

Presented and Adopted: March 3, 2005

SUBJECT: Approval of Establishment of Lesser Competitive Areas Pursuant to Layoff and Recall Regulations

**#05-19
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 March 3, 2005, decided by a vote of nine (9) in favor and none (0) opposed, to take the following action with respect to approving the establishment of lesser competitive areas in furtherance of Layoff and Recall Regulations (21 DCMR Section 5207.6), which were previously approved by the Board (Board Resolution #02-11, January 10, 2002):

WHEREAS, final amendments to the Authority's Layoff and Recall Regulations were published in the January 18, 2002 edition of the District of Columbia Register (49 DCR 532); and

WHEREAS, section 5207.6(b) of the regulations (21 DCMR section 5207.6(b) (2002)) provides that the General Manager may establish lesser competitive areas within the Authority after securing the Board's approval of a written request that includes the following:

1. A description of the proposed competitive area or areas, which includes a clearly stated mission statement, the operations, functions, and organizational segments affected;
2. An organizational chart of the Authority which identifies the proposed competitive areas; and
3. A justification for the need to establish a lesser competitive area; and

WHEREAS, the General Manager's request solicited approval for the designation of the Customer Service, Engineering and Technical Services, Facilities and Security, Finance and Budget, Maintenance Services, Procurement and Materiel Management, Sewer Services, Wastewater Treatment and Water Services departments as lesser competitive areas; and

WHEREAS, section 5207.6(d) of the Layoff and Recall regulations also provides that the Board of Directors shall: "...publish the competitive area or areas in which the reduction in force will be conducted"; and

WHEREAS, the attached Reduction-In-Force, Designation of Competitive Areas, fulfills the regulatory requirement expressed in Section 5207.6 of the Authority's Layoff and Recall Regulations; and

WHEREAS, the request of the General Manager is expressed in the attached "Designation of Lesser Competitive Areas"; and

WHEREAS, the Human Resource and Labor Relations Committee met on February 3, 2005 and after consideration of the request of the General Manager, has recommended that the request be approved.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors approves designation of the Customer Service, Engineering and Technical Services, Facilities and Security, Finance and Budget, Maintenance Services, Procurement and Materiel Management, Sewer Services, Wastewater Treatment and Water Services departments as lesser competitive areas; and
2. The General Manager shall publish a notice of the lesser competitive areas in which the Reduction in Force may be conducted.
3. The General Manager shall take all steps necessary and shall make such changes as may be needed to insure that the notice conforms to the publication requirements of the Office of Documents.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. DCFA #400-WSA
URS Corporation

#05-20
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. DCFA #400-WSA, URS Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. DCFA #400-WSA, URS Corporation. The purpose of this change is to provide general construction management, office engineering, project controls, resident engineering and inspection, health and safety, materials testing, start-up and interfacing with plant operation. The contract amount is not to exceed \$6,324,447.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 010140
Fru-Con Construction Corporation
(Change Order No. 8)

#05-21
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 010140, Fru-Con Construction Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 8 of Contract No. 010140, Fru-Con Construction Corporation. The purpose of this change order is to modify the conduit and wire specified to connect six sludge collector control panels for the West Secondary Odd Sedimentation Basins. The change amount is \$68,157.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 020010
Ulliman Schutte Construction

#05-22
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 020010, Ulliman Schutte Construction.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 10 of Contract No. 020010, Ulliman Schutte Construction. The purpose of this change order is to provide timers for the Degritter Feed Pumps, an additional handrail, relocation of the unit heater conduit in Heat Exchange Building, modifications to the electrical service for the lighting in GTs 7-10, and modifications to PSSV Control. The change amount is \$24,952.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 040100
EMH Environmental, Inc.

#05-23
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 040100, EMH Environmental, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 040100, EMH Environmental, Inc. The purpose of this contract is to: 1) Provide and install process samplers and miscellaneous equipment to avoid potential violations of its NPDES permit during major construction program at the Blue Plains Advanced Wastewater Treatment Plant; 2) Upgrade Methanol facility 24 hose pumps; 3) Remove and replace Return Sludge Pumps for Nitrification Facilities; 4) Furnish and install three Toshiba model LQ300 microwave sludge density meters; 5) Purchase Flow Meter Equipment and associated services by MGD Technology Inc. to measure return sludge flow at the nitrification gallery, replacing existing, non-functional meters. The contract amount is \$2,855,250.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 040140
Ulliman Schutte Construction

#05-24
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 040140, Ulliman Schutte Construction.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 040140, Ulliman Schutte Construction. The purpose of this contract is for the construction of the Potomac Pumping Station Rehabilitation Project to include: rehabilitation of the station to a firm capacity of 460 MGD, replacement of the electric service high voltage switch gear, re-engineer the three sanitary pumps/motors/VFDs, provide code compliant HVAC systems and an operators control room and provide repairs/replacement of several station ancillary electrical and mechanical systems. The contract amount is \$10,667,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. DCFA #377-WSA
Camp Dresser & McKee

#05-25
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. DCFA #377-WSA, Camp Dresser & McKee.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Supplemental Agreement No. 1 of Contract No. DCFA #377-WSA, Camp Dresser & McKee. This supplemental agreement was anticipated in the original contract and will complete the necessary design of the biological sludge thickening facility improvements. The design will include rehabilitation and upgrade of the existing DAF Thickening Facility and design of two new thickening centrifuges and appurtenances. The agreement amount is \$3,249,826.

This resolution is effective immediately.



Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 020020
Ulliman Schutte Construction, LLC
Change Order No. 17

#05-26
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 020020, Ulliman Schutte Construction, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 17 of Contract No. 020020, Ulliman Schutte Construction, LLC. The purpose of this change is to remove and replace, as necessary, the existing 4" light weight concrete roof topping, the existing masonry wall surrounding the existing structural steel on Column Line 6 in the East Screen Facility and RWWP-2 in order to install the specified structural steel. The change amount is \$311,922.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. WAS-04-001-AAMB
M&M Electric Motor Repair Inc.

#05-27
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and None (0) opposed, to approve the following action with respect to Contract No. WAS-04-001-AAMB, M&M Electric Motor Repair Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year One of Contract No. WAS-04-001-AAMB, M&M Electric Motor Repair Inc. This contract provides repair/rebuild services for large industrial pumping equipment located throughout the D.C. Water and Sewer Authority. The option amount is \$600,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005
SUBJECT: Approval of Contract No. 02009
Flippo Construction Co., Inc.

#05-28
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 March 3, 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. 02009, Flippo Construction Co., Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year three of Contract No. 02009, Flippo Construction Co., Inc. The purpose of this contract is to provide operations of valves – both testing and shutting for construction operations – in support of the Capital Improvement Program relative to the water distribution system. The option amount is \$1,379,636.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: March 3, 2005

SUBJECT: Ratification of Settlement Agreement with Delon Hampton & Associates, Metcalf & Eddy, Inc., and the District of Columbia Water and Sewer Authority - Contract 87-0038-AA-2-0-LA

**#05-29
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 March 3, 2005, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to take the following action with respect to ratification of the settlement agreement with Delon Hampton & Associates, Metcalf & Eddy, Inc., and the District of Columbia Water and Sewer Authority for all remaining claims arising out of and relating to the construction of the Dual Purpose Sedimentation Project at the Blue Plains Wastewater Treatment Plant entered into by the General Manager.

WHEREAS, on January 5, 1987, Delon Hampton & Associates Chartered entered into a contract (the "Contract") with the District of Columbia through its Water and Sewer Utility Administration (WASUA), for the performance of professional engineering and consulting services for the Dual Purpose Sedimentation Basins at the District of Columbia Waste Water Treatment Plant at Blue Plains (hereinafter referred to as the "Project");and

WHEREAS, on January 20, 1987, DHA entered into a subcontract with Metcalf & Eddy, Inc., (M&E) for certain services to be described in the Contract (hereinafter referred to as the "Subcontract"); and

WHEREAS, on January 26, 1989, WASUA entered into a contract with A.S. McGaughan Co., Inc., (ASM) for construction services for the Project; and

WHEREAS, on May 9, 1989 Metcalf & Eddy Partnership (MEP) entered into a Construction Management Contract (the "CM Contract") with WASUA whereby MEP provided construction management services directly to WASUA at Blue Plains for the Project as well as other matters; and

WHEREAS, on November 6, 1998, ASM, the District of Columbia and WASA, entered into a settlement agreement resolving numerous ASM's delay and impact claims; and

WHEREAS, on March 28, 2001, WASA's Contracting Officer issued a Final Decision asserting that Delon Hampton & Associates Chartered owed damages to WASA arising out of the settlement by WASA with ASM for the Project; and

WHEREAS, on August 10, 2001, DHA appealed the Final Decision of the Contracting Officer to the District of Columbia Contract Appeals Board (CAB); and

WHEREAS, on November 5, 2001, WASA filed a four count suit in the Superior Court of the District of Columbia, Civil Division, against DHA, and M&E, for certain damages related to the services performed by DHA, M&E, and MEP for the Project; and

WHEREAS, on April 24, 2002, the Superior Court dismissed Counts I and II of WASA's action ruling that the CAB and not the Superior Court had jurisdiction over contract claims arising from the Project; and

WHEREAS, on September 23, 2002 the Superior Court dismissed the remaining counts of WASA's complaint for failure to initiate suit prior to the expiration of the statute of limitations; and

WHEREAS, on October 21, 2002, WASA appealed the judgment of the Superior Court; and

WHEREAS, on May 13, 2003, WASA's Contracting Officer issued a Second Final Decision asserting additional damages against DHA arising out of the Project and DHA appealed it to the CAB; and

WHEREAS, both cases before the CAB were stayed pending the decision on WASA's appeal of the Superior Court judgment; and

WHEREAS, on October 12, 2004, the District of Columbia Court of Appeals denial of WASA's appeal of the Superior Court judgment became final; and

WHEREAS, there is presently pending before the Contract Appeals Board two dockets relating to WASA's claims against DHA for breach of contract arising from professional engineering and consulting services for the design of the Dual Purpose Sedimentation Basins at the District of Columbia Waste Water Treatment Plant at Blue Plains; and

WHEREAS, settlement discussions were entered into among WASA, DHA, and M&E; and

WHEREAS, WASA, DHA and M&E have determined that a full and final Settlement Agreement (hereafter "Agreement") of all differences between them is desirable.

NOW THEREFORE BE IT RESOLVED:

1. The Board ratifies the settlement agreement with Delon Hampton & Associates, Metcalf & Eddy, Inc., and the District of Columbia Water and Sewer Authority for all remaining claims arising out of and relating to the construction of the Dual Purpose Sedimentation Project at the Blue Plains Wastewater Treatment Plant entered into by the General Manager.
2. DHA and M&E will each pay WASA \$750,000.00 in cash and services as described in the agreement.

This Resolution is effective immediately.


Secretary to the Board of Directors