

The Narragansett Bay Commission
One Service Road
Providence, RI 02905

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

Vincent J. Meselella
Chairman

Raymond J. Marshall, P.E.
Executive Director



OFFICIAL MINUTES OF:

Meeting of:	CEO Committee Meeting
Date:	June 25, 2013
Time:	8:30 a.m.

MEMBERS PRESENT:

Michael Salvadore, Chairman
Jonathan Farnum
John MacQueen
Vincent Meselella
Al Montanari
Angelo Rotella
Leo Thompson
Richard Worrell

MEMBERS ABSENT:

Robert Andrade

STAFF AND GUESTS PRESENT:

Raymond J. Marshall, Executive Director
Joanne Maceroni, NBC
Joe Pratt, Louis Berger Group
Rich Bernier, NBC
Karen Musumeci, NBC
Phil Albert, NBC
Mark Thomas, NBC
Karen Giebink, NBC
Meg Goulet, NBC
Kathryn Kelly, NBC

Tom Brueckner, NBC
Deborah Samson, NBC
Laurie Horridge, NBC
Jamie Samons, NBC
Tom Uva NBC
Paul Nordstrom, NBC
Linda George, NBC

1. Call to Order

Recognizing a quorum, CEO Chairman Salvadore called the June 25, 2013 Construction/Engineering/Operations (CEO) Committee Meeting to order at 8:42 a.m.

2. **Approval of Minutes** – May 21, 2013 CEO Committee

CEO Chairman Salvadore asked for a motion to approve the May 21, 2013 CEO Committee Meeting minutes as written.

Commissioner Montanari moved to approve the minutes of the May 21, 2013 CEO Committee. Commissioners Thompson and Worrell seconded the motion. The vote taken by the CEO Committee was unanimous. The motion carries.

Commissioner Rotella arrives at 8:50 a.m.

3. **Items for Action**

A. **Review and Approval of Resolution 2013:22;** Authorization to Negotiate a Contract for Engineering Services for Contract 2013:304.57P Evaluation of the Providence River Siphon

Mr. Marshall advised that the Providence River siphon is a 48-inch brick sewer constructed in 1895 that extends for approximately 800 feet under the Providence River. The siphon conveys flow from the east side of Providence to a 78-inch gravity sewer immediately downstream of the siphon to the Allens Avenue interceptor where it then flows to the Field's Point Wastewater Treatment Facility.

The siphon was last inspected in 1990 and was determined to be in good condition. However, there have been construction activities near the siphon since that inspection which could have adversely impacted the siphon. Inspections completed in 2004 and 2009 revealed a possible "sag" in the 78-inch gravity sewer. As part of NBC's ongoing maintenance program of its wastewater facilities, NBC wishes to inspect both the 48-inch siphon and the 78-inch gravity sewer to determine their current condition and evaluate alternatives for rehabilitation and or replacement to correct deficiencies.

NBC issued a Request for Qualifications and Proposals (RFQ/P) in April 2013 to perform an inspection of the 48-inch siphon and the 78-inch gravity sewer and an evaluation for rehabilitation and/or replacement alternatives for the 48-inch siphon and 78-inch gravity sewer. We received proposals in response to the RFQ/P from four (4) firms: Black and Veatch, CDM-Smith, Kleinfelder, and Stantec Consulting Services (Stantec).

In accordance with NBC Procurement Regulations, the Executive Director designated Thomas Brueckner, P.E., Engineering Manager, to coordinate a review committee to conduct a review and rating of the proposals. Also on the review committee were Rich Bernier, P.E., Director of Construction Services, Meg Goulet, P.E., Interceptor Maintenance Manager, and Kathryn Kelly, P.E., Principal Environmental Engineer.

The review committee after careful consideration and review of each proposal felt Stantec not only had the best technical proposal they had the best price overall.

The average rating of the reviewers and the cost of the proposals were:

.

Firm	Cost	Rating	Rank
Stantec	\$108,632	92	1
Kleinfelder	\$114,640	81	2
Black and Veatch	\$434,764	73.5	3
CDM-Smith	\$237,500	73	4

The cost for Stantec’s proposal is \$108,632. We would like to add a 20% contingency to this amount to cover unanticipated costs that may arise during the project for a total cost of \$130,000. In addition to the costs for this contract, this project will also include administrative costs for NBC labor and other costs.

Therefore, it is recommended that the Board approve Resolution 2013:22 authorizing staff to negotiate a contract with Stantec Consulting Services to provide engineering services for an inspection of the 48” Providence River siphon and 78-inch gravity sewer and an evaluation of rehabilitation and/ or replacement alternatives to correct deficiencies in these facilities.

Commissioner MacQueen made a motion to approve Resolution 2013:22; Authorization to Negotiate a Contract for Engineering Services for Contract 2013:304.57P Evaluation of the Providence River Siphon. Commissioners Worrell and Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

B. Review and Approval of Resolution 2013:23; Contract 125.00C-Utility Reliability Enhancement-Fields Point Campus Recommendation for Award

Mr. Marshall advised that six bids for construction Contract 125.00C – Utility Reliability Enhancement – Fields Point Campus were received by the Commission’s Procurement Section on May 22, 2013. The contractors and their bids are:

R. P. Iannuccillo & Sons Construction Co.	\$226,252
J. H. Lynch & Sons, Inc.	\$243,677
DiGregorio, Inc.	\$261,480
Rosciti Construction	\$305,322
Boyle & Fogarty Construction Co. Inc.	\$359,700
E. W. Audet & Sons Inc.	\$404,230

He stated that this contract will eliminate the overhead lines on Service Road from Ernest Street to New York Ave. to improve reliability for power and communications for the Fields Point Campus.

R. P. Iannuccillo & Sons Construction Co. (RPI) submitted the low bid of \$226,252. This bid is 7.2% lower than the second low bid. This Contract will be funded through Capital financing.

RPI has completed many construction contracts with the NBC over the years and has performed well. They are currently finishing Contract 303.12C – SCSOI Regulator. 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.

Staff 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. Staff recommends that the Commission award the Contract for the construction of Contract 125.00C – Utility Reliability Enhancement – Fields Point Campus to R. P. Iannuccillo & Sons Construction Co. of Providence, RI because staff has determined that R. P. Iannuccillo & Sons Construction Co. is the lowest, responsive, responsible bidder.

We respectfully request your approval of the attached Resolution 2013:23 Authority to Award Contract 125.00C – Utility Reliability Enhancement – Fields Point Campus to R. P. Iannuccillo & Sons Construction Co. for a cost not to exceed \$226,252 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 2013:23; Contract 125.00C-Utility Reliability Enhancement-Fields Point Campus Recommendation for Award. Commissioners Worrell and Montanari seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

C. Review and Approval of Resolution 2013:24; Contract 304.56C-Butler Hospital Sewer Lining Project Recommendation for Award

Mr. Marshall advised that one bid for construction Contract 304.56C – Butler Hospital Sewer Lining Project was received by the Commission's Procurement Section on June 5, 2013. The contractor and their bid is:

Insituform Technologies, LLC	\$269,275.00
------------------------------	--------------

He stated that this contract was identified by our Interceptor Maintenance Section as a needed repair. It involves 2,415 LF of 15" clay pipe which is root infested. There have been a few spot repairs to sections of this pipe over the years. The section being lined starts in Blackstone Blvd. and goes onto Butler Hospital property.

Insituform Technologies, LLC (ITLLC) submitted the only bid of \$269,275. Due to the fact we only received one bid we compared the unit prices bid versus the same items bid on previous contracts by various bidders and ITLLC's prices are very reasonable. This Contract will be funded through Capital financing.

ITLLC has completed many construction contracts with the NBC over the years and has performed well. 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.

Staff has evaluated the qualifications and the bid proposal of the bidder and has checked references for the purpose of establishing the firm's capability to successfully complete this construction project. Staff recommends that the Commission award the Contract for the construction of Contract 304.56C – Butler

Hospital Sewer Lining Project to Insituform Technologies, LLC of Chesterfield, MO because staff has determined that Insituform Technologies, LLC is the lowest, responsive, responsible bidder.

We respectfully request your approval of the attached Resolution 2013:24 Authority to Award Contract 304.56C – Butler Hospital Sewer Lining Project to Insituform Technologies, LLC for a cost not to exceed \$269,275.00 subject to the approval of the Contractor’s MBE/WBE plan and EEO requirements by the Rhode Island Department of Administration.

Commissioner Mesolella made a motion to approve Resolution 2013:24; Contract 304.56C Butler Hospital Sewer Lining Project Recommendation for Award. Commissioners MacQueen seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

D. Review and Approval of Resolution 2013:25; Award of Contract 13:304.70-Interceptor Inspection and Cleaning Services: North Providence-West

Mr. Marshall advised that bids for Contract 13:304.70 – Interceptor Inspection and Cleaning Services: North Providence – West were received by the Commission’s Procurement Section on May 22, 2013. This project involves the inspection and cleaning of an estimated 4.1 miles of NBC interceptors in North 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.

The following four bids were received for the project:

Truax	\$ 36,816.60
National Water Main	\$ 31,090.20
Inland Waters	\$ 30,296.30
New England Cleaning	\$ 64,483.20

He stated that original estimates for this project were calculated to be \$100,000 for the contractor to perform this 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 13:304.70 – Interceptor Inspection and Cleaning Services: North Providence - West to Inland Waters of 275 Scituate Avenue, Johnston, RI as we have determined they are the lowest, responsive, responsible bidder.

In addition, we will also incur ancillary costs associated with this project for police details for traffic control which must be paid directly by NBC, for grit disposal and 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.

We, therefore, ask for your approval of the attached Resolution 2013:25 for Contract 13:304.70 – Interceptor Inspection and Cleaning Services: North Providence - West in the amount of \$ 40,296.30, subject to DOA approvals of the MBE plan and EEO requirements and for ancillary costs associated with this project

Commissioner Montanari made a motion to approve Resolution 2013:25; Award of Contract-Interceptor Inspection and Cleaning Services: North Providence-West. Commissioners MacQueen and Rotella seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

**E. Review and Approval of Resolution 2013:26; Contract 303.02C-OF 106
Facilities Authorization to Increase the Change Order Limit**

Mr. Marshall advised that Contract 303.02C – OF 106 was awarded and a Notice to Proceed issued on June 27, 2012 to J. H. Lynch & Sons, Inc. (Lynch) at a cost of \$3,688,936 to construct a storage facility, pump station, wetlands, overflow channel and surface restoration in Central Falls. Under Resolution 2012:41 the Board voted to increase the Chairman and Executive Director’s authority to approve change order requests by \$450,000 due to soil contaminated with PCBs.

Under Resolution 2012:41 approx. 730 CY of PCB contaminated soil which exceeded 50 PPM of contamination was removed and disposed at Model City, NY. The final cost for this removal was approx. \$450,000. Under the regulations concentrations under 50 PPM are allowed to be left on site. The NBC had LBG redesign the site plan to leave the excess soil which normally would have been hauled off site (approx. 7,000 CY) had it been “clean” material. The contractor will have to use special procedures to move the material around the site (personal protective equipment for the workers, decontamination of equipment once the contaminated soil is capped, etc.). The soil will have to be handled numerous times on the site (tight site and no additional soil will be leaving the site) causing inefficiencies and cost to the contractor. The area over the new holding tanks will now have 5 feet of additional fill over them which necessitated additional pile support. New retaining walls will also have to be installed. A 10 month delay has been incurred due to this problem. Recently the contractor submitted a cost of \$1,487,329.82 for this issue. LBG and staff are in the process of reviewing the costs and negotiating with the contractor. We are confident that the cost will be reduced through negotiations, however there was not enough time to accomplish the final negotiation prior to the June 25 Board meeting and the next meeting is scheduled for September 24.

Mr. Marshall stated that per the NBC’s approved COR procedures, the Chairman and Executive Director are authorized to approve CORs up to an aggregate amount of 5% of the Contract amount or \$184,446.80 for this Contract. This limit was increased under Resolution 2012:41 by \$450,000. Under Resolution 2013:26 we are requesting that the authorized limit be increased by an additional \$1,487,329.82.

Mr. Marshall stated that Richard Bernier, NBC Director of Construction Services and Joe Pratt of the Louis Berger Group will explain to the Committee members what the evaluations entailed and what the recommendation is at this particular time.

Mr. Pratt stated when you are dealing with PCB’s 50 parts per million is the cutoff that allows you to retain them on site. To retain them on site you have to cover it up with at least 6 inches of clean fill, you have to secure the area with a fence and clearly mark it, and you must put in place an ELUR (Environmental Land Use Restriction) which means that land is restricted from certain uses i.e., school, daycare center, etc.

NBC will be installing a fence around the site and since it’s being used as a sewage treatment facility in a wetlands so the likelihood of anyone ever building a school or daycare center is pretty remote. We did a redesign that would allow us to put five to six feet of fill on top of the tanks and structurally it could handle that load. Then in addition we need to build mounds on the site where we can dispose of all this soil.

We compared the price between hauling all the material away in differing levels of percentages from the site and that ranged from about \$1.1 to about \$5 million. We could do that but it's very expensive, as opposed to moving the soil around on site, build berms along the edge of the site, bury the contaminated soil in those berms, put some additional soil on top of the tanks, and keeping all the soil on site at a cost of almost \$ 1.5 million.

We submitted the latter approach to EPA, and in typical bureaucratic fashion they did not do anything so after 30 day it is automatically approved. So we have an approved solution to this problem and that's what this additional request for the change order amounts to and this is the approach that we want to take.

The Commissioners had questions concerning the exact location of the site.

Joe Pratt advised that the site is located off of Mosshasuck Valley Industrial Highway at the Central Falls, Lincoln, Pawtucket border, right across the street from the New England Tractor Trailer Training Facility, and just south of the Higginson Sports Complex that was built in Central Falls.

There's a pond there so we are expanding that pond into a wetland. It was a site that sat vacant for many years because basically according to DEM it is a wetland. Over the years a lot of trash has been dumped on the site that we had to dispose of. Where did the PCB's come from? My suspicion is that years ago there was a power line that ran through that site it was taken down, there must have been some transformers laying around. PCB's have a characteristic that you can tell roughly the years they were developed and these were all from the 1950's.

Commissioner Worrell asked is there any legal redress that NBC might have or DEM or EPA might have against the entity responsible.

Mr. Pratt explained that it might be very difficult to identify the culprit responsible. Also since NBC took the property by eminent domain which makes it a little trickier. It would not be impossible but very very difficult.

Chairman Mesolella asked if there are archives available on the history of this site.

Mr. Pratt stated that there are archives available to research.

Chairman Mesolella stated that he believes hazardous waste follows the line of title and that we should at least explore our options.

Commissioner Rotella stated that he thinks the issue should be investigated to determine if there is any possibly of redress on this property however he does not want this issue to hold up this project.

Mr. Marshall stated that based upon the above, it is recommended that the Chairman and Executive Director be authorized to approve COR for Contract 303.02C – OF 106 for an amount not to exceed \$1,487,329.82 over the previously authorized limits and asks your approval of Resolution 2013:26.

Commissioner MacQueen made a motion to approve Resolution 2013:26; Contract 303.02C-OF 106 Facilities Authorization to Increase the Change Order Limit. Commissioners Rotella and Thompson seconded the motion and the vote taken by the CEO Committee was unanimous. The motion carries.

Commissioner Rotella made a motion that this issue regarding the hazardous waste (PCB's) on this site be investigated to determine if there is any regress toward the responsible party. The motion was seconded by Commissioner MacQueen and the vote taken by the CEO Committee was unanimous. The motion carries

A. Review and Approval of Resolution 2013:27; Award of Contract 119.00RS-Agreement for Professional and Technical Consulting Services for Regulatory Compliance Building

Mr. Marshall advised that CDM Smith, Inc. (CDM) recently completed the final design of Regulatory Compliance Building, Contract 119:00D. The building will be located at the Fields Point Wastewater Treatment Facility and across the street from the existing Laboratory. The estimated cost is approximately \$15,500,000. The construction project will go out to bid this Summer with the bid results and recommendation presented to the Board for approval in the Fall.

Mr. Marshall stated that CDM has performed well under the design contract. Therefore, consistent with the RFQ/P procurement process we asked them to submit a proposal for the professional and technical services necessary to provide technical/engineering support, assistance during the bidding process, shop drawing review, O&M Manual preparation, start-up training, assistance during the first year of operation and limited inspection services. It should be noted that the NBC will be performing most of the resident inspection field services with our own staff.

CDM submitted a proposal and we have preliminarily negotiated a cost ceiling of \$1,900,000 to provide their services which, includes a 5% contingency.

Our intent is to award CDM a contract for technical assistance during the bidding period. Then after receipt of bids and an evaluation of the project's status award a subsequent contract for additional construction related services, all with authorized amount requested in this Resolution.

Therefore, we recommend award of this contract to CDM Smith Inc. for a cost not to exceed \$1,900,000.

Commissioner Montanari made a motion to approve Resolution 2013:27; Award of Contract 119.RS-Agreement for Professional and Technical Consulting Services for Regulatory Compliance Building Recommendation for Award. 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 NBC Chairman Mesolella seconded by Commissioner Thompson and Farnum and the CEO Committee meeting adjourned at 9:24 a.m.

Respectfully submitted,



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

