

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA**  
**August 3, 2020**

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. Kenneth Nichols, Chair

Mr. Walter Bell, Vice Chair [via videoconference]

Ms. Sheri N. Weber, Secretary-Treasurer

Mr. Maynard V. Odom, Commissioner [via videoconference]

Ms. Barbara Drummond, Commissioner [via videoconference]

Mr. Thomas Zoghby, Commissioner [via videoconference]

Ms. Maria Gonzalez, Commissioner

Mr. Douglas L. Cote, Assistant Director

Mr. Bud McCrory, Assistant Director

Mr. Bradley Dean, Attorney

ABSENT:

Mr. Charles E. Hyland, Jr., Director

Chair Nichols called the meeting to order and gave the invocation. **Visitors** was next and Mr. Cote read the following **Resolution for Retiree** into record:

**RESOLUTION**

**WHEREAS, MR. BENJAMIN P. HURN**, Public Service Supervisor I, began his employment with the Board of Water and Sewer Commissioners on September 15, 1992, as an hourly employee, became classified on May 1, 1993, and has worked continuously since; and

**WHEREAS**, he served the System faithfully for over 27 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. BENJAMIN P. HURN**, whose retirement was effective August 1, 2020, 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 3rd Day of August, 2020.**

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Mr. Cote continued and said we would like to thank Mr. Hurn for all of his years of service with the Board and although he is unable to attend in person during this time, perhaps once COVID-19 is over we will extend an invitation for all recent retirees to come before the Board to be recognized. The Board will sign Mr. Hurn's Resolution and we will have it delivered to him.

The **Minutes of July 13, 2020** were presented for approval and the Recording Secretary stated to the accuracy. Commissioner Bell moved for approval and Commissioner Zoghby seconded. The motion then carried with the unanimous vote of the Board.

**Bids and Purchasing** was next:

**Item 4A            Driven Engineering Project No. 20019** Florida Street Sewer Rehabilitation Phase-1 Project

Original Estimates:

Construction:            \$1,126,026.00

Engineering:            \$ 121,611.00

Total Original Estimate: \$1,247,637.00

Current Estimates:

Construction:            \$1,136,276.00

Engineering:            \$ 122,717.00

\$Total Current Estimate: \$1,258,993.00

**Minutes of the meeting of the Board August 3, 2020, continued**

Mr. Cote addressed the Board and stated there were four bidders for this project today. One bidder submitted an incomplete package, which rendered their bid non-responsive. The apparent low bidder was Gulf Coast Underground LLC in the amount of \$751,107.76.

Chair Nichols asked if he would identify the engineers estimate on each project for bid when he names the apparent low bidder. Mr. Cote said he would be happy to do that.

Mr. Cote continued and said going back to Item 4A, the engineers estimate was \$1,136,276.00.

Commissioner Bell asked Mr. Cote about the traffic flow in the area of the Florida Street Sewer Rehabilitation Phase-1 Project. It is quite difficult to make a right turn onto Old Shell Road at that intersection, especially when traffic is heavy and the turn is very sharp. It may not be MAWSS' issue, but during this project, would it be possible to bring it to the attention of someone and have that corrected? Mr. Cote answered and said this project is going to be further south of that intersection, but one of the problems with that area is there is a drainage catch basin located in that turn. The configuration is definitely awkward.

Commissioner Bell stated we should be able to have someone take care of the issue with the drainage catch basin, particularly based on the amount of this project. Mr. Cote said we will have a project at a later date that is in the referenced intersection and we will have a discussion with the City about that matter.

**Item 4B            McCrory & Williams Project No M5712-2640    Waterline and Valve Replacement at Royal Street and Government Street**

Original Estimates:		Current Estimates:	
Construction:	\$1,000,000.00	Construction:	\$1,000,000.00
Engineering:	<u>\$ 100,000.00</u>	Engineering:	<u>\$ 100,000.00</u>
Total Original Estimate:	\$1,100,000.00	Total Current Estimate:	\$1,100,000.00

Mr. Cote continued addressing the Board and said in regards to Item 4B; there was a 12" waterline failure approximately three years ago. The failure caused water to pour from the ceiling into the Bankhead Tunnel and we had to close the intersection for several days. This project is to reconstruct the waterlines and the valving in that juncture. It is our desire to complete the replacement under controlled conditions versus waiting for it to fail a second time. The project has been coordinated with the City and we will present closure and detour information to the public as we move closer to the start date.

There were two bidders for the project, the engineers estimate is \$1,000,000.00 and the apparent low bidder was Ballcon, Inc. in the amount of \$1,002,332.50.

**Item 4C            McCrory & Williams Project No. M5712-2650    Eslava Creek Force Main Replacement Phase 3 Baker Street to Williams Wastewater Treatment Plant**

Original Estimates:		Current Estimates:	
Construction:	\$10,500,000.00	Construction:	\$10,500,000.00
Engineering:	<u>\$ 750,000.00</u>	Engineering:	<u>\$ 750,000.00</u>
Total Original Estimate	\$11,250,000.00	Total Current Estimate:	\$11,250,000.00

On this project, the engineers estimate was \$10,500,000.00. There were two bidders and the apparent low bidder was Hemphill Construction Company in the amount of \$8,154,150.00. Mr. Cote said if it pleases the Board, we would like approval for a Directors Award of this project.

Chair Nichols clarified the amount of the apparent low bidder and noted that it was approximately \$2,400,000.00 less than the engineers estimate and staff is requesting approval to give authority for a Directors Award subject to review by staff and our DBE Manager. Commissioner Zoghby moved for approval with a question and Commissioner Drummond seconded. Commissioner Zoghby asked if this was the same project and Mr. Cote said

## **Minutes of the meeting of the Board August 3, 2020, continued**

that is correct. Commissioner Drummond asked if Mr. Cote would repeat the name of the contractor that came in as the apparent low bidder. Mr. Cote responded and said it was Hemphill Construction Company and they are also installing the pipe for the first phase of the Three Mile Trunk Sewer Project. That is the relocation of the force main at Broad Street and Baker Street. The motion then carried with the unanimous vote of the Board.

Mr. Cote apologized and said he failed to mention on *Item 4B McCrory & Williams Project No M5712-2640 Waterline and Valve Replacement at Royal Street and Government Street* a request for approval of a Directors Award also.

Chair Nichols clarified that Board approval is also needed for Item 4B. Commissioner Bell moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

Chair Nichols questioned if it would be acceptable and binding to have motions recognized by a raising of the hand for those on videoconference. This would cut down on any possible interference from unmuted microphones. Mr. McCrory responded yes, as long as Chair Nichols verbally identified which Commissioner made each motion. Commissioner Drummond questioned the recording of the motions if they were done by hand only and asked for verification from Attorney Dean.

Attorney Dean responded that he believes it is okay, as long as any Commissioner that abstains or votes against an item says so verbally. It is sufficient with Chair Nichols reading into the record who he views via videoconference making the motion and the second. Commissioner Drummond thanked him for his response.

Chair Nichols said if there are no objections, we will continue the meeting in that manner.

### **Item 4D IFB 20-022 Annual Contract – Easement Vegetation Maintenance**

Mr. McCrory addressed the Board and stated there were two bidders and the low bidder was Robinson Landscaping in the estimated value of \$281,250.00. We ask the Board to approve this item. Commissioner Drummond moved for approval and Commissioner Gonzalez seconded. Commissioner Bell asked about the 19% increase in 2020 from the 2019 value. Did we spend more than the estimated value in 2019? Mr. McCrory answered and said staff came before the Board earlier this year and asked for approval of a change order for that extension. It is difficult to retain staff in our Grounds and Maintenance Department, which led to more contract work and a change order at the end of 2019. The motion then carried with the unanimous vote of the Board.

### **Item 4E IFB 20-026 Myers Locker Room HVAC Improvements**

This item is for the insulation of the HVAC at our Myers Water Treatment Plant. Mr. Cote said there were three bidders and the low responsive and responsible bidder was Star Services, Inc. in the amount of \$60,800.00 and we ask the Board to award this project. Commissioner Drummond moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4F IFB 20-028 Install/Replace Corrosion Control Storage Tank**

Mr. Cote continued and said this item is for the replacement of a corrosion control storage tank at the Myers Water Treatment Plant. Corrosion Technology, Inc. was the low and responsible bidder in the amount of \$55,000.00 and we ask the Board to approve this purchase. Commissioner Drummond moved for approval and Commissioner Zoghby seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4G IFB 20-030 Annual Contract for Powder Activated Carbon (Rebid)**

Mr. Cote asked the Board to approve this purchase, which we use in our Water Treatment Plants. We ask the Board to award this to CarbPure, the low responsive and responsible bidder in the budgeted amount of \$875,000.00. This project is bid based on a unit price per pound and the estimated value over the course of the year is \$875,000.00

## **Minutes of the meeting of the Board August 3, 2020, continued**

which is our budget for 2020. Commissioner Odom moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4H Annual Support for Premier Oracle (enQuesta) CIS Hardware and Software**

Mr. Butt addressed the Board and asked for approval of this item. It is for our hardware support for the server that hosts our customer connections system in enQuesta. Mythics is a subcontractor for Oracle and the amount is \$34,375.75. Commissioner Odom moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4I Co-op Purchase of a 2021 Freightliner Crew Truck with HD Pothole Patcher Body**

Mr. McCrory explained this item performs our asphalt work and the supplier is Empire Trucks in the amount of \$169,883.00; we ask the Board to approve this purchase. Commissioner Odom moved for approval and Commissioner Gonzalez seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4J Sole Source Purchase of Sensus Repair Parts for Omni Meters (Correction)**

This was approved as an *Information Only* item at the July 13, 2020 Board meeting. There was a mistake made during calculations that placed it within the limit of the Directors authority to approve. The incorrect amount was \$24,838.45. Mr. McCrory continued and said the correct amount is \$25, 181.67 requiring Board approval for this sole source purchase. Commissioner Drummond moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

### **Item 4K Sole Source Purchase of East Jordan Iron Works 32" Manhole Frames and Covers**

Mr. Cote said the vendor for this item is Consolidated Pipe in the amount of \$37,700.00 and we ask the Board to approve this purchase. Commissioner Bell moved for approval and Commissioner Gonzalez seconded.

Commissioner Odom asked if this was an annual contract and Mr. Cote responded that it was not, it is for the sole source purchase of 20 manhole frames and covers that are 32" in diameter. They are much larger than a standard manhole and will be placed in manholes that contain air release valves. The manholes are entered quite frequently to perform maintenance on the air release valves. They are constructed from fiberglass-reinforced plastic and are almost less than 20% of the weight of a regular manhole cover, which will help prevent injuries as they are removed during service on the valves.

Mr. Cote clarified and said we do have an annual contract for our *standard cast iron manhole frames and covers*. This purchase is related to the Eslava Force Main that is being replaced and constructed, twenty manhole frames and covers is the estimated quantity that is needed for that phase of the project. We have recently bid the next phase of the project. The motion then carried with the unanimous vote of the Board.

### **Item 4L Emergency Deep Cleaning Services for MAWSS Plants and Facilities**

Mr. McCrory presented this item for Board approval. Since COVID-19 has presented itself within our facility, staff decided to increase our cleaning efforts to a 'deep cleaning' level at all facilities. This contract is with our current vendors that are already performing cleaning services at all locations. The period will run from July 1, 2020 until May 31, 2021 and the process can be discontinued at any time. The total value is \$147,730.00.

Commissioner Drummond asked if there would be any other companies bidding for the contract. Mr. McCrory responded and said we approached the vendors that are currently performing these tasks. We received price quotes for '*extensive cleaning*', which is an additional product used in conjunction with what they use for regular cleaning.

## Minutes of the meeting of the Board August 3, 2020, continued

Commissioner Drummond asked if the contract is being increased to \$147,730.00. Mr. McCrory answered and said it is actually three separate vendors and their current price per site is increased. Commissioner Drummond asked the percentage of the increase from the current price.

Mr. McCrory said he will gather that information and bring it back to the Board. He continued and said this process can be on a month-to-month basis versus an eleven-month contract. Commissioner Drummond responded and said she is interested in the increase because several companies perform this service and she would like to make sure MAWSS is receiving the best option for the value.

Mr. McCrory said he notes in the Board packet that Touchdown Cleaning Services' (*cleaning service for Park Forest*) weekly deep cleaning price has increased by \$435.00 bringing their monthly total to \$1,958.00. Staff felt it would be easier for each existing vendor to include the increase in the current contract.

Commissioner Bell moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

Chair Nichols said before we move to Legal, he realized **Committee Reports** was inadvertently missed and he respectfully asks that we present those at this time. Commissioner Drummond thanked him and said the minutes from the Infrastructure Committee meeting that was held on July 15, 2020 at 1:00 p.m. are included in the Board's Information File. The committee met with Mr. Stejskal and stressed our displeasure with the events that have taken place in regards to recent bids. We all agreed that although this is an issue we do not want a recurrence of, we felt that conducting a rebid would not be in the best interest of MAWSS and we did not want to spend additional monies on the project.

She concluded her report and said we will also review our Master Plan with Jacobs Engineering in order to minimize anything like this happening again in the future. Chair Nichols thanked her for the report and expressed that Mr. Cote will provide further information during Unfinished Business.

**Legal** was next and Attorney Dean said there were three legal matters that were appropriate for discussion in an Executive Session; he will need approximately 15 minutes.

**Unfinished Business** was next and Mr. Cote addressed the Board. **Item 6A Jacobs Project No. D3197100 Wright Smith Jr. WWTP Headworks Replacement Project** was held over from the July 13, 2020 Board meeting in order to arrange a meeting with the Infrastructure Committee and address concerns the Board has with projects bidding at a much higher cost than the engineers estimate. It was felt that should this continue with Jacobs, we would reach a point of not being able to complete the number of projects we have scheduled or complete them at the pace we anticipated. Also, the impact of the higher costs on our rates.

Mr. Cote continued and said he will present to the Board at a later date, possibly during the Finance Committee meeting, a report detailing our position with the current cost estimates of the projects as they relate to the Master Plan budget and the budget we identified for our SRF loans from ADEM.

Staff has decided to proceed with our recommendation to award the project to the low bidder. It is felt that a rebid would mean MAWSS would incur higher prices than the initial bid. Mr. Cote said there are a couple of things we can do to get this price down. In the memo included in the agenda packet, it shows we removed the additive alternate for the removal of the underground storage tanks from the plant. Another area Jacobs Engineering was off on their estimate was the demolition of existing facility. We knew its depth would be higher than what was listed in their estimate. In the first bid, one of the additive alternates was a deduct to reduce, or shallow up the depth of the structure that was to be demolished.

By exercising that deduct and also removing the underground storage tanks, the amount of the recommended award is \$8,863,254.00. In addition to that, we will have a change order that will further shallow up the removal of the structure with a further reduction in price of \$368,662.00. The price of the project will be \$8,494,592.00. This will

## Minutes of the meeting of the Board August 3, 2020, continued

be 6.2% above our budget, an overage that can be addressed with other funds where we fall short, for example, the project that bid today and came in \$2.4 million under the engineers estimate.

As we move forward with the Master Plan, it will be an annual process of evaluating the actual bids versus the budget, revenue and so forth. It is early in the process, but if the largest project, which is the replacement of the Eslava Force Main, continues to come in well under the engineers estimate and the budget, it will help greatly with some of the overages we are seeing in other projects. In conclusion, Mr. Cote said he recommends that the Board approve this project in the amount of \$8,863,254.00 to The Creel Company.

Commissioner Bell stated the dollar amount is very different from the amount noted in the agenda packet in terms of the total project cost. The number 6.2% over budget is \$9,554,592.00. Is there a discrepancy? Chair Nichols said he believes Mr. Cote is indicating that MAWSS' expense will be for the construction project, which does not include the engineering cost. The additive alternates were made to the *construction of the project*.

Mr. Cote said the budget as mentioned is \$9,000,000.00 and the total cost of the project with engineering and construction after change orders will be \$9,554,592.00. He will run the number again and check the percentage. Commissioner Bell said he heard a different number for the award approval request. Mr. Cote clarified that the number he referred to earlier is only the construction costs, he did not include the engineering costs.

Chair Nichols said as discussed during the Infrastructure Committee meeting, he was under the impression there would be a change order to vote on during the Board meeting today which would bring the price to the requested award amount. Will that change order be forthcoming in September? Mr. Cote answered and said the change order will be a deduct and will not be required to come before the Board for approval. He will have the change order by the end of the week, he will execute it and then we will have the price as mentioned. Chair Nichols thanked Mr. Cote for his response.

Commissioner Weber moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

**New Business** was next and they are as follows:

### **Item 7A Dewberry Engineers Project No. 50108991 Duncan Street Water & Sewer Improvements**

Mr. Cote asked the Board to reject both bids due to costs; we will rebid at a later date. Commissioner Weber moved for approval and Commissioner Drummond seconded with a question. What will the impact of rebidding this project have on the project? Is that the area off Dauphin Island Parkway? Mrs. Clark (via videoconference) responded and said both contractors came in over budget and one did not sign the addendum leaving us with no other choice than to rebid, hopefully in September. The motion then carried with the unanimous vote of the Board.

### **Item 7B Reports on COVID-19 Pandemic**

Mr. McCrory said as of July 29, 2020 MAWSS has 27 employees that are in quarantine, of that number, 15 tested positive for COVID-19 and 3 employees have recovered and returned to work. To help combat the pandemic we have increased cleaning efforts, all employees have been provided with masks and/or face shields. Our field employees also utilize cooling masks to help them when they are working in the heat. Social distancing is a continual effort as well as wearing masks when outside of your work areas within our facilities. Crews are not allowed to ride 4 to a vehicle, they have been spaced out when traveling to job sites. We are also continuing with telecommuting and staggered work schedules.

Testing is continuing at our Care Here Facility and we have recently begun testing at the Civic Center. They have a quicker turn around time for test results.

**Minutes of the meeting of the Board August 3, 2020, continued**

As mentioned last month, we have opened portions of our customer lobby at both locations in order to take payments at the kiosks. We would like to ask the Board for approval to extend the waiving of late fees and delinquent cut-offs through August 2020.

A Finance Committee meeting will be scheduled this month in order to discuss the CAFR, at that meeting we will present options on moving forward with delinquent accounts and the waiving of late fees. We will bring that information back to the Board at our September Board meeting. We are continuing to track water pumped versus revenue collected and we will go into further details during the Finance Committee meeting.

Commissioner Drummond asked if all employees have been tested for COVID-19. Since we are now using the Civic Center in addition to Care Here, how are we going to make sure the employees that tested positive do not spread it to other employees? Mr. McCrory responded and said we have not tested every employee at this time. We are following the *previous* CDC guidelines which requires a retest prior to returning to work. If an employee reports they have been exposed, they must be tested. If an employee tests positive, any employee that came into contact with them must be tested. We are not requiring every employee to take the test. Commissioner Drummond said she will contact Mr. McCrory to discuss this further.

Commissioner Bell moved for approval of the continuation to suspend delinquent cut-offs and continue waiving late fees until the next Board meeting. Commissioner Zoghby seconded; the motion then carried with the unanimous vote of the Board.

**Item 7C                    Resolution to allow Director of MAWSS Temporary Additional Authorizations during COVID-19 Event**

Mr. McCrory continued and said this is the resolution to give the Director temporary additional authorizations during the COVID-19 event. We would like to extend the resolution for an additional thirty days or the date of our next scheduled Board meeting. Commissioner Weber moved for approval and Commissioner Bell seconded with a question.

Commissioner Bell asked that we approve the resolution for 90 days. This event does not seem to be abating and this comes before the Board each month. Mr. McCrory said that is not a problem, it is at the Board's discretion. Commissioner Drummond agreed and said if a vaccine is created and approved or the numbers change for the better, the approval can be rescinded. Commissioner Weber withdrew her motion for approval and Commissioner Bell withdrew his second to approve the resolution for an additional thirty days or the date of the next Board meeting.

Chair Nichols asked for a motion to approve the resolution until the November 9, 2020 Board meeting. Commissioner Bell interjected and said we can approve it through the end of the year, December 31, 2020. Commissioner Drummond agreed that it would be cleaner to approve it through the end of the year. Commissioner Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

It is entered here for the record:

**RESOLUTION TO ALLOW DIRECTOR OF MAWSS TEMPORARY ADDITIONAL AUTHORIZATIONS DURING COVID-19 EVENT**

Whereas, both the State of Alabama and the City of Mobile have proclaimed that, due to the onset of the novel coronavirus known as COVID-19, a state of emergency exists; and

Whereas, in order to facilitate the continued daily operation of the Mobile Area Water and Sewer System some changes to normal procedures may be needed;

**Minutes of the meeting of the Board August 3, 2020, continued**

Be it Resolved by the Board of Water and Sewer Commissioners of the City of Mobile that the following temporary authorizations be given to the Director of the Mobile Area Water and Sewer System during the COVID-19 event with the parameters given below:

1. The Board of Water and Sewer Commissioners of the City of Mobile Purchasing Policy 92-6 is temporarily amended to raise the Director's purchase approval to \$100,000. All purchases made with this temporary amendment will comply with all existing Board policies including the DBE policy. A list of all purchases made in excess of \$25,000 and approved by the Director under this amended temporary authorization will be sent to the Board on a weekly basis.
2. In the event the Board Chair or Secretary-Treasurer are not able to execute contracts the Director will be authorized to execute contracts with either party. A list of all contracts approved by the Director with either the Chair or Secretary-Treasurer under this temporary authorization will be sent to the Board on a weekly basis.

This Resolution, originally approved on April 6, 2020, extended on May 4, 2020; June 1, 2020 and July 13, 2020 is hereby extended and will expire December 31, 2020.

**Item 7D            2021 Holiday Schedule**

Mr. McCrory said the MAWSS Employee and Recognition Committee met and submitted a proposal to our Director which he approved. We would like to present the proposed 2021 Holiday Schedule to the Board for approval. Commissioner Drummond moved for approval with a second from Commissioner Gonzalez. Commissioner Zoghby asked how many days are presented for 2021 versus 2020. Mr. McCrory said it is the same number of holidays as 2020. We present 11 paid holidays with 2 floating holidays for a total of 13 days. Commissioner Zoghby asked how many days vacation do employees receive each year. Mr. McCrory said vacation is accrued dependent on term of employment.

Mrs. King (via videoconference) confirmed that with each five year increment, vacation accrual increases with a cap of 25 days per year. New employees start out with 10 days vacation per year.

Commissioner Bell questioned the possible cancellation of Mardi Gras in 2021. With COVID-19, that is a distinct possibility. If that holiday is canceled, will MAWSS still close their facilities? Mr. McCrory answered and said once we approve and relay it to the Mobile County Personnel Board, we would have to follow up if the holiday is canceled. We will need to review this with them. Commissioner Bell said he does not think they will be allowing parades and large numbers of people downtown for festivities. Mrs. King said they may be able to be converted to floating holidays; she will contact the Mobile County Personnel Board and bring the information back to the Board at the September meeting.

Chair Nichols asked if this item has to be approved today or can we hold it over until Mrs. King brings her findings in September. Mr. McCrory affirmed it can be held over until we have clarification from the Mobile County Personnel Board. Commissioner Drummond withdrew her motion for approval until the September Board meeting and Commissioner Gonzalez withdrew her second.

**Item 7E            Resolution for Mr. Willie S. 'Mack' McCall**

Mr. Cote said it is with a heavy heart that he has to read the following '*Last Call*' resolution into record:

**RESOLUTION  
THE LAST CALL**

**WHEREAS**, God, in His infinite wisdom, has taken from among us a member of our staff, Mr. Willie S. 'Mack' McCall; and

**Minutes of the meeting of the Board August 3, 2020, continued**

**WHEREAS**, Mr. Willie S. ‘Mack’ McCall, an Equipment Operator I, in the Water & Sewer Installation Repair Department, departed this life on Wednesday, July 22, 2020 for the heavenly home that had been prepared for him in recognition of a lifetime of devoted service to the teachings of our Lord and Savior Jesus Christ; and

**WHEREAS**, Mr. Willie S. ‘Mack’ McCall was employed by the Mobile Area Water and Sewer System as a summer student in 2001 and 2002, and was later re-hired as an Unskilled Laborer on November 26, 2016; promoted to a Public Service Worker I on July 22, 2017, Equipment Operator Trainee on May 1, 2018, and to Equipment Operator I on April 27, 2019; and

**WHEREAS**, Mr. Willie S. ‘Mack’ McCall has a long history with MAWSS due to his strong family ties, the son of Sharon Reed, Water Service Supervisor I, who has been employed with MAWSS for 43 years and Willie Reed, Jr., retired Equipment Operator I, who was employed with MAWSS for 22 years; and

**WHEREAS**, Mr. Willie S. ‘Mack’ McCall labored untiringly and unselfishly for over three years, performing his duties with highest quality, working in a cooperative spirit with his fellow employees; and

**WHEREAS**, Mr. Willie S. ‘Mack’ McCall, in whose death the Mobile Area Water and Sewer System has lost a sincere, loyal and devoted employee, revered friend and caring co-worker; in his community, a valued and respected citizen; and to his family, a kind and devoted son, husband and father; and

**WHEREAS**, we shall miss his fellowship and loyalty, and desiring to perpetuate his memory, do convey to his family our deepest sympathy; and

**NOW, THEREFORE, BE IT RESOLVED** that a copy of this resolution be spread upon the minutes of the Board of Water and Sewer Commissioners of the City of Mobile, and that a copy be sent to the bereaved family of Mr. Willie S. ‘Mack’ McCall.

Presented this 1st day of August 2020.

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Mr. McCrory commented that the resolution was presented to the family and read at his service, which was held on August 1, 2020.

Mr. McCrory continued and said he did not realize until recently that Mr. McCall was very involved in youth sports and they coached several football games against each other. His home going service was very touching and he was a great asset to MAWSS. Mrs. Reed who as mentioned by Mr. Cote has been employed with MAWSS for over forty years, is a mother figure to many of us within the MAWSS family.

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

**8. Information Only**

- A. Ext 1 MAWSS 19010 for 10” Lamphole Castings Year 2  
Supplier: Core & Main  
Contract Period: 10/1/20-9/30/21  
2020 Est Value: \$40,000  
2021 Est Value: \$45,000
  
- B. Ext 1 Annual Contract MAWSS 19011 – Soil Materials  
Supply & Disposal Year 2  
*Schedule A*  
Supplier: James Adams & Son  
Contract Period: 10/1/20-9/30/21

**Minutes of the meeting of the Board August 3, 2020, continued**

2020 Est Value: \$146,000

2019 Est Value: \$146,000

*Schedule B*

Supplier: J Adams/Midway Materials

Contract Period: 10/1/20-9/30/21

2020 Est Value: \$202,500

2019 Est Value: \$202,500

C. IFB 20-025 Purchase of a Rotork Actuator

Supplier: Eco-Tech

Value: \$15,350

D. IFB 20-029 Purchase of Two (2) Submersible Pumps for Cheshire LS

Supplier: JH Wright & Associates

Value: \$15,994

E. Semi-Annual Support for Oracle (enQuesta) CIS Hardware and Software 2020

Supplier: Mythics

Contract Period: 9/25/20-3/24/21

2<sup>nd</sup> 2020 Value: \$20,218.91

1<sup>st</sup> 2020 Value: \$20,554.23

F. Volkert Project No. 1025611

C. C. Williams Digester Seal Replacements & Structural Repairs

*(No Bids Letter)*

G. Goodwyn Mills Cawood Project No. CMOB200010

Hillsdale/USA Football Stadium Sewer Upgrades

July 13, 2020 tabulation of bids inclusive of the engineers estimate and recommendation to award to the low bidder, Grant Nichols Construction in the amount of \$127,450.79. (Confirmation of Directors Award)

H. NS 13996.000 Del Barco Drive Water/Sewer Replacement

Change Order No.1 Final

Contract Amount: \$483,125.00

Change Order#1: \$10,639.60

Revised Contract Amount: \$493,764.60

Percent Contract Change: +2.20%

I. Dewberry Project No. 50108990

Royal Street Sewer Improvement Project

Final Summary Change Order No. 1

Original Contract Amount: \$191,787.00

Change Order No. 1 (Final Summary): (-\$33,568.40)

Total Revised Contract Amount: \$158,218.60

Percent Contract Change: (-17.50%)

J. Driven Engineering, Inc. Project No. 18062

4128 Government Blvd. Point Repairs

Final Summary Change Order No. 1

Original Contract Amount: \$78,814.00

Change Order No. 1 (Final Summary): (-\$22,049.00)

Total Revised Contract Amount: \$56,765.00

Percent Contract Change: (-28.25%)

**Minutes of the meeting of the Board August 3, 2020, continued**

K. MM398476 Eslava Lift Station Bar Screen Replacement Project

Change Order No. 2	
Original Contract Amount:	\$1,957,400.00
Previous Change Order Amounts:	\$504,949.42
Total Amount:	\$2,462,349.42
This Change Order Amount:	<u>\$31,306.37</u>
Revised Contract Amount:	\$2,493,655.79
Percent of Contract Amount:	+1.6%

L. MM398476 Eslava Lift Station Bar Screen Replacement Project

Change Order No. 3	
Original Contract Amount:	\$1,957,400.00
Previous Change Order Amounts:	\$536,255.79
Total Amount:	\$2,493,655.79
This Change Order Amount:	<u>\$163,744.21</u>
Revised Contract Amount:	\$2,657,400.00
Percent of Contract Amount:	+8.4%

M. Thompson Engineering Contract No. 17-1101-0149  
Brookley Aeroplex 12" Watermain Replacement Project

Final Summary Change Order No. 1	
Original Contract Amount:	\$216,942.40
Change Order No. 1 (Final Summary):	(\$881.40)
Total Revised Contract Amount:	<u>\$216,061.00</u>
Percent of Contract Amount:	(-0.41%)

N. Consultant Project Status Reports

1. Asarisi & Associates, LLC – through June 2020
2. Constantine Engineering, Inc. – through June 2020
3. Corporate Environmental Risk Mgmt – June 2020
4. Dewberry – through June 2020
5. Driven Engineering, Inc. – through June 2020
6. GMC - through June 2020
7. HDR – through June 2020
8. Isaiah Engineering, Inc. – through June 2020
9. Jacobs – through June 2020
10. McCrory Williams – through June 2020
11. Mobile Group, Inc. - through June 2020
12. Mott McDonald - through June 2020
13. Neel Schaffer, Inc. – through June 2020
14. Stantec - through June 2020
15. Volkert, Inc. – through June 2020

Commissioner Bell said as he was reviewing the agenda packet, he noticed we are using a lot of out of state contractors; what kind of or do we have local employment requirements in the contract that give out of state contractors the ability to bring in their own employees or their own subs? We have our DBE policy, do these out of state contractors use local DBE's or DBE's from out of town?

Mr. Cote responded and said it is a mixed bag depending on the nature and size of the project and where the contractor is based. Local sub-contractors are used quite often as well as local labor finders. They also purchase materials from local vendors. There is not a particular incentive from a percentage standpoint in our bids that is used to give more credit to a contractor based on the amount of local vendors and contractors they use on the project.

### Minutes of the meeting of the Board August 3, 2020, continued

Mr. McCrory said this may not be local, but the State of Alabama competitive bid law has a 10% rule of thumb that you are allowed to award for local vendors within the state compared to out of state. That is a statewide issue.

Commissioner Zoghby said the point Commissioner Bell raises is important to him because our clients are in the Mobile area and it is a concern that our consultants, financial advisors, auditors, etc. are from out of town. His feeling is that DBE's and other vendors we use should be local. We have a specific preference with DBE's, but he would like to see a preference for local vendors also. This would ensure our monies stay in the Mobile area contributing to our economic growth.

Commissioner Bell said it needs to be a topic of discussion towards moving in that direction in terms of having some sort of evaluation for the contractors and who is working for them so that we can make an informed decision.

Mr. Cote responded they will certainly do that and moving forward, we will require the contractors to submit to us [*similar to the DBE utilization form process*] the data on local vendors they are using.

Commissioner Drummond said she agrees with this, but you must remember there are many local vendors that are doing business in other states. That is why at the state level we have reciprocity clauses in the contracts; which is where the 10% comes from. You must err on the side of caution because you do not want to shut out our local contractors from conducting business in Mississippi and elsewhere if they assume the same stance.

Chair Nichols added that his thoughts are that even though he would love to have every single project on the construction side that falls under bid law to be done by local contractors, the reality is that some of the projects are very complex and local contractors may not have the ability to handle them. Also, out of town contractors may be able to come in and do a great job and for less money. We have to also remember that we have an obligation to take the lowest and responsible bid. On the other side of that is items that are not subject to bid law and we have complete discretion on the choice, then of course, we should have the preference to utilize local consultants, auditors, financial services, etc. provided that their fees and expenses or bid is in line with the others.

Commissioner Bell clarified he is not saying that we should take the lowest bidder and compare it to someone here locally. He is just questioning the idea of giving contractors the project and they have not attempted to use local vendors if possible. He is not saying to disqualify out of state contractors. It is not quite fair to say if you have an out of state contractor come in that they must hire local employees to help do the job. We can't say that would happen to a contractor from Alabama going other places. He is quite sure in some states it is already a requirement to use local vendors.

Mr. McCrory said he is aware that Mr. Hyland will be arranging committee meetings in the near future and he will bring this to his attention so that it can be addressed.

Mr. Cote directed the Board's attention to Item 10 *Future Scheduled Meetings*. Mr. Hyland has asked if the Board will consider changing the December 7 Board meeting date to December 14 or 21, 2020. Last year we moved the date in order to accommodate the Budget review and advertisement period.

Commissioner Bell said he is available on the 21. Commissioner Zoghby said he is available on the 21 but questioned the move. Mr. McCrory answered that we have to advertise the budget and conduct a public hearing before approval at the end of the year, the thirty day advertisement period may push the current time frame.

Commissioner Drummond said she will agree tentatively, that date is close to the holidays so her schedule may change.

Commissioner Weber, Commissioner Gonzalez, and Commissioner Odom agreed to the 21. Chair Nichols said we will tentatively reschedule the December Board meeting to the 21.

There being no further business to come before the Board at 3:17 p.m. Chair Nichols thanked everyone and said the Board will transition to **Executive Session** and requested that staff disconnect from the videoconference.

**Minutes of the meeting of the Board August 3, 2020, continued**

Commissioner Drummond moved to go into Executive Session and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

At 3:43 p.m., the meeting reconvened. Commissioner Bell moved to go back into regular session and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

Chair Nichols asked for a motion to give staff the authority to hire outside counsel as discussed during Executive Session. Commissioner Drummond moved for approval and Commissioner Odom seconded. The motion then carried with the unanimous vote of the Board.

The meeting concluded at 3:45 p.m.

The next regular meeting is scheduled for September 14, 2020 at 2 p.m.



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Sheri N. Weber, Secretary-Treasurer