

**Minutes of the meeting of the Board December 10, 2018, continued**

Low responsive bidder: Core & Main

- K. **M5712-2602, Mobile to Spanish Fort Waterline Replacement and Upgrades Part A**, with underrun Change Order #2 (Final) in the amount of \$47,313.32 (1.54% of original \$3,071,089.41 contract) resulting in a revised \$3,023,776.09 contract.
- L. **M5712-2656, Sollie Road Emergency 12" Waterline Replacement**, with tabulation of the November 19, 2018 bids and recommendation to award to the low bidder, A-Long Boring, Inc., for \$230,320. (Confirmation of Director's Award)
- M. **McCrary & Williams Project Status Report** – November 30, 2018
- N. **Sensitive Positions**
- O. **Property Disclosures**
  - 1. Key 835902 and 707480 - Deed
  - 2. Key 414000 – Easement
- P. **In-Kind & Contributions Request**
  - 1. Council Traditional School – Partners in Education

At 2:45 p.m. Commissioner Drummond moved to adjourn and reconvene in Executive Session. Commissioner Odom seconded and the motion then carried with the unanimous vote of the Board.

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At 2:58 p.m., the meeting reconvened. Chair Jones had left the meeting during the Executive Session and Acting Chair Nichols presided. Commissioner Weber made a motion to move forward with the acquisition of the property as recommended by the Director. Commissioner Drummond 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 p.m., the meeting was adjourned. The next regular meeting is scheduled for Monday, January 7, 2019 at 2 p.m.



Walter Bell, Secretary-Treasurer

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA  
January 7, 2019**

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

**PRESENT:**

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

Mr. Charles E. Hyland, Jr., Director  
 Mr. Douglas L. Cote, Assistant Director  
 Mr. Bud McCrary, Assistant Director  
 Mr. Bradley Dean, Attorney

Chair Jones called the meeting to order and Commissioner Weber gave the invocation. There were no **Committee Reports**. Visitors was next with **Resolutions for Retirees** and Mr. Hyland read the following into record:

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**RESOLUTION**

**WHEREAS, MR. HENRY C. BRADLEY**, Meter Repair Tech III, began his employment with the Board of Water and Sewer Commissioners on September 28, 1985, as an hourly employee, became certified on March 1, 1986, and has worked continuously since; and

**WHEREAS**, he served the System faithfully for over 33 years, performing his duties with the highest quality, working in a cooperative spirit with his fellow employees, and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE** that **MR. HENRY C. BRADLEY**, whose retirement was effective January 1, 2019, be recognized and commended for his years of service to the Board of Water and Sewer Commissioners of the City of Mobile and to the citizens of Mobile.

**ADOPTED this 7<sup>th</sup> day of January 2019.**

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Mr. Bradley was not present. Mr. Hyland said he was fortunate enough to work very closely with Mr. Bradley many years ago in the Warehouse and he actually worked in a number of different departments but his most recent years have been working in Meter Repair and Meter Testing. He is the type of individual who would go above and beyond the call of duty and was always willing to help anyone with anything they needed in this organization. He had a great attitude. We hate to see him go but we certainly appreciate all the work he did for this organization and we wish him a very long, happy, and healthy retirement.

Mr. Hyland then read the following:

**RESOLUTION**

**WHEREAS, MS. NORMA C. FIELDS**, Office Assistant II, began her employment with the Board of Water and Sewer Commissioners on January 19, 2008, as a classified employee and has worked continuously since; and

**WHEREAS**, she served the System faithfully for over 10 years, performing her duties with the highest quality, working in a cooperative spirit with her fellow employees, and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE** that **MS. NORMA C. FIELDS**, whose retirement was effective January 1, 2019, be recognized and commended for her years of service to the Board of Water and Sewer Commissioners of the City of Mobile and to the citizens of Mobile.

**ADOPTED this 7<sup>th</sup> day of January 2019.**

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Mr. Hyland said Ms. Fields is present today. We certainly appreciate all the work she did for us over the years. Ms. Fields was the type of employee who went out of her way to ask if she could be assistance and help others. That's certainly a quality that we appreciated. Along with the work she did for us, she was a valuable part of the team and everyone likes to have a team member who is so willing to go out of their way to help you. We certainly appreciate everything and hope she has a long, happy, and healthy retirement.

Risk Management Coordinator Cissy Cain said it's been enjoyable to work with Cathy. She has a very strong work ethic having worked at the Lee Company for 20 years, the License Commissioner's Office for 8 years, and then transferring to the Accounting Department. She worked in Accounts Payable and Accounts Receivable but would lend herself to any other area she was needed. She was a perfectionist in everything that she did. Ms. Cain said she's very sad Cathy is leaving but happy she's young enough to enjoy her retirement.

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Ms. Fields thanked the Board for the opportunity to work at MAWSS. Even though she only worked here 11 years, she has been working since she got out of high school. She said she greatly enjoyed working here and if she can help in the future, she will be glad to.

Chair Jones said, on behalf of the Board, he thanks her for the very valuable service she gave to the Board as well as the citizens of Mobile.

The **Minutes of December 10, 2018** were presented for approval. Commissioner Odom moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

There were no **Bids** opened today, only one **Purchasing** item and it is entered here for the record:

<b>Sole Source Purchase of Flygt Impeller Replacements</b>	Value - \$44,530
Sole Source Provider: Jim House & Associates	

Mr. Cote said these impellers are for the large pumps at the Halls Mill Lift Station. Based on staff's recommendation, Commissioner Drummond moved for approval and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

**Legal** was next. Attorney Dean said we have three legal matters that are appropriate to be discussed in **Executive Session** and he anticipates approximately 25 minutes will be needed. There was no **Unfinished Business**.

**New Business** was next with **CH2M 697482 Three Mile Creek Severe Weather Attenuation Tank**, with tabulation of the December 10, 2018 bids and recommendation to reject all bids and rebid the project at a future date. Mr. Hyland said David Stejskal will address this. He also said if anyone needs a copy of Commissioner Nichols email, sent earlier today, he can provide that. Mr. Stejskal said the bids were in excess of the engineers' estimate and they have identified some potential changes to the project to reduce the cost; they recommend MAWSS reject all bids and rebid the project.

Commissioner Nichols said prior to today's meeting, some additional correspondence was given to him. Some of that is technical information and an estimate of cost savings that could be implemented on the project. Also, Attorney Dean sent an email on some of the legal opinions rendered by the Attorney General with respect to change orders and modifications of projects after bid. He said he has not yet had a chance to review all this information in detail, so he assumes if he has not, the rest of the Board has not. He isn't necessarily saying that ultimately we won't rebid this project but he thinks this is such an extensive project, and his opinion on rebids is to avoid them at all cost, he is of the opinion that we should hold this over for 30 days to really look further so that everyone is comfortable. Even if we make some of these reductions in scope, not that the total cost to the project will exceed the original bid, but we subject ourselves to price creep on rebids. That's where he stands on it. Commissioner Drummond said she would like to hear from Mr. Cote, or maybe the engineering staff. If we wait 30 days, will that help or hurt? What will the impact be? Mr. Cote said waiting 30 days will give the Board an opportunity to review the information Commissioner Nichols is talking about. It's really a decision about the expenditure more than it is an engineering decision but we certainly want to be sure that whatever we do is fully compliant with the Bid Law. If it's the Board's wishes to delay it and look at this information, by all means, please do so.

Commissioner Weber said when she received the initial email from Commissioner Nichols, he said things in there about discussing the bid with the lowest bidder, to talk about certain changes. She asked if that is in violation of the Bid Law. Commissioner Drummond said she thinks the word is negotiate. Mr. Cote said his understanding is that you can negotiate price with the low responsive/responsible bidder; however, you cannot change the scope of the project. We're talking about a project that came in roughly \$4-\$4.5 million over the engineer's estimate. He said he doesn't know that you can get a contractor to significantly reduce that kind of difference without a change in scope.

Commissioner Nichols said that point is well taken. When we opened these bids, his question was what is the basis for award so that would be the base bid, and we'd work down 10% from that and it could be any combination

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thereof. We still have time to determine that. Mr. Cote said we are contemplating the base bid only. There was a significant difference, he thinks about \$3 million in the restoration or rehabilitation of the existing 8 million gallon steel tank. That was an additive alternate; he thinks it was estimated at \$1 million and the price came in at \$3.5 million. As an additive alternate, we can take that out of the picture all together, and proceed with that at a different time and pursue it as a smaller project where we may have some bidders who don't have the bonding capacity to do this large of a project but will have it to do that as a stand-alone project. The idea is that we could pursue the construction of the new tanks and the lift station and, after they are in service, proceed with the renovation of the existing tanks at a later date. Commissioner Drummond asked how many alternates were there. Commissioner Nichols said 4 additive alternates and 2 deductive alternates. The most significant one was the deductive alternate #1 which was almost \$2 million to reduce the size of the tanks from 12 MG to 10 MG. Mr. Cote said the reduction in scope is potentially a \$2 million deduction. The other thing is with the Bid Law, there's a 10% limit on how much you can change. The changes to the scope have to occur after the project is awarded; you can't change the scope before the project is awarded. That's another thing for the Board to contemplate and consider. All that's spelled out in the information that Commissioner Nichols had and Mr. Hyland distributed today. Certainly, over the next 30 days, the Board can read that information and present to us any questions. Any legal issues, we can run by Attorney Dean and provide you those responses so that at the next Board meeting, you can make a decision accordingly.

Commissioner Nichols said no matter how we're looking at this, we are at \$25 million and if we knock \$2 million off for Deductive Alternate #1, that gets us 50% closer to our engineer's construction cost estimate. It's a little bit closer to where we need to be. If we can't do that, he would be for rebidding the project. Mr. Cote said he has no issue with holding this over. We'll be prepared to rebid if that's what the Board decides at the next meeting. Commissioner Zoghby asked if during this time we will get a legal opinion so we don't have a bunch of gray areas. Mr. Cote said Mr. Dean has provided some Attorney General opinions and information included in the document that Mr. Hyland distributed.

Chair Jones said we need to dispose of the agenda item. Commissioner Nichols said if we make a motion to hold this over for 30 days, after the 30 days, the item to reject will still come up unless we remove the item from the agenda. In 30 days, the action could be something different. Commissioner Drummond asked if the question is do we need to reject it now, or wait 30 days. Commissioner Nichols said he is asking if it is cleaner to reject now, remove from the agenda, or hold it over. Chair Jones said it's cleaner to hold it over. Commissioner Nichols then moved to hold over Item 7-A until the February Board meeting. Commissioner Odom seconded and the motion then carried with the unanimous vote of the Board.

Item B was **M5712-2611, 2018 Annual Contract for Cured-in-Place Pipe Rehabilitation of Large Diameter Sanitary Sewer Mains** – Request additional \$100,000 spending authority, increasing total 2018 Capital Budget line item to \$1,600,000. Mr. Cote said this is within the bid amount but it's over the prior spending authority of the Board. This is an area where the contractor is performing work. We can finish out a particular area while he's mobilized there and fund this with funds that are remaining in the 2018 Capital Budget under the Sewer Repair and Maintenance line item. Based on staff's recommendation, Commissioner Odom moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

Item C was **2019 DWSRF - Resolution Designating Official Representative**. Mr. Hyland said included on page 31 of the agenda package is the Resolution. Staff requests Board approval of the Resolution designating Bud McCrory as the official representative for MAWSS on the 2019 DWSRF Loan. Based on staff's recommendation, Commissioner Drummond moved for approval and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

Items presented to the Board for **Information Only** were:

- A. **AL18017, Ansley Drive, Chelsea Drive E & Brockton Sewer Repairs**, with Final Summary Change Order No. 1 in the amount of \$6,131 (3.52% of original \$173,991 contract) resulting in a revised \$180,122 contract. Change covers additions and changes during construction and revises contract quantities to as-built conditions.

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- B. **BDI 111503.01, Headworks and Primary Clarifier Replacement – C. C. Williams WWTP**, with Change Order #14 in the amount of \$9,000 (0.03% of original \$27,673,000 contract) resulting in a revised \$27,086,411.06 contract. Change covers the replacement of approximately 100' of existing 16" PCCP.
- C. **Driven 17049, Robert E. Lee Street Water & Sewer Repairs**, with no-cost Change Order #2 adding 28 days for direction from engineer not to work on Sundays. The contract amount remains \$468,860.14.
- D. **M5712-2611, 2018 Annual Contract for Cured-in-Place Pipe Rehabilitation of Large Diameter Sanitary Sewer Mains**  
 Contract Extension Period: 1/1/2019 – 12/31/2019  
 Value – 2019 Budget amount of \$100,000  
 Current Contract Holder: Granite Inliner, LLC
- E. **HMR M0042/4784 Perch Creek Emergency Waterline Replacement**, with tabulation of the December 10, 2018 bids and recommendation to award to the low bidder, W. R. Mitchell Contractor, Inc., for \$272,425. (Confirmation of Director's Award)
- F. **V644112, 2019 Annual Plant Maintenance**, with tabulation of the December 10, 2018 bids and recommendation to award to the low bidder, G. A. West & Co., Inc., for \$1,176,130.91. (Confirmation of Director's Award)
- G. **Sensitive Positions**
- H. **MW Project Status Report – December 31, 2018**

There being no further business to come before the Board, at 2:32 p.m., Commissioner Weber moved to adjourn and reconvene in Executive Session. Commissioner Nichols seconded and the motion then carried with the unanimous vote of the Board.

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At 2:53 p.m., the meeting reconvened with all members present. Mr. Hyland said staff requests the Board approve the settlement authority amount as discussed in Executive Session concerning the pending lawsuit. Based on staff's recommendation, Commissioner Drummond moved for approval and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

Mr. Hyland said staff also asks the Board to approve allowing us to agree to the counter offer on the purchase of the property as discussed near Big Creek Lake. 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.

There being no further business to come before the Board, Commissioner Drummond moved to adjourn and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board. The next regular meeting is scheduled for Monday, February 4, 2019 at 2 p.m.

  
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 Walter Bell, Secretary-Treasurer