



Summary of:

MWRA Board of Directors' Meeting

December 16, 1998

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A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on December 16, 1998 at the Authority Headquarters in Charlestown. **Present:** John Carroll, Andrew Pappastergion, Advisory Board Representatives; Vincent Mannering, Robert Spinney, City of Boston Representatives; Joseph MacRitchie, City of Quincy Representative; Lucile Hicks, Donald Mitchell, Gubernatorial Representative; Marie Turner, Town of Winthrop Representative. **Absent:** Andrea d'Amato, Boston Representative; Norman Jacques, Advisory Board Representative.

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AGENDA

Report of the Chair

No Report.

Report of the Executive Director

Mr. MacDonald told the Board that the Authority is currently reviewing the scope for federal fund lobbying services. The MWRA has been told that there will be no future funding for the nearly complete Boston Harbor Project (even though more than \$200 million remains to be spent). However, the Authority is exploring the possibility of pursuing federal funding for water system improvements and CSO control. Staff will select a lobbyist and ask them to develop a plan to pursue funding by June.

The Executive Director said that the efforts to establish a state Local Pipeline Assistance Program were kicked off with

an Advisory Board task force meeting. Joseph Favaloro, Executive Director of the MWRA Advisory Board, noted that eleven MWRA communities were represented at the meeting, which was also attended by officials from DEP and the Executive Office of Administration and Finance. The Cellucci Administration has committed to including the appropriate language and funding to establish the program in the Governor's FY2000 budget proposal.

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APPROVALS

Memorandum of Agreement with the City of Marlborough

The Board voted to authorize the Executive Director to enter into a Memorandum of Agreement (MOA) with the City of Marlborough, for mitigation associated with construction of the Walnut Hill Water Treatment Plant and the MetroWest Water Supply Tunnel.

The proposed MOA presented to the Board included a requirement for the MWRA to rehabilitate, operate and maintain the Cedar Hill water pump station which is currently owned and operated by Marlborough. The capital cost of the rehabilitation is \$1.6 million. Operation and maintenance costs would amount to \$115,000 per year or \$2.9 million over thirty years. Mr. Mannering and Mr. Carroll expressed concern over the precedent that would be set if MWRA took over responsibility for a pump station within a community. In addition, Board members questioned the difference between the Authority's estimate for operating the station and the estimate from the City of Marlborough which is over \$400,000 per year. Staff explained that the Authority would utilize a much more favorable rate for electricity. Mr. Carroll asked how many other water pump stations in the system are located in and operated by communities. Staff said that there are approximately seventeen stations within MWRA communities. Mr. Carroll asked if it would be likely that these communities would request that MWRA take over those pump stations if this measure is approved. Staff said that the status of the other pump stations would most likely be reopened as a result of this decision. Joseph Favaloro, Executive Director of the MWRA Advisory Board, advised the Board to be careful of this "slippery slope." He argued that if the argument based on the Enabling Act used by the Authority to justify this action works for Marlborough, it will work for the other seventeen pump stations. The Board decided to consult with officials from the City of Marlborough before a decision was made.

After discussion with Marlborough officials, the Board voted on a compromise agreement which removes the requirement for operating and maintaining the pump station, includes the capital costs for rehabilitating the pump station, increases the amount paid for open space from \$750,000 to \$1.5 million and commits to doing everything possible to pass on the Authority's beneficial rate for electricity to Marlborough for operating the station. The mitigation agreement with Marlborough for the MetroWest Tunnel and the Walnut Hill Treatment Plant amounts to approximately \$4.7 million.

Executive Director's Performance Review

The Board voted to rate the performance of the Executive Director for the period July 1, 1996 to June 30, 1998 as excellent. Further, the Board voted to amend the existing contract of the Executive Director, subject to the Executive Director's agreement, to provide for his appointment extending to June 30, 2001, with a third year further extension to June 30, 2002, provided that the extension for the third year shall not be effective without further vote of the Board if an evaluation for the period June 30, 1998 to June 30, 1999 is less than satisfactory. Further, the Board increased the current salary (\$125,401) of the Executive Director by the annual amount of 2% commencing September 1, 1997, to be paid retroactively; and to consider any additional adjustment to salary only after receipt of the consultant's market survey and recommendation, applying to non-union compensation.

Mr. Mitchell, Chairman of the Personnel Committee, said that although the Committee was unable to meet to discuss the Executive Director's review, he had spoken with all the Committee members by phone. He gave the above motion his full support. Mr. Spinney said that he felt it would have been valuable to have had the Personnel Committee meeting and had a dialogue on the review. Mr. Mannering said that he did not agree with the excellent rating and would support a satisfactory rating. He mentioned several incidents where he felt the Executive Director's performance

was less than excellent, including the agreement with Massport regarding the Chelsea River dredging project, additional expenses added to the budget without Board consultation, and the fluoride incident where communities were not properly notified. Several Board members spoke in favor of an excellent rating and in support of extending the Executive Director's contract. Although Mr. Spinney and Mr. Mannering voted against the amendment to include the excellent rating, the full motion was passed by unanimous vote.

Mr. MacDonald said that it has been a great pleasure working with the Board and that he appreciated the praise, as well as the constructive criticism. He said he looks forward to the challenging agenda for next year.

December PCR Amendments - Fiscal Year 1999

The Board approved amendments to the Position Control Register (PCR). The PCR amendments include position changes related to an increase in technical skills and training required to manage the day-to-day design and implementation of the SCADA and Microwave Systems in the Waterworks Operations Section; a reclassification to increase supervisory presence on all shifts in the Transmission and Treatment Section of Waterworks Operations; and reclassifications in the Law Division to reflect changing caseload.

Transmittal of the Proposed FY00-02 CIP to the MWRA Advisory Board

The Board voted to approve transmittal of the Proposed FY00-02 Capital Improvement Program (CIP) to the Advisory Board for its review and comment. Staff explained that the CIP reflects MWRA's commitment to invest in capital improvements designed to provide reliable, cost-effective services to its customer communities and fulfill its obligation to meet environmental mandates. It presents plans for investment in 107 projects at an estimated cost of \$1.4 billion for FY00-02. Staff will transmit the proposed CIP to the Advisory Board on or about January 4. The Board will consider the proposed CIP after the Advisory Board completes its review. Mr. Favaloro noted that just since last spring the CIP for the next three years, FY 2000 through 2002, has increased by nearly \$200 million, from \$1.16 billion to nearly \$1.36 billion.

Investment with Boston Bank of Commerce

The Board voted (with Mr. Mannering and Mr. Pappastergion opposed) to authorize the Treasurer to invest up to \$3 million of MWRA funds with the Boston Bank of Commerce.

Staff explained that the Massachusetts Black Legislative Caucus recently approached MWRA and other Commonwealth authorities with its concern about the lack of diversity within the banking and bonding industries in Massachusetts. The Executive Office of Administration and Finance has requested that the MWRA make a \$2 to \$3 million investment in collateralized repurchase agreements with the Boston Bank of Commerce. Staff recommended authorization of the investment following the MWRA's commitment to M/WBE participation as instructed by the Authority's Enabling Act. Mr. Pappastergion asked how much the Authority will be losing by investing funds in a bank that provides lower interest rates than the MWRA is currently receiving. Staff estimate that interest income for FY99 will be \$9,750 lower than budgeted and the revenue for future years will be approximately \$5,000 less per year. Mr. Favaloro said that the Advisory Board has concerns about this practice. "Because of this action, MWRA will be accruing less revenue for its ratepayers," said Mr. Favaloro.

Braintree-Weymouth Relief Facilities Project, Approval to Execute Project Labor Agreement

The Board voted to authorize Stone & Webster Construction Company, Inc. to execute a Project Labor Agreement (PLA) for the Braintree-Weymouth Relief Facilities Project with the Building and Construction Trades Department, AFL-CIO, the Massachusetts Building and Construction Trades Council and affiliated Local Unions.

Staff explained that some key terms of the agreement parallel, in most respects, the PLAs in force on the Boston Harbor, MetroWest Tunnel and Walnut Hill Water Treatment Plant projects. Included is an agreement by the unions not to engage in any strike, slowdown or interruption of the work pending resolution of any disputed issue; specific provision allowing "call by name" procedures, thus allowing the contractors more flexibility in hiring; clarification on language regarding prefabricated equipment and machinery, thus avoiding some problems which arose on the Boston

Harbor Project; more flexibility in establishing daily work schedule; provisions that regularize shifts for all crafts and pay for each shift; and specific provisions for establishment of substance abuse testing programs.

Supplemental EIR for Fox Point CSO Facility Upgrade

The Board voted to authorize staff to submit the Supplemental Environmental Impact Report (SEIR) for the Fox Point CSO Facility Upgrade to MEPA and other reviewers, in accordance with the Secretary's Certificate on the Notice of Project Change and in compliance with Schedule Six.

The report describes the extended public participation program and presents the siting evaluations and recommended plan for the Fox Point CSO facility in Dorchester. The Fox Point SEIR recommends that dechlorination facilities be constructed on MWRA property adjacent to the existing facility and that a small diameter sodium bisulfite force main be installed from the existing facility site to the injection point near Morrissey Boulevard a distance of about 2,700 feet. In addition, a 12'x12' building would be built near the injection point for compliance sampling and process control functions. Construction on this facility must begin by November 1999.

Staff also noted that a limited wet weather sampling program may be continued, to refine and better support the analysis and conclusions, while MEPA review and design efforts progress. In comments on the September SEIR, DEP had agreed with MWRA's conclusion that the data suggest the necessity for dechlorination, but supported continued sampling to strengthen the data and analysis. The September SEIR had also stated that MWRA would continue to work with a number of elected officials who expressed an interest in approaching EPA and DEP about the possibility of regulatory relief from the residual chlorine limit at Fox Point.

Disposition of Fisher Hill Reservoir

The Board authorized the Executive Director to declare the Fisher Hill Reservoir as surplus to the construction, maintenance or operation of the sewer and waterworks systems and return it to the control of the Division of Capital Asset Management (DCAM) in accordance with Section 9c of Chapter 372 of the Acts of 1984.

Staff explained that the Fisher Hill Reservoir is located in Brookline and has not been in active use since the mid-1950's. Mr. Pappastergion said that the Town of Brookline has agreed to take the property as is and intends to use the area for open space. Newbury College has also contacted MWRA and Brookline to express an interest in the property. Mr. MacRitchie asked if this positive action will benefit the MWRA in dealing with Brookline relative to the property at Chestnut Hill. Staff said that they hoped that it would. They also said that it is possible that DCAM could refuse to take the property back, but noted that it would be unlikely in this situation. Staff mentioned that if the Advisory Board legislation concerning surplus property becomes law, the ambiguity would be removed and the state would be required to take back property that the Authority declares surplus.

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CONTRACT AWARDS

Analytical Laboratory Services - Backup/Auxiliary Testing; Alpha Analytical Inc.

The Board voted to approve the recommendation of the Consultant Selection Committee to select Alpha Analytical Inc. to provide backup/auxiliary laboratory services; and to authorize the Executive Director, on behalf of the Authority, to execute a contract in an amount not to exceed \$132,623 with a duration of two years, from January 1, 1999 to December 31, 2000.

This contract will provide backup/auxiliary analytical laboratory testing services as required by various Sewerage Division programs. The testing services procured under this contract are required so infrequently that it is not cost-effective to perform them at the Central Laboratory. There is also a small allowance in the contract to provide for occasional outside confirmations of Central Laboratory results. The 1995 Peer Review confirmed this approach, and recommended the use of outside laboratory contract services to maximize the cost-effectiveness of the Central

Laboratory.

Technical Assistance Consulting Services - Hazardous Materials

The Board voted to approve the award of Technical Assistance Consulting Contracts for an initial one-year phase to the following consultants and to authorize the Executive Director, on behalf of the Authority, to execute said contracts for Hazardous Materials Consulting Services in amounts stated below:

Green Environmental, Inc. - \$150,000

EnviroSense, Inc. - \$150,000

And, further, to authorize 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 amount.

The purpose of these technical assistance contracts is to make available to the MWRA, on a continuing as-needed basis, the services of two consultants with expertise in hazardous waste issues to perform small, unanticipated or emergency projects.

Pretreatment Facilities/Substation and Plant Modifications: Barletta Engineering, Corp.

The Board approved the award of Contract 6516, Pretreatment Facilities/Substation & Plant Modifications, to the lowest eligible and responsible bidder, Barletta Engineering Corporation, 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 \$6,601,234 for a period of 714 days from the date of the Notice to Proceed. A contingency fund transfer of \$1,657,234 is required.

Staff explained that the scope of this contract was originally included in a larger construction contract which was bid last spring and consisted of four major categories of work: civil/site related work, construction of new facilities, improvements to existing plant components, and public access. When general bids for the contract were opened, only one bid in the amount of \$55,740,000 was received. The bid was \$17,440,000 or 46% over the Engineer's Estimate of \$38,300,000. In order to promote competition, staff decided to repackage the majority of the original contract into two separate contracts, dividing the work into Chapter 30 (contracts not including buildings) and Chapter 149 classifications and also broke out two smaller contracts for work which had to be completed sooner than the larger contracts could be rebid. This contract is for the Chapter 149 work involving construction of the north and south permanent pretreatment facilities, an electrical substation, installation of additional electrical system harmonic filters, landforms at both the North Main and Lydia Goodhue (South System) Pump Stations, and completion of minor miscellaneous modifications to the Deer Island Treatment Plant. The Chapter 30 work was awarded at the September 23, 1998 meeting of the Board.

With the award of this contract, the total costs of the repackaged scope items now total \$39.4 million. The repackaging of the work into separate contracts coupled with reductions and modifications to the scope of work will decrease overall costs of this project by \$16.2 million.

Walnut Hill Water Treatment Plant - Owner Controlled Insurance Program, Shepperd Riley Coughlin - Reliance National Insurance Co.

The Board approved the consultant selection committee's recommendation to proceed with a Walnut Hill Water Treatment Plant Owner Controlled Insurance Program (OCIP) by authorizing the Executive Director, on behalf of the Authority, to execute OCIP contracts with Shepperd, Riley & Coughlin (SRC) and Reliance National Insurance Co., for amounts not to exceed \$5,766,997.

On September 23, 1998, the Board approved staff's request to solicit bids for an Owner Controlled Insurance Program for the construction of the Walnut Hill Water Treatment Plant. This was based on the MWRA's favorable experience with the MetroWest OCIP and an assessment of MWRA's opportunities for similar success on the Walnut Hill Project.

The OCIP will provide the following insurance coverage components for the life of the project: Worker's Compensation for work on the Walnut Hill worksite; Commercial General Liability (\$5,000,000); Pollution Liability (\$5,000,000); and Excess Liability (\$20,000,000). In addition, the services provided by the OCIP team will include safety/loss control, claims management, and overall project insurance administration.

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CONTRACT AMENDMENTS/CHANGE ORDERS

MetroWest Water Supply Tunnel Project, Middle Tunnel Segment, Shea, Traylor, Healy, J.V.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 16 to increase the contract price on Contract No. 6055, MetroWest Water Supply Tunnel Project - Middle Tunnel Segment, with Shea Traylor Healy, J.V., in an amount not to exceed \$307,768. Further, the Board authorized the Executive Director to approve additional change orders as may be needed to Contract No. 6055 in amounts not to exceed the aggregate of \$250,000. The original contract price was \$251,867,770. Change Orders now total \$258,429.

This change order will compensate the contractor for work which was unilaterally ordered in Change Order 13. The work includes: relocation of Shafts NE and NW, and the associated valve chamber and yard piping; and construction of Phase I temporary access ramps and site haul roads to the Massachusetts Turnpike from MWRA property.

Water Distribution System Improvements, Northern High Service: Guertin & Associates, Inc.

The Board authorized the Executive Director, on behalf of the Authority, to execute Amendment 10 to Contract 5113, Northern High Service Water Distribution System Improvements, with Guertin & Associates, Inc. (G&A) increasing the contract amount by \$157,587 to \$1,396,332.

Staff explained that on March 25, 1998 the Board approved a contract in the amount of \$1.8 million to complete a section of water main in Lynn that had been held up for many years because of site contamination problems encountered in construction first commenced in 1982. The construction work by the P. Caliacco Corporation began in May 1998 and to date has proceeded smoothly. This amendment will compensate the design consultant for efforts that have been required beyond the scope as amended in 1994 including additional effort to bring the curbcuts and walkways within the project work area into compliance with new handicap access regulations; additional work on the traffic plan to satisfy City requirements; integration of the Utility Related Abatement Measure report requirements into the specifications; additional effort for utility and pipeline alignment design to resolve utility conflicts; coordination with Lynn Water and Sewer Commission; and coordination between Consultants.

Wachusett Interim Corrosion Control Facility, CH2M-Hill, Eastern, Inc.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Amendment No. 5 to extend the time for completion of Contract No. 5068, Wachusett Interim Corrosion Control (ICC) Facility, with CH2MHill, Eastern Inc., by eighteen months to June 30, 2000. This extension of time will allow for additional sampling programs to be carried out to assess performance of the ICC facility over the next twelve to eighteen months.

North Metropolitan Trunk Sewer Rehabilitation Phase II, United Gunitite Construction Inc.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 5 to extend the time for completion of Contract No. 5339, North Metropolitan Trunk Sewer Rehabilitation Phase II, with United Gunitite Construction, Inc., by 42 calendar days to February 23, 1999. Further, the Board authorized the Executive Director to approve additional change orders for time as may be needed to Contract No.5339 not to exceed 180 days.

This change order will extend the contract time at no additional cost. According to staff, the contractor's work schedule was interrupted at times of severe wet weather, MWRA pump station/headworks equipment and repair problems, and also during required testing at Deer Island Treatment Plant which necessitated the East Boston Pump Station to pump

flow to Deer Island through the North Met Trunk Sewer. Normally, as part of this contract, the pump station would be shut down during normal work hours unless ordered into service by MWRA.

Ancillary Design Modification - Phase III, R. Zoppo Corp./Interstate Engineering Corp., J.V.

The Board authorized the Executive Director, on behalf of the Authority, to approve Change Order No. 16 (Revised) to increase the contract price on Contract No. 6180, Ancillary Design Modification - Phase III, with R. Zoppo Corp./Interstate Engineering Corp., J.V., in the amount of \$12,073. Further, the Board authorized the Executive Director to approve additional change orders as may be needed to Contract No. 6180 in amounts not to exceed the aggregate of \$250,000. The original contract price was \$28,191,605. Change orders now total \$242,936.

Staff explained that Change Order 16 was originally approved by the Board on November 4th. Subsequent to the Board's approval, it was determined that one of the items included required an extension to Milestone M (an interim milestone). The change order includes \$10,542 to redesign the foundation of the covered passageway and \$1,531 to furnish and install insulated wire in lieu of bare wire throughout the Residuals Facility. A schedule analysis has indicated the need for an extension of fifty-nine calendar days to Milestone M for all work associated with the covered passageway from July 5, 1999 to September 2, 1999.

Boston Harbor Project Construction Management Services, ICF Kaiser Engineers of Massachusetts, Inc.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Amendment No. 7 to exercise a final four-year extension of Contract No. 5622, Boston Harbor Project Construction Management Services for 1999-2002, with ICF Kaiser Engineers, increasing the contract price by \$44,123,325 to fund the first three years of the extension and extending the completion date by 1,461 days to December 31, 2002 will be the end date for construction management services in the Boston Harbor Project. A contingency transfer in the amount of \$6,517,852 will be required to fund this extension option.

During 1999, fourteen Boston Harbor Project construction packages will be in active construction or the initial state of close-out and the full range of construction support services will also be in place. As a consequence, the proposed level of CM staffing will not change dramatically, decreasing from approximately 200 full-time equivalents (FTEs) in January 1999 to 178 FTEs by December 1999. Over the next two years, further reduction in CM staffing is planned, with overall level of staffing decreasing to 96 FTEs by December 2000 and 54 FTEs by December 2001 at which point physical construction is scheduled to be completed. Overall capital spending on the BHP over the next four years is projected at \$206.4 million.

Secondary Treatment Facilities, Phase 4, Battery C and Related Facilities, Metcalf & Eddy, Inc.

The Board authorized the Executive Director, on behalf of the Authority, to approve Amendment 5 to Contract 5686, Secondary Treatment Facilities, Phase 4, with Metcalf & Eddy, Inc., increasing the contract by \$1,180,000 from \$15,016,085 to \$16,196,085. The original contract price was \$11,954,822. Amendments now total \$4,241,263.

This amendment will increase the Engineering Services During Construction (ESDC) budget for ancillary plant modifications contract package (CP-211) to provide funding through contract completion and the one year warranty period; and to establish ESDC budgets for the CP-048, CP-144, and CP-432 contracts and plant-wide system coordination.

Nut Island Headworks Facility, Montgomery Watson Americas, Inc.

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Amendment 13 to Contract 5532, Nut Island Headworks Facility, with Montgomery Watson Americas, Inc., in an amount not to exceed \$669,540 thereby increasing the contract total not-to-exceed amount from \$9,547,733 to \$10,217,273 and extending the contract term for a period of eight months from December 31, 1999 to August 31, 2000. A contingency transfer in the amount of \$514,273 is required. The original contract amount was \$4,315,007. Amendments now total \$5,902,266.

Staff explained that the completion date for the Nut Island construction contract has been extended to August 1999.

Therefore, additional funds for engineering services during construction are necessary to address the following issues: project administration and construction support; change clarification requests, non-conformance reports, change order designs, and update plans and specifications; and inspection of outfalls.

North Dorchester Bay/Reserved Channel Consolidation Conduits and Reserved Channel CSO Facility, Parsons Brinckerhoff/Metcalf & Eddy, J.V.

The Board authorized the Executive Director, on behalf of the Authority, to execute Amendment 1 to Contract 6220, Design and Construction Services for North Dorchester Bay and Reserved Channel Consolidation Conduits and Reserved Channel CSO Facility, with Parsons Brinckerhoff/Metcalf & Eddy, J.V., increasing the contract amount by \$1,406,000 from \$19,816,000 to an amount not to exceed \$21,222,000. A contingency transfer in the amount of \$1,006,000 is required.

Since August 1997, Parsons Brinckerhoff/Metcalf & Eddy has provided engineering services to design two CSO consolidation conduits and a 600 MGD screening, disinfection and pumping facility in South Boston. This amendment reflects project changes and other decisions made during preliminary design and reconciles costs incurred to date, including increased costs for certain preliminary design services and cost savings in other tasks. Two-thirds of the amendment cost is associated with additional subsurface exploration work scheduled for the next several months.

Staff noted that a Notice of Project Change is expected to be filed in the near future, that will address three changes increasing the amount of near-surface piping, as well as other project changes. A more intensive assessment of the local storm drain network and flows was performed during preliminary design, resulting in a change to the storm flows that will be collected. New information indicates that storm flows are much higher than originally assumed, and that storm flows only up to the 5-year storm can be collected without substantial additional cost. Excess flows in larger storms would continue to be directed to the Bay through existing outfalls.

Staff also noted that the South Boston working group is now asking the Authority to look at another site for the facility. Staff estimates that the site change would add approximately \$30 to \$37 million to the project. Board members expressed concern over considering alternative sites at this stage of the process and the need to make clear to the community which direction the project is heading. Mr. Favaloro said that it is time for this project to get a "real second look." He noted that the project has grown from \$120 million just a few years ago to over \$200 million today (even before costs associated with alternative sites are added). Mr. MacDonald said that the Authority will do an overview of the project as Joe Favaloro suggested and present the findings to the Board.

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OTHER BUSINESS

Chestnut Hill Facilities

Mr. Carroll asked where the Authority is with regard to the property at Chestnut Hill. Staff said that the MWRA is ready to go ahead with bids and are meeting with DEP to discuss backup power for the pumps. The bid award is expected to be on the agenda for one of the January Board meetings. The cap stones on one of the buildings have been weatherproofed for a cost of approximately \$10,000. The working group process is reportedly going well. Staff noted that the Department of Environmental Management has requested funding to manage the working group. In addition, there is a problem with the disposition of the reservoir and the area around it. MWRA is currently working with the MDC to resolve the issue.

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