

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:	Executive Committee Meeting
Date:	August 16, 2013
Time:	8:00 a.m.

MEMBERS PRESENT:

Vincent Mesolella, Executive Committee Chairman
Robert Andrade
Raymond Marshall, Executive Director
Michael Salvatore

MEMBERS ABSENT:

Angelo Rotella

STAFF AND GUESTS PRESENT:

Richard Bernier, NBC
Jennifer Harrington, NBC
Laurie Horridge, NBC
R. Thomas Dunn, Little Bulman
Karen Musumeci, NBC

1. Call to Order

Recognizing a quorum, Chairman Mesolella called the August 16, 2013 Executive Committee Meeting to order at 8:00 a.m.

**2. Approval of Minutes – September 5, 2012
June 6, 2013**

Executive Committee Chairman Mesolella asked for a motion to approve the September 5, 2012 and the June 6, 2013 Executive Committee Meeting minutes as written.

Chairman Mesolella asked for a motion to approve the September 5, 2012 and the June 6, 2013 Executive Committee meeting minutes as written. Commissioner Rotella moved to approve the September 5, 2012 and the June 6, 2013 Executive Committee meeting minutes as written. NBC Chairman Mesolella seconded the motion. The vote taken by the Executive Committee was unanimous. The motion carries.

3. Call for closed session in accordance with RIGL 42-46-5 (a) (2)

A. Discussion related to potential and anticipated litigation relative to geotechnical issues on CSO Phase II Project.

At this time, the NBC Executive Committee sought to convene Executive Session pursuant to RIGL 42-46-5 (a) (2) to discuss Item 3A. Commissioner Rotella motioned to enter into Executive Session. Commissioner Andrade seconded the motion and the vote taken by the Executive Committee was unanimous. The Committee entered into Executive Session at 8:30 a.m.

Executive Session ended and the Open Meeting resumed at 9:50 a.m. Commissioner Rotella motioned to keep the Executive Session minutes sealed. Commissioner Andrade seconded the motion and the vote taken by the Executive Committee was unanimous. The motion carries.

B. **Review and Approval of Resolution 2013:08-B; WCSOI Main - Recommendation to Increase the COR Limit**

At the April 2, 2013 Board of Commissioners meeting, the Board approved Resolution 2013:08. This resolution vested the approval of Change Orders with the Executive Committee. Item 2 in the support memo explained an issue that was ongoing at the time, i.e., the Ground Freezing subcontractor had problems achieving closure for the freeze wall at the drop shaft located in the Farmer's Market site:

“2. We have been notified by the Ground Freezing sub-contractor that they plan to submit a claim based on differing site condition because of delays in reaching closure with the freeze wall.

The contract requires the contractor to select and design at his option the support of excavation in constructing a deep shaft. The two most popular options are slurry wall or ground freezing. For a slurry wall you excavate the soil replacing it with a slurry (cement/water) and insert reinforcing steel to create a wall. This method is extremely difficult to insure a sound structure at depths to rock of more than 150'. The depth to rock at the Gov. Dyer site is 175'. In ground freezing, a refrigerated brine solution is circulated through a series of freeze pipes that are placed around the circumference of the shaft extending into bedrock. The circulated brine freezes the water and the soil providing the temporary ground support needed for shaft excavation. Ground freezing is usually more expensive, but can be used at great depth and can be extended into rock. A major concern in any freeze wall construction is ground water flow rates and failure to close the “last” holes in the wall.

The freeze wall contractor found anomalies indicating high ground water flow rates, but the freeze appeared to be proceeding normally. In early December they indicated freeze closure in 7-10 days, but that did not happen. Since then they have been grouting the suspect areas and in late February it appears they are at closure. We have advised the contractor they need to provide data to indicate the site conditions are different and that this caused delays in

closure as opposed to an insufficient design. As a precaution we carry the potential for a claim of up to \$1,500,000 and the potential for delay in project completion.”

At the June 6, 2013 Executive Committee meeting, the Executive Committee approved Resolution 2013:08A (formally known as 2013:23). This resolution approved an increase of \$1,433,621.53 to the COR approval limit:

“The contractor has submitted a claim for \$1,433,621.53. This is 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. The NBC, Louis Berger Group and Gilbane are in the process of negotiating with the contractor.” (It should be noted that the final negotiated cost is \$1,347,184.)

It was also noted in this resolution that the cost was only for the ground freezing operation and not the excavation:

“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 overfroze. The contractor had to excavate a considerable amount of frozen ground and grout/bentonite which he did not anticipate.”

The contractor has submitted the cost to remove the extra frozen ground in the amount of \$1,483,195.84 to remove the over frozen soil. It took them 58 days to excavate in lieu of 15 days they claim it would of taken them not being frozen. We have negotiated a final cost of \$1,200,000.

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. Resolution 2013:08A (formally known as 2013:23) increased the limit by an additional \$1,433,621.53 for a total of \$3,860,175.53. Resolution 2013:08B increases the limit by an additional \$1,200,000 to a total of \$5,060,175.53.

Based upon the above, it is recommended that the COR limit be increase by \$1,200,000 (in addition to the previously approved increases of \$3,860,175.53) and request approval of Resolution 2013:08B

Commissioner Andrade made a motion to approve Resolution 2013:08-B WCSOI Main-Recommendation to Increase COR limit. Commissioner Rotella 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 10:10a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond J. Marshall". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping tail.

Raymond J. Marshall, P.E.

Executive Director/Secretary