

Presented and Adopted: July 7, 2005

**SUBJECT: Approval of Contract No. WAS-01-023-AA-DW
Erco, Inc.**

**#05-53
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 the Board meeting held on July 7, 2005, upon consideration of a joint-use matter, decided by a vote of ten (10) in favor and none (0) opposed, to approve the following action with respect to Contract No. WAS-01-023-AA-DW, Erco, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute option year three (3) of Contract No. WAS-01-023-AA-DW, Erco, Inc. This contract is to procure services for bio-solid hauling and recycling. The option amount is \$839,500.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005
SUBJECT: Approval of Contract No. WAS-03-026-AA-MB
AON Consulting, Inc.

#05-54
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 the Board meeting held on July 7, 2005, upon consideration of a joint-use matter, decided by a vote of ten (10) in favor and none (0) opposed, to approve the following action with respect to Contract No. WAS-03-026-AA-MB, AON Consulting, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute option year two (2) of Contract No. WAS-03-026-AA-MB, AON Consulting, Inc. The contract will provide services in the areas of Health and Welfare, Retirement and Compensation. The option amount is \$482,606.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005
**Subject: Approval of Changes to the ICMA Deferred
Compensation Plan and Trust**

#05-55
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 held on July 7, 2005, decided by a vote of ten (10) in favor and none (0) opposed to take the following action with respect to changing the ICMA Retirement Deferred Compensation Plan and Trust ("Deferred Compensation Plan") Program Coordinator from the Chief Financial Officer to the Benefits Manager, and allowing loans to be made from the Deferred Compensation Plan.

WHEREAS, the Board in Resolution 97-88 dated September 4, 1997 authorized and approved the selection by the General Manager of the deferred compensation plan administered by the ICMA Retirement Deferred Compensation Plan and Trust; and

WHEREAS, the Chief Financial Officer was designated as the Program Coordinator when the Deferred Compensation Plan was adopted because at the time there was no benefits manager to perform this function; and

WHEREAS, the Program Coordinator should be changed from the Chief Financial Officer to the Benefits Manager, who has the overall responsibility for managing all Authority benefits programs; and

WHEREAS, the Authority also desires to allow loans to be made from the Deferred Compensation Plan as an additional benefit which is offered by the plan; and

WHEREAS, the Human Resources and Labor Relations Committee met on June 21, 2005 and recommended that the Board approve changing the Program Coordinator from the Chief Financial Officer to the Benefits Manager and that the Deferred Compensation Plan be changed to allow loans to be made from the plan.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors approves the designation of the Benefits Manager as the Program Coordinator for the deferred compensation plan administered by the ICMA Retirement Deferred Compensation Plan and Trust.
2. The Board of Directors also approves allowing loans to be made from the Deferred Compensation Plan.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005

SUBJECT: Approval of Electricity Generation & Transmission Services Contract

**#05-56
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 ("WASA") at its meeting held on July 7, 2005, upon consideration of a joint-use matter, decided by a vote of ten (10) in favor and none (0) opposed, to approve the following action:

WHEREAS, WASA requires a reliable and cost-effective supply of electricity in order to operate its wastewater treatment, water and sewer facilities; and

WHEREAS, in the deregulated electricity market, WASA has the ability to purchase electricity generation and transmission services from a wide variety of vendors and also has the ability to lock in pricing for future blocks of electricity if cost-effective; and

WHEREAS, WASA's existing contract for electricity generation and transmission services expires in January 2006, and WASA cannot purchase blocks of electricity beyond this date; and

WHEREAS, WASA issued a competitive Request for Proposals (RFP) for generation and transmission services; and

WHEREAS, the RFP and proposed contract include an enhanced process for block electricity purchases that gives WASA access to the wholesale market and provides more transparency in reviewing bids from wholesalers; and

WHEREAS, the contract term is for five years with automatic one-year rolling extensions and both WASA and Amerada Hess will have the ability to terminate the contract with six months' notice after completion of the first year; and

WHEREAS, because of the length of the contract and variable pricing component of the contract, management will provide quarterly briefings to the Board of Directors on market conditions and budget status, including a

discussion of the estimated range of futures prices that management would use anticipating purchasing blocks of electricity. When block purchases are executed, management will provide a written summary of the purchase to the Finance & Budget Committee and the Board at its next meeting. This summary will include analysis of the actual purchase price compared to previous estimates and budget impact; and

WHEREAS, WASA received seven proposals in response to the RFP and the proposal from Amerada Hess was the lowest cost and met other requirements of the RFP, including an enhanced block bidding process; and

WHEREAS, the Finance & Budget Committee met on June 23, 2005 and recommended that the Board approve this contract.

NOW THEREFORE BE IT RESOLVED THAT:

- 1) The Board of Directors shall receive a quarterly briefing on market conditions and budget status, including the estimated range of future prices that management would use for the purchase of blocks of electricity.
- 2) At the meeting immediately following a block purchase, the Finance and Budget Committee and the Board of Directors shall receive a written summary regarding the purchase.
- 3) The Board of Directors hereby authorizes the General Manager to execute a contract for electricity generation and transmission services with Amerada Hess Corporation for an amount not to exceed \$112,000,000 for the five-year contract period.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005
SUBJECT: Approval of Contract No. 010050
Whiting-Turner Contracting Co.

#05-57
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 the Board meeting held on July 7, 2005, upon consideration of a non-joint-use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to Contract No. 010050, Whiting-Turner Contracting Co.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 29 of Contract No. 010050, Whiting-Turner Contracting Co. The purpose of this change is to sample, analyze, remove and properly dispose of asbestos containing materials in the indoor and outdoor switchgear "B". The change amount is \$18,250.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005
SUBJECT: Approval of Contract No. 040130
Capitol Paving of D.C., Inc.

#05-58
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 the Board meeting held on July 7, 2005, upon consideration of a non-joint-use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to Contract No. 040130, Capitol Paving of D.C., Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 1 of Contract No. 040130, Capitol Paving of D.C., Inc. This change order is necessary to stay ahead of the DDOT projects, and is in the best interest of DCWASA as it will minimize the restoration costs incurred by DCWASA. The change amount is \$2,000,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: July 7, 2005
SUBJECT: Approval and Ratification
of S. Freedman & Sons, Inc.

#05-59
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 the Board meeting held on July 7, 2005, upon consideration of a non-joint-use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to S. Freedman & Sons, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute the contract for S. Freedman & Sons, Inc. The purpose of this contract is to provide replacement cartridges in a timely manner to meet the required deadlines. The total cost is \$158,100.

This resolution is effective immediately.



Secretary to the Board of Directors

Presented and Adopted: July 7, 2005

SUBJECT: Approval of Publication of Proposed Rulemaking Regarding Adjustments for Leaks Which Occur Between the Meter and the Structures Served by the Meter and Underground Leaks

**#05-60
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The District members of the Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority, (the "Authority") at its meeting on July 7, 2005, decided by a vote of five (5) in favor and none (0) opposed, to authorize the General Manager to take the following action with respect to publishing proposed amendments to the Authority's regulations regarding adjustments for leaks which occur between the meter and the structures that are served by the meter and for underground leaks.

WHEREAS, there is a need to revise the regulations that govern adjustments for leaks which occur between the meter and the structures that are served by the meter and underground leaks to provide the General Manager with discretion to authorize adjustments in accordance with established standards; and

WHEREAS, the Customer and Community Services Committee met on June 9, 2005 and recommended that the Board adopt the changes to the regulations as represented in Attachment A to this resolution.

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager shall publish a Notice of Proposed Rulemaking in the District of Columbia Register in essentially the same form as Attachment A to this resolution and may make such changes to the Notice as may be needed to insure that the proposed regulations further the intentions expressed in this resolution and otherwise conform to the publication requirements of the Office of Documents.

This resolution is effective immediately.


Secretary to the Board of Directors

Attachment A

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 34-2201.01 et seq.,) hereby gives notice of its intent to amend the Water and Sanitation Regulations (21 DCMR) Chapter 4, Section 407. The proposed rules will revise the referenced section to establish new rules for the adjustment of water bills when leaks occur between the meter and the structures that are served by the meter, and underground leaks.

If adopted, these rules will replace existing rules. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 21 DCMR Chapter 4 "Contested Water and Sewer Bills" Section 407 "Adjustment for Leaks Which Occur Between the Meter and the Structures that are Served by the Meter and for Underground Leaks" is amended to read as follows:

407 ADJUSTMENT FOR LEAKS WHICH OCCUR BETWEEN THE METER AND THE STRUCTURES THAT ARE SERVED BY THE METER AND FOR UNDERGROUND LEAKS

- 407.1 When a meter leak is discovered, the Authority shall make the repairs. A licensed plumber may make the necessary repairs at the expense of the Authority if the amount and nature of the repairs is approved in advance by the General Manager but only if the General Manager has not determined that the leak constitutes an emergency or unsafe condition.
- 407.2 ~~For meter leaks that occur between the meter and the structure(s) which is served by the meter (house side), the Authority may adjust the bill after the meter leak has been repaired, to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available.~~
- 407.3 The General Manager shall investigate the cause and location when notified of the possibility of leaks. If the investigation discloses a leak, other than a meter leak, of indeterminate location in the

underground service, or at some other location where the leak is not apparent from visual or other inspection, the General Manager shall determine whether the leak is on public space, on private property, or on property that is under the control of the occupant.

407.4 If, pursuant to § 407.3 the leak is determined to have been caused by the Authority, or is determined to be in public space, the Authority shall repair the leak and the General Manager shall adjust the bill to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. If the leak is determined to have been caused by the owner or occupant, no adjustment shall be made.

407.5 If, pursuant to § 407.3 the leak is determined to be on private property or on property that is under the control of the owner or occupant, the owner or occupant shall repair the leak, and ~~the~~ General Manager may, at his discretion, upon request of the owner, adjust the bill(s) shall adjust the bill to equal fifty percent (50%) of for the periods during which the leak occurred by an amount not to exceed 50% of the excess water usage over the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. The General Manager may take the following into consideration in determining whether there should be a reduction in the bill(s): if all of the following conditions and requirements are met:

- (a) There has been no negligence on the part of the owner or occupant in notifying the Department of unusual conditions indicative of a waste of water;
- (b) The owner has taken steps to have the leak repaired promptly upon discovery of a leak on private property;
- (c) Repairs have been made by a District registered plumber and approved by the Chief, Plumbing Inspection Branch, Department of Consumer and Regulatory Affairs, or his or her designee in accordance with D.C. Code §8-205;
- (d) Form ES-138 has been obtained from the Authority, completed in full, signed by the owner or occupant, and certified by the plumber who made the repairs; and
- (e) The request for adjustment has been made promptly.

The General Manager may, at his discretion, shall make adjust up to ments to 100% of the excess sewer charges resulting from an underground leak if it is determined that the excess water usage did

~~not enter the wastewater system that are consistent with the adjustments to water charges that are required under this section.~~

- 407.6 No Adjustment shall be made if the leak is determined to have been caused by the owner or occupant.

Title 21 DCMR Chapter 4 "Contested Water and Sewer Bills" Section 408, "Inconclusive Findings" is amended to read as follows:

408 INCONCLUSIVE FINDINGS

- 408.1 In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved by the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.

Title 21 DCMR Chapter 4 "Contested Water and Sewer Bills" Section 409 "Notice of Investigation Results and Adjusted Bill is amended to read as follows:

409 NOTICE OF INVESTIGATION RESULTS AND ADJUSTED BILLS

- 409.1 After reviewing the report and making any adjustments to the water or sewer service charges, in accordance with the provisions of this chapter, the Authority shall mail written notice of the following to the owner or occupant:
- (a) The results of the investigation; and
 - (b) If the bill has been adjusted, an amended bill reflecting any adjustment(s) made.
- 409.2 An owner or occupant may appeal the General Manager's decision by filing a petition for an administrative hearing within fifteen (15) calendar days.
- 409.3 The new date for payment of the original or adjusted bill, as set forth in the notice, shall not be less than fifteen (15) days after the mailing date of the notice.
- 409.4 If the original bill was paid and an adjustment has been made, the amount of the overcharge shall be refunded to the party who paid the bill.
- 409.5 The notice shall also inform the challenging party of the right to appeal the determination and bill (or amended bill) set forth in the notice, and shall set forth the following:
- (a) The requirements for filing the appeal under §410.2; and

- (b) If an appeal is filed, there will be no penalty or service cut-off for non-payment of the bill until the appeal has been considered and he or she has been notified in writing of the results of the appeal and a new date for payment.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to Linda R. Manley, Secretary to the Board of Directors, 5000 Overlook Ave., S.W., Washington, D.C., 20032. Copies of these rules may be obtained from the Authority at the same address.

Presented and Adopted: July 7, 2005

**SUBJECT: Approval of Waiver of Outstanding Balance of
Water and Sewer Service Charges for Property
Located at 4919-4923 C St., SE**

**#05-61
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors of the D.C. Water and Sewer Authority, "the Authority", at its meeting on July 7, 2005, upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to take the following action with respect to an outstanding debt for water and sewer charges.

WHEREAS, the Authority has provided water and sewer services to property located at 4919-4923 C St., S.E., Washington, D.C; and

WHEREAS, the District of Columbia has obtained title to the property;

WHEREAS, there is a lien on the property for the outstanding balance of water and sewer charges in the amount of Eighty One Thousand Six Hundred Seventy-seven Dollars and Two Cents (\$81,677.02) for the period ending June 25, 2005, consisting of \$36,906.87 in service charges and \$44,770.15 in penalty and interest; and

WHEREAS, the District of Columbia wants to convey the property to AmeriDream Incorporated, a local non-profit organization, for developing and providing affordable housing for residents in ward 7; and

WHEREAS, the project has the support of the District of Columbia including the Office of Planning, Department of Housing and Community Development, ANC 7E and the Office of the Deputy Mayor for Planning and Economic Development; and

WHEREAS, the Board has determined that it is in the best interest of the Authority to waive the outstanding balance in order to facilitate the development of the properties, which will use water and sewer services.

NOW THEREFORE BE IT RESOLVED:

1. That, upon the District of Columbia conveying the property to AmeriDream Incorporated, the General Manager is authorized to waive all outstanding water and sewer charges and release the lien for delinquent water and sewer charges which presently encumber the property known as 4919-4923 C St., SE.

This resolution is effective immediately,


Secretary to the Board of Directors