

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

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 W. Bell called the meeting to order and Commissioner Nichols gave the invocation. There were no **Committee Reports** or **Visitors**.

The **Minutes of February 1, 2021** were presented for approval. Commissioner Drummond moved for approval and Commissioner Zoghby seconded.

Chair W. Bell stated that in his review of the minutes, the Board requested information in regards to *Item 4G Professional Service – Lawson Upgrade CloudSuite Migration* from the February 1, 2021 meeting agenda. An exact timeline on project completion and references from other utilities that have utilized the requested software has not been received from staff as of today's meeting.

Chair W. Bell continued and asked secondly, if a recommendation has been received from Thornton Parish in regards to the bond refinancing.

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

Mr. McCrory responded and said Mr. Butt is compiling data for the timeline on project completion of the upgrades to our software; it should be available for the Board this week.

Commissioner Zoghby stated he has been in contact with Louis Cardinal and they have agreed to the percentages as referenced during the Board meeting on February 1. Raymond James and Piper Sandler/Synovus will co-lead at 32.5% each, Frazer Lanier and Hancock will receive 20%; and Stifel will receive 15%. Thornton Farish has communicated with the entire team and they are excited to move forward.

Chair W. Bell thanked both for their responses and the motion then carried with the unanimous vote of the Board present.

**Bids and Purchasing** was next:

**Item 4A            Neel Schaffer Project No. 15593.000**  
**McDonald Avenue Waterline Improvements**

Original Estimate:		Current Estimate:	
Construction:	\$67,735.00	Construction:	\$115,000.00
Engineering:	<u>\$16,850.00</u>	Engineering:	<u>\$ 28,750.00</u>
Total Original Estimate:	\$84,585.00	Total Current Estimate:	\$143,750.00

Mr. Cote addressed the Board and said the engineers estimate for this project is \$115,000.00. There were four bidders and the apparent low bidder was Circle S Contracting in the amount of \$112,577.85.

**Item 4B            Volkert, Inc. Project No. 1025614**  
**Craft Highway 20" Water Main**

Original Estimate:		Current Estimate:	
Construction:	\$310,000.00	Construction:	\$330,000.00
Engineering:	\$ 47,120.00	Engineering:	\$ 50,160.00
Permitting:	<u>\$ 10,000.00</u>	Permitting:	<u>\$ 13,600.00</u>
Total:	\$367,120.00	Total:	\$393,760.00

Additive Alternate No. 1: \$ 50,000.00

Mr. Cote continued and stated there were four bidders for this project and the engineers estimate is \$330,000.00. The apparent low bidder is Grant Nichols Construction, Inc. in the amount of \$392,632.36 and we ask that the Board grant the Director authority to award this project upon review and recommendation by the engineer and our DBE Manager. Commissioner Nichols moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board present.

**Item 4C            Co-op Purchase of a 2021 Dump Truck for W/S Installations and Repair**  
Supplier: National Auto Fleet Group  
Contract# 060920-NAF  
Value: \$163,806

Mr. McCrory reviewed this item for the Board and requested Board approval. Commissioner Zoghby moved for approval and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board present.

**Item 4D            Co-op Purchase of 20 Dell Latitude 5520 Laptops**  
Supplier: Dell Inc.  
NCPA Contract# 01-042  
Value: \$29,343.40

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

Mr. Butt presented this item to the Board and requested Board approval. Commissioner Zoghby moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board present.

*Commissioner Gonzalez joined the meeting via teleconference at 2:15 p.m.*

### **Item 4E Co-op Purchase of 20 Desktop Computer Workstations for Windows 10 PC Upgrade**

Supplier: Dell Inc.

NCPA Contract# 01-042

Value: \$26,387.40

Mr. Butt continued addressing the Board and stated this item relates to the continuing upgrade of Windows 10 throughout the organization. We request approval for this purchase. Commissioner Zoghby moved for approval and Commissioner Drummond seconded with a question.

Commissioner Drummond inquired the number of remaining stations necessary for purchase to complete the upgrade. Will this be an ongoing purchase? Mr. Butt responded and said the IT Department is progressively upgrading all of the older units. The normal lifecycle of the units is 3-5 years and as we replace the older units, we will move on to the newer units. There are 200-300 units within the organization and we will be retaining any unit that still has continued capable functionality. A determinate number should be available within the next few days.

Commissioner Nichols said he understands from the supporting documentation that this purchase is required for the GIS system and that it will also assist employees working remotely if deemed necessary. Technology is advancing rapidly, has staff looked into laptops that can perform twofold? If so, would it be more beneficial to purchase that type of mobile device, *versus a desktop*, which is limited due to it being a stationary unit?

Mr. Butt answered and said desktops are used in the office, enabling laptop users to connect to the server remotely. This is a safeguard to keep all data securely on the server, not leaving our premises. If a *'loaded'* laptop is being utilized at the office and it is taken offsite, there is always the danger of loss of data and/or theft.

Mr. McCrory elaborated, at the beginning of the pandemic, with so many people working from home; it was difficult to obtain laptops. Mr. Butt created all-in-one PC's and these were *briefcases* containing all needed documents and files, which were then distributed to our remote employees. We will do some research on a laptop that can be used as a docking station and bring that information back to the Board.

Commissioner Zoghby asked for clarification of data being stored and backed up to the Cloud. Mr. McCrory said we do have a redundant backup; he then deferred to Mr. Butt. Mr. Butt said all Cloud applications and financial data, including Lawson and Infor, is stored to the Cloud. All local data is kept in the onsite data center. Staff is in the process of researching avenues to bring that data to the Cloud as well.

Commissioner R. Bell questioned if individuals with company issued devices have the ability to save data via a USB to those hard drives and take them offsite. Mr. Butt replied, yes they do have that ability and the IT staff has the ability to wipe that hard drive remotely if desired.

Chair W. Bell said he would appreciate staff researching the option of purchasing laptops/docking stations. It would lessen the amount of equipment and it could provide savings to the organization as we continue moving forward with remote work for the employees.

Commissioner Drummond asked if there is protection for our customer data while the employees are working remotely. Are we placing customer data in jeopardy of a breach? Mr. Butt responded and said all of the data within the organization is protected by a firewall. We also do not allow the customer information system data to be loaded onto remote devices. That data remains onsite in the data center and can be viewed offsite only by remoting to the system if needed.

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

Commissioner Zoghby said the Finance/Risk Management Committee will be reviewing options with cyber security insurance and having an audit performed annually in regards to risks such as those raised by Commissioner Drummond. Mr. Butt said staff had an audit performed in 2020 and plan to continue that process each year.

The motion then carried with the unanimous vote of the Board present.

**Item 4F**            **Co-op Purchase of One (1) 2021 Ford F-250 Truck with Service Body and One (1) F-450 Truck with Service Body**  
Supplier: National Auto Fleet Group  
Value: \$82,964.30

Mr. McCrory addressed the Board and requested approval of this purchase. Commissioner Drummond moved for approval and Commissioner R. Bell seconded with a question.

Commissioner R. Bell said he noticed that the cutoff date for the price quote was February 18. Will the supplier honor the price as cited? Mr. McCrory assured that the vendor will honor the price quote as noted on the supporting documentation. The motion then carried with the unanimous vote of the Board present.

**Item 4G**            **Sole Source Annual Contract for Sensus Water Meters**  
Supplier: Core & Main  
Contract Period: 3/1/21-2/28/22  
2021 Value: \$1,378,000  
2020 Value: \$9,193,100

Mr. McCrory continued and said we are using the Sensus AMI System and Attorney Dean has reviewed and opined that we can sole source these meters. We have 3,041 5/8" meters remaining to change out. There are 460 1" meters remaining to change out and 1,100 large commercial meters remaining to change out. We are anticipating project completion in 2022. This annual contract will give us the ability to continue supplying meters throughout the system. Commissioner Drummond moved for approval with a question and Commissioner Nichols seconded.

Commissioner Drummond asked if this is the only sole source item used in the AMI project. She continued and asked when it would be possible for the Board to receive a report indicating savings both current and anticipated that are directly attributed to this project.

Mr. McCrory said in response to her first question; there are two part components to the meters. There is the meter and there is a transceiver. Both of these components are sole source items that go through Sensus. At this time, only a Sensus meter will communicate with the AMI tower.

He continued and said he will compile available data and present a report to the Board at the April 5 Board meeting. Chair W. Bell asked if this contract has an option to extend for two additional one-year periods. Mr. McCrory responded, yes that is correct. The first contract was approved in 2018, which included two extensions in 2019 and 2020. This request is for the renewal of a new three-year contract. The motion then carried with the unanimous vote of the Board present.

**Legal** was next and Chair W. Bell said there are 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**            **MAWSS Standard Specifications – Proposed Revisions**

Mr. Russell reviewed this item for the Board, overall proposed changes are:

## **Minutes of the meeting of the Board March 1, 2021, continued**

- Division I – General Information and Requirements, Proposal and Contract Documents
- Division II – General Conditions
- Division III – Construction and Specifications

The changes to Division I and II reflect needed improvements observed from a project administration point of view. The changes to Division III reflect changes in the industry construction practices and materials along with MAWSS standardizing certain construction practices. Division III was reformatted in its entirety to bring conformity and to make for easier viewing. The prior version had a mixture of formatting styles, making it difficult to follow through each section.

- Section 13 – Sewage Pumping Stations Specifications has been rewritten
- Section 18 – Rehabilitation to Sewer Mains by CIPP Method
- Appendix B has been revised
- Section 25 is a new addition to the specifications

Mr. Russell continued and said the ‘contract documents’ on page 3 have been changed in addition to pages 9-14. Those pages involve ‘owner protection’ and Attorney Dean assisted with the proposed revisions.

Mr. Russell said he requests approval from the Board to advertise these proposed changes for a thirty-day period. At the end of the advertisement period, all questions and comments will be gathered and addressed. If the responses do not lead to further changes, staff will bring the proposed changes presented today back to the Board for their consideration.

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

### **Item 7B Timber Sale Recommendation – Big Creek Lake Proposed Cut**

Mr. Cote addressed the Board and asked for approval of this timber sale which includes harvesting timber from approximately 310 acres. Canfor Southern Pine (CSP) will be performing the harvest. The contractor will pay the Board \$250,000 upfront with the remaining \$50,000 value to be paid after the harvest is completed. This sale is brought to the Board as a recommendation from our licensed forester, Mr. Art Dyas.

Mr. Dyas will prepare the property and mark the trees selected for the harvest. He will monitor the harvesting to ensure that the best practices are implemented and followed by the contractor.

Chair W. Bell questioned if this timber sale is at the Big Creek Lake property and Mr. Cote responded, yes that is correct. Commissioner Drummond moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board present.

### **Item 7C M5712-2650 Eslava Force Main Replacement Phase 2 Purchase of an additional permanent easement from Mobile Airport Authority (MAA)**

Mr. Cote continued and said staff is requesting approval from the Board to purchase an easement from Mobile Airport Authority in the amount of \$79,928.80. The Board purchased easements from Mobile Airport Authority several months ago; there was a concern with CSX, and they ended up not granting a permanent easement allowing MAWSS to cross their property. This led to a necessity to change the alignment resulting in the need for an additional easement from Mobile Airport Authority. The proposed price is the same price paid for the earlier easement to Mobile Airport Authority and we ask the Board to approve this purchase. The easement is necessary to construct a replacement of the Eslava Force Main in the Phase II portion of the referenced project.

Chair W. Bell and Commissioner R. Bell abstained from the vote and recused themselves from the discussion.

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

Commissioner Drummond moved for approval and Commissioner Nichols seconded. The motion then carried with the aye vote from Commissioner Drummond, Commissioner Nichols, Commissioner Zoghby, and Commissioner Gonzalez.

### **Item 7D            Stantec Project No. 175668273 – Big Creek Lake Gate Automation Project Recommendation of Revised Subcontracting Plan**

Mr. Cote continued addressing the Board and said the consulting engineer has made a recommendation to staff requesting that the Board approve a request from The Creel Company Inc. to revise the subcontracting plan. They would like to add four subcontractors:

- Southern Land Development: Site Work
- Dobson Sheet Metal + Roofing: Roofing
- C + H Construction: Guardrail
- Gulf South Metals: Canopy

Adding these subcontractors will not change the DBE percentage as identified in the original contract. The contractor completed the DBE subcontracting plan without the realization that he needed to include subcontractors that are not DBE's; as a result, he is returning to make this request.

Commissioner Nichols moved for approval with a question and Commissioner Drummond seconded with a question.

Commissioner Nichols said the initial bid for this project came in higher than expected leading to a re-bid. The timing of this request seems late, is the project behind schedule? Mr. Cote responded and said this is the first project of this type with Stantec as the project managers. As mentioned previously, staff has gone through five different local project managers on this project. There is also the understanding of the contractor that they had to request any changes to the subcontracting plan. The project is currently under construction and it is moving forward. They have reached the point where the subcontractors are needed onsite and the contractor realized he would require Board approval in order to use their services.

Commissioner Drummond said that was also her question and in addition she would like to know the exact percentages. Mr. Cote said he believes the percentages are 15.5%; he will confirm that number and forward the information to her. The additional subcontractors are not DBE's and were not in that program. Because of this, it places them into the 'other' percentage, which is non-DBE. The Creel Company, Inc. anticipated using these subcontractors from the beginning; they were inadvertently left out of the plan due to a misunderstanding. Staff may need to review the language in the DBE Policy to make sure it clearly states that all subcontractors must be listed, not just DBE's.

The motion then carried with the unanimous vote of the Board present.

### **Item 7E            B051A01 System Rehab – Phase I Constantine Engineering Project No. 100316.32 Additional Subcontractors for Approval**

Mrs. Clark addressed the Board and said this request mirrors Item 7D. The contractor was unaware he needed to list all subcontractors to his plan. Staff requests the addition of two subcontractors, increasing the DBE percentage from 26% to 31%. We ask for approval to add:

- Smith Industrial Service
- J. Moore Construction

Commissioner Drummond moved for approval and Commissioner Nichols seconded. Chair W. Bell questioned the number of employees with J Moore Construction. Mrs. Clark said she is familiar with the company, she has seen their work on another project, and they had 3-4 employees onsite. She will confirm and bring the information back to the Board.

The motion then carried with the unanimous vote of the Board present.

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

### Item 7F           SRF Loan Closing

Mr. McCrory addressed the Board and asked the Board to approve the resolution authorizing the closing of the \$36,000,000 CWSRF loan as described during the February 8, 2021 Board Retreat. Commissioner Zoghby moved for approval and Commissioner Nichols seconded. The motion then carried with the unanimous vote of the Board present.

Mr. McCrory continued and asked the Board to approve Mr. Cote as the designated representative of the CWSRF loan. Commissioner Drummond moved for approval and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board present.

Mr. McCrory addressed the Board and asked the Board to approve the resolution authorizing the closing of the \$12,865,000 DWSRF loan as described during the February 8, 2021 Board Retreat. Chair W. Bell questioned the amount of the loan, is it \$12, 855,000? Mr. Cote said the additional \$10,000 is for fees and expenses. The total amount is \$12,865,000. Commissioner Nichols moved for approval and Commissioner Zoghby seconded. The motion then carried with the unanimous vote of the Board present.

Mr. McCrory continued and asked the Board to approve Mr. Cote as the designated representative of the DWSRF loan. Commissioner Drummond moved for approval and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board present.

### Item 7G           Reports on COVID-19 Pandemic

Mr. McCrory gave an update to the Board. New COVID cases have seen a slight downward trend in Mobile County. As of today, there are four MAWSS employees in quarantine and fifty-nine total positive cases representing 15% of our workforce. We have not received delivery of the 200 doses of the vaccine we were approved to receive. Water and Wastewater employees are classified Category 1C and we are hopeful that the State Health Officer will reevaluate our distinction and reclassify our employees to Category 1B.

Expenses during the pandemic are at \$421,000 and this includes materials, supplies and labor costs. A bill has passed which approved \$638,000,000 in funding which will be allocated to water and wastewater entities that are struggling with delinquent accounts. Mr. McCrory has been in contact with representatives in order to generate interest in placing MAWSS on the funding recipient list. He has been informed that the funding will be disbursed through the state office dependent upon the poverty levels of each state. Our *local* state office will be responsible for determining who receives the funds and the amount distributed to the entity.

Mr. McCrory continued and said he has been in touch with Mobile Community Action and given them notice that MAWSS will be trying to work this through in order to provide assistance to some of our delinquent ratepayers.

There is an increase in consumption and water pumped. Delinquent accounts have not shown an increase yet, but we are anticipating a change in the coming months due to payment arrangements with our customer base.

Chair W. Bell said in reference to the AWWI Legislative update he received; there are items that will affect utilities. The Alabama Commission on Higher Education will serve as a guarantor of utility deposits for Alabama residents that have recently graduated from post-secondary institutions. How will this affect MAWSS? Mr. McCrory said he is unfamiliar with that program, but he will do some research and bring his findings to the Board.

Another item mentions using public funds for the replacement of public sewer laterals, and allow those entities to recover the costs. Mr. Cote said MAWSS has a program to replace private laterals for low-to-moderate income households. Once the private lateral has been smoke tested, videoed and determined to be defective, the property owner is notified. The property owner is then vetted through Mobile Community Action to determine their eligibility to participate in our program. The program is funded with the penalties retained through Mobile Baykeeper and those monies are used to cover the cost of the private lateral replacement.

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

The program Chair W. Bell has mentioned is a broader base where the utility will fund the replacement of the lateral but the customer has to pay it back to the utility. That distinction makes it more like a loan. Commissioner Drummond said the program Chair W. Bell cited is targeted to the Black Belt region of Alabama, rural areas without sewer connections and stimulus dollars will be used for those replacements.

### **Item 7H**      **Smith Headworks Replacement Jacobs Project No. D3197100** *(Late Agenda Item)* Additional Subcontractor for Approval

Mr. Cote asked for approval to this contract's subcontracting plan due to time constraints. Sheet piling is needed and the contractor is scheduled to commence on March 8. Due to this scheduled start date, which falls before the next Board meeting we ask for the Board's approval to allow The Creel Company, Inc. to add Davis Marine to their subcontracting plan thereby preventing a delay to the project.

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

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

### **Item 8 Information Only**

- A. Annual BOSSDesk Support Agreement  
Supplier: BOSS, Inc.  
Contract Period: 4/1/21 – 3/31/22  
2021 Value: \$16,283.20  
2020 Value: \$16,283.20
  
- B. Semi-Annual Support for Oracle (enQuesta) CIS Hardware and Software 2021  
Supplier: Mythics  
Contract Period: 3/25/21-9/24/21  
1<sup>st</sup> 2021 Value: \$21,027.67  
2<sup>nd</sup> 2020 Value: \$20,218.91
  
- C. Co-op Purchase of a 2021 Kubota ZD 1500 Tractor  
Supplier: Capital Tractor  
Value: \$19,915.22
  
- D. Emergency Disposal of Sodium Chlorite Solution from EM Stickney  
Supplier: Greer Enterprises, LLC  
PO# 122459  
Value: \$19,100
  
- E. Professional Service – Wildlife Services  
Supplier: Waylon's Wildlife Services  
Contract Period: 1/1/21-12/31/21  
Est Value: \$15,600
  
- F. Ext 1 Annual Contract MAWSS 20002 – HVAC Maintenance Service  
**Year Two**  
Supplier: Star Service  
Contract Period: 4/1/21-3/31/22  
2021 Value: \$124,836  
2020 Value: \$124,836

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

- G. Ext 1 Annual Contract MAWSS 20001 Meter Boxes and Lids w/MAWSS Logo  
Supplier: Consolidated Pipe  
Contract Period: 4/1/21-3/31/22  
2021 Est Value: \$95,600  
2020 Est Value: \$105,300
- H. Ext 2 Annual Contract MAWSS 19005 – Chlorine  
Supplier: DPC  
Contract Period: 5/1/21-4/30/22  
2021 Est Value: \$246,200  
2020 Est Value: \$235,850
- I. Constantine Engineering Project No. 100316.26  
2019 CWSRF Large Diameter Gravity Sewer Cured-In-Place Pipe Project  
Final Summary Change Order No. 1  
Original Contract Amount: \$2,231,925  
Change Order No.1 (Final Summary): -\$198,558 <8.90%>  
Total Revised Contract Amount: \$2,033,367  
Percentage of Contract Amount: <8.90%>
- J. Asarisi & Associates, LLC Project No. AL18053  
Calais-Paris-Barrone-Chartres Water Main Upgrades  
Final Summary Change Order  
Original Contract Amount: \$283,839.00  
Change Order No.1 (Final Summary): -\$1.80 <0.00%>  
Total Revised Contract Amount: \$283,837.20  
Percentage of Contract Amount: <0.00%>
- K. Jacobs/CH2M Project No. 697482  
Three Mile Creek Severe Weather Attenuation Tank  
Change Order No. 1  
Construction Period Extension  
Original/Current Contract Days: 485  
Additional Contract Days: +153  
Revised Contract Days: 638
- L. Consultant Project Status Reports  
(January 2021)
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.

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

Chair W. Bell questioned the addition of 153 days to the contract time on Item 8K. Mr. Cote responded and said there are several reasons for this delay. The contractor that is building the tanks was moving expeditiously and was well ahead of schedule until they were stopped by COVID. The diversion box, which is being constructed by a different contractor, was delayed leading to an interruption with the SWAT tying into the conversion box on schedule. Hurricane Sally, Hurricane Zeta and rain days created additional interruptions. After review by our consultant, staff feels their request for 153 days is reasonable as all of these issues were beyond their control.

The completion date for the project is listed as March 12, but with remaining landscaping requirements we foresee that completion will be pushed to the end of March 2021. The contractor anticipates having the tanks and pump in service at that time.

Mr. McCrory gave notice to the Board that there will be a Remembrance Ceremony on March 19 at 2:00 p.m. for Mr. Willie S. 'Mack' McCall. There will be a bench installed at the walking trail located at our Park Forest Plaza. Invitations will be sent out later this week.

There being no further business to come before the Board at 3:02 p.m., Chair W. Bell thanked staff and requested they disconnect from the videoconference. At 3:10 p.m. the Board convened into **Executive Session**.

The next regular meeting is scheduled for April 5, 2021 at 2 p.m.



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Thomas Zoghby, Secretary-Treasurer