



*Summary of:*  
**MWRA Board of Directors' Meeting**  
**January 15, 1997**

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A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on **January 15, 1997** at the Authority Headquarters in Charlestown. Present: Chair Trudy Coxe, Gubernatorial Representative; Norman Jacques, Charles Lyons, John Carroll, Advisory Board Representatives; Joseph MacRitchie, City of Quincy Representative; Marie Turner, Town of Winthrop Representative; Vincent Mannering, Lorraine Downey, City of Boston Representatives; Sam Mygatt, Donald Mitchell, Gubernatorial Representatives. Absent: Michael Benullo, City of Boston Representative.

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**AGENDA**

*Report of the Chair*

No report.

*Report of the Executive Director*

Mr. MacDonald said that he and MWRA staff have been working with the Office of Management and Budget and the Massachusetts Congressional delegation to ensure adequate federal funding for the Boston Harbor Project. The President's budget, which will be submitted to Congress in early February, is expected to include BHP funding.

The MWRA has also been in contact with the Weld Administration regarding state debt service assistance. Ms. Coxe said that she thinks Board members and ratepayers will be happy with the Governor's budget, which will be filed on January 22.

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## APPROVALS

### Transmittal of Capital Budget Contingency Amendment to Advisory Board

The Board voted to approve transmittal to the MWRA Advisory Board, for its review and comment, of a proposed amendment to the FY97-99 Capital Improvement Program to increase the Boston Harbor Project contingency fund by \$28.1 million, from \$26.8 million to \$54.9 million.

Staff explained that the FY97 contingency budget for the Boston Harbor Project is \$26.8 million. As of December 31, 1996, \$9.4 million in transfers had been approved or committed, leaving a balance of \$17.4 million. The majority of these funds (\$13.4 million) will be needed to award the construction contract for Secondary Battery C since the bid came in over the engineer's estimate. Staff estimate that an additional \$28.1 million will be required to meet contingency needs for the remainder of the fiscal year.

Areas where staff anticipate contingency fund expenditures include additional design costs related to Secondary Treatment Facilities, Phase 4; Odor Control Modifications; Change Order Management Plan; Inter-Island Tunnel/Extended Outfall Protection; Construction Management 1996-1998; and Litigation.

### Contract Employee, First Class Steam Engineer: Amendment

The Board approved an amendment to the contract for personal services for Joseph Horrigan, First Class Steam Engineer (Deer Island), increasing the annualized salary from \$66,924 to \$81,924, with no increase in the hourly rate of \$34.32.

Staff explained that Mr. Horrigan is a licensed First Class Steam Engineer with over 40 years of experience. He is also the Deer Island employee who holds the First Class Engineer license required by the Department of Public Safety for MWRA's operation of the power plant. Mr. Horrigan's contract for employment for a period of one year was approved by the Board in June of 1996. At that time, it was expected that his duties associated with the start-up of the Thermal/Power plant would require a typical work week of 37.5 hours. As operational and start-up activity has intensified, off-shift and weekend work has been added to his duties with the result that an additional \$15,000 is likely to be earned by Mr. Horrigan through the end of the fiscal year.

### Contract Employee, Process Control Engineer: Amendment

The Board approved an amendment to the contract for personal services for Matt Moskal, Process Control Engineer (Deer Island), extending the contract for six months from December 31, 1996 to June 30, 1997, adding \$37,440 to the not-to-exceed limit on compensation, but providing for no increase in the hourly rate of \$32.

Mr. Moskal was engaged for a six month term to fill an in-house shortfall in expertise in troubleshooting and fine tuning programmable logic controllers. Due to the delays in construction completion and the need to implement control system enhancements even after initial start-up of on-coming facilities, the Sewerage Division now finds it necessary to continue his service at least through the end of June 1997.

### Appointment of Sr. Program Manager, Facilities, Waterworks Division

The Board voted to approve the appointment of Robert C. Kovacs as Sr. Program Manager, Facilities (Unit 9, MOSES Grade 30) in the Waterworks Division, Maintenance Engineering & Construction Department at an annual salary of \$66,686.

The Sr. Program Manager will supervise the professional staff designing or managing the design of 24 facilities rehabilitation projects as well as provide technical oversight to Design and Project Managers. In addition, he will be responsible for project prioritization, CIP schedule, budget, and the necessary coordination with Waterworks Operations, the Sewerage Division and communities.

Mr. Kovacs has 25 years of experience in water and wastewater facility design and engineering. He has been employed as a Design Manager with the MWRA Maintenance Engineering and Construction Department since February 1996 and has managed all phases of facility planning and engineering projects. He holds B.S.C.E. and MBA degrees and is

a registered Professional Engineer.

*Appointment of Senior Staff Counsel (Construction)*

The Board approved the appointment of Donald P. Whalen, P.E. to the Grade 13 position of Senior Staff Counsel (Construction) in the Law Division at an annual salary of \$53,400 effective on a date to be determined by the Executive Director.

The Senior Staff Counsel position will assist an Associate General Counsel and Senior Staff Counsel in providing legal review and advice to project construction staff on filed construction claims together with participation in alternative dispute resolution to avoid litigation. Mr. Whalen is an attorney with two years of direct construction claims and litigation experience. He is also a certified Professional Engineer with nine years of experience in the field.

*Appointment of Labor Relations Manager*

The Board voted (with Mr. Carroll opposed and Mr. Jacques abstaining) to approve the appointment of Thomas E. Reilly as Labor Relations Manager (Grade 15) in the Human Resources Department at an annual salary of \$64,551 effective January 15, 1997. The Labor Relations Manager is responsible for all aspects of the MWRA's relationship with its bargaining units. This includes labor negotiations, contract administration and maintaining harmonious labor-management relations.

Mr. Reilly represented the Town of Winthrop on the MWRA Board of Directors from 1989 through 1996. He has held positions in human resources and personnel with the Massachusetts Department of Social Services and the City of Malden. He holds a B.A. degree in Economics.

*January PCR Amendments - Fiscal Year 1997*

The Board voted to approve the amendments to the Position Control Register. The PCR amendments include position changes associated with the reorganization of the Pumping Section of the Waterworks Operations Department, agreements reached by the MWRA/Steelworkers Unit 1 Pay Equity Committee as established and funded in the collective bargaining agreement, and reclassifications in several divisions that reflect management-initiated changes in workload and function.

*Boston Harbor Project Change Order Management Plan - Report No. 35*

The Board voted (Mr. Mygatt abstained) to authorize the Executive Director to approve change orders as may be needed to the following contracts up to the following amounts:

<b>Contract</b>	<b>Description</b>	<b>Contractor</b>	<b>Amount</b>
5493	Resid. Trtmt. Fac., Phase I	Hyman Construction Co.	\$400,000
5745	On-Site Therm. Power Plant	JF White/PKF-Mark III, JV	\$300,000

Mr. MacRitchie asked when the power plant will be completed. Staff explained that they anticipate that the boilers will be on-line in mid-February and that other aspects will be completed by the end of May or beginning of June. The target completion date is June 3, 1997.

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**CONTRACT AWARDS**

*Secondary Treatment Facilities Battery C, Modern Continental Construction Co., Inc.*

The Board approved the award of Contract 6159, Secondary Treatment Facilities Battery C, to the lowest eligible and responsible bidder, Modern Continental Construction Company, Inc., conditional upon approval of said award by the

Massachusetts Department of Environmental Protection Bureau of Municipal Facilities, and to authorize the Executive Director, on behalf of the Authority, to execute said contract at the bid price of \$157,774,257 for a period of 1,120 days from the date of the Notice to Proceed. Because the award amount exceeds the engineers estimate of \$146,500,000, a contingency transfer in the amount of \$13,402,257 is required.

Secondary Battery C represents the last major process-related construction contract for the Boston Harbor Project. Like Batteries A and B, Battery C will have three parallel trains of biological treatment reactors, with each train consisting of seven tanks. Staff explained that they believe the high bid prices are the result of competition with the Central Artery Project. The Central Artery Project is expected to award \$1.3 billion in construction contracts during the month of January.

*Off-Site Maintenance and CSB Housekeeping IV; S.J. Services Inc.*

The Board voted to approve the award of Contract 6179, Off-Site Maintenance and CSB Housekeeping IV, to the only responsive bidder, S.J. Services Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract at the bid price of \$526,975 for a period of 730 days from the date of the notice to proceed.

This is the fourth in a series of Off-Site Maintenance and CSB Housekeeping contracts which provide labor, materials, equipment, vehicles, tools, supplies and supervision necessary for cleaning and janitorial services at Suffolk Downs, Squantum Point, Fore River Staging Area (FRSA), and Construction Support Building and CM office trailers at Deer Island. During the contract time period, from February 4, 1997 to February 5, 1999, there will be 15 to 20 general contractors and up to 150 subcontractors working on the Boston Harbor Project.

*Instrumentation Maintenance Service, Bailey-Fischer & Porter Company*

The Board authorized the Executive Director, on behalf of the Authority, to approve the award of a contract to Bailey-Fischer & Porter Company, for Instrumentation Maintenance Service, in the amount of \$338,377 and for a contract period of 821 calendar days.

Staff explained that this contract will provide scheduled maintenance, emergency, and non-emergency service to the instrumentation equipment at the remote headworks, pump stations, CSO facilities, Interim Sludge Processing Facility, and the Clinton Treatment Plant.

*Technical Assistance Consulting Services: Green International Affiliates-Sanitary Engineering and Professional Services Industries-Materials Testing*

The Board voted to approve the award of Technical Assistance Consulting Service Contracts for an initial one-year phase to the following consultants, and to authorize the Executive Director to execute said contracts in each category in accordance with the terms stated below.

<b>Consultant</b>	<b>Category</b>	<b>Not-to-Exceed Amount</b>
Green International Affiliates	Sanitary Engineering	\$50,000
Professional Services Industries	Materials Testing	\$50,000

Further, the Board authorized the Executive Director to renew each contract, if recommended by staff, for up to two additional one-year phases, for similar terms and conditions, and for the same yearly not-to-exceed amounts.

The purpose of these contracts is to make available to the MWRA on a continuing as-needed basis, the services of consultants in sanitary engineering and materials testing for small, unanticipated or emergency projects.

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## CONTRACT AMENDMENTS/CHANGE ORDERS

### *Fells Reservoir Covered Storage Project, Klein & Hoffman Inc.*

The Board voted (Mr. Mygatt abstained) to authorize the Executive Director, on behalf of the Authority, to execute Amendment 3 to Contract 5070 with Klein & Hoffman, Inc., Fells Reservoir Covered Storage Project, increasing the contract by an amount not to exceed \$697,371, for a revised contract amount of \$2,657,409. The original price of this contract was \$1,663,759. Amendments now total \$993,650. A contingency transfer in the amount of \$696,409 is required.

This amendment includes an increase to the contract amount for the construction phase services which consist of Construction Administration and Resident Inspection. When the original request for proposals (RFP) was issued in 1991, it was not known whether the Resident Inspection services would be provided by the consultant or MWRA in-house staff. It has been determined that the MWRA's in-house staff cannot perform the work due to a very tight workload during the construction period. In addition, as the design has progressed to the bidding stage, additional information has become available to indicate that the level of effort specified by the original RFP needs to be increased. The construction duration for the reservoir has increased from 18 to 24 months.

### *Norumbega Reservoir Preliminary Design and EIR, Camp Dresser & McKee, Inc.*

The Board authorized Amendment 6 to Contract 5041, Norumbega Reservoir Project with Camp Dresser & McKee, Inc. Increasing the contract in an amount not to exceed \$38,097 from \$1,999,825 to \$2,037,922, with no change in the contract expiration date. The original contract price was \$1,182,482. Amendments now total \$855,440. A contingency transfer of \$38,097 is required.

The existing contract with CDM is to prepare an Environmental Impact Report (EIR) and develop a preliminary design for improvements at Norumbega Reservoir. The preliminary design and Draft EIR proposed the use of temporary ramps off the Massachusetts Turnpike for the majority of construction traffic. It has become evident that the use of the Turnpike, and in particular, the time frame to build and dismantle the temporary ramps is critical to the acceptance of these ramps by Turnpike staff, and is also critical to traffic impacts on local roads. This amendment will change the scope and cost of the consultant contract to provide additional services for development of the temporary ramp design and staging plan so that detailed discussions can be held with the Turnpike Authority and accurate numbers of trucks and traffic can be incorporated into discussions with the neighbors.

### *New Charlestown Pump Station Ch. 21E Site Assessment, ENSR Consulting and Engineering*

The Board authorized the Executive Director, on behalf of the Authority, to approve Amendment 5 to Contract 5391 with ENSR Consulting and Engineering for hazardous materials assessment consulting at the New Charlestown Pump Station, extending the date of completion for a period of 16 months, from February 29, 1995 to June 30, 1997 with no increase in the contract amount.

Staff explained that the increase in contract term is necessary due to delayed implementation of the Phase II field investigation, an extended review for the draft Phase II Comprehensive Site Assessment Report, and response to DEP questions, if needed.

### *Nut Island Headworks, Modern Continental/SAE Americon, Joint Venture*

The Board voted (with Mr. Carroll opposed) to authorize the Executive Director, on behalf of the Authority, to approve Change Order 63 to Contract 5850A, Nut Island Headworks, Modern Continental/SAE Americon, Joint Venture increasing the contract by a not to exceed amount of \$160,000 from \$65,166,030 to \$65,326,030, and to authorize the Executive Director to approve additional change orders to Contract 5850A in amounts not to exceed the aggregate of \$250,000 and the aggregate of one hundred and eighty calendar days. The original contract price was \$62,864,000. Change orders now amount to \$2,462,030. A contingency transfer in the amount of \$101,060 is required.

This change order will provide funds necessary for the Contractor to prepare a preventative maintenance program for the Nut Island Headworks to keep the stored equipment maintained and in a warrantable condition until the completion of the Inter-Island Tunnel. Staff explained that the equipment is scheduled to be turned on in November or December of this year. This program will delay the start of the warranty to the time when the equipment starts running.

Mr. Carroll questioned staff on how long it will take to develop a plan and how much it will cost to maintain the equipment. Staff stated that the plan will take approximately two months to develop and maintenance will cost between \$1 million and \$2 million.

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## **INFORMATION**

### *Process for Contract Employee Appointments*

At the request of Mr. Mannering, staff presented to the Board an informational summary regarding the process for approving contract employee appointments. The MWRA currently employs approximately fifty contract employees. The use of a contract employee fits the circumstances where there is a need, generally for a period of one year or less, for specialized expertise for a task which has a finite duration. Proposed contract hires which are expected to exceed a salary of \$65,000 per year must receive Board approval.

Mr. Mannering suggested that the policy be expanded to require Board approval when a contract employee earns over \$65,000 per year including over-time or when the duration of the contract exceeds one year. Staff agreed to make the changes.

Mr. MacRitchie asked if MWRA policy prohibits an employee from retiring from the MWRA and returning as a consultant. Staff responded that retirees are not prohibited from returning as contract employees but they are limited by state retirement laws as to the amount they can earn and the amount of hours they can work.

### *Presentation on MWRA Internet Site*

MWRA Public Affairs staff gave a presentation on the newly developed MWRA Internet site. Staff said that the site will be utilized as another means of communicating to the public. They anticipate that the site will be primarily used by students and teachers and have geared many of the features to their use. The information now amounts to approximately eighty pages and will be updated and changed regularly. Staff mentioned that they will be offering assistance to MWRA communities who are building their own sites. The MWRA Internet address is <http://www.mwra.com>.

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