

The Narragansett Bay Commission  
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Vincent J. Mesoella  
Chairman

Raymond J. Marshall, P.E.  
Executive Director



**OFFICIAL MINUTES OF:**

|             |                             |
|-------------|-----------------------------|
| Meeting of: | Executive Committee Meeting |
| Date:       | June 6, 2013                |
| Time:       | 11:30 a.m.                  |

**MEMBERS PRESENT:**

Vincent Mesoella, Executive Committee Chairman  
Robert Andrade  
Raymond Marshall, Executive Director

**MEMBERS ABSENT:**

Angelo Rotella

**STAFF AND GUESTS PRESENT:**

Richard Bernier, NBC  
Jennifer Harrington, NBC  
Laurie Horridge, NBC  
John MacQueen, NBC  
Joseph Pratt, Louis Berger Group  
Karen Musumeci, NBC

**1. Call to Order**

Recognizing a quorum, Chairman Mesoella called the June 6, 2013 Executive Committee Meeting to order at 11:50 a.m.

**2. Approval of Minutes – September 5, 2012**

Executive Committee Chairman Mesoella asked for a motion to approve the September 5, 2012 Executive Committee Meeting minutes as written.

Chairman Andrade advised that the September 5, 2012 Executive Committee meeting minutes were not received by the Committee member prior to the meeting.

Chairman Mesolella therefore made a motion to defer approval of the previous minutes of September 5, 2012 s until the next meeting of the Executive Committee. Commissioner Andrade seconded the motion. The vote taken by the Executive Committee was unanimous. .

### 3. Items for Action

#### A. Review and Approval of Resolution 2013:08-A (formerly known as Resolution 2013:23 ;) WCSOI Main - Recommendation to Increase the COR Limit

**As the result of a clerical error WCSOI Main-Recommendation to Increase the COR limit was inadvertently shown as Resolution 2013:23 instead of the correct Resolution number which is**

#### **2013-08A**

Raymond Marshall stated that at the April 2, 2013 Board of Commissioners meeting, the Board approved Resolution 2013:08. This resolution, a copy of which the Committee members have before them this morning, vested the approval of new Change Orders for this contract with the Executive Committee. In the support memo Item 2 explained an issue that was ongoing at the time. The Ground Freezing subcontractor had problems achieving closure for the freeze wall at the drop shaft located in the Farmer's Market site. The contractor has submitted a claim for \$1,433,621.53.

Mr. Marshall advised that Richard Bernier, NBC's Director of Construction Services and Joseph Pratt of the Louis Berger Group would be reviewing the change order with the Committee.

Mr. Bernier advised that this is the same problem that occurred in Phase I. He provided that Committee with a detailed description of the process for remedial grouting to "close the holes" in the freeze wall, the extra time for the freeze wall to close (cost associated with this are the extra cost to run the freeze plants, equipment rental, etc.) and overhead costs.

He stated that the NBC, Louis Berger Group and Gilbane are in the process of negotiating with the contractor. Due to fact that these costs have been ongoing since December of 2012, we want to be able to pay the contractor for this work in the next pay estimate request which is due to the NBC by June 7. It takes approximately one week to review and approve the request.

Per the NBC's approved Change Order Requests (COR) procedures, the Chairman and Executive Director are authorized to approve CORs up to an aggregate amount of 5% of the Contract amount. To exceed the 5%, Board approval is necessary. Resolution 2013:07 increased this limit by \$2,426,554. Under Resolution 2013:08 the COR procedure was modified to have the Executive Committee approve any additional increases for this contract only. We are requesting that the aggregate limit be increased by \$1,433,621.53. We will report the final negotiated amount in the Executive Committee report for the next Board meeting.

Based upon the Board approved Resolution 2013:08 we request the COR limit be increased by \$1,433,621.53 and recommend approval of Resolution **2013:08-A** (formerly known as Resolution 2013:23).

It should be noted that this claim is only for the cost due to the closing of the freeze wall. The contractor is in the process of putting together another claim for the additional cost to excavate the shaft because it took longer to obtain closure and the areas of the wall not affected by the holes over-froze. The

contractor had to excavate a considerable amount of frozen ground and grout/bentonite located inside the freezwall ring which he did not anticipate.

Commissioner Andrade made a motion to approve Resolution 2013:08-A (formerly known as Resolution 2013-23) **with one revision that the Resolution states the COR limit be increased up to \$1,433,621.53**, WCSOI Main-Recommendation to Increase COR limit. Commissioner Mesolella seconded the motion and the vote taken by the Executive Committee was unanimous. The motion carries.

**4. Other Business**

None.

**5. Adjournment**

A motion to adjourn was made by Chairman Mesolella , seconded by Commissioner Andrade and the Executive Committee meeting adjourned at 12:10 p.m.

Respectfully submitted,



Raymond J. Marshall, P.E.

*Executive Director/Secretary*