI has never worked for the NBC, however their references and bonding company indicate they can successfully complete this project. The Contractor must adhere to the Contract requirements for MBE/WBE compliance, including state approval of his MBE/WBE Plan.

As with all projects of this size and complexity there will be ancillary costs associated with the project including but not limited to: advertising, printing, police details, specialty engineering consultants (maximum contract ceiling of \$20,000), material/soil testing firm and staff time associated with contract inspection and administration.

Louis Berger Group (LBG) has evaluated the qualifications and the bid proposal of the low bidder and has checked references for the purpose of establishing the firm’s capability to successfully complete this construction project. LBG has recommended that the Commission award the Contract for the construction of Contract 303.09C - CSO Control Facilities Program Phase II – WCSOI Regulator Modifications to Grove Construction, Inc. of Hopedale, MA, because LBG has determined that Grove Construction, Inc. is the lowest, responsive, responsible bidder.

The staff requested your approval of the attached Resolution 2011:16 Authority to Award Contract 303.09C - CSO Control Facilities Program Phase II – WCSOI Regulator Modifications to Grove Construction, Inc. for a cost not to exceed \$894,000 subject to the approval of the Contractor’s MBE/WBE plan and EEO requirements by the Rhode Island Department of Administration.

Commissioner Montanari made a motion to approve Resolution **2011:16**; Contract 303.09-C-CSO Control Facilities Program Phase II-WCSOI Regulator Modifications. Commissioner Farnum seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

C. Review and Approval of Resolution 2011:17; Authorization to Acquire Land and Structures from the City of Providence for Contract 109.01; Biological Nutrient Removal Project

Mr. Marshall advised that the NBC is under a Consent Agreement with the RIDEM to construct nitrogen removal facilities at its Field’s Point facility to attain a permit effluent limit for total nitrogen of 5 mg/l. In accordance with the terms of that Consent Agreement, NBC initiated construction of the facilities in October 2009 to bring NBC into compliance with this new lower limit. Throughout the country, regulatory agencies have been required to significantly reduce the nitrogen discharge limits of wastewater treatment facilities in order to reduce nitrogen loadings to waterways.

In discussions during the last round of permitting, the RIDEM indicated that they would likely seek to further reduce the total nitrogen discharge limit to 3 mg/l in the next revision of the permit. NBC has contested the science that RIDEM used as the basis for imposition of the 5 mg/l limit and for further future reductions to 3 mg/l. However, if NBC is unable to consistently meet the 5 mg/l limit with the new facilities, or if the limit is further reduced to 3 mg/l, NBC will need to construct another level of treatment known as, denitrification filters, to achieve the nitrogen limits. Because there is no room at the existing Field's Point Facility, additional land will need to be acquired to construct the denitrification facilities. The only logical and feasible expansion is to City property on Terminal Road (Plat 56, Lot 283) adjacent to the plant. A solid waste transfer station on this parcel was used regularly until the 1980s but is now essentially abandoned and in serious disrepair. NBC's plan is to acquire this parcel, demolish the existing building and remediate the site, if required, so that the parcel will be available to construct the denitrification filters then needed.

Mr. Marshall advised that NBC has obtained appraisals of the property and will place this matter on the State Properties Committee for approval. Therefore, we respectfully request that Resolution 2011:17 be approved authorizing staff to acquire the land on Terminal Road (Plat 56, Lot 283) and the structures thereon from the City of Providence as soon as practicable by negotiation or, if necessary, by eminent domain.

Commissioner Farnum made a motion to approve Resolution **2011:17**; Authorization to Acquire Land and Structures from the City of Providence for Contract 109.01; Biological Nutrient Removal Project. Commissioners Thompson and Montanari seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

D. Review and Approval of Resolution 2011:18; Award of Contract 304.35- Interceptor Cleaning and Inspection Services, East Providence Interceptors (Pawtucket Ave to Omega Pump Station and Bourne Ave to Bucklin Pint WWTF, East Providence)

Mr. Marshall stated Bids for Contract 304.35 – Interceptor Cleaning and Inspection Services, East Providence Interceptor were received by the Commission's Procurement Section on Tuesday, April 26, 2011. This project involves the cleaning and inspection of an estimated 1.7 miles of NBC interceptors in East Providence. The project provides the NBC with valuable information about the existing condition of the collection system as well as improving sewerage capacity by removing any grit accumulations. In addition, if conditions are observed during the inspection process that requires additional, unforeseen work, the contractor has included an hourly rate to charge for these services, if deemed necessary by the NBC staff. The following three bids were received for the project:

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| New England Pipe Cleaning Co: | \$ 210,614.22 |
| National Water Main Cleaning Co: | \$ 48,764.75 |
| Inland Waters: | \$ 123,336.40 |

Original estimates for this project were calculated to be \$100,000 for the contractor to perform this cleaning and inspection project.

Staff evaluated the qualifications and the bid proposal for the low bidder for the purpose of establishing the firm's capability to successfully complete this project. Staff recommends that the Commission award Contract 304.35 – Interceptor Cleaning and Inspection Services, East Providence Interceptors to National Water Main Cleaning Company of Canton, MA as we have determined they are the lowest, responsive, responsible bidder.

The NBC will also incur ancillary costs associated with this project for police details, waste disposal, and traffic control which must be paid directly by NBC as well as for NBC labor to supervise the contractor. The Contract will be funded through Capital financing. Finally, an additional \$10,000 is recommended to address unforeseen conditions that may arise during the cleaning and inspection project to resolve critical situations. These additional services will only be performed after the contractor has received NBC approval.

The NBC staff asked for approval of Resolution 2011:18 in the amount of \$58,764.75, subject to DOA approvals of the MBE plan and EEO requirements and for ancillary costs associated with this project.

Commissioner Farnum made a motion to approve Resolution **2011:18**; Award of Contract 304.35- Interceptor Cleaning and Inspection Services, East Providence Interceptors (Pawtucket Ave to Omega Pump Station and Bourne Ave to Bucklin Point WWTF, East Providence). Commissioners Thompson, Montanari and MacQueen seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

E. Review and Approval of Resolution 2011:19; Approval of Fiscal Year 2013-2017 Capital Improvement Program

Mr. Marshall advised the Sherri Arnold would be reviewing the NBC's 2013-2017 Capital Improvement Program (CIP) with the Committee. Ms. Arnold noted that the Committee members have each received copy of the CIP in either hard or soft copy.

Ms. Arnold advised that this year's CIP window is FY 2013-2017 and the projects identified total \$430 million dollars and are outlined on Page 1. The CIP serves as a planning document which identifies capital investments necessary for NBC to comply with current and future regulatory requirements and it incorporates needs identified through NBC's asset management program. The CIP is developed by the NBC's Engineering, Construction and Finance staff. This year's CIP identifies 51 projects totaling \$430 million dollars and when including the current FY 2012 it totals \$531 million.

Ms. Arnold stated that Page 4 and 5 of the document shows all the projects and the project locations, the document also outlines Program Assumptions and Development, the CIP drives NBC's long term financing requirements. Also outlined are Capital Expenditures by Project Phase and Priorities, Strategic Objectives and Program Project Cost Allocations.

Ms. Arnold stated that this year's CIP separates the projects in thirteen (13) separate contracts.

She advised that of the thirteen projects this year's CIP includes costs for the construction of three significant Capital Improvement Projects: the CSO Phase II Facilities, the nutrient removal facilities at the Field's Point Wastewater Treatment Plant and the nutrient removal at the Bucklin Point WWTF. She noted that costs for these three projects during the five-year period total \$351 million, or 82% of this year's CIP. Construction of the Field's Point nutrient removal facilities is currently underway. Construction of the CSO Phase II Facilities and the Bucklin Point nutrient removal facilities are scheduled to begin in FY 2012.

Also noted was that the Field's Point construction is approximately 43 percent complete and on schedule, Bucklin Point final design plans were sent to DEM last December and the construction estimate in this CIP has been revised based upon the completion of final design. Other Capital projects include Green Technology which includes the Field's Point Wind Turbine and the Bucklin Point Bio-Gas. These projects will offer operational cost savings to NBC.

Ms. Arnold stated the NBC continues to demonstrate its commitment to projects that clean and inspect its interceptors and will allocate \$1.5 million annually for repair and construction projects and \$500,000 for cleaning and inspection.

Ms. Arnold reviewed the Program Funding with the Committee and the impact of the CIP on the Operating Budget.

This completed Ms. Arnold's presentation.

Commissioner Montanari made a motion to approve Resolution **2011:19**; Approval of Fiscal Year 2013-2017 Capital Improvement Program Commissioner Farnum seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

F. Review and Approval of Resolution 2011:21; Recommendation to Award Contract 303.11C-WCSOI West

Mr. Marshall stated that bids for construction Contract 303.11C – WCSOI West were received by the Commission's Procurement Section on May 18, 2011 and that this contract is the third contract to be bid under the DEM mandated Phase II CSO Program. It entails a new interceptor to replace our existing WRI along the bike path from Sheridan Street to Glenbridge Ave in Providence. It is the installation of approximately 2,400 feet of new interceptor ranging from 18" to 60". The following seven bids were received for the Project.

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| J. H. Lynch & Sons, Inc | \$3,418,000 |
| DiGregorio, Inc. | \$6,848,518 |
| Manafort Bros., Inc. | \$8,980,000 |
| Cardi Corp. | \$9,918,513 |
| C. B. Utility Co. Inc. | \$9,990,000 |
| Rocchio/Barletta Heavy , LLC | \$9,997,515 |
| R. Zoppo Corporation | \$10,410,000 |

Mr. Marshall advised that on May 19, 2011 the NBC received a correspondence from J. H. Lynch, Inc. (Lynch) in which they indicated they had made a mistake on their bid and asked that they be allowed to withdraw their \$3,418,000 bid. There were several discussions with NBC staff including legal counsel. We have considered all relevant procurement laws and regulations to determine which options are available to NBC under these circumstances. The options are:

- Compel Lynch to accept the job for \$3,418,000. We believe that it would be impossible for Lynch 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.
- Permit Lynch to adjust their bid upward provided they could satisfy us that the mistake was legitimate. 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.
- Reject Lynch's bid and award it to the second low bidder. This option is the one that staff recommends. The NBC's Procurement Regulations directs NBC to award to the lowest responsive/responsible bidder. Due to the fact that Lynch 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.

This contract involves replacement of our existing WCSOI which we have limited access to due to the fact that it is partially located under Route 6. We suspect a problem with one of the lateral pipes connected to the interceptor which has caused a sink hole in the shoulder of Route 6 west bound. Time is of the essence to replace the WCSOI in this area.

Lastly, reject all bids and re-bid the project. As mentioned earlier it is felt that time is of the essence.

Mr. Marshall stated that no solution is perfect under these circumstances, however we believe rejecting Lynch's bid and awarding it to the second low bidder is the Commission's best option.

Therefore, Louis Berger Group (LBG) has evaluated the qualifications and the bid proposal of the low bidder and has checked references for the purpose of establishing the firm's capability to successfully complete this construction Project. LBG has recommended that the Commission award the Contract for the construction of Contract 303.11C – WCSOI West to DiGregorio, Inc. of Smithfield, RI, because LBG has determined that DiGregorio, Inc. is the lowest, responsive, responsible bidder.

As with all projects of this size and complexity there will be ancillary costs associated with the project including but not limited to: advertising, printing, police details, specialty engineering consultants (maximum contract ceiling of \$20,000), material/soil testing firm and staff time associated with contract inspection and administration. This Contract will be funded through capital financing.

The staff requested approval of Resolution 2011:21, Recommendation to Award Contract 303.11C, WCSOI West, to DiGregorio, Inc. of Smithfield, RI in the amount of \$6,848,518, 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 Montanari made a motion to approve Resolution **2011:21**; Recommendation to Award Contract 303.11C-WCSOI West. Commissioners Farnum and Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

G. Review and Approval of Resolution 2011:22; Contract 303.06C-CSO Control Facilities Program Phase II-Sewer Separation/Flow Modification OF-037 West Recommendation for Award

Mr. Marshall stated that five bids for construction Contract 303.06C CSO Control Facilities Program Phase II – Sewer Separation/Flow Modification OF-037 West were received by the Commission's Procurement Section on June 8, 2011. The contractors and their bids are:

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| C. B. Utility, Inc. | \$7,429,700 |
| Rocchio/Barletta Heavy, LLC | \$7,949,345 |
| Cardi Corporation | \$8,331,560 |
| J. H. Lynch, Inc. | \$8,415,550 |
| DiGregorio, Inc. | \$9,788,795 |

Mr. Marshall advised that this contract is the fourth contract to be bid under the DEM mandated Phase II CSO Program. It entails sewer separation in the vicinity of North Main Street in Providence from Colonial Road to Hillside Ave. It is the installation of approximately 11,280 feet of new drain pipe, 96 drain manholes, 120 catch basins, a new outfall with a headwall along with water line relocation and street paving upon completion.

C. B. Utility, Inc. (CBU) submitted the low bid of \$7,429,700. This bid is 6.5% lower than the second low bid. This Contract will be funded through Capital financing. CBU has successfully completed several

projects for the NBC over the years. The Contractor must adhere to the Contract requirements for MBE/WBE compliance, including state approval of his MBE/WBE Plan.

Mr. Marshall advised that as with all projects of this size and complexity there will be ancillary costs associated with the project including but not limited to: advertising, printing, police details, specialty engineering consultants (maximum contract ceiling of \$20,000), material/soil testing firm and staff time associated with contract inspection and administration.

Louis Berger Group (LBG) has evaluated the qualifications and the bid proposal of the low bidder and has checked references for the purpose of establishing the firm's capability to successfully complete this construction project. LBG has recommended that the Commission award this Contract to C. B. Utility, Inc. of Bristol, RI, because LBG has determined that C. B. Utility, Inc. is the lowest, responsive, responsible bidder.

The staff requested approval of Resolution 2011:22 awarding this Contract to C. B. Utility, Inc. for a cost not to exceed \$7,429,700 subject to the approval of the Contractor's MBE/WBE plan and EEO requirements by the Rhode Island Department of Administration.

Commissioner MacQueen made a motion to approve Resolution **2011:22**; Contract 303.06C CSO Control Facilities Program Phase II – Sewer Separation/Flow Modification OF-037 West. Commissioners Farnum and Montanari seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

H. Review and Approval of Resolution 2011:23; Authorization to Bid Work for Repair of the Omega Pump Station Wet Well under Project 706.00 C and to Award the Bid in Accordance with NBC's Procurement Regulations

Mr. Marshall stated that in September 2010 the Board approved Resolution 2010:24 authorizing staff to award bids for painting the rack room and replacing the heating and electrical systems. This work is now underway. Since then, staff has determined that there is a crack in the wall separating the two wet wells at the pump station that needs to be repaired so that the wet wells can be isolated.

This work entails bypassing flow at the pump station using septage haulers then cleaning and repairing the crack. Staff has estimated the cost of this work to be \$10,000-\$15,000. We plan to complete the work this summer and are therefore seeking authorization now to competitively bid and award this work in accordance with NBC's Procurement Regulations.

The staff requested that the Board approve Resolution **2011:23** authorizing staff to bid work for the repair of the Omega Pump Station wet well under Project 706.00C and to award the bid in accordance with NBC Procurement Regulations for a cost not to exceed \$15,000.

Commissioner Farnum made a motion to approve Resolution **2011:23**; Authorization to Bid Work for Repair of the Omega Pump Station Wet Well under Project 706.00C and to Award the Bid in Accordance with NBC's Procurement Regulations. Commissioner MacQueen seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

I. Review and Approval of Resolution 2011:24; Authorization to Bid and Award Work Needed to Attain Compliance with State Fire Code Requirements under Project 123-00C

Mr. Marshall advised that last fall, the State Fire Marshal inspected NBC facilities to determine compliance with the State Fire Code. A number of deficiencies were found which NBC agreed to correct. Most of these deficiencies have been addressed by NBC personnel but two items need to be completed by outside contractors. One is to replace the heat sensors at several locations at the Field's Point WWTF; the other is to install clips on the ceiling tiles at the Lab to hold them in place.

We have received estimates to complete this work. The estimate to purchase and install the heat sensors is \$60,000. The estimate for the ceiling clips is \$2,500. We are desirous of completing the work this summer and are therefore seeking authorization now to competitively bid and award this work in accordance with NBC's Procurement Regulations. A ten percent (10%) contingency should be added to account for bidding variations.

Therefore, it was recommended that the Board approve Resolution **2011:24** authorizing staff to bid and award work needed to attain compliance with State Fire Code requirements under Project 123-00C in accordance with NBC's Procurement Regulations for a cost not to exceed \$68,750.

Commissioner Montanari made a motion to approve Resolution **2011:24**; Authorization to Bid and Award Work Needed to Attain Compliance with State Fire Code Requirements under Project 123-00C. Commissioner MacQueen seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

J. Review and Approval of Resolution 2011:25; Authorization to Amend Agreement with CDM for Contract 09:809-00D to Provide Professional Engineering Design and Bidding Services for Upgrade of Nitrogen Removal and other Improvements at the Bucklin Point Wastewater Treatment Facility

Mr. Marshall advised that in September 2009, the Board of Commissioners approved Resolution 2009:27 which authorized NBC staff to negotiate a contract with CDM for design services for an amount not to exceed \$2.2 million. Design is nearly complete but an additional \$166,000 has been requested by CDM to complete the design work and \$150,000 to provide bidding services which were not part of the original contract. The total requested comes to \$316,000.

Mr. Marshall stated the Bucklin Point WWTF Biological Nitrogen Removal Project is subject to a completion schedule under RIDEM Consent Agreement RIA-372. The schedule requires substantial completion of construction by May 2014. Anticipating a tight schedule for design, NBC staff immediately requested a cost estimate for full design from CDM in August of 2009 and subsequently received the September 2009 approval from the Board authorizing staff to enter into an agreement with CDM for Professional Engineering Services for Design of the Upgrade of Nitrogen Removal Facilities and Other Improvements at the Bucklin Point WWTF. The amount of the design engineering estimate and the authorization was \$2.2 million. The project construction cost estimate at that time was \$25.3 million. Mr. Marshall stated that it is important to note that the estimate for full design was established prior to the conceptual design work being completed.

RIDEM did not approve the Facility Plan Amendment, the document that governs the project's needed facilities, until November 2009. The NBC entered into a lump sum agreement with CDM for Conceptual Design (Phase I) in January 2010 for \$338,301. Amendment 1 for the Final Design work (Phase II) was executed in August 2010 for an additional \$1,855,722. CDM's total contract amount is \$2,194,529. There is \$5,471 remaining in the Board's original authorization.

The design phase of the project has required a higher level of effort than first anticipated at the time that the contract was executed. Three tasks comprise a major portion of the increase,

A separate biofilter for odor control for the gravity belt thickener facility, CDM anticipated that one biofilter would be required for both the sidestream equalization facility and the gravity belt thickener facility. Two are needed.

The location change of the carbon storage tanks (from outside to inside. Conceptual design anticipated one storage tank located outside with a containment berm. Detailed design located the storage tank inside an existing building. This modification required a higher level of design for structural, architectural, process/mechanical, plumbing and electrical work.

Work related to replacement of the outdated 600-V electrical service with a 480-V service: While the electrical work to accomplish this was largely anticipated, the related work for process/mechanical, HVAC, instrumentation and control and other disciplines as well as the number of equipment specifications was much greater than anticipated.

There are also several tasks that are beyond the original scope of design services. These tasks include paving design, flood protection for the existing wet weather effluent pump station discharge structure, replacement of the existing 1950's era steel effluent flushing water force main and design of sump pumps in additional unanticipated electrical manholes.

Lastly the bidding services were programmed for inclusion in the construction engineering contract, however because the Board will not meet during the summer months, we ask for your approval at this time. We plan to advertise the construction contract for bid during the summer with bids due for submission in October.

We will request the Board's approval of the construction bid award at the November 2nd meeting. Additionally, a construction engineering contract will need approval by the Board at either the September or November Board meeting.

CDM expects to complete the final design this June. The latest construction cost estimate for the project is \$46 million. CDM has estimated that the cost for completing the design work and providing bidding services will be \$316,000 (\$166,000 for the design work and \$150,000 for bidding services). The NBC has been satisfied with the work completed by CDM and recommends that the design contract amount be increased from \$2,194,529 to \$2,510,529. The increase in the Board's authorization is \$310,529.

Therefore, it was recommended that the Board approve Resolution **2011:25** authorizing staff to enter into an Amendment with CDM for Contract 09:809-00D to increase the contract by \$316,000 for a cost not to exceed \$2,510,529.

Commissioner Montanari made a motion to approve Resolution **2011:25**; Authorization to Amend Agreement with CDM for Contract 09:809-00D to Provide Professional Engineering Design and Bidding Services for Upgrade of Nitrogen Removal and other Improvements at the Bucklin Point Wastewater Treatment Facility. Commissioner Farnum seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

4. Other Business

None.

5. Adjournment

A motion to adjourn was made by Commissioner MacQueen, seconded by Commissioner Farnum and the CEO Committee meeting adjourned at 9:45 a.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Raymond J. Marshall". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping tail.

Raymond J. Marshall, P.E.

Executive Director/Secretary