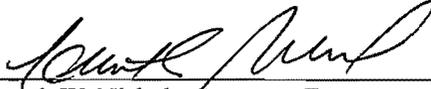


Minutes of the meeting of the Board August 6, 2018, continued

At 2:47 p.m., the meeting reconvened with all members present. There being no further business to come before the Board, Commissioner Odom moved to adjourn. Commissioner Nichols seconded and the motion then carried with the unanimous vote of the Board. The next regular meeting is scheduled for Tuesday, September 11, 2018 at 2 p.m.



 Kenneth W. Nichols, Secretary-Treasurer

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA
 SEPTEMBER 11, 2018**

The Board of Water and Sewer Commissioners of the City of Mobile met this Tuesday in their regular session at 2:00 p.m. at MAWSS' Park Forest Plaza.

PRESENT:

Ms. Barbara Drummond, Chair
 Mr. Kenneth W. Nichols, Secretary-Treasurer
 Mr. Maynard V. Odom, Commissioner
 Ms. Sheri N. Weber, Commissioner
 Mr. Walter A. Bell, Commissioner
 Mr. Thomas Zoghby, Commissioner

Mr. Chris Arledge, Attorney for the Board
 Mr. Douglas L. Cote, Assistant Director
 Mr. Bud McCrory, Assistant Director

Approved with correction as

noted. 10/8/18

Approved _____

Denied _____

Held Over _____

Information _____

BOARD OF WATER & SEWER COMMISSIONERS
 OF THE CITY OF MOBILE

ABSENT:

Mr. Samuel L. Jones, Vice Chair

Mr. Charles E. Hyland, Jr., Director

 Walter Bell, Secretary-Treasurer

Chair Drummond called the meeting to order and gave the invocation. There were no **Committee Reports** and no **Visitors** who requested to speak. The **Minutes of August 6, 2018** were presented for approval and the Recording Secretary stated to the accuracy. Commissioner Bell moved for approval and Commissioner Nichols seconded.

Bids and Purchasing was next and Mr. Cote reviewed the following:

Driven 18028, Gulf Field Sewer Rehabilitation Project

<u>Bidders</u>	<u>Total Base Bid Amount</u>
BLD Services LLC	\$576,578.00
Gulf Coast Underground	\$841,640.25

Original Estimates:	
A. Construction	\$504,740.00
B. Engineering	\$ <u>81,758.00</u>
Total Original Estimate	\$586,498.00
Current Estimates:	
A. Construction	\$559,825.00
B. Engineering	\$ <u>89,572.00</u>
Total Current Estimate	\$649,397.00

M5712-2546, Manhole Installation on 48" Sewer Line at Three Mile Creek, Replace Manhole at Reynolds Dr. and Denson Court Depressed Sewer Repair

<u>Bidders</u>	<u>Total Bid Amount</u>
Ballcon, Inc.	\$336,060.00
Construction Labor Services	\$441,846.25

A. Construction	\$275,000.00
B. Engineering	\$ <u>45,000.00</u>
Total Original Estimate	\$320,000.00
A. Construction	\$275,000.00
B. Engineering	\$ <u>45,000.00</u>
Total Current Estimate	\$320,000.00

Minutes of the meeting of the Board September 11, 2018, continued

M5712-2642, 2019 Annual Contract for Bypass Pumping

		Total		
<u>Bidders</u>	<u>Bid Amount</u>			
Construction Labor Services, Inc.	\$761,649.60		A. Construction	\$500,000.00
W. R. Mitchell Contractor, Inc.	\$857,700.00		B. Engineering	\$ <u>6,000.00</u>
			Total Original Estimate	\$506,000.00
			A. Construction	\$500,000.00
			B. Engineering	\$ <u>6,000.00</u>
			Total Current Estimate	\$506,000.00

M5712-2643, 2019 Annual Contract for CIPP for Sanitary Sewer Rehabilitation

		Total Bid Amount		
<u>Bidders</u>				
Gulf Coast Underground	\$1,291,525.00		A. Construction	\$1,000,000.00
Insituform Technologies	\$1,055,262.50		B. Engineering	\$ <u>6,000.00</u>
Granite Inliner, LLC	\$ 984,700.00		Total Original Estimate	\$1,006,000.00
SAK Construction, LLC	\$1,491,600.00		A. Construction	\$1,000,000.00
Suncoast Infrastructure, Inc.	\$1,143,880.00		B. Engineering	\$ <u>6,000.00</u>
			Total Current Estimate	\$1,006,000.00

NS13996.000, Del Barco Drive Water/Sewer Replacement

		Total Base	Original Estimates	
<u>Bidders</u>	<u>Bid Amount</u>			
W. R. Mitchell	\$566,026.00		A. Construction	\$698,136.00
Nordan Contracting Co., Inc.	\$669,462.00		B. Engineering	\$ <u>87,267.00</u>
Construction Labor Services, Inc.	\$492,971.05		Total Original Estimate	\$785,403.00
Ballcon, Inc.	\$493,625.00		Current Estimates:	
			A. Construction	\$681,884.00
			B. Engineering	\$ <u>85,235.50</u>
			Total Current Estimate	\$767,119.50

Mr. Cote asked that the Board grant Director's award for the **Del Barco Drive Water/Sewer Replacement** project. Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board.

Mr. Cote then asked for a Director's award on **M5712-2546, Manhole Installation on 48" Sewer Line at Three Mile Creek, Replace Manhole at Reynolds Dr. and Denson Court Depressed Sewer Repair**. Commissioner Odom moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

Mr. McCrory reviewed Item F which is entered here for the record:

IFB 18-032 Annual Contract One Gallon Grease Containers (Rebid) (1 bid) Value - \$70,000
 Contract Period: 10/1/18 – 9/30/19
 Low responsive bidder: Inmark, Inc.

Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board

IT Director Mahir Butt reviewed Item G:

Minutes of the meeting of the Board September 11, 2018, continued

Annual Software Licensing of Xenmobile Premium Service for Citrix Mobile Data Management (MDM) Value - \$89,700

License Period: 8/16/18 – 8/16/21

Provider: MCG Business Solutions

Mr. Butt said this helps us track and manage all the mobile devices. Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board.

Item H was reviewed by Mr. Butt and is entered here:

EnQuesta CIS Server Annual Support Agreement Value - \$31,782.31

Supplier: Mythics

Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board.

Item I was reviewed by Mr. Cote and is entered here:

Co-op Purchase of a Used 2014 Forklift Value - \$84,600

Co-op Provider: Sourcewell (formerly NAFG)/Thompson Tractor *(see correction below)*

Mr. Cote said this being purchased through Sourcewell which used to be called NJPA, which is the Co-Op Purchasing group. Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Weber seconded. Chair Drummond asked how long this equipment would last and Mr. Cote said we may get 12 years out of it. The motion then carried with the unanimous vote of the Board.

Legal was next and Attorney Chris Arledge said an **Executive Session** is needed to discuss two litigation matters and a property matter. All are appropriate for Executive Session and approximately 15-20 minutes will be needed.

Unfinished Business was next with **Policy & Procedure Handbook – Proposed Revisions to Section 1, Section 2, Section 3, Section 4, and Section 7**. Mr. McCrory said this was discussed at the August 6 meeting and Commissioner Bell had a question regarding the change to the Mission Statement. Section 1.3 was actually an excerpt from the complete section and we did not include the full copy. The only change we were making is in the line where it says "The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and one of its members as Secretary Treasurer." The Secretary Treasurer section was not in there and we were deleting the section that says "The Board shall elect a Secretary Treasurer who need not be a member of the Board." The question was about MAWSS' Mission Statement so we are changing that header to say MAWSS' General Statement. There is not a change to the Mission Statement. Staff recommends approval of all the changes presented. Commissioner Odom moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board.

New Business was next with **Halls Mill Sewer Extension Easement – Landev Parcel**. Mr. Cote said this is a property purchase issue that will be discussed in Executive Session.

Item B was **Three Mile Creek SWAT Diversion Box Pipe and Fittings – Director's Award Authority Requested**. Mr. Cote said we are asking the Board to approve a Director's award for a bid that will occur tomorrow through Purchasing. This is a bid to purchase pipe and fittings that will be used in the new Three Mile Creek SWAT facility. The pipe and fittings are necessary so that the diversion box, the box the new trunk line will connect to, can be expedited in its construction and be ready for the trunk line to be constructed. Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board.

Item C was **BDI 111503.01, Williams WWTP Headworks & Primary Clarifiers** with Change Order #11 in the amount of \$38,205 (.14% of original \$27,673,000 contract) resulting in a revised \$26,894,118.06 contract. Change

Minutes of the meeting of the Board September 11, 2018, continued

order addresses cost associated with adding concrete reservoir to the grease receiving station at Williams. Mr. Curtis Gentile, BDI, presented Change Order #11 and #12 in today's pre-meeting and stated they recommend approval. Based on the engineers' recommendation, Commissioner Odom moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

Item D was **BDI 111503.01, Williams WWTP Headworks & Primary Clarifiers** with Change Order #12 in the amount of \$183,293 (.66% of original \$27,673,000 contract) resulting in a revised \$27,077,411.06 contract. Change order addresses need to add additional concrete pavement necessary for proper staging and handling of dumpsters and additional asphalt and compacted aggregate necessary for proper and safe ingress/egress to the headworks structure. Based on the engineers' recommendation, Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board.

Item E was **UBE/DBE 16-01, Disadvantaged Business Enterprise Policy for Public Works Act Contracts – Proposed Revision**. Mr. McCrory said this was discussed in the premeeting and we ask the Board to approve the change to Policy 16-01 as distributed. Commissioner Odom moved to postpone the approval of this until the Board has further discussion. Commissioner Bell asked for the motion to be repeated and Commissioner Odom did so. Commissioner Bell then seconded. Chair Drummond called for the vote and it's recorded here as follows:

Aye	Nay
Odom	Nichols
Bell	Zoghby
Commissioner Weber's response was inaudible. Correction 10/8/18-Weber voted Nay.	

Chair Drummond said the Chair can vote, right? She then said she votes to delay it. Attorney Arledge said there would need to be a tie for the Chair to vote and there would be a tie either way. Chair Drummond asked if she can't vote otherwise and Attorney Arledge said no.

Chair Drummond moved on to Item F and Mr. McCrory said this is the same with UBE/DBE 17-01. Commissioner Nichols said he would make a motion to....Chair Drummond said we've already voted; Commissioner Odom made a motion to delay it for further discussion and Commissioner Bell seconded. Commissioner Bell said the motion failed. Chair Drummond said that's right; she is on the right page.

Attorney Arledge said the first one needs to be addressed. Chair Drummond said we voted on it. Commissioner Nichols said that was to delay it. Chair Drummond said okay; now let's vote on the motion for Item D. Commissioner Odom said Item E and Chair Drummond said yes, Item E. Commissioner Nichols moved for approval and Commission Zoghby seconded. Commissioner Weber said she wants to say something before the vote. Chair Drummond called for the question.

Commissioner Weber said listening to the discussion and sitting in the Committee meetings, she thinks one of the reasons the Committee felt it was important to move forward with this is it was more like an insurance policy. Like an insurance policy, you hope you never need to use it. If everyone continues to do what they are supposed to do, there would be no need to implement these safeguards. She said she would use that word. If there is a large discrepancy and a large bid, it gives the Board the opportunity to look at it carefully and closely and then make a good decision on those dollars and how we want them spent. It slows down the process a little bit and allows the Board to really look into it. She said she feels comfortable with that more so than letting it be voted on without going out there without the opportunity to see why there is the discrepancy. She said that's how she feels about it.

Commissioner Bell said he is afraid the policy is going to set up arbitrary decisions going forward and it's going to provide the opportunity for us to have to find ways to fight lawsuits. Just on the Policy, he said, he's not against the Policy. He's against how we are going about it in an arbitrary decision making fashion that's not going to set a precedence that we can go back to and say this is what we've done because now we can change whatever we want to do going forward in any state based on the situation that's before us. He said he would really like for our attorneys to work with us on this to come up with something that will keep us out of courts going forward. He said he believes in insurance but the insurance has to be to where it's not going to be arbitrary and capricious going forward.

Minutes of the meeting of the Board September 11, 2018, continued

He would really like for everyone to take a look at that, from that standpoint of view, not from the standpoint of view that this is a bad policy in terms of the sliding scale but on some of the other issues that we really do need to look at. Chair Drummond asked if there are any other comments or questions. She then called for the vote and and it's recorded here as follows:

Aye	Nay
Zoghby	Odom
Nichols	Bell
Weber	

Chair Drummond said she realizes she doesn't have a vote but she wants it recorded that she opposes. *(Subsequent to this meeting, the Board's Attorney issued an opinion stating the Chair could have voted. This matter is expected to be revisited at a future Board meeting.)*

Mr. McCrory said Item F is **UBE/DBE 17-01, Disadvantaged Business Enterprise Policy for Contracts for Small Public Works and Other Goods and Services** as presented in today's pre-meeting. Staff is asking the Board to adopt the changes submitted to the policy effective immediately. Commissioner Nichols moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board. Chair Drummond asked for it to be recorded that she opposes the changes.

Item G was **IFB 18-029, Corrosion Control - Director's Award Authority Request**. Mr. Cote said this is for the water distribution system. He would make note to the Board that when the agenda was put together, we didn't have pricing and bids for the Board to review in the agenda but we now have those prices. We had two bids. Carus Corporation bid .0374 per lb. and Shannon Chemical bid .0674 per lb. Consequently, we would like the Board to award this purchase to Carus Corporation at .0374 per lb. and at an estimated annual cost of \$132,000 per year. Commissioner Odom moved for approval and Commissioner Nichols seconded. Commissioner Bell asked what were the extenuating circumstances.

Buyer II Lisa Russell said the bid didn't get published in time to make it on this agenda, plus it also has to go through the DBE office before a recommendation could be made, so they planned to ask for a Director's award. We now know who the low bidder is and there is not going to be an opinion from the DBE office on this solicitation. Commissioner Bell asked why was there no opinion. Mr. McCrory said it was determined in the beginning of the bid that we did not have a supplier who could meet our DBE requirements for the corrosion inhibitor. The motion then carried with the unanimous vote of the Board.

Item H was **Timber Sale**. Mr. McCrory said as mentioned in the Director's Report, Art Dyas has recommended acceptance of a \$250,000 cash advance to sell timber in the Big Creek Lake area. Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board.

Item I was **Appointment of Nominating Committee for Board Officers**. Chair Drummond said the Committee will be Commissioners Maynard Odom, Walter Bell, and Tommy Zoghby. Commissioner Nichols moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

Items presented for **Information Only** were:

- A. Sensitive Positions
- B. M5712-2651, Cherokee from Duncan to Calmes Emergency Sewer Line Replacement, with tabulation of the August 6, 2018 bids and recommendation to award to the low bidder, Nordan Contracting Co., Inc., for \$507,892. (Confirmation of Director's Award)

Minutes of the meeting of the Board September 11, 2018, continued

- C. V644117, Fowl River Sewer (LPFM) Extension, with tabulation of the August 6, 2018 bids and recommendation to award to the low bidder Dortch, Figures & Sons, Inc., for \$217,891.40. (Confirmation of Director's Award)
- D. Sole Source CROM SWAT Tank Repair Value - \$19,016.12
Sole Source Provider: CROM Coatings and Restorations
- E. MM378692, Gaillard Standby Generator, with underrun Change Order #4 in the amount of \$11,034.48 (0.59% of original \$1,267,657.94 contract) resulting in a revised \$1,256,623.46 contract. This change deletes \$10,000 SCADA allowance and provides a power analyzer rental.
- F. Ext. 1 MAWSS 17007 Annual Contract PVC Pipe, Fittings and Ball Valves
Contract Extension Period: 10/1/18 – 9/30/19 Est. value - \$120,000
Current Contract Holder: Consolidated Pipe
- G. Test – Liquid Lime Slurry Trial at Myers WTP Value - \$24,000
Trial Period: 9/1/18 – 9/30/18
Provider: Burnett, Inc.
- H. IFB 18-034 – Cast Iron Valve Boxes and Risers (4 bids) Value - \$15,000
Low responsive bidder: Core and Main
- I. Vehicle Replacement – 2019 Chevy Impalas
- J. Williams WWTP – Purchase of Belt Filter Press
- K. M5712-2629, Emergency Contract for Small Waterline Repairs and M5712-2643, Emergency 24" Waterline Repair – 5450 Overlook Road
- L. McCrory & Williams Project Status Report – 8/27/18

Mr. Cote called the Board's attention to Item J which was **Williams WWTP – Purchase of Belt Filter Press**. He said it's a little unusual that we ask the Board for approval to bid an item before it is budgeted in the following year but due to the time it takes to get this product manufactured and issues that we are currently having with dewatering equipment he thinks it's imperative that we move forward with at least placing a P.O. for the purchase of this product after it is bid and receive it in 2019 at which time we will pay for it. We will open bids through Purchasing for this particular item and we will bring those bids to the Board for approval but he's letting the Board know that we are bidding something that we propose to budget in 2019 due to the need to move forward. Chair Drummond asked how he is going to base the cost. Mr. Cote said we already have a cost estimate from the engineer. We will have this bid before the budget is finalized and we can address that in the capital budget.

Chair Drummond asked Mr. Cote to explain again why we are doing this. Mr. Cote said if the Board recalls, we've had some issues with the centrifuges at the Williams plant. These are the devices that are used to dewater the sludge and then we truck the sludge off to be land applied. There was a point in time last year where we had both centrifuges and the screw press out of service and we had to do emergency dewatering by bringing in Denali to dewater the sludge at a higher cost because it was an emergency response. We are continuing to have problems with these centrifuges due to their age, lack of capacity, etc. We are spending about \$400,000-\$500,000 per year maintaining this equipment and what we would like to do is get something in place that will give us more reliable equipment with less maintenance. This belt press, most likely, will reduce the amount of hauling and the expense that we currently have associated with the inefficient equipment that we have in place. We know in the Master Plan that there's going to be a recommendation to construct a new dewatering facility. At best, it would take 3 years to make that happen and we can't continue to wait 3 years using the equipment that's currently in place. Based on staff's recommendation, Commissioner Nichols moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

There being no further business to come before the Board, at 2:38 p.m., Commissioner Odom moved to adjourn and reconvene in **Executive Session**. Commissioner Nichols seconded and the motion then carried with the unanimous vote of the Board.

At 3:10 p.m., the meeting reconvened with all members present. Commissioner Odom moved to accept the attorney's recommendation regarding the easement on the Latham property. Commissioner Nichols seconded and the motion carried with the unanimous vote of the Board.

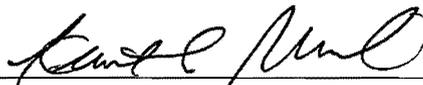
Minutes of the meeting of the Board September 11, 2018, continued

Mr. Cote said Water & Sewer Engineering Manager Daryl Russell spoke to the Board about the Landev easement. Commissioner Bell moved to approve the purchase of the easement and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

Next, Commissioner Odom moved to accept the attorney's recommendation in regard to the Spanish Fort litigation. Commissioner Nichols seconded and the motion carried with the unanimous vote of the Board.

Commissioner Bell moved to authorize the attorney to file the appropriate pleadings in the last litigation issue discussed today. Commissioner Nichols seconded and the motion then carried with the unanimous vote of the Board.

There being no further business to come before the Board, at 3:14 p.m., Commissioner Odom moved to adjourn and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board. The next regular meeting is scheduled for Monday, October 8, 2018 at 2 p.m.



Kenneth W. Nichols, Secretary-Treasurer