

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA
December 21, 2020**

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

PRESENT:

Mr. Walter Bell, Chair
Mr. Thomas Zoghby, Secretary-Treasurer
Ms. Barbara Drummond, Commissioner
Mr. Kenneth Nichols, Commissioner
Ms. Maria Gonzalez, Commissioner
Mr. Raymond L. Bell, Jr., Commissioner

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

ABSENT:

Ms. Sheri N. Weber, Vice Chair

Chair Bell called the meeting to order and gave the invocation. **Committee Reports** was next and Mr. Hyland provided a report on the **Growth and Development Committee** meeting held December 4, 2020. Staff is attempting to reach agreeable terms with Mobile County Water for the sale of assets, located south of Laurendine Road. The process is ongoing and a potential agreement has not been decided upon as of yet.

The committee also discussed the probability of providing service down the I-10 area. Staff is working with a developer and it will require MAWSS to run a line to get to the site. During the discussions, the developer has requested MAWSS consider assisting with water and sewer provisions into the interior of the property they are looking to develop. We have conversed on the prospect of installing a line to reach the site, but the committee asked that staff schedule further discussions with the developer regarding a way the project could be considered internally that would require more commitment from them.

After meetings with the developer, we asked if they would provide a conceivable closing schedule on the property. We also asked for a construction timeline and first potential tenant occupancy. Once we receive that information, staff does have an alternative proposal for payment of the line inside the property. The developer is in the process of fine-tuning his information and once he brings it to staff, we will in turn compile it for presentation to the committee.

Commissioner Drummond asked if Mr. Hyland would provide further information for those that are not a part of the committee in relation to this project.

Mr. Hyland explained that this project is a great opportunity for the community as a whole, if we are able to have a development in the referenced area. It would potentially bring more opportunities for employment and tax revenues to not only the County, but also our community and the entire area. It would bring more customers that are commercial for the build out as well as those already employed in the area. The City and the County have both committed to the developer to assist with having the infrastructure built into the developed area.

The difference is they did not have to pay the monies until after the developer had completed the roadwork leading into the facility. The thought process of the committee was that is a great idea and we would like to see how we can make it happen. We do need to see if the developer would be inclined to give MAWSS an agreement along the same lines as the arrangement they have with the City and the County; lessening the risk to MAWSS on the front end.

Mr. Cote agreed and said the developer has a program similar to the one MAWSS has with our residential developers. The developer has to complete the development and construct buildings of a certain size within five years. After meeting those terms, the City and the County reimburse the developer.

Commissioner Drummond thanked Mr. Hyland and Mr. Cote for explaining the process the Board.

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Commissioner Nichols reported on the **Property Committee** meeting, held December 15, 2020. The committee met to discuss three items. The first of which is property owned by the Board located south of Museum Drive near Springhill Avenue and part of Langan (*Municipal*) Park. There is a parking lot and baseball fields on the property and Mr. Cliff Kennedy has formed a 501 © (3) organization in order to raise funds for the rehabilitation of the park. Mr. Kennedy has been in discussions with the Mayor, Ms. Gregory and others in regards to these efforts.

Mr. Kennedy would like to ensure MAWSS would be onboard once a decision for the direction of the project has been reached as far as investing private funds to rehab the park. He needs approval as to whether or not MAWSS would convey the entire piece of property in question or just a portion of it. The committee will have further discussion with the City on this request.

Secondly, in regards to the Springhill Reservoir property, the committee conferred about reaching a resolution with the City about having the reversion clause waived. Staff will arrange a meeting with the Mayor's office and bring that information back to the committee prior to presenting it to the full Board.

The last topic of discussion was the Ziebach property located along Mobile Bay. Mr. Hyland executed the Memorandum of Understanding (MOU) in July 2020. There was language included regarding the cost differential of MAWSS demolishing versus the value of MAWSS receiving a credit. The City returned and stated they have already supplied a credit to MAWSS by way of other improvements on non-City sponsored projects with significant ALDOT pay-as-you-go participation. After discussion, the committee felt this was outside of the original intent and agreed to in kind with the City. The committee asked staff to go back to the City and revise the language stating that the credit would be on any type of City sponsored project and not on a project where ALDOT (*or another agency*) was contributing 80% of the costs with the City matching 20% of the costs.

There were no **Visitors** present.

The **Minutes of November 9, 2020** were presented for approval. Commissioner Zoghby moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board present.

Bids and Purchasing was next:

**Item 4A Jacobs Project No. D3385400
 Three Mile Creek Severe Weather Attenuation Tank #1 Rehab**

Original Estimate:		Current Estimate:	
Construction:	\$3,574,000	Construction:	\$2,800,000
Engineering:	\$ 209,716	Engineering:	\$ 209,716
Specialty Inspections:	<u>\$ 40,000</u>	Specialty Inspections:	<u>\$ 40,000</u>
Total Original Estimate:	\$3,823,716	Total Current Estimate:	\$3,049,716

Mr. Cote addressed the Board and said there was one bidder for this project and the engineers estimate is \$2,800,000. The base bid was \$2,305,081 with two additive alternates. Additive alternate #1; for replacing structural members within the tank, in the amount of \$841,024 and additive alternate #2; for additional welding work for repair of steel members within the tank, in the amount of \$25,000.

Mr. Cote continued and asked the Board to give the Director the authority to award the project after review and recommendation by the engineer and DBE approval in the amount of the base bid plus additive alternate #2 for a total award of \$2,330,081.

Commissioner Zoghby questioned if the bid came in approximately \$500,000 under the estimate and Mr. Cote replied, yes, that is correct.

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Commissioner Nichols asked the need for this to be a Directors Award, is the bidder, Tank Pro, Inc. onsite performing work on other tanks? Mr. Cote answered and said Tank Pro, Inc. is not currently onsite doing any other work. The reason for this request is our commitment to the Infirmity to refurbish the tank and aesthetically match the others. The award would expedite having the work done and completing the entire project. Commissioner Nichols said he understands and having only one bidder at \$500,000 under the latest estimate from the consultant does provide reassurance that this is a good bid.

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

Item 4B **IFB 20-040 Backwash Butterfly Valve and Actuator for H. E. Myers Plant**
Supplier: Elle Waterworks
Value: \$32,900

Mr. Cote said there were three bidders for this project with one responsive. We ask the Board to approve this award to Elle Waterworks in the amount of \$32,900. Commissioner Bell moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board present.

Item 4C **IFB 20-044 12" Water Meter Replacement M5712-2699**
Supplier: Construction Labor Services
Value: \$74,100

Mr. McCrory addressed the Board and said this project is for our top twenty users meter changeout. Staff has made every attempt to handle this in-house, but we have not been able to complete the task due to the depth of the line and the size of the main. There were three bidders and Construction Labor Services was the low bidder in the amount of \$74,000 and we ask the Board to approve the award. Commissioner Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board present.

Item 4D **IFB 20-047 Remove/Replace Fiberglass Reinforced Plastic Tank**
Supplier: Corrosion Technology, Inc.
Value: \$39,925

Mr. Cote explained to the Board that this purchase is for the removal and replacement of the fiberglass reinforced plastic chemical tank at the Stickney Water Treatment Plant. There were two bids, with the low bidder being Corrosion Technology, Inc. in the amount of \$39,925 and we ask the Board to approve this purchase. Commissioner Nichols moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board present.

Item 4E **Annual Service Agreements for enQuesta Programs 2021**
Supplier: Systems & Software
Contract Period: 1/1/21-12/31/21
2021 Value: \$254,501.08
2020 Value: \$226,274.20

Mr. Butt addressed the Board and said this item is for our annual maintenance for the customer information systems. Approval is recommended and we ask the Board to approve this item. Commissioner Drummond moved for approval with a question. Commissioner Gonzalez seconded.

Commissioner Drummond queried if the price of the annual contract has increased. Is this expense equivalent to last year? Mr. Butt responded and said we have had an increase in pricing. Maintenance for additional products and services incurred in 2020 have been added to the cost.

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Commissioner Drummond asked if we have purchased new software licenses for use in the customer service department. Mr. Butt said the enQuesta Link product was purchased last year and it was implemented for the mobile workforce system. Commissioner Drummond continued and asked if the new maintenance agreement will take into account the upgrade of using the AMI system. Will that system will be more customer friendly once everything is in place? It should be completed within the next year or so, is that accurate?

Mr. Butt responded that yes, we are working on completing that project and integrating both systems. Once all costs have been determined, we will present the information to the Board.

Commissioner Nichols said this is an existing contract, why does the quote say there is a requirement for a customer deposit of \$50,000? The deposit would have been paid when the contract was initially signed and as long as MAWSS continues their obligation to the contract, a new deposit should not have to be paid, correct?

Mr. Butt said he is unsure why that condition is in the contract, but he will contact the vendor to understand why the deposit requirement is in the quote and bring that information back to the Board. MAWSS has had this contract for at least eleven years. Commissioner Nichols stated he would rather not pay another deposit if we do not have to.

Chair Bell asked for clarification, were new products added? This is almost an 10% increase in terms of the cost of the annual contract. Mr. Butt said yes, the enQuesta Link product had an initial maintenance cost that has been absorbed into this contract.

Mr. McCrory explained that enQuesta is our current customer information system. It is used for billing inquiries and everytime you add a module to the enQuesta system, we are charged maintenance on that module based on the price at time of purchase. In 2020 we added the enQuesta Link which is a module of our current enQuesta system, which means we have to pay maintenance for the new module to our current system.

Chair Bell questioned, this is a totally different module added to your current system? Mr. McCrory responded yes, that is correct.

Commissioner Drummond asked if her motion needs to be altered contingent upon Mr. Butt relaying the information in regards to the \$50,000 deposit request. Chair Bell said the issue would be that the contract period begins January 1, 2021. The Board does not meet again until January 4, 2021. Would that cause a problem with not having the annual service agreement in place?

Mr. McCrory asked Mrs. Cassidey if the contract payment is made in full or by installments. [*Mrs. Cassidey's microphone was muted*] He continued addressing the Board and said we are not going to change the process because this is a major part of everyday procedures within our organization. The \$50,000 deposit may be a guarantee on the vendors part to ensure MAWSS does not pull out of the contract during the year. Commissioner Nichols said he would like to be sure that the \$50,000 amount does not increase the contract over the \$254,501.08 amount.

Mr. McCrory said MAWSS began using enQuesta many years ago and it is a very reliable program. We do have to pay maintenance for every upgrade to the system. Staff has discussed if we will continue utilizing the program indefinitely.

Chair Bell said we have used the program for more than eleven years and if Commissioner Drummond agrees, we will leave her motion as is. Mr. McCrory and Mr. Butt will provide the information in regards to the deposit amount at our January meeting. Commissioner Drummond agreed and the motion then carried with the unanimous vote of the Board present.

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Item 4F Annual Support Agreement for UPS Systems at MAWSS 2020-2021

Supplier: Joe Powell & Associates
Contract Period: 11/1/20-10/31/21
2021 Value: \$44,424.74
2020 Value: \$40,992.24

Mr. Butt continued addressing the Board and said this purchase covers all UPS systems maintained and serviced by Joe Powell & Associates at all MAWSS campuses including the plants, and administration. He asked the Board for approval of this item. Commissioner Drummond moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board present.

Item 4G Co-op Purchase of 20 Precision 3440 Small Form Factor Desktop Computers

Supplier: Dell, Inc.
NCPA Contract# 01-42
Value: \$25,716

Mr. Butt reviewed this item and said this purchase is for the upgrading of our current devices. We are upgrading in phases and this purchase will cover our next group. Commissioner Bell moved for approval and Commissioner Drummond seconded.

Commissioner Zoghby asked if this upgrade is for Windows 10, and if so, is there an approximate number of devices remaining that will need to be upgraded? Mr. Butt responded and said there are roughly 250-300 devices used across our campuses and nearly half have been completed. Chair Bell asked if only 20 units are upgraded each year. Mr. Butt said no, we have previously purchased about 40 devices and as we upgrade and roll them out, we will purchase new devices as needed. The motion then carried with the unanimous vote of the Board present.

Legal was next and Attorney Dean said there are three matters that will be appropriate for discussion in an Executive Session; he will need approximately 30 minutes.

There were no items of **Unfinished Business**.

New Business was next and they are as follows:

Item 7A Constantine Project No. 2020-11-ST/100316.32 B051A01 System Rehab – Phase I

Mr. Cote addressed the Board and said this project is in the Mobile Street area and this is the first of what will be three phases to rehab the area. There were six bidders and the low responsive and responsible bidder was Gulf Coast Underground LLC, in the amount of \$771,955.20. We ask the Board to approve this award.

Commissioner Bell moved for approval and Commissioner Drummond seconded. Chair Bell asked if this was on Mobile Street, is it near the University of South Alabama? Mrs. Clark answered and said the perimeter is towards the back side of Trinity Gardens, near Berkley Street and includes seven cross streets. The motion then carried with the unanimous vote of the Board present.

Item 7B M5712-2695 2021 Annual Contract for Manhole Rehabilitation

- i. M5712-2695A Schedule 1 and Schedule 2*
- ii. M5712-2695B Schedules 1, 2 and 3*
- iii. Authorize combined expenditure on Item 7B i and ii above to not exceed the 2021 Budget of \$310,000 without prior Board approval*

Mr. Cote explained this item in detail since it is presented differently than items normally addressed on the agenda. When we rehab a manhole, it is done two ways. One is with a cementitious rehab and the other is with a urethane

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rehab. Both rehabs have work in common, such as raising a manhole, completing street repairs, placing traffic control, etc. In regards to the the type of rehab, the ancillary items remain the same. The ancillary items are identified in *Item 7B* or Schedule 1 as shown. We had a contractor that was low bidder on performing cementitious rehab and we then had a low bidder on performing urethane rehab. This is why we have awards based on a combination of the Schedules.

For *Item 7B i*, we are asking the Board to award to Gulf Coast Underground LLC, in the amount of \$382,230 for Schedule 1 and Schedule 2 in performing cementitious rehabilitation. Commissioner Zoghby moved for approval and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board present.

For *Item 7B ii*, this is for the contractor that will perform the urethane work. There are times during urethane rehab, the concrete manhole must be repaired with a cementitious product. In that case, we have a low bidder of Slaughter Construction Company, Inc. for Schedules 1, 2 and 3 allowing the use of any combination of the schedules needed in order to prepare the manhole for the urethane. We ask the Board to award for the urethane work in the amount of \$477,100. Commissioner Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board present.

For *Item 7B iii*, this item is the budget for 2021 for manhole rehab and it is the limit staff is authorized to spend on both contractors, without prior Board approval. We ask the Board to authorize staff to spend up to the 2021 budget for manhole rehab in the amount of \$310,000. Commissioner Zoghby moved for approval and Commissioner Bell seconded. Chair Bell referenced past discussion regarding this subject. Bids have come in much higher than budgeted expense and staff has had to come before the Board to ask for approval. In 2019 there were several instances of this occurring. Is there a suggestion on how this will be handled moving forward?

Mr. Cote answered and said yes, we must remember that the annual contracts are for a three year period. This means that the budget we have for this year, may not mirror the budget presented for the following year for this type of work. It is conceivable that the amount of the budget may grow in the future bringing them closer to the sum reflected here. The annual contracts are used on an as needed basis. Should we have a circumstance where we need emergency work or other unforeseen work which would cause further loss of service to our customers or additional costs by *not* taking action, we would have a greater draw on these units of work than was anticipated during budget development. The motion then carried with the unanimous vote of the Board present.

Item 7C M5712-2702 Hauling and Disposal of Treatment Plant Biosolids

Mr. Cote continued and said this item is for the Williams Wastewater Treatment Plant. In the last three years, there have been severe problems with our dewatering facility and we had to have emergency dewatering work performed by a hauler. Additive alternate #1 is for hauling sludge from Smith to the Williams Plant. Additive alternate #2 is for hauling Myers sludge from the water treatment plant. Additive alternate #3 is for emergency dewatering which we have had to do in two of the last three years because of failures with our equipment.

The number is higher than the approved budget because these three additive alternates were emergency and contingency items so that we have units of work that will allow staff to move forward with emergency work with competitive pricing. This route enables us to move on emergency work on an as needed basis versus waiting until the emergency occurs, then having to bid and losing the competitive bid pricing.

In addition, the belt filter press that was installed at the Williams Plant until a new dewatering facility could be constructed is much more efficient than the centrifuges and the screw press that were replaced by the filter press.

The amount of hauling that is occurring now is less than what will be hauled in the future due to having a more efficient machine performing the work. When we are able to remove more water from the sludge, we are hauling less water to the agricultural fields for application. This leads to a reduction in costs as a direct result of having equipment that is more efficient.

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We ask the Board to award this project to Denali Water Solutions LLC, in the amount of \$1,640,000 with the realization that approximately \$800,000 is calculated in the additive alternates for emergency or contingency work. As with all annual contracts, they will be used on an as needed basis and there is no guarantee on the quantity of work to the contractor. Staff will not exceed the spending authority of \$476,000 without prior approval from the Board.

Commissioner Zoghby moved for approval and Commissioner Drummond seconded. Chair Bell thanked Mr. Cote for the thorough explanation. It aided his understanding with how this process works. The motion then carried with the unanimous vote of the Board present.

Item 7D M5712-2703 2021 Annual Contract for Cleaning & Video Inspection of Various Sanitary Sewer Segments

Mr. Cote continued and stated there were three bidders for this project with the low, responsible and responsive bidder being Smith Industrial Services, Inc. in the amount of \$930,000. We ask the Board to approve this award and grant staff the authority to spend up to the amount of the approved 2021 budgeted amount which is \$730,000.

Commissioner Bell moved for approval and Commissioner Gonzalez seconded. Chair Bell questioned the contractor, Smith Industrial Services, Inc. There was a concern of the relations with this company and Roto Rooter. Are we confident that Smith Industrial Services, Inc. is not using the services of Roto Rooter on this project? Mr. Cote responded and said that is correct. Referencing past litigations, Smith Industrial Services, Inc. was not halted from performing work for MAWSS because they are not operated nor managed by the same individual that was handling Roto Rooter. The motion then carried with the unanimous vote of the Board present.

Item 7E Facilities for Acceptance:

1. Magnolia Springs Phase 11 – Water and Sewer Facilities
Value: \$172,442.28
2. Magnolia Springs Phase 14 – Water and Sewer Facilities
Value: \$189,940.52

Mr. Cote continued and stated if it pleases the Board, we will ask for approval of this item as one action. Item 7E 1 is the acceptance of Magnolia Springs Phase 11, water and sewer facilities valued at \$172,442.28. Item 7E 2 is the acceptance of Magnolia Springs Phase 14, water and sewer facilities valued at \$189,940.52. Our Construction Inspection Department has inspected and reviewed both phases. They recommend approval as these projects have been constructed in accordance with our plans and specifications. We ask the Board to approve acceptance of Phase 11 and Phase 14 in the values as shown in the agenda.

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

Item 7F Policy HR 20-02 MAWSS Closing Pay Plan – Amended Change

Mr. McCrory addressed the Board and said that after consulting with Mobile County Personnel Board, there were some concerns surrounding the classification of a few pay codes and the wording of a few definitions. Staff has made the requested pay code changes and clarified the definitions. In addition, we added examples for the employees to follow for better understanding. We ask the Board to approve the amended changes to this policy.

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

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Item 7G Policy HR 95-7 MAWSS Bonus Incentive Policy (BIP) – Rescind

Mr. McCrory continued addressing the Board and stated we will no longer use this policy. We will instead be using the recently adopted MAWSS Incentive Pay Policy (MIP). We ask the Board to rescind Policy HR 95-7. Commissioner Bell moved for approval and Commissioner Zoghby seconded. The motion then carried with the unanimous vote of the Board present.

Item 7H Reports on COVID-19 Pandemic

Mr. Hyland addressed the Board and stated that he had given the Board a report that is included in their agenda packets on page 150, but he would like to provide some updates and highlights to that report.

As of today, we now have 28 MAWSS employees in quarantine. We have 38 employees who have tested positive for COVID-19 since the beginning of the pandemic. Last Thursday, we had two employees to test positive and on Friday we had another two employees to test positive. This was highly unusual and of those four employees, they all work in different departments which means it was not a cluster contained in one area of the company. This raises the percentage of our workforce affected by COVID-19 to 9.6%. We are re-emphasizing to our employees the importance of following the guidelines we established in the beginning of this pandemic. In addition, we are reviewing our guidelines to see if we can do anything differently and possibly improve upon.

We have added different types of personal protective equipment in our warehouse for use by our field employees. New guidelines have been issued which limit the number of employees that can be in any particular area at the same time. This includes meeting rooms, breakrooms, common areas and offices with face coverings being required during meetings.

As we are aware, Congress is in the process of debating another COVID-19 relief bill. Items we were hoping to see in the bill have not been mentioned at this time. When the CARES Act was originally established to run through December 31, there was a stipulation that organizations our size were required to give employees ten days of paid leave to take care of themselves if they should test positive or if they meet certain criteria to be a caregiver for others with COVID related issues. It will be interesting to see if they extend that stipulation in the current debate. We will bring that information to the Board at the January 4 meeting.

As mentioned before, I have reached out to the Governor's office seeking assistance. The Director of Alabama Rural Water Association has contacted me and they were doing something similar to MAWSS by reaching out to the Governor and requesting support. The process is ongoing and we will keep pursuing that avenue.

Mr. Hyland continued and said he has spoken with Mayor Stimpson and Commissioner Ludgood to find out if the City or County has any *current* CARES Act funds that can be shared with our utility by assisting customers that are unable to make payments.

Commissioner Ludgood responded that the funds received by the County from the state, were based on a reimbursement request of costs that they were allowed to seek CARES Act monies for from the state. At this time, the County is not in the position to assist our customers. This scenario repeats with the City, but Mayor Stimpson did relay that the City has donated \$200,000 of CARES Act funds to Mobile Community Action. Mobile Community Action assists individuals within the community that are having hardships with paying their bills, which may include rental payments, and utility bills. MAWSS customers may benefit indirectly because of that donation. Commissioner Ludgood and Mayor Stimpson will endeavor to keep MAWSS in the loop as we go through the processes of requesting funds from the state.

Ms. Kate Carver, the Director of Dumas Wesley Center, contacted Mr. Hyland last Friday. She communicated that Commissioner Ludgood referred her to Mr. Hyland regarding a grant they received through the United Way of Southwest Alabama. The grant will provide assistance with rental payments and utility bills. They have a stipulation to provide support only to customers within the 36607 and 36617 zip code areas. Ms. Carver was

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assured that MAWSS has customers within that area needing assistance. Staff will compile a listing and forward the information to her early this week as the grant does include a time limit in which the funds must be spent. We are not certain exactly how much remains in the grant, but we are hoping some of our customers will be able to benefit from it.

Mr. Hyland has spoken with Dr. Eichold, Mobile County Health Officer, in regards to considering our employees in the early prioritization schedule for the COVID-19 vaccination as essential workers. Dr. Eichold said he would consider the request, which we have followed up with a written letter sent to him last week.

Mr. Hyland concluded his report and stated that the CDC has established guidelines on interim recommendations in regards to the next group that will receive the vaccine. After medical personnel and long-term care facility residents, they are recommending a Category 1B which includes persons that are 75 years of age or older and frontline essential workers. The next level is Category 1C and is defined as persons 65 years of age to 74 years of age. Persons that are less than 65 years of age and have major medical and/or underlying issues are also included in Category 1C. Water and wastewater workers are defined as essential workers in the 'other' essential workers category. This would indicate that our employees would be considered in that group, but there is a disclaimer that the decision remains with the state and local health departments.

Mr. McCrory addressed the Board with an update on financials through November 2020. There have not been many changes at this time. As mentioned previously, we resumed late fees in September 2020 with delinquent cuts resuming in November 2020. Payment arrangements are being made for customers that are unable to bring their bills current at this time.

We do not anticipate seeing results quickly and the projected -\$7,300,000 loss remains on target for 2020. Chair Bell asked if this is revenue loss or a budget deficit. Mr. McCrory responded and said it is a deficit of the budget. A financial report should be available for presentation at the January 4 meeting.

Mr. Hyland said we expect that the loss will be offset due to staff having fewer expenses than what was budgeted, but not to that extent. Commissioner Zoghby asked if the loss is indicative of water pumped or is the loss due to payments. Monies uncollected or water pumped. Mr. McCrory said it is a combination of both. We have not collected anticipated funds on water pumped and the deficit on delinquent accounts.

- Uncollected - <\$1,800,000-\$1,900,000>
- Delinquent Accounts - <\$5,400,000>
- If we do not include Spanish Fort on delinquencies - <\$3,200,000>

Commissioner Zoghby asked if there is a chance this deficit can be made up in 2021 if customers are able to bring their bills current. Mr. McCrory said yes, there is. Staff has begun the mail out process for customers that receive paper bills; e-bill and auto-payment customers will start receiving information soon. On a positive note, customers are returning them with set payment schedules for delinquent accounts. Staff is also arranging schedules through our call center. Customers will receive payment arrangement information according to the schedule they are set to receive their water bill.

Item 71 Resolution to allow Director of MAWSS Temporary Additional Authorizations during COVID-19 Event

It is entered here for the record:

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

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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;

Be it Resolved by the Board of Water and Sewer Commissioners of the City of Mobile that the following temporary authorizations be given 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 August 3, 2020 is hereby extended and will expire March 31, 2021.

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

Item 7J MAWSS Board Standing Committees – Combined

Chair Bell referenced information included in the agenda packet. Commissioner Zoghby commended Chair Bell and staff for completing the consolidation of the committees. It is a very efficient lineup of our committees.

Item 7K 2021 Budget for Approval

Mr. Hyland addressed the Board and stated that a Livestreamed Public Hearing was held on Thursday, December 10, 2020 at 6:00 p.m. Individuals that tuned in were given the option to submit questions and comments in real-time. Staff did not receive any feedback during the livestream and as of today, we have not received any questions or comments via our website or in office in regards to the proposed 2021 Budget. We ask the Board to approve the 2021 Budget as shown on page 156 of your agenda packet. Staff will review the 2021 Budget with the Board each quarter of the upcoming year to make any needed adjustments. We are hoping to see positive changes with businesses resuming full services and schedules along with our customers returning to the work force full time.

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

Item 7L D.O.T Construction Services Inc. Representative [request to address the Board]

Attorney Dean introduced this item to the Board, referencing *M5712-2697 2021 Annual Contract to Install and Replace Sewer Laterals and Related Sewer Mains within Rights-of-Way*. There is the issue of the potential rejection of the low bidder, D.O.T. Construction Services, Inc. The owner is Dr. Latoya Clark and her counsel is Mr. Cliff Brady, they have requested to address the Board about this matter. They are being provided the link to this meeting and will be joining momentarily. Attorney Dean asked that the Board reserve specific questions of legalese until we adjourn for Executive Session.

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**Mr. Cliff Brady and Dr. Latoya Clark joined the virtual meeting at 3:25 p.m. and 3:28 p.m. respectively.*

Chair Bell thanked them both for attending and addressing the Board. Mr. Brady of Brady, Radcliff & Brown LLP located in Mobile, Alabama introduced himself to the Board and said he represents D.O.T. Construction Services, Inc. The client representative is Mrs. Latoya Clark and she is here today to speak about the rejection or the bid protest for M5712-2697, which is a lateral sewer replacement contract.

Mrs. Clark thanked the Board for giving her a few moments of their time. She would like to know why she received a letter stating her company did not meet the specifications for the bid, when they did meet the specifications.

Mr. Brady said he would expound on her statement. Mrs. Clark is speaking about a reference in the letter dated November 17, 2020 from Mr. Billy Wilkerson of McCrory Williams. The reference says the bid was rejected because it did not meet Section 2.01 of the general qualifications. Point being that D.O.T Construction Services, Inc. has not been a licensed general contractor for two years prior. A review of Section 2.01 of the general qualifications does not have that requirement, unless there is something he is missing. He believes the rejection of the bid is not appropriate because the basis for the rejection is an inaccurate or erroneous reading of the qualifications.

Attorney Dean responded and said the rejection is based on the engineers interpretation of the specification. We have received your bid protest letter and that interpretation will be discussed with the Board prior to making a decision and relaying the decision on the specification to Mrs. Clark.

Mrs. Clark asked when she could expect to hear from the Board. Attorney Dean answered and said once the issue has been discussed with the Board, if any additional information is required, he will contact her lawyer, Mr. Brady to let him know. Once a determination has been reached, she will be notified. That determination will be made within the sixty-day period of the contract to be awarded.

Mr. Brady clarified, after reading Section 2.01, our client D.O.T Construction Services, Inc. meets all of the specifications set forth in that particular contract and provisional specifications. That was the sole basis for the rejection of the bid by Mr. Wilkerson as referenced in his letter of November 17, 2020.

Attorney Dean said he could not speak for Mr. Wilkerson, but we do understand your client's position that they do meet the specifications. We understand their position that the specification does not specify what licensure was required to be held for two years. To his knowledge, D.O.T. Construction Services, Inc. submitted three references with their packet. In regards to his letter dated December 2, 2020 in which additional documentation as to related experience from D.O.T. Construction Services, Inc. was requested, that information has not been received.

Mr. Brady queried, *additional documentation as to related experience* and Attorney Dean said that is correct. Mr. Brady asked Mrs. Clark to explain the contract her company has recently obtained with the City of Mobile.

Mrs. Clark responded and said they have a recent contract with the City of Mobile to do similar repairs. We will be performing drainage repairs and that is very similar to our experience. Mr. Brady said the total amount for that contract is \$775,946 and it includes repair to storm pipes in excess of 66". There are other references in regards to work performed for the City of Spanish Fort. If additional information is needed as to the other items that are listed with regard to D.O.T Construction Services, Inc., they are property licensed and bonded with all the necessary insurance requirements. They have the necessary equipment and financing available as well. Their bonding at this time is unlimited.

In 2019, D.O.T. Construction Services, Inc. performed approximately \$2,900,000 worth of work for various customers. It is anticipated that number will increase to \$3,000,000 by the end of 2020. This speaks to the overall experience of this company. They are a minority owned business, women owned DBE. Mrs. Clark owns 90% of the company with the remaining 10% owned by Mr. Preston Hughes who is her husband. Mr. Hughes is an employee of the company, however; he does not participate in the day-to-day onsite projects. He works in the office

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overseeing truck logistics. The employees as shown on the listing by Mrs. Clark handle the other jobs. She sent a letter to Mr. Wilkerson, which gives a detailed outline of the various employees along with their skillsets.

Mr. Brady concluded addressing the Board and stated, D.O.T. Construction Services, Inc. meets all qualifications and we will answer any questions the Board may have regarding this matter so that they may make a completely informed decision.

Mrs. Clark thanked the Board again, and said with the packet they have already submitted, all information is well documented and she appreciates the consideration in this matter.

Chair Bell thanked Mr. Brady and Mrs. Clark for addressing the Board. In due course, and after careful consideration, we will have a response for you.

Mr. Brady stated that it should be recognized, D.O.T. Construction Services, Inc. was the low bidder for this project.

**Mr. Cliff Brady and Dr. Latoya Clark left the virtual meeting at 3:38 p.m.*

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

Item 8 Information Only

- A. Westlaw Practical Connect Edge with Litigation Strategy and Dockets with PDF's: Three Year Subscription
Supplier: Thompson Reuters
2021 Value: \$23,021.04
(2% annual increase each year)

- B. *Conditional* Acceptance of Facilities – Update
Chaparral Subdivision – Sewer Facilities
Value: \$117,195.02

- C. State Contract MA 999 16000000087 – Purchase Fortinet Switches
Supplier: Carousel Industries
Contract Period: 11/23/20 – 11/22/21
Value: \$21,560.44

- D. Ext 2 Contract MAWSS 19001 – Manhole Frames, Covers and Risers
Third and Final Year
Supplier: AL Pipe/Port City Pipe
Contract Period: 2/1/21 – 1/31/22
2021 Est Value: \$132,750
2020 Est Value: \$155,000

- E. Ext 2 Annual Contract MAWSS 19003 – Bypass Pump Rental
Third and Final Year
Supplier: Hydra Service
Contract Period: 2/1/21-1/31/22
2021 Rental Limit: \$50,000
2020 Rental Limit: \$50,000

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- F. M5712-2621 2018 Annual Contract for Cleaning & Video Inspection of Various Sanitary Sewer Segments
Change Order No. 1
Original Contract Amount: \$1,033,150
Change Order No.1: \$32,383 +3.04%
Revised Contract Amount: \$1,065,533
Percentage of Contract Amount: 3.04%
- G. M5712-2690 Access Roads Annual Contract 2021 Construction and Sewer Easement Maintenance
[Confirmation of Directors Award]
Low Bidder: James H. Adams & Son Construction Company, Inc.
Amount: \$1,113,444 – with spending authority up to the approved budgeted amount of the 2021 Capital Budget.
- H. M5712-2696 2021 Annual Contract for Cured-In-Place Pipe Rehabilitation of Large Diameter Sanitary Sewer Mains
[Confirmation of Directors Award]
Low Bidder: S & P Liner, LLC
Amount: \$2,757,200 – with spending authority limited to the budgeted amount of \$500,000.
- I. Consultant Project Status Reports
(through October 2020 and November 2020)
1. Asarisi & Associates, LLC
 2. CERM
 3. Constantine Engineering
 4. Dewberry
 5. Driven Engineering, Inc.
 6. GMC
 7. HDR
 8. Isaiah Engineering, Inc.
 9. Jacobs
 10. McCrory Williams
 11. Mobile Group, Inc.
 12. Mott McDonald
 13. Neel Schaffer, Inc.
 14. Stantec
 15. Volkert, Inc.

There being no further business to come before the Board at 3:39 p.m., Commissioner Drummond moved to go into **Executive Session** and Commissioner Bell seconded. Chair Bell thanked everyone and requested that staff disconnect from the videoconference.

At 4:47 p.m., the meeting reconvened. Commissioner Nichols moved for adjournment and Commissioner Bell seconded. The motion then carried with the unanimous vote of the Board present.

The next regular meeting is scheduled for January 4, 2021 at 2 p.m.



Thomas Zoghby, Secretary-Treasurer