



Summary of:

MWRA Board of Directors' Meeting

March 4, 1998

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A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on March 4, 1998 at the Authority Headquarters in Charlestown. **Present:** Chair Trudy Coxe, Gubernatorial Representative; John Carroll, Norman Jacques, Andrew Pappastergion, Advisory Board Representatives; Joseph MacRitchie, City of Quincy Representative; Vincent Mannering, Robert Spinney, City of Boston Representatives; Marie Turner, Town of Winthrop Representative; Lucile Hicks, Gubernatorial Representative. **Absent:** Don Mitchell, Gubernatorial Representative.

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AGENDA

Report of the Chair

The Chairman recommended Board members for committee chairmanships. The Board will vote on those appointments at the next meeting. The recommendations are as follows:

Administration and Finance: Mr. Mannering

Water: Ms. Hicks

Wastewater: Mr. MacRitchie

Personnel: Mr. Mitchell

Report of the Executive Director

Mr. MacDonald told the Board that he is still working to keep the water treatment decision as a policy decision of the

Board. Staff are working on a summary for the next Board meeting which will outline a plan for keeping the Board informed on the issue.

The Executive Director also told the Board that MIT and The Boston Globe, in association with WCVB- TV5, are hosting a Boston Harbor Conference on April 14, 15 and 16. The Conference will explore how the harbor can be developed to enhance the quality of life in the region and strengthen the economy of the Greater Boston area.

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APPROVALS

Election and Appointment of MWRA Officers

The Board voted to (1) designate this March 4, 1998 meeting as the meeting for the election of officers to be held in lieu of the Annual Meeting as provided in the Authority's by-laws; (2) elect a Vice-Chairman of the Board; (3) appoint a Secretary of the Board, an MWRA Treasurer, and such Assistant Secretaries and Assistant Treasurers of the Board as the Board deems appropriate; and (4) reappoint Kenneth Wissman as its appointed member to the MWRA Retirement Board for a three-year term expiring February 28, 2001.

The following officers were appointed by the Board:

Vice-Chairman: John Carroll

Secretary: Norman Jacques

Assistant Secretaries: Bonnie Hale, Rose Marie Convery

Treasurer: Kenneth Wissman

Assistant Treasurers: Kate Murray, Gerald Lima, Luke Thompson, Richard Colburn

Approval of a Capital Budget Amendment for the Boston Harbor Project Contingency Fund

The Board voted to approve an amendment to the FY98-00 Capital Improvement Program budget to increase the contingency fund for the Boston Harbor Project by \$42,556,525 from \$22,751,000 to \$65,307,525.

Staff explained that the Advisory Board reviewed the amendment and recommended a reduction of \$5.5 million, which the Authority agreed to accept. In addition, staff agreed to accept the Advisory Board's recommendation to segregate the Claims Reserve from the other amounts in the BHP Contingency Fund. The amendment includes \$16 million for Concrete Coatings Upgrade Phase II, \$11 million for Final Paving and Site Completion, and \$14 million for Claims Reserves. Staff noted that the amendment is based on the most current projections available at this time for planned contract awards, anticipated change orders and amendments, and claim settlements expected through the remainder of this fiscal year.

Appointment of Manager, Residual Operations and Engineering

The Board voted to approve the Executive Director's recommendation to appoint Carl Pawlowski to the position of Manager, Residuals Operations and Engineering in the Residuals Management Department of the Sewerage Division at an annual salary of \$53,689, to be effective on the date designated by the Executive Director.

This position holds primary responsibility for day-to-day oversight of contractor operations at the Fore River Pelletizing Plant. Mr. Pawlowski holds B.S. and M.S. degrees in Marine Engineering and Environmental Engineering, respectively. He has worked at the MWRA for ten years and has worked in both the TRAC department and in the NPDES group.

Cost of Living Increase for MWRA Retirees

The Board voted to accept the provisions of Section 8 of Chapter 17 of the Acts of 1997 which authorizes annual cost of living increases in pensions for eligible MWRA retirees in the amount of three percent or the percentage increase in the Consumer Price Index, whichever is less.

Last spring legislation was enacted that provides a framework for annual cost of living (COLA) increases for retirees who receive benefits from local government retirement systems, such as the MWRA. Once the Board accepts the provisions of this legislation, they cannot be revoked. However, in any given year the MWRA Retirement Board may determine that the COLA would substantially impair the funding schedule of the system and elect not to pay the COLA for that year.

Although some Board members expressed concern over these provisions, they agreed that if retirees that are part of the state system (former MDC employees) will receive the increases, it makes sense that retirees in the MWRA system receive the same benefit.

Extension of Contract Employee, Electrical Engineer

The Board approved an amendment to the contract for personnel services for Richard Sanders, Plant Engineering Electrical Engineer, Deer Island, extending the contract for one year from March 26, 1998 to March 25, 1999, increasing his hourly rate from \$30 to \$31.20, for an annual compensation not to exceed \$60,840.

Mr. Sanders was engaged for a one-year term as a contract employee at the Deer Island Treatment Plant addressing start-up related electrical issues and developing contract specifications. He is now writing specifications for the development of eight additional service contracts which are required for secondary operation.

Water Supply Continuation Agreement with the City of Worcester

The Board authorized the Executive Director to execute, on behalf of the Authority, a Water Supply Continuation Agreement with the City of Worcester. The City of Worcester will continue to receive water from the MWRA only in the event of an emergency and will pay prevailing rate. The City last purchased water from the MWRA in 1977.

Walnut Hill Water Treatment Plant, Authorization to Proceed with Construction Manager Procurement

The Board voted to approve a construction management model for the upcoming construction of the Walnut Hill Water Treatment Plant and authorize staff to proceed with the procurement of a construction manager to support the final design review and prepare for construction.

A construction manager (CM) will provide resident engineer and inspection services (RE/I), serve as the owner's representative, and be responsible for overall construction management and project coordination. Staff explained that MWRA committed to a construction management model on the Boston Harbor Project in 1987 and subsequently continued the program on the MetroWest Water Supply Tunnel Project. Although the estimated construction value of the Walnut Hill Water Treatment Plant is far smaller than BHP and MWWST, staff said the five anticipated construction packages are as complex in terms of contractor and site coordination, instrumentation and control requirements, and design management.

Mr. Carroll asked what construction management services will cost. Staff said it will cost between \$12.5 million and \$30 million, depending on what level of treatment is built. A construction manager will be recommended to the Board of Directors in the June-July 1998 time frame.

Bay State Fertilizer Sales and Distribution

The Board authorized the Executive Director to administer, on behalf of the Authority, an extension of the program of direct sales of *Bay State Fertilizer*, at prices, volumes and other terms and conditions that he determines to be in the best interest of the Authority, through December 31, 2000, provided that in conjunction with such program, *Bay State*

Fertilizer may be distributed at no charge to MWRA sewerage customer communities for use on public property, school grounds, and non-profit community gardens.

Staff explained that 410 tons of Bay State Organic was distributed locally (sales plus community donations) in 1997. Since the program's inception, 33 of the MWRA's 43 sewerage customer communities have taken advantage of the availability of the fertilizer at no charge for use on public property. Staff pointed out that the program is essentially an advertising expense for the overall pellet distribution program. . The Authority produced approximately 14,000 dry tons of pellets in calendar year 1997.

Payment of Meritorious Portion of Claims Involving Subcontractors, North System Headworks, Barletta O'Connell, JV

The Board voted to authorize the Executive Director, on behalf of the Authority, to pay the contractor Barletta O'Connell, Joint Venture, the sum of \$15,170 for further payment to the HVAC sub-contractor, M.J. Flaherty Company, as the meritorious portion of claim no. 103-16, Unilateral Change Order No. 20 for CSO and \$21,943 for further payment to the electrical sub-contractor, Fischbach and Moore, Inc., as the meritorious portion of claims no. 103-118, Seal Fittings at Chemical Tanks (\$1,955) and no. 103-121, Classifier Lights at Motor Control Centers (\$19,988). A contingency transfer in the amount of \$25,705 is required.

This contract is for construction of the North System Headworks, a component of the Primary Phase I portion of the Boston Harbor Project. The original contract price was \$87,900,100 with a contract period of 1,053 days. Change orders in the amount of \$8,066,772 were issued which extended the contract period an additional 245 days. Final Payment was made on the contract on September 26, 1996. A claims review panel has been reviewing contractor claims which were denied by the Engineer during the contract period. This payment includes costs verified by the Construction Manager which have been incurred by the contractor and not paid by the MWRA.

Mr. Pappastergion raised general concern about the change order/claims process and the culpability of the design engineers.

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CONTRACT AWARDS

Engineering Services, Sluice Gate Rehabilitation, Phase II: SEA Consultants Inc.

The Board approved the recommendation of the Consultant Selection Committee to award Contract 6272 to SEA Consultants Inc. to provide Engineering Services for Sluice Gate Rehabilitation, Phase II and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$970,822 for a term of five years.

Staff explained that Sluice Gate Rehabilitation, Phase I included replacement of 25 sluice gates at Foss Reservoir Gatehouse No. 3, Sudbury Dam Gatehouse and Wachusett Dam Upper Gate Chamber. Construction on Phase I was completed in 1992. Phase II includes rehabilitation work and replacement of 31 sluice gates at Stearns Reservoir Gatehouse No. 1, Brackett Reservoir Gatehouse No. 2, Course Brook Waste Weir A, Bacons Brook Waste Weir B, Fuller's Brook Waste Weir C, Waste Weir D, Bradley Basin Terminal Chamber, Chestnut Hill Reservoir Gatehouse No. 2, Cochituate Aqueduct Webber's Waste Weir, and Spot Pond South Gatehouse.

Cottage Farm CSO Facility Upgrade, Methuen Construction Company, Inc.

The Board approve the award of Contract 6268, Cottage Farm CSO Facility Upgrade, to Methuen Construction Company Inc., and authorized the Executive Director, on behalf of the Authority, to execute said contract in the amount of \$3,964,170 for a contract duration of 450 calendar days from the Notice to Proceed.

MWRA's CSO control plan includes treatment system upgrades at Cottage Farm, as well as other existing CSO

facilities, in part to enhance disinfection performance and provide dechlorination. Chlorine residual can be toxic to aquatic life and, for the first time, MWRA's draft NPDES permit includes limits on chlorine residual concentration. The treatment improvements at Cottage Farm have been designed to ensure permit compliance and to optimize the use of chemicals for disinfection and dechlorination.

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CONTRACT AMENDMENTS/CHANGE ORDERS

Hultman Risk Analysis and Repair: Simpson, Gumpertz & Heger, Amendment 4

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Amendment No. 4 to increase the contract price on Contract No. 5141, Hultman Risk Analysis and Repair Design, with Simpson, Gumpertz & Heger (SGH), in the amount of \$576,942. The original contract amount was \$866,609. Amendments now total \$948,050.

On completion of the active phase of this contract SGH recommended a number of steps to reduce the risk of failure of the Hultman Aqueduct. This amendment incorporates the major risk reduction recommendations. These include follow up on potential leaks and corrosion sites, inspection of buried appurtenances that were not included in the original study, investigation of seismic instability of high embankments, reduction of soil cover over the pipe, the repair of up to five major leaks, and the repacking of Valve 5. The decision was made to procure these services through an amendment instead of initiating a new contract because SGH has in-depth knowledge of the aqueduct, they have competently executed similar tasks, and the contract term does not expire until 2005.

Sludge Processing Facility Expansion, Tighe & Bond, Amendment 4

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Amendment 4 to Contract 5667 with Tighe & Bond for the Sludge Processing Facility Expansion, to increase the contract not-to-exceed amount by \$489,073 from \$6,202,470 to \$6,691,544 with no change to the term of the contract. A contingency transfer in the full amount is required. The original contract price was \$4,161,460. Amendments now total \$2,530,064.

Staff explained that this amendment will allow for the design of a natural gas pipeline, to be constructed by means of horizontal directional drilling, between the pellet plant at the Fore River Staging Area and the Algonquin interstate pipeline connection in East Braintree. This pipeline will significantly reduce annual natural gas costs by enabling the pellet plant to bypass the Boston Gas local distribution system and thus avoid Boston Gas distribution charges. Joe Favaloro, Executive Director of the MWRA Advisory Board, praised staff for their efforts and noted that this capital investment will result in annual current expense savings.

North Main Pump Station, J.F. White/PKF-Mark III, JV

The Board voted to adopt the Engineer's Decisions on claims CIA-102-065 and CIA-102-075 and authorize the Executive Director, on behalf of the Authority, to approve Change Order 135 to Contract 5722, North Main Pump Station at Deer Island, with J.F. White/PKF-Mark III, Joint Venture, increasing the contract amount by \$45,194 from \$88,055,458 to \$88,100,652. Further, the Board authorized the Executive Director to approve additional change orders to Contract 5722 in amounts not to exceed the aggregate of \$250,000. The original contract price was \$59,240,000. Change orders now amount to \$28,860,652 or 48.7% of the original contract amount.

This change order will compensate the contractor for additional costs incurred in providing chemical resistant pipe in lieu of the cast iron pipe specified in the contract documents and for providing and installing wooden dock bumpers which had been deleted by addendum during the bid process. This contract will be administratively closed out in the next several months. Currently, there are nine proposed change orders at an estimated total amount of \$212,000.

On-Site Thermal/Power Plant, J.F. White/PKF-Mark III, JV

The Board authorized the Executive Director, on behalf of the Authority, to approve Change Order 136 to Contract 5745, with J.F. White/PKF-Mark III, Joint Venture, in an amount not to exceed \$200,000, increasing the contract from \$82,416,260 to \$82,616,260. Further, the Board authorized the Executive Director to approve additional change orders as may be needed to Contract 5745 in the amount not to exceed the aggregate of \$250,000. A contingency transfer is required. The original contract price was \$53,650,000. Change orders now total \$28,966,260 or 54% of the original contract amount.

In a previous change order, \$250,000 was allocated for the contractor to install on a time and materials basis a gas purging system as part of the digester gas treatment and compression system. The work is nearly completed, but the allocation has been exceeded. According to staff, because piping is being routed through areas where existing utilities are located, the piping installation work is more complex than originally anticipated. The CM has prepared a revised estimate which shows that an additional \$200,000 is required to cover the labor, equipment and material costs necessary to complete the gas purging system.

Concrete Coating/Repair and Upgrade - Phase I, Carlin Contracting Co., Inc.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 5 to Contract 6172, Concrete Coating/Repair and Upgrade, with Carlin Contracting Co., Inc. Increasing the contract amount by \$75,448 from \$9,334,392 to \$9,409,840. Further, the Board authorized the Executive Director to approve additional change orders to Contract 6172 in amounts not to exceed the aggregate of \$250,000. The original contract price was \$9,091,184. Change orders total \$318,656.

Extensive studies of hydrogen sulfide gas (H₂S) throughout Deer Island and Nut Island resulted in a recommendation that protective coatings be upgraded on concrete and metallic surfaces in the areas expected to be subjected to the highest H₂S concentrations. This contract consists of applying coatings to 193,000 square feet of surface area. This change order includes coating of additional surface areas in the Clarifier Tanks. Staff explained that after the contractor performed a high pressure wash down of the tank interiors, it was revealed that small portions of the reinforcing bars below the specified lining elevation were rusted with a very thin concrete cover or exposed. In addition, the change order will compensate the contractor for using power chisels and sandblasting to remove the Ceva Deck 8M protective coating in lieu of only sandblasting. It was found, after the contractor began sandblasting, that the sandblasting was not removing all of the original coating.

Bus Transportation System, Alternate Concepts Inc./Modern Continental, JV

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 22 to Contract 5628, Bus Transportation System, with Alternate Concepts Inc./Modern Continental, Joint Venture, increasing the contract by an amount not-to-exceed \$3,213,993 from \$23,508,963 to \$26,772,956 and extending the contract completion date by 656 calendar days from March 15, 1998 to December 31, 1999. Further, the Board authorized the Executive Director to approve additional change orders to Contract 5628 in amounts not to exceed the aggregate of \$250,000. A contingency transfer in the amount of \$131,752 is required.

This change order will compensate the contractor for operation, management and maintenance of all personnel buses, materials, equipment and incidentals required to transport Boston Harbor Project personnel between Suffolk Downs and Deer Island.

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