

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

June 24, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law the June 24, 2020 meeting of the Board of Directors of the Massachusetts Water Resources Authority was held by remote participation. Chair Theoharides presided. Present remotely from the Board, in addition to Chair Theoharides, were Ms. Wolowicz and Messrs. Carroll, Cook, Cotter, Flanagan, Foti, Pappastergion, Peña, Vitale and Walsh. MWRA staff participants included Frederick Laskey, Executive Director, Carolyn Francisco Murphy, General Counsel, David Coppes, Chief Operating Officer, Carolyn Fiore, Deputy Chief Operating Officer, Thomas Durkin, Director of Finance, Michele Gillen, Director of Administration, Kathleen Murtagh, Director of Tunnel Redundancy, and Assistant Secretaries Ria Convery and Kristin MacDougall. The meeting was called to order at 1:04 p.m. All items requiring a Board vote were individually presented for discussion and deliberation. Motions were then consolidated for one omnibus roll call vote.

APPROVAL OF MAY 27, 2020 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of May 27, 2020.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote.

REPORT OF THE CHAIR

Chair Theoharides thanked MWRA staff for continuing to provide critical essential services during the pandemic and for their leadership on the Biobot study for COVID-19 surveillance. The Chair noted that Dr. Vandana Rao, EEA, is convening a meeting of the Drought Task Force to address drought conditions in the Commonwealth. Chair Theoharides also reported that Massachusetts has received direct relief from the federal government for food relief and food security to help build community resilience. Finally, the Chair noted that EEA is holding series of staff discussions about racial injustice. (Mr. Cook joined the meeting during the Report of the Chair.)

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey updated Board members on the status of MWRA operations and staff safety during the ongoing pandemic. Mr. Laskey reported on changes to procedures for the EPA Region 1's issuance of NPDES permits. He also provided updates on MWRA reservoir levels, the semi-annual Boston Harbor Case court report filing and a new,

subscription-based CSO notification system. Mr. Laskey also noted that Lynnfield Center Water District may be seeking an emergency MWRA water supply through the Lynnfield Water District, and that the July 2020 and August 2020 MWRA Board of Directors meetings will be rescheduled.

WASTEWATER POLICY & OVERSIGHT COMMITTEE

CONTRACT AWARDS

Early Warning Pilot for the Resurgence of COVID-19: Biobot Analytics, Inc.

Staff made a presentation. There was brief discussion.

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a sole source contract, based on terms acceptable to the Authority, to provide an Early Warning Pilot for the Resurgence of COVID-19, to Biobot Analytics, Inc. in an amount not to exceed \$200,000, for a contract term of six months.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.1)

Purchase Order Contract to Provide Struvite, Scum, Sludge and Grit Removal Services at the Deer Island Treatment Plant: Moran Environmental Recovery, LLC, WRA-4838

Staff made a verbal presentation. There were questions and answers.

A motion was duly made and seconded to approve the award of Purchase Order Contract WRA-4838 to provide struvite, scum, sludge and grit removal services at the Deer Island Treatment Plant to the lowest responsive bidder, Moran Environmental Recovery, LLC., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$998,210 for a period of two years, from August 1, 2020 through July 31, 2022.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.2)

Deer Island Eastern Seawall and Shoreline Protection Remediation – Design, Engineering Services During Construction, and Resident Engineering Services: Green International Affiliates, Inc., Contract 6723

Staff made a presentation.

A motion was duly made and seconded to approve the award of Contract 6723, Deer Island Treatment Plant Eastern Seawall and Shoreline Protection Remediation – Design, Engineering Services During Construction, and Resident Engineering Services to Green International Affiliates, Inc. and to authorize the Executive Director, on behalf

of the Authority, to execute said contract in an amount not to exceed \$2,600,472.63, for a contract term of 64 months from the Notice to Proceed.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.3)

Combustion Turbine Generator Maintenance, Deer Island Treatment Plant: O'Connor Corp., Contract S593

Staff made a verbal presentation. There were questions and answers.

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve the award of Contract S593, Combustion Turbine Generator Maintenance, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, O'Connor Corporation, and to execute said contract in the not to exceed amount of \$1,343,847, for a contract term of 1,095 calendar days.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.4)

Electrical Equipment Testing, Deer Island Treatment Plant: American Electrical Testing, Co., Contract S596

Staff made a verbal presentation. There were questions and answers.

A motion was duly made and seconded to approve the award of Contract S596, Electrical Equipment Testing, Deer Island Treatment Plant, to the lowest responsive bidder, American Electrical Testing Company, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the not to exceed bid amount of \$1,928,700, for a term of 1,095 calendar days from the Notice to Proceed.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.5)

Interceptor Renewal No. 7 Malden-Melrose, Sections 41/42/49/54/65, Design and Engineering Services During Construction: Kleinfelder Northeast, Inc., Contract 7216

Staff made a presentation.

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7216, Interceptor Renewal No. 7 Malden-Melrose (Sections 41/42/49/54/65) Design and Engineering Services During Construction, to Kleinfelder Northeast, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,559,330.59, for a contract term of seventy-two months from the Notice to Proceed.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV A.6)

CONTRACT AMENDMENTS/CHANGE ORDERS

Chelsea Creek Headworks Upgrade: BHD/BEC JV 2015, A Joint Venture, Contract 7161, Change Order 38

Staff made a verbal presentation. There were questions and answers.

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 38 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture, for an amount not to exceed \$226,853, increasing the contract amount from \$82,975,797.06 to \$83,202,650.06, with no increase in contract term. Further, a motion was made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Chair Theoharides called for any further discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. IV B.1)

PERSONNEL & COMPENSATION COMMITTEE

APPROVALS

PCR Amendments – June 2020

A motion was duly made and seconded to approve the amendments to the Position Control Register as presented, on a date to be determined by the Executive Director.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. V A.1)

Extension of Employment Contract: Copy and Supply Clerk, Administration Division

A motion was duly made and seconded to approve the extension of an employment contract for Mr. Ward Merithew, Copy and Supply Clerk, Facilities Management Department, for a period of six months from July 1, 2020 to December 31, 2020, at the current hourly rate of \$15.76 per hour, for a total annual compensation not to exceed \$6,150.00.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. V A.2)

ADMINISTRATION, FINANCE & AUDIT COMMITTEE

INFORMATION

Delegated Authority Report

Committee member Pappastergion called for any discussion or objections. Hearing none, Mr. Pappastergion proceeded to the next agenda item. (ref. VI A.1)

FY2020 Financial Update and Summary as of May 2020

Committee member Pappastergion called for any discussion or objections. Hearing none, Mr. Pappastergion proceeded to the next agenda item. (ref. VI A.2)

APPROVALS

Approval of the FY2021 Capital Improvement Program

A motion was duly made and seconded to approve the FY2021 Final Capital Improvement Program with a total budget of \$266.2 million for FY2021 including \$201.0 million in project spending and \$65.2 million in community assistance.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. VI B.1)

Approval for the Rivers School Admission to the MWRA Wastewater System

A motion was duly made and seconded that pursuant to MWRA Operating Policy 04 the Board approve the admission of the Rivers School, located on the border of Weston and Natick, to the MWRA wastewater system to discharge up to 12,000 gpd of wastewater via a connection to the Town of Natick.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. VI B.2)

CONTRACT AWARDS

Revenue Bond Consulting Engineer Services: CDM Smith Inc., Contract F258

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to select CDM Smith Inc. to provide revenue bond consulting engineer services in connection with the issuance of revenue bonds and to authorize the Executive Director, on behalf of the Authority, to execute said contract with CDM Smith, Inc. in an amount not to exceed \$325,600 for a term of 36 months from the Notice to Proceed.

Chair Theoharides called for any discussion or objections. Hearing none, the Chair referred the motion to an omnibus roll call vote. (ref. VI C.1)

OMNIBUS ROLL CALL VOTE

Chair Theoharides moved for on omnibus roll call vote on the motions presented and seconded.

An omnibus roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Theoharides		
Carroll		
Cook		
Cotter		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to approve the minutes of the May 27, 2020 Board of Directors' meeting as presented and filed with the records of this meeting;

Further, voted: to authorize the Executive Director, on behalf of the Authority, to execute a sole source contract, based on terms acceptable to the Authority, to provide an Early Warning Pilot for the Resurgence of COVID-19, to Biobot Analytics, Inc. in an amount not to exceed \$200,000, for a contract term of six months; (ref. IV A.1)

Further, voted: to approve the award of Purchase Order Contract WRA-4838 to provide struvite, scum, sludge and grit removal services at the Deer Island Treatment Plant to the lowest responsive bidder, Moran Environmental Recovery, LLC., and to authorize the Executive Director, on behalf of the Authority, to execute said purchase order contract in an amount not to exceed \$998,210 for a period of two years, from August 1, 2020 through July 31, 2022; (ref. IV A.2)

Further, voted: to approve the award of Contract 6723, Deer Island Treatment Plant Eastern Seawall and Shoreline Protection Remediation – Design, Engineering Services During Construction, and Resident Engineering Services to Green International Affiliates, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,600,472.63, for a contract term of 64 months from the Notice to Proceed; (ref. IV A.3)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve the award of Contract S593, Combustion Turbine Generator Maintenance, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, O'Connor Corporation, and to execute said contract in the not to exceed amount of \$1,343,847, for a contract term of 1,095 calendar days; (ref. IV A.4)

Further, voted: to approve the award of Contract S596, Electrical Equipment Testing, Deer Island Treatment Plant, to the lowest responsive bidder, American Electrical Testing Company, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the not to exceed bid amount of \$1,928,700, for a term of 1,095 calendar days from the Notice to Proceed; (ref. IV A.5)

Further, voted: to approve the recommendation of the Consultant Selection Committee to award Contract 7216, Interceptor Renewal No. 7 Malden-Melrose (Sections 41/42/49/54/65) Design and Engineering Services During Construction, to Kleinfelder Northeast, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,559,330.59, for a contract term of seventy-two months from the Notice to Proceed; (ref. IV A.6)

Further, voted: to authorize the Executive Director, on behalf of the Authority, to approve Change Order 38 to Contract 7161, Chelsea Creek Headworks Upgrade, with BHD/BEC 2015, A Joint Venture, for an amount not to exceed \$226,853, increasing the contract amount from \$82,975,797.06 to \$83,202,650.06, with no increase in contract term. Further, voted: to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in an amount not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors. (ref. IV.B.1)

Further, voted: to approve the amendments to the Position Control Register as presented, on a date to be determined by the Executive Director; (ref. V A.1)

Further, voted: to approve the extension of an employment contract for Mr. Ward Merithew, Copy and Supply Clerk, Facilities Management Department, for a period of six months from July 1, 2020 to December 31, 2020, at the current hourly rate of \$15.76 per hour, for a total annual compensation not to exceed \$6,150.00; (ref. V A.2)

Further, voted: to approve the FY2021 Final Capital Improvement Program with a total budget of \$266.2 million for FY2021 including \$201.0 million in project spending and \$65.2 million in community assistance; (ref. VI A.1)

Further, voted: that pursuant to MWRA Operating Policy 04 the Board approve the admission of the Rivers School, located on the border of Weston and Natick, to the MWRA wastewater system to discharge up to 12,000 gpd of wastewater via a connection to the Town of Natick; (ref. VI A.2) and

Further, voted: to approve the recommendation of the Consultant Selection Committee to select CDM Smith Inc. to provide revenue bond consulting engineer services in connection with the issuance of revenue bonds and to authorize the Executive Director, on behalf of the Authority, to execute said contract with CDM Smith Inc. in an amount not to exceed \$325,600 for a term of 36 months from the Notice to Proceed. (ref. VI C.1)

OTHER BUSINESS

MWRA Advisory Board Executive Director Joseph Favaloro offered remarks on the MWRA FY21 CEB and CIP on behalf of the MWRA Advisory Board and its member communities. (Chair Theoharides left the meeting at the conclusion of Other Business.)

EXECUTIVE SESSION

Vice Chair Carroll moved that Board enter Executive Session to discuss real estate and litigation since discussion in Open Session may have a detrimental effect upon the negotiating and litigating position of the Authority, and then return to Open Session solely for the purpose of adjournment.

MWRA General Counsel Francisco-Murphy announced that under the Open Meeting Law, at the start of an Executive Session, members who are participating remotely must state that no other person is present or able to hear the discussion at their remote locations, and that a response of "yes" to enter Executive Session when their names are called will also be deemed their statements that no other person is present or able to hear this Executive Session discussion at their remote locations.

Upon a motion duly made and seconded, a roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Carroll		
Cook		
Cotter		
Flanagan		
Foti		
Pappastergion		
Peña		
Vitale		
Walsh		
Wolowicz		

Voted: to enter Executive Session to discuss real estate and litigation and to return to Open Session solely for the purpose of adjournment.

*** EXECUTIVE SESSION ***

ADJOURNMENT

The meeting returned to open session and adjourned at 2:19 p.m.

Approved: July 22, 2020

Attest:

 for _____
Andrew M. Pappastergion, Secretary