

Presented and Approved: January 4, 2024

SUBJECT: Approval to Add Funding to FY 2024 and Exercise Option Year 6 of Contract No. WAS-13-048-AA-SS, Electric Energy Services and Electricity Generation and Transmission, Constellation New Energy, Inc.

**#24-00
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at its meeting on January 4, 2024 upon consideration of a joint use matter, decided by a vote of eight (8) in favor and none (0) opposed to approve Additional Funding to FY 2024 and Exercise Option Year 6 of Contract No. WAS-13-048-AA-SS, Constellation New Energy, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to add funding to FY 2024 and to Exercise Option No. 6 of Contract No. WAS-13-048-AA-SS, Constellation New Energy Inc. The purpose of this contract is to provide Wastewater Treatment Operations and the Department of Pumping and Sewer Operations with electricity services and purchased electricity generation capacity. It also provides DC Water access to the Pennsylvania-New Jersey-Maryland (PJM) wholesale competitive electric market to fulfill the electric energy needs for DC Water’s seven major metered locations in the District of Columbia. The total amount of this request is \$32,993,862.00.

This Resolution is effective immediately.

Michelle Rhodd
Secretary to the Board of Directors

Presented and Approved: January 4, 2024

SUBJECT: Approval to Execute Contract No. 230050, Emergency Sewer Main IR&R Contract for FY24-FY27, Anchor Construction Company, Inc.

**#24-01
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at its meeting on January 4, 2024 upon consideration of a joint use matter, decided by a vote of eight (8) in favor and none (0) opposed to approve to Execute Contract No. 230050, Anchor Construction Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to Execute Contract No. 230050, Anchor Construction Company, Inc. The purpose of this contract is to provide emergency and urgent sewer infrastructure rehabilitation and replacement services at various public space locations within the District of Columbia and other jurisdictions served by the Authority. The total amount of this contract is not-to-exceed \$21,429,860.00.

This Resolution is effective immediately.

Michelle Rhodd
Secretary to the Board of Directors

Presented and Approved: January 4, 2024

SUBJECT: Approval to Execute Contract No. 230080, Water and Sewer IDIQ, Fort Myer Construction Corporation

**#24-02
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at its meeting on January 4, 2024 upon consideration of a joint use matter, decided by a vote of eight (8) in favor and none (0) opposed to approve the execution of Contract No. 230080, Fort Myer Construction Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to Execute Contract No. 230080, Fort Myer Construction Corporation. The purpose of this contract is to provide water and sewer infrastructure and replacement services at various public space location in Washinton, D.C.; and will be used for projects that historically have not yielded satisfactory results through competitive bidding such as no bids, or bids that do not reflect fair and reasonable prices due to various factors like size, uncertainty, complexity, long lead materials/equipment, specialty trades required, etc. The contract period is for three years plus two option years. The total amount of this contract is not-to-exceed \$43,995,815.00.

This Resolution is effective immediately.

Michelle Rhodd

Secretary to the Board of Directors

Presented and Approved: January 4, 2024

**SUBJECT: Approval to Add Funding to Option Years 1 and 2 of
Contract No. 200070, Green Infrastructure Maintenance
Contract B, National Services Contractor, Inc.**

**#24-03
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at its meeting on January 4, 2024 upon consideration of a non-joint use matter, decided by a vote of four (4) In favor and none (0) opposed to approve the add funding to Option Years 1 and 2 of Contract No. 200070, National Services Contractor, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute additional funding to Option Years 1 and 2 of Contract No. 200070, National Services Contractor, Inc. The purpose of this contract is to maintain DC Water-constructed Green Infrastructure (GI) facilities installed pursuant to the Long-Term Control Plan Consent Decree and other facilities installed to comply with the District stormwater regulations as part of the Clean Rivers construction projects. The total additional funding for Option Years 1 and 2 is \$2,751,240.00.

This Resolution is effective immediately.

Michelle Rhodd

Secretary to the Board of Directors

Presented and Adopted: January 4, 2024

SUBJECT: Approval to Publish Notice of Final Rulemaking to Extend the DC Water Cares Emergency Relief Program for Low-Income Customers (Residential Assistance Program “RAP”) for Fiscal Year 2024

**#24-04
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“DC Water”) at the Board meeting held on January 4, 2024 upon consideration of a non-joint use matter, decided by a vote of four (4) in favor and none (0) opposed, to approve and adopt the following action with respect to publish the Notice of Emergency and Proposed Rulemaking to extend the DC Water Cares Emergency Relief Program for Low-Income Customers (“Residential Assistance Program” or “RAP”) for FY 2024.

WHEREAS, on September 3, 2020, the Board, through Resolution #20-65, approved the allocation of \$15 million of the projected 2020 net cash surplus for customer assistance programs and approved the allocation of \$3 million to continue the District’s Emergency Residential Program in FY 2021 to provide one-time assistance up to \$2,000 to residential customers economically impacted by COVID-19 and to allocate \$7 million to establish a new program to provide one-time assistance to multi-family buildings where the occupants have been impacted by COVID and payment plans are established and adhered with the assistance determined and provided per affordable unit, and on a matching basis; and

WHEREAS, on February 4, 2021, the Board, through Resolution #21-15, approved and adopted final rules to establish the DC Water Cares – Emergency Relief Program for Low-Income Residential Customers (Residential Assistance Program (RAP)); and

WHEREAS, on May 6, 2021, the Board, through Resolution #21-42, approved and adopted final rules to establish the DC Water Cares: Multifamily Assistance Program (MAP) for Low-Income Multifamily Tenants; and

WHEREAS, the Board, through Resolutions #21-15 and 21-42, required the benefits provided under the DC Water Cares: RAP and MAP programs would only be provided for Fiscal Year 2021, and terminate on September 30, 2021 unless approved by the Board to continue in FY 2022; and

WHEREAS, on December 2, 2021, the Board, through Resolution # 21-114, authorized the General Manager to amend the District of Columbia Municipal Regulations to extend the implementation of the DC Water Cares – Emergency Relief Program for Low-Income Residential Customers RAP and MAP for FY 2022 due to ongoing economic impacts as a result of COVID-19, which continued to cause the number of potential eligible customers in arrears to increase, and the uncertainty of federal assistance programs to provide assistance for customers in need; and

WHEREAS, on October 6, 2022, the Board, through Resolution # 22-66, authorized the General Manager to amend the District of Columbia Municipal Regulations to amend and extend the implementation of the DC Water Cares – RAP and MAP programs for FY 2023 due to ongoing economic impacts as a result of COVID-19, which continued to cause the number of potential eligible customers in arrears to increase, and the uncertainty of federal assistance programs to provide assistance for customers in need; and

WHEREAS, on September 26, 2023, the DC Water and Sewer Rates Committee met to consider the status of the DC Water Cares: CAP, CAP2, RAP and MAP programs and remaining budget balance and the General Manager's recommendations for Fiscal Year 2024; and

WHEREAS, the General Manager presented the status of the CAP, CAP2, RAP and MAP programs noting: 1) due to availability of Federal funding through the Homeowner Assistance Fund and LIHWAP, RAP funding would not be exhausted in FY 2023; 2) MAP participation has been slow and the administrative work needed to maintain program outweighs the participation; and 3) the calculation of administrative costs for RAP, MAP and CAP were lower than expected due to in-house processing; and

WHEREAS, the General Manager recommended: (1) Rolling over ~\$924,942 of the FY 2023 remaining balance for RAP and MAP Programs to the FY 2024 Budget for the RAP Program; (2) Rolling over ~\$148,422 from FY 2023 RAP, MAP and CAP Programs Administrative Fund remaining balance to the FY 2024 Budget for the RAP Program; and (3) Rolling over \$20,000 from FY 2023 RAP, MAP and CAP Programs Administrative Fund remaining balance to the FY 2024 Administrative Fund Budget for the RAP and CAP Programs; and

WHEREAS, the General Manger reported the impacts of COVID are still affecting customers resulting in total residential customer arrears of \$8.4 Million; and

WHEREAS, the General Manager recommended adopting and publishing a Notice of Emergency and Proposed Rulemaking to extend the DC Water Cares: RAP program for FY 2024 until funds are exhausted; and

WHEREAS, the General Manager recommended these amendments be made through an emergency rulemaking to maintain the continuity of benefits for customers that continue to be in need due to the economic impacts of COVID-19 until the Board holds

a Public Hearing and the final rulemaking is published within 120 days; and

WHEREAS, after further consideration and discussion, the DC Retail Water and Sewer Rates Committee recommended the Board adopt and approve the publication of the Notice of Emergency and Proposed Rulemaking (NOEPR) to amend 21 DCMR 4102 Customer Assistance Program, to extend the DC Water Cares: RAP program for FY 2024 until funds are exhausted as proposed by the General Manager; and

WHEREAS, on October 5, 2023, the Board, through Resolution #23-67, adopted and approved the publication of the NOEPR to amend 21 DCMR 4102 Customer Assistance Program to extend the DC Water Cares: RAP program for FY 2024 until funds are exhausted as proposed by the General Manager; and

WHEREAS, on October 20, 2023, DC Water published the NOEPR and Notice of Public Hearing in the *D.C. Register* at 70 DCR and 013987 and 013985, respectively; and

WHEREAS, on December 5, 2023, the Board held a Public Hearing to present the proposed amendments and receive testimony on the NOEPR; and

WHEREAS, on December 12, 2023, the record of the Public Hearing closed and the public comment period ended; and

WHEREAS, on December 19, 2023, the DC Retail Water and Sewer Rates Committee met to consider testimony presented during the Public Hearing, comments submitted during the public comment period and the General Manager's final proposal to amend the Customer Assistance Program regulations; and

WHEREAS, the General Manager reported to the Committee that no public testimony was presented at the Public Hearing and no comments were received during the public comment period; and

WHEREAS, the General Manager recommended publishing a Notice of Final Rulemaking (NOFR) as proposed in the NOEPR as presented in Attachment A; and

WHEREAS, the General Manager also presented the projected DC Water Cares unexpended balance of \$ 1,105,135 of FY 2023 RAP and MAP funds (\$956,713) and FY 2023 Administrative Cost funds (\$148,422) would be available to fund the RAP program in FY 2024, and the remaining \$20,000.04 will be applied to the FY 2024 Administrative Costs for CAP and RAP; and

WHEREAS, on December 19, 2023, the DC Retail Water and Sewer Rate Committee, after considering that no testimony or comments were received or submitted during the Public Hearing and public comment period, and the General Manager's recommendation, recommended the Board adopt and approve the publication of the Notice of Final Rulemaking to amend the Customer Assistance Program regulations as presented in the Attachment A; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board hereby adopts and approves the publication of the Notice of Final Rulemaking (NOFR) to amend 21 DCMR 4102 Customer Assistance Program as recommended by the DC Retail Water and Sewer Rates Committee and the General Manager to continue to extend the DC Water Cares: RAP program for FY 2024, as provided in Attachments A.
2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required to publish the Notice of Final Rulemaking in accordance with the District of Columbia Administrative Procedure Act.
3. This resolution is effective immediately.

Michelle Rhodd

Secretary to the Board of Directors

Attachment A

Chapter 41, RETAIL WATER AND SEWER RATES AND CHARGES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

1. Subsection 4102.9 of Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended to read as follows:

4102.9 DC Water Cares Emergency Relief Program for Low-Income Residential Customers:

- (a) Participation in the DC Water Cares Emergency Relief Program (DC Water Cares) shall be limited to a single-family or individually metered low-income Residential Customer that meets the following eligibility requirements:
 - (1) The applicant maintains an active DC Water account and is responsible for paying for water and sewer services; and
 - (2) DOEE has determined that the applicant's annual household income is equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit.
- (b) An approved customer shall receive the following benefits:
 - (1) Credit of one hundred percent (100%) off of the past due water and sewer bill balance; and
 - (2) The total amount of credits provided shall not exceed Two Thousand (2,000) dollars during Fiscal Year 2024, subject to the availability of budgeted funds.
- (c) Upon DC Water's receipt of notice from DOEE that the applicant meets the financial eligibility requirements and subject to the availability of budgeted funds, DC Water shall provide the credits to the customer's account from the date that DOEE accepts a completed application and for future qualifying events that may lead to collection activities to the end of the fiscal year in which the application was submitted.
- (d) The DC Water Cares Emergency Relief Program for Low-Income Residential Customers shall terminate on September 30, 2024 or as provided in § 4102.9(f).

- (e) Customer that received DC Water Cares benefits in FY 2023 must submit a renewal CAP or CAP2 application to DOEE to receive DC Water Cares benefits in Fiscal Year 2024.
- (f) If DC Water determines that the remaining budgeted funds are insufficient to provide DC Water Cares for Low-Income Residential Customers benefits, DC Water may:
 - (1) Suspend the process for accepting DC Water Cares applicants; or
 - (2) Suspend or adjust providing DC Water Cares benefits to eligible recipients.

2. Subsection 4102.10 of Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is deleted in its entirety and renamed to read as follows:

4102.10 [RESERVED]