

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA**  
**February 1, 2021**

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. Walter Bell, Chair *[virtually]*  
Ms. Sheri N. Weber, Vice Chair  
Mr. Thomas Zoghby, Secretary-Treasurer *[virtually]*  
Ms. Barbara Drummond, Commissioner *[virtually]*  
Mr. Kenneth Nichols, Commissioner  
Ms. Maria Gonzalez, Commissioner *[virtually]*  
Mr. Raymond L. Bell, Jr., Commissioner

Mr. Douglas L. Cote, Assistant Director  
Mr. Bud McCrory, Assistant Director  
Mr. Bradley Dean, Attorney

**ABSENT:**

Mr. Charles E. Hyland, Jr., Director

Chair W. Bell called the meeting to order and gave the invocation. **Committee Reports** were next and Commissioner Weber reported on the **Growth and Development Committee** meeting held January 13, 2021. She stated there are no new developments in regards to the matters discussed. If any of the Board members have questions after reviewing the minutes, which are included in the agenda packet, they may contact her or other members of the committee. Mr. McCrory stated that the Growth and Development topics will be on the agenda for the upcoming Board Retreat scheduled for February 8, 2021.

Commissioner Zoghby provided a recap of the discussion from the **Finance/Risk Management Committee** meeting held today, prior to the Board meeting. The committee met to discuss their plans for 2021 and schedule meetings. Members will meet every other month, equaling up to six meetings. Since the committees are now combined, this committee will be reviewing insurance issues as well, prior to renewal. If possible, the committee would like to have all policies lined up together. Another matter for discussion was the need to reduce losses in regards to our safety and liability issues.

During the retreat, we will also be reviewing the financial model, including rate increases as we move forward.

Commissioner Zoghby concluded his report and said there was one actionable item discussed during the Finance/Risk Management Committee meeting today, and that was bond refinance. It is listed under New Business in today's agenda. The committee has been reviewing proposals; it is time to prepare a team, and it is his intention to make a recommendation to the Board today.

**Visitors** was next and Mr. McCrory read the following Resolutions for Retirees into record:

**WHEREAS, MR. MICHAEL W. DAW**, Crew Chief, began his employment with the Board of Water and Sewer Commissioners on November 20, 1989, as an hourly employee, became classified on June 16, 1990, and has worked continuously since; and

**WHEREAS**, he served the System faithfully for over 31 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. MICHAEL W. DAW**, whose retirement is effective February 1, 2021, 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 1st day of February, 2021.**

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**Minutes of the meeting of the Board February 1, 2021, continued**

Mr. McCrory stated that Mr. Daw worked in the Water Repair Department for thirty-one years. He began as an unskilled laborer and worked his way up to a crew chief. Mr. McCrory said that during his own career, he worked alongside Mr. Daw on several occasions, and the knowledge base Mr. Daw has gained is outstanding.

Mr. Daw was a hard, dedicated worker and a very good person. During discussions with Mr. Lomax, he mentioned that Mr. Daw was timely in his response to all assignments and willing to work day or night.

Chair W. Bell said he would like Mr. Daw to know that the Board appreciates his service and wishes him well in his retirement.

Mr. McCrory continued:

**WHEREAS, MS. MELANIE T. WELLS**, Secretary II, began her employment with the Board of Water and Sewer Commissioners on January 4, 2011, 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. MELANIE T. WELLS**, whose retirement is effective February 1, 2021, 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 1st day of February, 2021.**

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Mr. McCrory said he spoke with Ms. Wells last Friday to congratulate her on her retirement and to thank her for her years of service to the Board. Ms. Wells said she is looking forward to the next chapter of her life during retirement and is extremely thankful for her years at MAWSS and the opportunities that were created for her during her employment.

He spoke with Mr. Russell this morning and he shared that Ms. Wells was the liaison between our consultants and contractors. She was responsible for maintaining project records and creating a wonderful working relationship with our outside consultants. We are thankful for her years of service and wish her the best in her retirement.

Chair W. Bell said he has known Ms. Wells for a long time. She was the executive secretary for a good friend of his at Merchants National Bank. She served him well and after her retirement there, she came to MAWSS. She is a great person and we wish her well in her retirement.

The **Minutes of January 4, 2021** were presented for approval. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

**Bids and Purchasing** was next:

**Item 4A**            **IFB 20-042 Mowing and Grounds Maintenance Zones**  
**1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16 and 17**  
Supplier:           Courtney's Lawn Care  
Contract Period:  2/1/21-1/31/22  
Value:                \$191,211.78

Mr. McCrory addressed the Board and said staff recommends this award to Courtney's Lawn Care in the amount of \$191,211.78. Commissioner Nichols moved for approval and Commissioner Gonzalez seconded. The motion then carried with the unanimous vote of the Board.

**Minutes of the meeting of the Board February 1, 2021, continued**

**Item 4B**            **IFB 21-001 Mowing and Grounds Maintenance Zones 7, 8 and 9**  
Supplier:            Chad's Landscape Management  
                          Invasive Management Services  
Contract Period:  2/1/21-1/31/22  
Value:                \$226,690

Mr. McCrory presented this item for approval to the Board. He asked the Board to approve this award to Chad's Landscape Management in the amount of \$226,690. Commissioner Nichols asked for clarification on the names of the supplier. Mr. McCrory corrected his request and included Invasive Management Services as shown on the agenda. Commissioner Weber moved for approval and Commissioner Gonzalez seconded. The motion then carried with the unanimous vote of the Board.

**Item 4C**            **IFB 21-002 Install a Communication Monopole at Big Creek Lake**  
Supplier:            Team One Communications  
Value:                \$47,871.60

Mr. Butt reviewed this item for the Board and said invitations for bid were sent out to receive bids for the installation of a communication monopole at Gaillard Pumping Station at Big Creek Lake. There was one respondent to the bid, Team One Communications and staff recommends approval in the amount of \$47,971.60. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. Chair W. Bell questioned receiving only one bidder for this project. Mr. Butt answered and said this is specialized work and typically, there are only one or two bidders. It was not a surprise to receive only one bid because there are not many companies qualified to perform the install.

Chair W. Bell asked if packets were sent to more than one bidder. Mr. Butt responded and said yes they were and this is actually the second bid of this project. The first bid ended up with the single bidder not meeting our requirements. The second bid presented a singular bidder as well. The motion then carried with the unanimous vote of the Board.

**Item 4D**            **IFB 21-003 Purchase Ammonia and Nitrate Probes**  
Supplier:            Aqua Products  
Value:                \$58,050

Mr. Cote presented this item to the Board for approval. The purchase is for five probes, which will be used at the Williams Wastewater Treatment Plant. There were two bidders with the low bidder being Aqua Products in the amount of \$58,050. We ask the Board to approve this purchase. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

**Item 4E**            **IFB 21-005 Purchase of Four (4) Submersible Pumps for Eagle Chemical and Bay Road Lift Stations**  
Supplier:            JH Wright & Associates  
Value:                \$28,960

Mr. Cote addressed the Board and requested approval for this purchase. Staff is in the process of refurbishing all of the smaller lift stations throughout the system. The referenced lift stations are scheduled and budgeted for 2021. There were three bidders and the low bidder was JH Wright & Associates in the amount of \$28,960 and we ask the Board to approve this purchase.

Commissioner R. Bell moved for approval and Commissioner Nichols seconded. Chair W. Bell directed attention to the accompanying bid sheet, which indicates that Wastewater Solutions was the low bidder in the amount of \$27,904. Was there a problem with their bid, enabling JH Wright & Associates submitted bid of \$28,960 being deemed low and responsive bidder?

## Minutes of the meeting of the Board February 1, 2021, continued

Mr. Cote reviewed his documents and noted the \$1,056 difference in the submittals. He said he will check with the Purchasing Department to determine if there was an issue with Wastewater Solutions not meeting specifications. As soon as he receives an answer, he will forward a response to the Board.

Commissioner Nichols questioned the lead-time for delivery. Wastewater Solutions indicates a six-week timeline, which is much longer than JH Wright & Associates. Could their timeline have played a part based on when the Board requires delivery of the product?

Mr. Cote responded and said it appears Capran must be the name of the pump with the model number that follows. That brand is not one of the three brands of pump we utilize in our system; meaning they bid an unacceptable pump.

Chair W. Bell said he will call for the motion, but an explanation as to why Wastewater Solutions did not receive the bid should be forwarded to the Board. Mr. Cote said he will take care of it today. The motion then carried with the unanimous vote of the Board.

**Item 4F**            Annual Support for Kronos Workforce Dimensions Systems 2021  
Supplier:            Kronos, Inc.  
Contract Period:    2/7/21-2/6/22  
2021 Value:        \$48,228  
2020 Value:        \$48,228

Mr. Butt addressed the Board and said this item is for the annual and technical support of our timeclock system. They are currently called Kronos and after the upgrade, it will be Workforce Dimensions. Staff recommends approval of the annual maintenance and technical support in the amount of \$48,228. Commissioner Drummond moved for approval and Commissioner Gonzalez seconded. The motion then carried with the unanimous vote of the Board.

**Item 4G**            **Professional Service – Lawson Upgrade CloudSuite Migration**  
Supplier:            Infor Consulting Services  
Value:                \$684,905.14

Mr. Butt continued and said this item will be supplied by Infor Consulting Services for the Lawson upgrade to CloudSuite Migration in the amount of \$684,905.14. Staff recommends and requests approval in this amount. Mr. McCrory further elaborated and said we have not had an upgrade since 2015/2016 and this upgrade will take MAWSS from Version 10 to Version 11.

Although this upgrade has been available for several years, staff elected not to complete the upgrade before now. Microsoft is phasing out certain modules in Version 10 and requiring users to update to Version 11. While we will receive advancements in technology, they are discontinuing some of the operating system platforms.

Infor is our Lawson and Asset Management system; we also have the GIS system and the EnQuesta (*billing*) system. This upgrade will encompass our financials and assets. Commissioner R. Bell moved for approval and Commissioner Gonzalez seconded.

Commissioner Weber asked the length of time the upgrade will last. Is it a four-year process? Will there be a need to invest this amount into the system in another four years? Mr. Butt responded and said new software versions are typically released on an annual basis. This upgrade is a fundamental change and our organization is dependent and operates on a Microsoft system. If you do not upgrade before October 2021, our platforms will no longer operate as needed. As Mr. McCrory mentioned, although this upgrade has been available for a few years, we chose not to accept it before now. It has now become a *mandatory* upgrade in order to continue utilizing our systems as required.

The technology was built on S3 software, and it has now been changed to Landmark software. This will give us improved analytics and functionality overall.

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Mr. McCrory explained to the Board that software companies will release a version annually, but that does not mean users have to accept the version upon release. New releases may not be as expensive, but they will not offer the type of advancements we are looking to incorporate into our system.

Commissioner Drummond said as stated earlier, this system has been available for a few years, leaving us on the back end of receipt. Does this mean there are other portals in our system that are lacking in an upgrade? Based on our overall strategic plan, what needs to be done in order to bring MAWSS up to date with technology? Are we piecing our system together in fragments? Mr. McCrory responded and said this upgrade was available in the 2015/2016 era. At that time, staff chose not to accept it because we were not prepared for the offered technological advancements.

As technology has advanced within the company, we are better prepared to receive an upgrade, in addition to being *forced* to accept the *mandatory* upgrade in order to maintain our current system operations. Commissioner Drummond asked the cost of the upgrade if it had been completed two years ago. Mr. Butt replied it would have been the same cost, and as mentioned, there was not a need or requirement to upgrade two years ago. It was optional and not well suited to our needs at that time.

It should be noted that other upgrades are dissimilar to this one. This upgrade is major because Microsoft is changing the entire infrastructure of the software we utilize. Commissioner Drummond asked how long will it take to bring our system up to date. Mr. Butt said he has been told it will take six to eight months for completion; he will check with the supplier and bring the Board an exact timeline.

Commissioner Zoghby said this is not a normal upgrade. Since this involves an infrastructure change, did staff approach other vendors in search of possibly changing to another product? Did staff research other suppliers to see if there was a better product on the market?

He continued and said he is in agreeance that one should not take big changes such as this immediately. It is best to wait and see what happens. It also gives you an opportunity to explore other alternatives, which could be better for the organization.

Mr. McCrory responded and said Lawson is a very good financial program and historically we have looked at other programs, but at the time of *this* upgrade, staff did *not* explore other options. The financial program Lawson offers continues to meet our needs as we move forward.

Mr. Butt stated we did analyze the payroll portion of the program and we are in the process of outsourcing it to Paylocity. If a payroll upgrade had been included in this upgrade, the cost would have been substantially higher. By outsourcing payroll, it will bring significant savings to the Board.

Commissioner Nichols asked if this platform is commonly utilized with other water/wastewater utilities of similar size to MAWSS. Mr. Butt answered and said every utility is different and while these types of software do not cater to one industry or the other, they do have a firm hold in the utility sector. Montgomery Water Works also uses this software. If desired, he will obtain those references and forward them for review to the Board. The motion then carried with the unanimous vote of the Board.

### **Item 4H            Sole Source Purchase of a Shimadzu TOC – LCSN Analyzer**

Supplier:            Shimadzu Scientific Instruments  
Value:                \$36,599.30

Mr. Cote reviewed this item for the Board. This purchase is for the Myers Plant and Shimadzu Scientific Instruments is the same manufacturer as our existing system. We ask the Board to approve this purchase in the amount of \$36,599.30. Commissioner Zoghby moved for approval and Commissioner Weber seconded. The motion then carried with the unanimous vote of the Board.

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**Legal** was next and Attorney Dean said there are several matters appropriate for discussion in an Executive Session.

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

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

**Item 7A            Big Creek Lake Dam Gate Automation   Stantec Project No. 175668273**

- Request approval to pay additional engineering fee of \$130,000 to Stantec.
- Approve discontinued use of Stantec for future construction projects.
- Discuss possible use of a different firm for dam studies and evaluations of related data.

Chair W. Bell stated that this item will be discussed during Executive Session.

**Item 7B            Proposed Changes to the Supplier Diversity Policy 16-01, 17-01, and 18-01**

Mr. McCrory addressed the Board and asked for approval of the proposed changes to the referenced policies. These changes were discussed with the Growth and Development Committee. The wording in all three policies was changed from DBE to Supplier/Diversity and Diverse Suppliers. We will no longer certify in-house, but will now use agency certifications such as ALDOT and the Southeastern Region. We ask the Board to approve the proposed changes. Commissioner Drummond moved for approval and Commissioner R. Bell seconded.

Commissioner Nichols stated in the policy revisions, we are attempting to provide clearer definition for commercial useful function as a free-standing for profit business as opposed to a pass through. His question to the committee that reviewed the changes is, are there any measures added in that will prevent collusion? Mr. McCrory answered and said there is a line item in the policy that states *'Contractors are required to use Diverse Contractors/Suppliers only in the areas for which the Diverse Contractors/Suppliers are certified'*. We felt that would help accomplish some of the commercial useful functions. Mrs. Thomas will be working with Attorney Dean to further define that term.

Commissioner Drummond said it looks as though we are doing regional certification with ALDOT and ADECA. To use an example, if a person is selling pipe, they will not be lined up with pipe *and* lawnwork. They will have to go through the rigorous certification process of those agencies to legitimize their commercial services. Mrs. Thomas said that is correct. When they are certified by those agencies, they are certified in the area in which they are licensed to perform work. That will be a part of their certificate and it will be verified once it comes to her office. They will then be placed in our records according to their certification.

Commissioner Drummond said there are many ambiguities and in the future, we want to not only strengthen our policies against them, but to make sure we achieve our intended purposes and goals.

Chair W. Bell asked if suppliers are able to receive certification in more than one area. Mrs. Thomas responded and said only if they have a license to do so. The motion then carried with the unanimous vote of the Board.

**Item 7C            Bond Refinance Discussion**

Chair W. Bell stated this item will also be discussed during Executive Session.

**Item 7D            Reports on COVID-19 Pandemic**

Mr. McCrory presented an update to the Board. As of today, there are sixteen employees in quarantine and eight have tested positive. This brings our total to fifty-six employees that have tested positive for COVID-19 since the beginning of the pandemic, which equals 14% of our workforce.

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CareHere has been given the approval to order 200 doses of the vaccine and they will be stored onsite at the facility. We are awaiting delivery at this time and as we continue to monitor the situation, we are hopeful that Governor Ivey will place water and sewer employees into a phase to receive the vaccine.

Mr. McCrory continued and provided an update on **Financials**. He shared his screen and said this presentation was reviewed during the Finance/Risk Management Committee meeting held earlier today. The numbers are promising in some areas. Revenues are up by 4% from our 2019 to 2020 accrued. They are down 4% by YTD budget to accrued. That shows a loss of approximately \$4,800,000. While that is still a major loss, it is better than the previously estimated loss of \$7,600,000 when the numbers were run in September 2020.

The efforts of staff are appreciated in assisting with our expenses being down 6.9% from accrued versus budget. Net income is -.6% offset from the budget. We will turn this information over to our auditors to review and provide a CAFR in late April 2021.

Water and Sewer revenues are following the same trend of being up and down from the 2020 budget. Other revenues are down from 2019 but up when compared to the budget. We will attribute investment earnings to the 2019 year where we did not see as much in the 2020 year.

Labor costs are up from 2019 but down almost \$3,000,000 when compared to budget. Contractual expenses are down from both 2019 and the 2020 budget. Operating Materials and Supplies are down from 2019, but slightly over budget for 2020, which we attribute to the purchase of COVID-19 supplies.

Labor cost comparisons are broken into three categories. We are up a little for the 2019 and down almost the same from the 2020 budget to the 2020 accrued. Premium pay is down from the 2019 to the accrued, but up from the 2020 accrued to the 2020 budget. Taxes and Fringe are up from the 2019, but down significantly from the actual 2020 budget.

Mr. McCrory continued reporting and stated that we have been very fortunate with kiosk usage and the new partnerships. We implemented the kiosks three years ago and it has been very beneficial for the organization. The usage at our facility kiosks has gone down, but the kiosks at the Alabama Power locations on Hillcrest Road and St. Joseph Street have shown increased traffic. Staff has discussed expanding this kiosk option to banks and credit unions.

The numbers of delinquent accounts are going down as delinquent revenues increase. This is due to our customers making payment arrangements to take care of their past due accounts. We will not recoup delinquent balances in their entirety at the start; it will be a gradual gain. We will continue on this path until either those accounts have been paid in full or the customer is on a payment plan.

The next slide shows water usage versus water sold and the numbers indicate 2019 and 2020 water sold are comparable. There is a 4% increase on revenues collected, which was expected with the AMI installations, and the 6% rate increase.

Sewer numbers are down 2% in consumption and -.1% on sewer revenue comparison. A 14% loss is indicated on the commercial side in usage, which leads to the 6% loss in revenue. Wholesale and industrial sales remain steady. The industrial revenue increase of 21% is due to the rate change in 2020. There is a -1% loss on usage.

Mr. McCrory concluded the presentation and said the January 2021 report was reviewed this morning, indicating an increase in what is leaving our plants. Staff will continue to monitor these numbers and provide an update to the Board on a quarterly basis.

### **Item 7E            2021 Mardi Gras Holiday Discussion**

As the Board instructed, staff contacted the Mobile County Personnel Board in September 2020 and they stated the decision to change the holidays would be at our discretion. Staff was waiting for the City of Mobile to make a

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determination and announcement for the cancellation of the Mardi Gras festivities. That did not happen, but the associations have canceled all of their functions. Mr. Hyland was working on possibly offering 2 floating personal days in lieu of staff being off on holiday February 15 and 16.

Mr. McCrory stated staff is recommending the replacement of Mardi Gras holidays as offered, to 2 personal floating days which can be used at any time during 2021. This will allow MAWSS to remain open on February 15 and 16 providing service to our customers. At the last staff meeting, management was encouraged to permit individuals who have already made plans and requested time off for that period be allowed to use their time to take off.

Chair W. Bell said he agrees with changing to the floating personal days versus being closed on February 15 and 16 when it is likely there will not be a Mardi Gras Holiday. If an employee has already made plans for a trip, they should be allowed to continue. Commissioner Nichols asked for clarification, employees would use the floating personal days if they elect to take off on February 15 and 16; with students out of school for three days, will there be a large number of employees asking to take off?

Mr. McCrory answered and said staff will notify each department of this change, if approved. Employees that have already made travel plans will be allowed to use the floating personal days if possible and all other requests will be on a first come first served basis according to departmental needs.

Chair W. Bell said if the organization will be open on Monday and Tuesday, there will need to be sufficient staff to serve the public. Mr. McCrory said yes, that is true. The Board may choose to leave the schedule as is if so desired, but the organization should be able to operate with a smaller number of employees since we will probably not have as much traffic on those days. Repair crews can be run as well.

Chair W. Bell said the pandemic has shown that everyone should be flexible in how we are managing on a day-to-day basis. Commissioner R. Bell moved for approval to change the Mardi Gras Holiday schedule of February 15 and 16, 2021 to two personal floating days for the employees of MAWSS. Commissioner Nichols seconded and the motion then carried with the unanimous vote of the Board.

Chair W. Bell referenced information he received from Mr. Hyland. His wife is out of the hospital but will be having scans this week in hopes of determining her illness. We ask for prayers for Mr. Hyland and his family at this time.

Commissioner Drummond said in addition, we should have a moment of silence for the passing of Mr. James W. Bell, former Commissioner of the Board. He served many years on the Board and provided great contributions to this organization. Condolences are offered to his family and a Resolution should be prepared and sent to his wife.

*A moment of silence was observed for Mr. Hyland, his family and the family of Mr. James W. Bell.*

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

### **Item 8 Information Only**

- A. Sole Source Purchase Flygt Pump Parts for Pump #1 at Perch Creek Lift Station  
Supplier: Jim House & Associates  
Est. Value: \$15,857
  
- B. Sole Source Purchase WILO Pump Replacements for Gulfdale LS040 and Nottingham LS028  
Supplier: JH Wright & Associates  
Value: \$15,196

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- C. Smith WWTP Headworks Allowance Allocation No. 3  
Jacobs Engineering Project No. D3197100  
Execution of Allowance Allocation No. 3 in the amount of \$83,287
  
- D. New Lead and Copper Rule Compliance Information
  
- E. Sanitary Sewer Overflow Response Plan (SSORP)
  
- F. M5712-2652 2019 Annual Contract for Cleaning & Video Inspection of Large Diameter Sewers  
Contract Extension – **Third and Final Year**  
Contractor: SIS  
Contract Amount: \$730,000
  
- G. Consultant Project Status Reports  
(December 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.

Commissioner Nichols asked for an explanation of *Item 9* under *Information File Subtopic 1 – Stickney Finished Water Piping Improvements HDR Project No. 10164554 – Notice of Risk of Default*. This contractor is well known to MAWSS and has completed several projects for us. This seems out of character for them, do we know what has led to this issue? Mr. Cote replied, several weeks ago, the engineer asked the contractor for their mobilization plans to begin work on the project. The contractor has continuously delayed coming to the job site. They moved a track hoe and at that time, we thought they were about to begin work, but personnel has not arrived to commence the labor.

In his experience, this is the first time a contractor has allowed the entire performance period of a contract to pass without mobilization. After further efforts from the consultant, without movement from the contractor, we felt the only option was to let them know they had 10 days under the contract terms to give us a mobilization schedule.

The contractor did respond within that 10-day period and has requested a significant number of days be added to the contract length so as not to enter into liquidated damages. That request is currently under review with the consultant. They have not rendered a recommendation, but when they do, he will forward it to the Board.

Commissioner Nichols questioned the number of outstanding projects the contractor has with MAWSS since they were issued the notice to proceed. Mr. Cote responded and said he believes there is only one outstanding project. They worked on an emergency project for MAWSS, but they need to understand that each project stands on its own

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and if they do not have the resources for a second contract, they should not have pursued the award. They also have projects underway in Baldwin County.

It is strange that they have missed the entire contract period, and this is highly unusual for them or any other contractor we have worked with. They gave several reasons for the delay, one being COVID-19, the emergency project they completed for MAWSS which stunted their resources, and weather issues.

Commissioner Nichols asked the value of the contract. Mr. Cote said he will confirm the number and forward that information to the Board.

Chair W. Bell questioned, they are not in default, and we are still working with them? Mr. Cote responded and said yes, that is correct.

Mr. McCrory brought attention to the DBE Participation Report included in the Board's Information File. It is for their review and if there are any questions, let him know.

There is a Board Retreat scheduled for Monday, February 8, 2021 beginning at 9:30 a.m.

There being no further business to come before the Board at 3:15 p.m., Chair W. Bell thanked staff and requested they disconnect from the videoconference. At 3:20 p.m. the Board convened into **Executive Session**.

*Commissioner Nichols departed Executive Session at 3:28 p.m. and returned at 3:44 p.m. via teleconference.  
Commissioner R. Bell departed Executive Session at 3:56 p.m. and returned at 4:13 p.m.*

At 4:13 p.m. the meeting reconvened. Commissioner Drummond stated based on recommendation from staff, she moves for approval of **Item 7A Big Creek Lake Dam Gate Automation Stantec Project No. 175668273** in the amount of \$130,000. Commissioner Gonzalez seconded and the motion then carried with the unanimous vote of the Board.

### ***Item 7C Bond Refinance Discussion***

Commissioner Drummond said she further moves that the Board accept the recommendation from the Finance Committee to set the bond team contingent upon advisement from our financial advisor.

Commissioner Drummond questioned her phrasing of the motion and Commissioner Zoghby spoke up and stated he would make the motion and word it as such. He then moved that staff put together a bond refinancing team that would have Piper Sandler/Synovus and Raymond James as co-leads at 32.5% each.

Commissioner Zoghby continued with the motion and said Frazier Lanier and Hancock at 20% and Stifel at 15%. The percentages are contingent upon forthcoming recommendation from Thornton Farish. If we are unable to have the co-leads at 32.5% each, and if our advisor says one percentage has to be higher than the other, we will go with Piper Sandler/Synovus at 35% and Raymond James at 30%.

The percentages can be changed, if deemed necessary, but our starting approach to Thornton Farish is with our co-leads at 32.5% each. Commissioner Drummond seconded the motion, but for clarification, it is *upon* the approval of our financial advisor, Thornton Farish.

Chair W. Bell said it is upon the recommendation of the financial advisor and their thoughts as to the direction the Board should take. The motion then carried with the unanimous vote of the Board.

*Commissioner Drummond departed the meeting at 4:17 p.m.*

Mr. Cote addressed the Board and said he would like to provide answers for the questions raised earlier in the meeting in regards to **Item 4E IFB 21-005 Purchase of Four (4) Submersible Pumps**. Wastewater Solutions was

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not awarded the bid even though they were the low bidder because they were not responsive. The pumps they submitted did not meet our specifications.

Mr. Cote continued and said in response to the question regarding ***Item 9 1 Stickney Finished Water Piping Improvements HDR Project No. 10164554 – Notice of Risk of Default***; the amount of the contract with Construction Labor Services is \$557,965.

Chair W. Bell said as a reminder, there will be a Board Retreat on February 8, 2021 at 9:30 a.m. Staff will be forwarding supporting information later in the week.

At 4: 20 p.m., Commissioner Weber moved for adjournment and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board present.

The next regular meeting is scheduled for March 1, 2021 at 2 p.m.



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Thomas Zoghby, Secretary-Treasurer