

Presented and Adopted: April 2, 2009
Subject: Board of Directors' Travel Policy

#09-45
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors (the "Board") of the District of Columbia Water and Sewer Authority (the "Authority"), at its meeting on April 2, 2009, upon consideration of a joint use matter decided by a vote of eleven (11) in favor and none (0) opposed to take the following action with respect to adoption of a Travel Policy for the Board.

WHEREAS, travel for Board members related to their service to the Authority may be necessary; and

WHEREAS, the Governance Committee reviewed the Travel Policy for Authority employees; and

WHEREAS, the Governance Committee finds that the Board should have a travel policy consistent with the employee Travel Policy; and

WHEREAS, the Governance Committee, at its meeting of March 18, 2009, reviewed the attached Board Travel Policy; and

WHEREAS, the Governance Committee recommends approval of the attached Board Travel Policy;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board hereby adopts the attached Board Travel Policy.
2. The Board hereby authorizes the General Manager to take all actions necessary to implement the Board Travel Policy.
3. This resolution is effective immediately.


Secretary to the Board

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
BOARD OF DIRECTORS' TRAVEL POLICY**

1.00 Purpose

To provide for the travel of the WASA Board members in a manner that is compatible with the current travel policy for WASA employees.

2.00 Policy

2.1 Travel for Board members shall be pre- approved in advance by the Board Chairman.

2.2 Board members are to be provided funding for WASA-related travel expenses pursuant to WASA's established guidelines for payment of travel expenses.

2.3 The WASA Secretary to the Board's budget shall include funding for Board member travel.

Presented and Adopted: April 2, 2009
Subject: Board of Directors' Training Policy

09-46
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors (the "Board") of the District of Columbia Water and Sewer Authority (the "Authority"), at its meeting on April 2, 2009, upon consideration of a joint use matter decided by a vote of eleven (11) in favor and none (0) opposed to take the following action with respect to adoption of a Training Policy for the Board.

WHEREAS, training for Board members related to their service to the Authority is a benefit to the Authority; and

WHEREAS, the Governance Committee reviewed the Training Policy for Authority employees; and

WHEREAS, the Governance Committee finds that the Board should have a training policy compatible with the employee Training Policy; and

WHEREAS, the Governance Committee, at its meeting of March 18, 2009, reviewed the attached Board Training Policy; and

WHEREAS, the Governance Committee recommends approval of the attached Board Training Policy;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board hereby adopts the attached Board Training Policy.
2. The Board hereby authorizes the General Manager to take all actions necessary to implement the Board Training Policy.
3. This resolution is effective immediately.


Secretary to the Board

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
BOARD OF DIRECTORS' TRAINING POLICY**

1.00 Purpose

To provide for the training of the District of Columbia Water and Sewer Authority (Authority) Board of Directors (Board) in a manner that is compatible with the training policy for Authority employees.

2.00 Policy

2.1 Training for Board members shall be approved in advance by the Board Chair.

2.2 Board members may undertake training, at the Authority's expense, that is directly related to Authority functions.

2.3 The Training and Development Policy for Authority employees shall be used as a guideline for Board member training.

2.3 The budget of the Authority's Board Secretary shall include funding for Board member training.

Presented and Adopted: April 2, 2009
Subject: Approval for Publication of Proposed Amendments to
the Procurement Regulations

#09-47
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors, (the "Board") of the District of Columbia Water and Sewer Authority ("Authority"), at its meeting on April 2, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval for publication of proposed amendments to the Authority's Procurement Regulations.

WHEREAS, on or about September 9, 1999 the Board adopted Procurement Regulations (Resolution 99-66); and

WHEREAS, there is a need to revise the existing Procurement Regulations; and

WHEREAS, a presentation of the proposed changes to the Procurement Regulations was made to the Environmental Quality and Operations Committee on January 27, 2009, and

WHEREAS, the Finance and Budget Committee met on February 26, 2009 and considered changes to the existing Procurement Regulations; and

WHEREAS, the Finance and Budget Committee has recommended that the Board authorize publication of the attached proposed rulemaking for public comment.

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager shall publish notice of the attached proposed rulemaking in the District of Columbia Register.
2. The General Manager shall take all actions that are necessary to insure that the proposed regulations conform to the publication requirements of the Office of Documents.

This resolution is effective immediately.


Secretary to the Board of Directors

Attachment

**District of Columbia
Water and Sewer Authority**

Proposed Procurement Regulations

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CHAPTER 53

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY PROCUREMENT REGULATIONS

5300 PURPOSE AND GOVERNANCE

5301 GENERAL PROVISIONS

5301.1 The District of Columbia Water and Sewer Authority Procurement Regulations (the "Regulations") are issued by the Board of Directors (the "Board") of the District of Columbia Water and Sewer Authority (the "Authority") pursuant to D.C. Code Section 34-2201.01 et seq., the "Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, D. C. Law 11-111, April 18, 1996" (the "Enabling Act") to establish regulations for the procurement of goods and services, including construction.

5301.2 The Regulations shall govern the procurement of goods and services, including construction.

5301.3 In conformity with its statutory mandate, the Authority reserves the right, at any time and in its sole discretion, to modify, rescind, delete, or otherwise change the provisions of the Regulations.

5301.4 *The General Manager shall issue a Procurement Manual setting forth the procedures to be followed consistent with these regulations.*

5301.5 The Board delegates to the General Manager the authority to develop, implement and enforce such policies and procedures, consistent with these Regulations, as deemed necessary or useful.

5301.6 The General Manager is responsible for recommending to the Board new procurement regulations or modifications to existing procurement regulations.

5301.7 If any provision in this chapter is deemed invalid, void or unenforceable by a court of competent jurisdiction, the chapter shall be construed as though the provision does not appear. Any such finding by a court of competent jurisdiction shall not affect the validity of any other provision, section, paragraph, or sentence of this chapter.

5302 FULL AND OPEN COMPETITION

Procurements shall be conducted using full and open competition, except as otherwise provided for in these Regulations.

5303 APPLICABILITY

The Regulations apply to all procurements made by the Authority. In the case of a procurement funded with federal, state or local funds, the Regulations shall be applied to conform to the requirements of the funding source, except to the extent that doing so would prevent compliance with the terms and conditions of other applicable federal, state, or local laws.

5304 ETHICS

5304.1 Statement of Policy

Authority employees involved in the procurement process must conduct business impartially and in a manner above reproach, with preferential treatment for none. Authority employees must strictly avoid any conflict of interest or the appearance of a conflict of interest in the procurement process.

5304.2 General Standards of Ethical Conduct

5304.2.1 For Employees, Officers and Agents. Any attempt to realize personal gain through employment with the Authority by conduct inconsistent with proper discharge of the employee's duties is a breach of ethical standards.

5304.2.2 For Non-Employees. Any attempt to influence any Authority employee to breach the standards of ethical conduct set forth in this Section is a breach of ethical standards.

5304.2.3 For Board members or alternate members. Any attempt to realize personal gain through the exercise of the duties or responsibilities of Board members or to influence any employee to violate the standards of ethical conduct set forth in this Section is a breach of ethical standards.

5304.3 Sanctions

5304.3.1 The Authority may take action against employees, officers and agents as well as others who violate Section 5304.

5304.3.2 Any employee, officer or agent who violates the provisions of Section 5304 will be subject to discipline, up to and including termination of the relationship with the Authority.

5304.3.3 Any Board member or alternate member who violates the provisions of Section 5304 will be subject to removal, suspension or termination in accordance with applicable law.

5304.3.4 Any effort made by or on behalf of a non-employee, including an offeror or contractor, to influence an employee to breach the ethical standards set forth in Section 5304 is prohibited and may be referred to appropriate authorities for civil enforcement or criminal prosecution. A violation by a contractor or subcontractor of Section 5304 constitutes a major breach of each Authority contract or subcontract to which the violator is a party. Additionally, the Authority may determine an offeror or contractor to be non-responsible, or may suspend or debar any offeror or contractor who violates or whose representative violates any provision of Section 5304.

5304.4 Conflict of Interest

No Authority employee, officer, board member or agent shall participate in or attempt to influence any procurement when the employee, officer, board member or agent knows or has reason to know:

- a) The employee, officer, board member or agent, or any relative of an employee, officer, board member or agent has a financial interest pertaining to the procurement;
- b) A business or organization in which the employee, officer, board member or agent, or any relative of an employee, officer, board member or agent has a financial interest pertaining to the procurement; or
- c) The employee, officer, board member or agent or any relative of an employee, officer, board member or agent has an agreement or arrangement for prospective employment with a business or organization involved with the procurement.

5304.5 Personal Gain

5304.5.1 It is a breach of ethical standards for any employee to receive or attempt to realize personal gain or advantage, either directly or indirectly, as a result of their participation in any action related to any procurement. No employee, officer, board member or agent may solicit or accept, directly or indirectly, on his/her own behalf or on behalf of a relative, any benefit, such as a gift, gratuity, favor, compensation, offer of employment, or anything having more than a nominal monetary value from any person, or entity having or seeking to have a contractual, business, or financial relationship with the Authority.

In the event an Authority employee, officer or agent, other than the General Manager, is offered or receives any benefit in violation of Section 5304 from any person or entity, the employee shall report the matter to the General Manager or designee who shall determine the

disposition of the benefit. The failure to report such offer or benefit to the General Manager or designee is a breach of these ethical standards.

5304.5.2 In the event the General Manager, a Board member other than the Board Chair, or an alternate member receives any offer or benefit in violation of Section 5304 from any person or entity, the Board member, alternate member or General Manager shall report the benefit to the Board Chair who shall determine the disposition of the matter or benefit. In the event that the Board Chair receives any offer or benefit in violation of Section 5304 from any person or entity, the Board Chair shall report the benefit to the Vice Chair who shall determine the disposition of the matter or benefit.

5304.6 Restrictions on Employment of Present and Former Employees

5304.6.1 An Authority employee who participates in the selection of a contractor or participates in the approval process of a contract or contract modification or supervises contract implementation shall not be employed by the contractor in question with respect to the performance of the contract in which the Authority employee participated.

5304.6.2 An offeror, contractor or subcontractor shall not:

- a) Employ for a period of 18 months after separation an Authority employee to work on an Authority project on which the employee directly worked. The General Manager may reduce this limitation period if it is determined that it is in the best interests of the Authority after review and recommendation by the General Counsel.
- b) At any time after granting employment to any Authority employee who participated in the selection of the contractor or in the approval of a contract or contract modification with the contractor or the supervision of the contract implementation, allow such employee to work under the Authority contract resulting from the selection or approval;
- c) Offer to perform work for the Authority premised on the hiring of an Authority employee to perform part of the work who may reasonably be expected to participate in the selection of that contractor, in the approval of a contract or contract modification with that contractor, or the supervision of contract implementation;
- d) Perform work for the Authority under the supervision, direction or review of an Authority employee who was formerly employed by the contractor without notifying the Contracting Officer in writing;

- e) Allow the relative of an Authority employee to work on an Authority project for which the employee has any direct responsibility or supervision;
- f) Permit any person whose employment by the Authority was terminated by the Authority, other than pursuant to a reduction in force, to work on any Authority contract or project; or
- g) Offer or grant to an Authority employee, officer, or agent or the relative of an Authority employee, officer, or agent directly or indirectly, any benefit such as a gift, gratuity, favor, compensation, offer of employment, or any other thing having more than nominal monetary value.

5305 ORGANIZATIONAL CONFLICT OF INTEREST

An organizational conflict of interest exists when an offeror or a contractor (prime contractor or subcontractor) has (1) an unfair competitive advantage in a procurement as the result of access to nonpublic information about the procurement or a competing bidder; or (2) an incentive that renders it unable, or potentially unable, to provide impartial assistance or advice to the Authority. In an effort to ensure a fair procurement process and protect the interest of the Authority, a Contracting Officer will analyze a planned procurement to identify actual or potential organizational conflicts of interest as early as possible in the procurement process and determine if an actual or potential organizational conflict of interest can be effectively avoided or mitigated. A Contracting Officer may reject a bid or proposal if an organizational conflict of interest has not been eliminated, avoided or mitigated to the satisfaction of the Authority.

5310 CONTRACTING AUTHORITY AND RESPONSIBILITIES

5311 BOARD OF DIRECTORS

The Authority's Board, pursuant to D.C. Code Section 34-2202.03 (5), (6) and Section 2202.05 (7), has the authority and responsibility to contract for goods and services including construction. The Board may establish contracting activities and delegate broad authority to manage the Authority's contracting functions. The Board delegates to the General Manager the authority, in compliance with these Regulations, to contract for goods and services, including construction, required by the Authority for its operations.

5312 GENERAL MANAGER

- 5312.1 The General Manager is designated as the Chief Contracting Officer for the Authority. The General Manager is authorized to enter into, administer, terminate and otherwise manage contracts subject to any approval thresholds that may be established by the Board.
- 5312.2 The General Manager shall determine the qualifications of Contracting Officers and may delegate contracting authority in whole or in part to one or more other Contracting Officers. Such delegation shall be in writing specifying the limits of the authority granted.

5313 CONTRACTING OFFICERS

- 5313.1 Contracting Officers have only such authority as delegated to them pursuant to Section 5312.2.
- 5313.2 Contracting Officers have discretion to determine the method of procurement, project delivery and type of contract to use for each requirement, unless this function is excluded from the delegation of the contracting authority.
- 5313.3 Contracting Officers shall determine responsive bids and responsible offerors. A responsive bid is a response to a solicitation which conforms in all material respects to the solicitation. A responsible offeror has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

5314 CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

- 5314.1 Contracting Officers may appoint in writing a Contracting Officer's Technical Representative (COTR) to provide such management oversight and technical direction for a particular procurement or contract as the Contracting Officer shall determine is necessary or useful.
- 5314.2 The COTR shall maintain an arm's length relationship with the contractor. COTRs have no authority to modify any contract.

5315 ETHICS OFFICER

The General Manager shall designate an Ethics Officer for the Authority to provide guidance on ethical matters.

5320 CONTRACTOR DEBARMENT AND SUSPENSIONS

The Authority has the authority to suspend or debar contractors for cause.

5330 METHODS OF PROCUREMENT

5330.1 Authority procurements shall be conducted using a method or combination of methods which (1) serve the Authority's interest considering price, delivery, quality, effect on the Authority's operations and services, and other factors affecting the Authority's interest, and (2) deal fairly with offerors and contractors.

5330.2 The Authority may use any of the following methods of procurement:

- a) Sealed Bids
- b) Competitive Proposals
- c) Small Purchases
- d) Commercial Item Purchases
- e) Expedited Purchases
- f) Limited Competition Purchases
- g) Joint Procurements
- h) Rider Procurements
- i) General Services Administration Schedule Purchases
- j) Micro-Purchases
- k) Unsolicited Proposals

5331 COMPETITIVE PROCUREMENT METHODS

5331.1 Sealed Bid

The sealed bid method includes publicizing the solicitation, issuing an invitation for bids (IFB), and the receipt of bids. The Authority may award a contract to the responsible bidder who submits the lowest responsive bid. The sealed bid method may be used if:

- a) There is an adequate and realistic specification or purchase description available;
- b) The award will be made on the basis of price and other price-

related factors;

- c) It is not necessary to conduct discussions with the responding offerors about their bids; and
- d) There is a reasonable expectation of receiving more than one sealed bid.

5331.2 Competitive Proposals

The competitive proposal method includes both one-step and two-step proposal processes. The one-step process entails: (a) the publicizing of the solicitation; (b) the issuance of a request for proposals (RFP); and (c) the receipt of proposals. The two-step process entails: (a) the publicizing of the solicitation; (b) the issuance of a Request for Qualifications (RFQ); (c) the receipt of statements of qualifications from interested offerors; (d) the issuance of an RFP to a shortlist of offerors that have responded to the RFQ and are deemed most qualified; and (e) the receipt of proposals. Under either process, the Authority may negotiate with offerors and seek revised offers. This procurement method may include a request for information or expression of Interest before the RFP or RFQ is publicized. In a competitive proposal procurement, the Authority may award a contract to the offeror whose proposal is most advantageous to the Authority. This method may be used when time permits the solicitation, submission, and evaluation of proposals in one or more steps and one or more of the following circumstances apply:

- a) There is not a complete, adequate, and realistic specification or purchase description available;
- b) The award will be made on the basis of criteria in addition to price or price-related factors;
- c) It may be necessary to conduct discussions with the responding offerors about their proposals;
- d) There is a reasonable expectation of receiving more than one statement of qualifications and/or proposal.

5331.2.1 Architectural/Engineering (A/E) Services

All architectural and engineering services that are required to be performed by licensed, registered or certified professionals shall be procured on the basis of demonstrated competence and qualifications. After the A/E offeror has been selected, price shall be discussed. The Authority shall exclude an offeror from consideration if the parties cannot agree on a fair and reasonable price. This section shall not

apply in the procurement of a design-builder, or for any project delivery method in which the anticipated cost of A/E services is less than 50% of the anticipated cost of the project as a whole.

5331.3 Multi-Step Methods

The Authority may use any combination of competitive methods including, but not limited to, the two-step sealed bidding and the advisory multi-step methods.

5331.4 Small Purchases

This method is used for procurements with an estimated value less than the threshold established in the Procurement Policies and Procedures. Small Purchases may be made considering price and the best interests of the Authority after seeking quotations from at least two sources.

5331.5 Commercial Item Purchases

The small purchases method may be used for any purchases of commercial items.

5331.6 Expedited Purchases

The small purchases procurement method may be used for any purchases when time is of the essence. Offers must be sought from two or more sources and purchases may be made considering price and other factors.

5331.7 Limited Competition Purchases

Competition may be limited to selected sources when it is determined that there are limited sources of supply to fulfill the Authority's requirements.

5331.8 Other Agency Procurement Methods

5331.8.1 Joint Procurement

The Authority may participate in, sponsor, conduct, or administer a joint procurement agreement with one or more public bodies to increase efficiency or reduce administrative expenses.

5331.8.2 Rider Procurements

The Authority may purchase goods and services including construction if (1) a public body has entered into a contract for goods or services

including construction according to general principles of competitive procurement; and (2) the Authority is named or otherwise described in the list of agencies that may purchase under the contract.

5331.8.3 General Services Administration Schedule Purchases

The Authority may purchase goods or services including construction under schedule contracts awarded by the General Services Administration.

5332 EXEMPTIONS

The following procurements may be made without competition and are not subject to the competitive requirements set forth in Section 5331.

5332.1 Micro-Purchases

Procurements at or under the threshold for micro-purchases established in the Procurement Policies and Procedures may be made without competition.

5332.2 Sole Source

Goods and services, including construction, that are available from only one vendor or contractor may be purchased without competition. Circumstances where sole source purchasing is permitted include, but are not limited to:

- a) Specific replacement parts or components for equipment;
- b) Equipment upgrade and repair, repair services, or parts unavailable from any other source except the original equipment manufacturer or its designated service representative;
- c) Upgrade to existing software, available only from the producer of the software who sells only on a direct basis;
- d) When there is a need to standardize equipment, or to facilitate the interoperability of equipment or systems;
- e) When there is substantial duplication of costs to the Authority that is not expected to be recovered through competition.
- f) Utility services, when from only one source; or
- g) Intellectual property rights that are owned or controlled by one source and made available through that source. These rights would include patents, copyrights, licenses, secret processes,

material monopolies or other established rights that affect distribution of goods and services.

5332.3 Categorical Exemptions

- a) Purchase, rent or lease of land or other interest in real property;
- b) Memberships, films, manuscripts, publications, educational services;
- c) Personal property sold at an auction by a licensed auctioneer;
- d) Personal property or services provided by another public entity, agency or Authority;
- e) Legal services;
- f) Research programs;
- g) Advertisements in newspapers or other publications;
- h) Intergovernmental agreements and cooperative agreements with other institutions where the primary purpose is not the purchase of goods, services or construction; and
- i) Travel services.

5332.4 Emergency Procurements

5332.4.1 An emergency is a situation which creates an immediate need for goods or services, including construction, that cannot be met through normal procurement methods because the lack of these goods or services or construction would seriously threaten any of the following: (1) the health or safety of any person; (2) the preservation or protection of property; (3) the continuation of necessary governmental functions; or (4) the Authority's compliance with legal requirements.

5332.4.2 The General Manager, or designee may approve a non-competitive procurement on an emergency basis which does not otherwise comply with the requirements of the Regulations if the procurement is essential for 1) preventing or avoiding an imminent emergency; or 2) responding to, mitigating or resolving an existing emergency condition.

5332.4.3 In case of an emergency procurement under this Section, a contractor may be given a verbal authorization by the Contracting Officer to proceed, provided that a written contract or modification is executed as soon thereafter as is reasonably practicable.

5333 UNSOLICITED PROPOSALS

- 5333.1 The Authority will review unsolicited proposals and consider the feasibility of their implementation. An unsolicited proposal is one which:
- a) is innovative or unique;
 - b) is independently originated and developed by the offeror;
 - c) is prepared without the Authority's supervision;
 - d) includes sufficient detail to permit a determination that the proposed product, services or work could benefit Authority's mission or allow it to meet its responsibilities; and
 - e) is not an advance proposal for a known or anticipated Authority requirement that can be procured by competitive methods.
- 5333.2 Unsolicited proposals may be the basis of a competitive procurement if deemed to be in the best interest of the Authority. An offeror may designate portions of its proposal to be confidential if they include proprietary information or contain sensitive personnel information.
- 5333.3 An unsolicited proposal shall be returned to an offeror, citing reasons, when the proposal 1) does not meet the criteria in Section 5333.1; or 2) is not deemed to be advantageous to the Authority.
- 5333.4 Acceptance of an unsolicited proposal may be recommended to the General Manager, who may accept it or reject it.

5334 REQUESTS BEFORE SOLICITING OFFERS

- 5334.1 Prior to publicizing a solicitation of offers, the Authority may, when applicable and in consideration of its best interests, publicize and issue requests for: 1) information or 2) expression of interest.
- 5334.2 The Authority may publicize the solicitation and issue Requests for Qualifications (RFQ) from prospective offerors before soliciting offers under any method of procurement. In such case, the Authority may limit its solicitation of offers only to firms that submit a response or only to those firms that submit a response and are deemed most qualified. If the IFB or RFP is issued only to selected firms, further publicizing the IFB or RFP is not required.

5335 DIVIDING PROCUREMENTS PROHIBITED

Procurements shall not be divided as a means to circumvent the competitive process, or to avoid the procedures applicable to procurements of greater value.

5340 CONTRACT TYPES AND PROJECT DELIVERY METHODS

5341 PERMITTED CONTRACT TYPES

5341.1 Contracts may be of any type or combination of types except as prohibited in Section 5342. All contracts, except as provided in Section 5332.5 for emergencies, shall be in writing.

5341.2 Each solicitation shall clearly indicate the type or types of contract that will be used for the specific Procurement.

5342 PROHIBITION

The use of cost plus a percentage of cost contracts is prohibited.

5343 PROJECT DELIVERY METHODS

The Authority may select and employ a project delivery method determined to be appropriate to the specific contract and to serve the Authority's interests.

5350 PROTESTS

5351 FILING

An offeror protesting an award decision is required to file the protest with the Contracting Officer within five (5) calendar days of when the protester knew or should have known of the facts and circumstances upon which the protest is based. Only bidders/proposers may file a protest.

Protests against issues other than an award decision, including protests directed to the terms, conditions, or form of a proposed procurement action, must be received by the Authority through delivery of the written protest to the Contracting Officer not later than ten (10) calendar days prior to the date established for opening of bids or receipt of proposals, except that an initial protest that arises under an amendment to a solicitation or invitation to bid must be filed up to four (4) calendar days after the date the amendment was issued but in no case after the time established for opening of bids or receipt of proposals. Such protests may be filed by any potential offeror.

5352 PROCESS

Solicitations issued by the Authority shall inform prospective offerors of the applicable protest and appeal process. For all other Authority procurement actions, the applicable protest and appeal process will be specified in the procurement policies and procedures.

5353 CONTINUATION

During resolution of a protest, all procurement activities and, where applicable, contractor performance, shall continue unless the Contracting Officer determines there is a reason to suspend or delay all or part of the procurement activities and/or contractor performance.

5360 MANDATORY CONTRACT CLAUSES

All Authority purchase contracts above the level of small purchases shall include clauses for "Changes", "Termination for Convenience" and "Termination for Default", in addition to clauses and provisions applicable to the type of solicitation or contract.

5370 BUSINESS DEVELOPMENT PROGRAMS

5370.1 The Authority will employ reasonable efforts to increase the opportunity for participation of eligible local and small business enterprises in its contracting and procurement activities.

5370.2 Pursuant to the requirements applicable to the receipt of federal grants and other financial assistance, the Authority will implement programs designed to increase participation by federally-designated business enterprises.

5370.3 *A Business Development Plan implementing these programs will be submitted by the General Manager for approval by the Board.*

5380 PROTECTING THE ENVIRONMENT

It is a fundamental principle of the Authority that it will respect and manage our finite natural resources. Accordingly, the Authority will plan and conduct its procurement as an environmental steward. The Authority recognizes that how it carries out its environmental stewardship will have effects on a regional and global scale.

5390 DEFINITIONS

When used in the Regulations, the following words and phrases shall have the meanings ascribed:

Bid

An offer to furnish goods and services including construction in conformity with and in response to specifications, delivery terms and conditions, and other requirements included in an Invitation For Bids (IFB).

Commercial Items

Items sold to the general public in the course of normal business operations that are competitively priced and based on established catalogue or market prices. Commercial products may include corresponding services for the installation, repair or maintenance associated with the item.

Contracting Officer

The General Manager and any other employee designated by the General Manager, possessing written and express authority to bind the Authority in specified contract matters.

Contracting Officer's Technical Representative (COTR)

An employee appointed in writing by a Contracting Officer to perform specified technical and administrative functions as are detailed in the appointment.

Construction

Activity that involves the construction, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other real property. This activity is distinguished from manufacturing, furnishing of goods, or services and maintenance work. Construction does not include work from which the final product is exclusively personal property.

Ethics

Practices or requirements pertaining to appropriate conduct or motives that conform to professional standards of conduct.

Expression of Interest

A process used to identify potential offerors that might be interested in

an upcoming procurement, and/or invite comment from companies with expertise and experience in the matter that will benefit the development of the specifications or statement of work.

Full and Open Competition

A manner of conducting procurements in which all responsible sources are permitted to compete.

Goods

Physical (tangible) products, including but not limited to, supplies, equipment, materials, printing, information technology hardware and software, and commodities.

Intergovernmental Agreement

An agreement by two or more public bodies, by memorandum of understanding, memorandum of agreement, contract or agreement, to exercise any powers that at least one of the parties possesses, provided that the primary purpose of the agreement is not the purchase of goods, services or construction.

Invitation for Bids (IFB)

The solicitation document used for competitive sealed bidding for the purchase of goods, services and construction.

Offeror

A person or entity that submits a bid or proposal to the Authority, generally in response to an IFB or RFP.

Procurement

The process by which the Authority acquires goods and services including construction, by and for its use through purchase or lease. Procurement begins at the point when Authority determines that an established need shall be met through contracting and includes the description of requirements to satisfy Authority needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling Authority needs by contract.

Project Delivery Method

The contracting approach selected to allocate risk and responsibility

between a contractor and the Authority and to organize the contractor's work in connection with services, design, construction, operation, maintenance or supply. The Contracting Officer shall determine the appropriate project delivery method and may select any that best serves the Authority's interests, including but not limited to: design-bid-build; agency construction management; at-risk construction management; design-build; design-build-operate-transfer; design-build-operate-maintain; design-build-finance-operate; outsourcing; and public/private partnerships.

Proposal

An offer to furnish goods or services, including construction, in response to a Request for Proposals (RFP) that, if accepted, would bind the offeror to perform the resultant contract.

Protest

A written, timely objection to a solicitation or contract award submitted by a prospective or actual bidder/proposer whose direct economic interest would be affected by the award or failure to award a contract.

Public Body

Any state, the District of Columbia, any unit or political subdivision or component of any of the foregoing and any agency of the United States Government.

Relative

A spouse, parent, parent-in-law, child, step-child, sister, brother, brother-in-law, sister-in-law, step-parent, daughter-in-law, son-in-law, niece, nephew, first cousin, grandparent or grandchild, or any other related or unrelated individual that resides in the same household as the employee, officer, board member or agent.

Request for Information (RFI)

A process preliminary to a solicitation requesting information from potential vendors of goods or services, including construction, about their products and services.

Request for Proposals (RFP)

The solicitation document used in the competitive proposal process in which proposals are evaluated on the basis of technical standards, price and other criteria and in which negotiations with proposers prior to final selection and award of a contract is permissible.

Request for Qualifications (RFQ)

The solicitation document used to obtain Statements of Qualifications from prospective offerors in advance of the issuance of an Invitation for Bids or a Request for Proposals.

Services

Any activity that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish goods. Insurance is a service. Services also include consultation, advice, design and other work performed by either professional or non-professional personnel whether on an individual or organizational basis. This term shall not include employment agreements or collective bargaining agreements.

Solicitation

Any request to submit qualifications, expressions of interest, bids, proposals, or quotations to the Authority. A Solicitation under sealed bid procedures is called "Invitations for Bids." A Solicitation under competitive proposal procedures is called a "Request for Proposals" under one-step procurement, and is called "Request for Qualifications" and "Request for Proposals" under a two-step procurement. Small purchase solicitations may require submission of either a quotation or an offer (bid or proposal).

Statement of Qualifications

The submission of qualifications by an offeror in response to a Request for Qualifications.

Presented and Adopted: April 2, 2009

SUBJECT: Approval to Execute a Multiple-Awards Contract for a One (1) Year Base with Two (2) One (1) Year Options for Contract No. WAS-09-009-AB-SM, Polydyne, Inc.

#09-48
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve a multiple-awards contract for a one (1) year base with two (2) one (1) year options for Contract No. WAS-09-009-AB-SM, Polydyne, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute a multiple-awards contract for a one (1) year base with two (2) one (1) year options for Contract No. WAS-09-009-AB-SM, Polydyne, Inc. The purpose of the contract is to provide dry cationic polymer to the Blue Plains Wastewater Treatment Plant used for solids dewatering. The contract amount is \$2,000,000.00.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009

SUBJECT: Approval to Execute a Multiple-Awards Contract for a One (1) Year Base Period with Two (2) One (1) Year Options for Contract No. WAS-09-009-AB-SM ,Ciba Corporation

#09-49
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve a multiple-awards contract for a one (1) year base period with two (2) one (1) year options for Contract No. WAS-09-009-AB-SM, Ciba Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute a multiple-awards contract for a one (1) year base period with two (2) one (1) year options for a Contract No. WAS-09-009-AB-SM, Ciba Corporation. The purpose of the contract is to provide dry cationic polymer to the Blue Plains Wastewater Treatment Plant used for solids dewatering. The contract amount is \$1,280,000.00.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009
SUBJECT: Approval to Execute Contract No. 080120
EMH Environment, Inc.

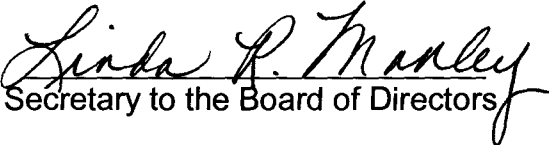
#09-50
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract No. 080120, EMH Environment, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 080120, EMH Environment, Inc. The purpose of the contract is rehabilitation and replacement of shafted screw with shaft-less screw conveyors in solid processing building. The contract amount is \$1,887,100.00.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009

SUBJECT: Approval to Execute Change Order No. 14 of Contract No. 030210, Ulliman Schutte Construction, LLC.

#09-51
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Change Order No. 14 of Contract No. 030210, Ulliman Schutte Construction, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 14 of Contract No. 030210, Ulliman Schutte Construction, LLC. The purpose of the change is to provide and install additional cable and conduit required for the Nitrification blower control system. The change amounts is \$1,649,578.30.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009
SUBJECT: Approval to Execute Contract No.
IFB 090040, Ulliman Schutte Construction, LLC.

#09-52
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract No. IFB 090040, Ulliman Schutte Construction, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. IFB 090040, Ulliman Schutte Construction, LLC. The purpose of the contract is to provide construction work to rehabilitate the Influent Sewers from the Main Pump Station to the Blue Plains Wastewater Treatment Plant. The contract amount is \$42,267,000..

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009
SUBJECT: Authorization to Publish a Notice of Final Rulemaking
for Amendments to the DCMR Regarding the
Impervious Surface Area Charge

#09-53
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 (“the Authority”) at the Board meeting held on April 2, 2009 decided, in a non- joint use matter, by a vote of six(6) in favor and none (0) opposed, to take the following action amending Title 21 of the District of Columbia Municipal Regulations (DCMR), Chapter 41, Retail Water and Sewer Rates, and Chapter 4, Contested Water and Sewer Bills , consistent with District of Columbia (District) laws and Board adopted policies, to unbundle the retail sewer rate in order to reduce the volumetric rate and add an Impervious Surface Area Charge.

WHEREAS, the Board on November 1, 2007 adopted Resolution # 07-86 which authorized the General Manager to develop rates and charges based on impervious surface area owned or controlled by customers of WASA or by others and to use an Impervious Surface Area Charge, rather than rates based solely on gallons of water (volumetric) purchased by customers, to recover objectively determined portions of WASA’s costs; and

WHEREAS, the Board on March 6, 2008 adopted Resolution # 08-33 and Resolution # 08-34 that established policies related to the Impervious Surface Area Charge, including the definition of impervious area, the use of the Equivalent Residential Unit (ERU) and binary classification (no gradation) in determining imperviousness; and

WHEREAS, the “Water and Sewer Authority Equitable Ratemaking Act of 2008” (the “Act”) which allows for a billing methodology that takes into account both the water consumption of, and water service to property and the amount of impervious surface on the property, was adopted by the Council of the District of Columbia (Council) on December 12, 2008, signed by Mayor Adrian Fenty on January 23, 2009 and subsequently transmitted to the United States Congress for the legislative review period; and

WHEREAS, the Board on February 5, 2009 adopted Resolution # 09-38 which authorized the General Manager to publish in the DCMR a proposed notice of rulemaking regarding the definition of Impervious Surface Area Charge and various regulations regarding its implementation; and

WHEREAS, the notice of proposed rulemaking was published in the February 27, 2009 edition of the *D.C. Register* which allowed for the submittal of written comments no later than thirty (30) days from the date of publication; and

WHEREAS, the Retail Rates Committee at its March 18, 2009 meeting recommended that the Board adopt the unbundling of the FY 2009 retail sewer rate, by implementing a new Impervious Surface Area Charge, reducing the volumetric sewer charge to be effective no earlier than May 2009 and advancing the attached amendment of Title 21 to final rulemaking ;and

WHEREAS, the Board wishes to proceed with the amendment of Title 21 of DCMR, Chapters 4 and 41 to reflect this amendment;

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager is authorized to publish a notice of final rulemaking, in conformance with the requirements of the Office of Documents, to adopt:

Amendment to Title 21 of DCMR, Chapters 4 and 41 as set out in Attachment 1 to this resolution.

to be effective no earlier than May 1, 2009

2. This resolution is effective immediately.


Secretary to the Board of Directors

ATTACHMENT 1

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates by adding new Sections 4101.2 - 4101.5 to the existing Section 4101, Rates for Sewer Service, and adding a new Section 4104 , Customer Classifications for Water and Sewer Rates and to amend Chapter 4, Contested Water and Sewer Bills by adding Sections 402.7 and 402.8 to the existing Section 402 .

The Board expressed its intention to amend the DCMR through the addition of these Sections at its regularly scheduled Board meeting held February 5, 2009 pursuant to Board Resolution # 09 -38.

The Authority's proposed rulemaking was originally published in the February 27, 2009 edition of the *D.C. Register* (56 DCR 001852). The Retail Rates Committee met on March 18, 2009 to consider the written comments received during the 30 day record period of the proposed rulemaking. The Board after consideration of all the comments received and the recommendation of the Retail Rates Committee voted to proceed with the amendments to title 21 of the DCMR, Chapters 4 and 41 to reflect these amendments.

The final rulemaking will be effective May 1, 2009.

Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, is amended by adding new subsections 4191.2-4101.5 to read as follows:

4101.2 The Impervious Surface Area Charge shall be based upon the Equivalent Residential Unit (ERU). An ERU is defined as 1, 000 square feet of impervious surface area, taking account of a statistical median of residential properties.

4101.3 All residential customers shall be assessed one (1) ERU.

4101.4 All non-residential customers shall be assessed ERU(s) based upon the total amount of impervious surface area on each lot. This total amount of impervious surface shall be converted into ERU(s), truncated to the nearest 100 square feet.

4101.5 Impervious Only Properties are properties that do not currently have metered water/sewer service (e.g. parking lots) and require the creation of new accounts. Impervious Only Properties with more than 25 ERU's shall be billed monthly; those with less than 25 ERU's shall be billed every six months.

Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES amended by adding a new section 4104 CUSTOMER CLASSIFICATION FOR WATER AND SEWER RATES, to read as follows:

4104 CUSTOMER CLASSIFICATIONS FOR WATER AND SEWER RATES

4104.1 The customer classifications for water and sewer rates shall consist of a residential class and a non-residential class:

(a) Residential – a single-family dwelling used for domestic purposes; a condominium or apartment unit where each unit is served by a separate service line and is individually metered and the unit is used for domestic purposes; or a multifamily structure of less than four apartment units where all the units are served by a single service line that is master metered.

(b) Non-residential – all customers not within the residential class.

TITLE 21 DCMR Chapter 4. CONTESTED WATER AND SEWER BILLS, Section 402, INITIATING A CHALLENGE, is amended by adding new subsections 402.7 and 402.8 to read as follows:

402.7 Non-residential owners or their agents may seek an impervious surface area charge adjustment if the owner or agent can establish that the property has been assigned to the wrong rate class, the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.

402.8 Non-residential owners or their agents shall submit a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site and other information that may be requested by WASA.

Presented and Adopted: April 2, 2009
SUBJECT: Approval to Execute Contract Modification No. 07
WACHS Utility Services

#09-54
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a non-joint-use matter decided by a vote of six (6) in favor and none (0) opposed, to approve Contract Modification No. 07, WACHS Utility Services.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 07, WACHS Utility Services to extend the contract performance period through July 31, 2009. This action is proposed in lieu of exercising Option Year 3, and then modifying the contract to include additional scope items. This modification is of limited duration (3.5 months) and includes work that was included in the original scope of Option Year three (3), as well as work that is required by the on-going joint WASA-DC Fire and Emergency Services Fire Hydrant Upgrade Program. The contract modification amount is \$434,609.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009
Subject: Approval to Support District of Columbia Legislation
for Lead-Free Plumbing Materials

#09-55
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on April 2, 2009, upon consideration of a non-joint use matter decided by a vote of six (6) in favor and none (0) opposed, to take the following action to encourage the District of Columbia Council to adopt legislation for lead-free plumbing materials in the District of Columbia ("the District").

WHEREAS, the Board, through resolutions #08-75 and 09-37, supports action to remove lead service lines as a source of lead which may cause elevated lead in water;

WHEREAS, lead from plumbing materials may also cause elevated lead in water;

WHEREAS, the reduction of the permissible concentration of lead in plumbing materials could also reduce the amount of lead that may leach from plumbing materials;

WHEREAS, current District of Columbia Plumbing Code permits a maximum of 8 percent of lead in plumbing materials including pipe and pipe fitting, valves and faucets used in water supply systems.

WHEREAS, California and Vermont have passed laws, AB1953 and S152, respectively, which by January 1, 2010 will reduce the allowable weighted average of lead to 0.25 percent as weighted average of wetted surfaces and 0.2 percent in solder and flux in new plumbing fixtures, including pipes, pipe and plumbing fittings and fixtures that are used to convey or dispense water for human consumption;

WHEREAS, the District of Columbia Council has the authority to adopt legislation to revise the Building Codes for the District of Columbia to require plumbing materials to meet new lead-free standards;


WHEREAS, the Retail Services Committee, at its meeting on February 24, 2009, recommended that the Board approve a resolution encouraging the District of Columbia Council to adopt legislation to require the lead-free plumbing materials that will reduce the weighted average of lead to 0.25 percent as weighted average of wetted surfaces and 0.2 percent in solder and flux in new plumbing fixtures used in the District of Columbia;

THE BOARD OF DIRECTORS NOW THEREFORE RESOLVES THAT:

The Board of Directors encourages the District of Columbia Council to adopt legislation to reduce the weighted average of lead to 0.25 percent as weighted average of wetted surfaces and 0.2 percent in solder and flux in new plumbing fixtures intended to dispense water for human consumption through drinking or cooking, in conformance with ANSI/NSF Standard 61, Annex G, and subject to the same exemptions and exclusions as are set forth in the California statute.

The Board requests the Chairman to write a letter to the Mayor and District of Columbia Council encouraging them to adopt such legislation.

The resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: April 2, 2009

**SUBJECT: Authorization to Publish a Notice of Final
Rulemaking for the Impervious Surface Area Charge**

**#09-56
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 ("the Authority") at the Board meeting held on April 2, 2009 decided, in a non- joint use matter, by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to amending Title 21 of the District of Columbia Municipal Regulations (DCMR), Chapter 41, Retail Water and Sewer Rates, consistent with District of Columbia (District) laws and Board adopted policies, to unbundle the retail sewer rate in order to reduce the volumetric rate and add an Impervious Surface Area Charge.

WHEREAS, the Board on November 1, 2007 adopted Resolution # 07-86 which authorized the General Manager to develop rates and charges based on impervious surface area owned or controlled by customers of WASA or by others and to use an Impervious Surface Area Charge, rather than rates based solely on gallons of water (volumetric) purchased by customers, to recover objectively determined portions of WASA's costs; and

WHEREAS, the Board on March 6, 2008 adopted Resolution # 08-33 and Resolution # 08-34 that established several policies related to the Impervious Surface Area Charge, including the definition of impervious area, the use of the Equivalent Residential Unit (ERU) and binary classification (no gradation) in determining imperviousness; and

WHEREAS, the "Water and Sewer Authority Equitable Ratemaking Act of 2008" (the "Act") which allows for a billing methodology that takes into account both the water consumption of, and the water service to property and the amount of impervious surface on the property, was adopted by the Council of the District of Columbia (Council) on December 12, 2008, signed by Mayor Adrian Fenty on January 23, 2009 and subsequently transmitted to the United States Congress for the legislative review period; and

WHEREAS, the Board on January 8, 2009 adopted Resolution # 09-23 which authorized the General Manager to publish in the DCMR the proposed notice of ratemaking to consider the unbundling of the FY 2009 retail sewer rate by

implementing a new Impervious Surface Area Charge and reducing the volumetric sewer charge; and

WHEREAS, the notice of proposed ratemaking was published in the February 6, 2009 edition of the *D.C. Register* which allowed for the submittal of written comments no later than thirty (30) days from the date of publication; and

WHEREAS, a public hearing was held on February 18, 2009 to hear public comment and the Board stated at the hearing that comments would be accepted through the time that formal action is taken at the April 2, 2009 Board meeting; and

WHEREAS, the Retail Rates Committee at its meeting of March 18, 2009 considered the comments offered at the February 18, 2009 public hearing as no further written comments had been received at that time; and

WHEREAS, the Retail Rates Committee at its March 18, 2009 meeting recommended that the Board adopt the unbundling of the FY 2009 retail sewer rate, by implementing a new Impervious Surface Area Charge and reducing the volumetric sewer charge to be effective no earlier than May 2009; and

WHEREAS, no further comments on this matter has been received by the Board; and

WHEREAS, the Board wishes to proceed with the amendment of Title 21 of DCMR, Chapter 41 to reflect this amendment;

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager is authorized to publish a notice of final rulemaking, in conformance with the requirements of the Office of Documents, to adopt:

Amendments to Title 21 of DCMR, Chapter 41 as set out in Attachment 1 to this resolution.

to be effective no earlier than May 1, 2009

2. This resolution is effective immediately.


Secretary to the Board of Directors

ATTACHMENT 1

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, at its regularly scheduled meeting on April 2, 2009 took final action to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates by revising Section 4101.1, to the existing Section 4101, Rates for Sewer Service.

The Board expressed its intention to amend the DCMR through the addition of these Sections at its regularly scheduled Board meeting held January 8, 2009 pursuant to Board Resolution # 09-23.

The Authority's proposed rulemaking was originally published in the February 6, 2009 edition of the *D.C. Register* (56 DCR 001305). A public hearing was held on February 18, 2009. The Retail Rates Committee met on March 18, 2009 to consider the comments offered at the February 18, 2009 public hearing and the written comments received during the 30 day record period of the proposed rulemaking. The Board after consideration of all comments received and the recommendation of the Retail Rates Committee voted to proceed with the amendment of Title 21 of the DCMR, Chapter 41 to reflect this amendment.

The final rulemaking will be effective May 1, 2009.

Title 21 DCMR, CHAPTER 41 RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, Subsection 4101.1 is amended to read as follows:

4101 RATES FOR SEWER SERVICE

4101.1 The retail rate for sanitary sewer service of Three Dollars and Forty–Seven Cents (\$3.47) for each One Hundred Cubic Feet (Ccf) of water used shall be:

- (a) Effective May 1, 2009, decreased to Three Dollars and Thirty-One Cents (\$3.31) for each One Hundred Cubic Feet per Ccf; and

- (b) Effective May 1, 2009 an Impervious Surface Area Charge of One Dollar and Twenty-Four Cents (\$1.24) per month per Equivalent Residential Unit (ERU) shall be implemented.

Presented and Adopted: April 2, 2009

SUBJECT: Authorization to enter into a Separation Agreement with Jerry N. Johnson, General Manager and to Negotiate and enter into a Services Agreement with Korn Ferry International

**#09-57
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on April 2, 2009 upon consideration of a joint-use matter decided by a vote of ten (10) in favor and one (1) abstained, to authorize William M. Walker, Chairman of the Board, to enter into a separation agreement with Jerry N. Johnson, General Manager of the Authority.

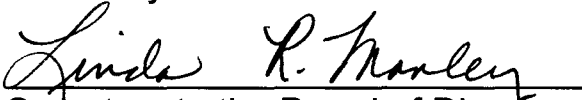
Be it resolved that:

The Board of Directors hereby authorizes the Chairman to execute a separation agreement with the General Manager that is materially consistent with the terms and conditions in the draft term sheet reviewed by the Board on April 2, 2009.

Be it further resolved:

That the Board authorizes the Chairman to take steps necessary to negotiate and enter into a services agreement with Korn Ferry International to perform executive search services in conjunction with hiring a new General Manager for the Authority.

This resolution is effective immediately.


Secretary to the Board of Directors