



DRAFT

**WESTERN WAKE PARTNERS
Policy Advisory Committee**

MINUTES

Tuesday, December 13, 2011, 4:45 p.m.
Cary Town Hall, Conference Room #10035
316 N. Academy Street, Cary, North Carolina
www.westernwakepartners.org

Present: Apex: Mayor Keith Weatherly and Town Manager Bruce Radford; Cary: Mayor Harold Weinbrecht and Town Manager Ben Shivar; and Morrisville: Mayor Jackie Holcombe and Town Manager John Whitson

Others Present: Apex: Public Works Director Tim Donnelly; Cary: Utilities Director Steve Brown, Engineer Director Tim Bailey, Water Resources Manager Leila Goodwin, Utilities Engineering Services Alexandra Jones, Public Information Officer Susan Moran, and Administrative Assistant Cindy Giebel

A. Commencement

Call to Order (Mayor Weatherly)

Mayor Weatherly called the meeting to order at 4:47 p.m.

B. Approval of the minutes of the Policy Advisory Committee meeting held on August 24, 2011

ACTION: Holcombe moved to approve the minutes of the August 24, 2011 meeting; Weinbrecht provided the second. The committee granted unanimous approval.

Jones stated staff needs more time to evaluate the bids and make recommendations for agenda items C. and E.

ACTION: Holcombe moved to amend the agenda by removing items C. and E.; Weinbrecht provided the second. The committee granted unanimous approval.

**~~C. Consideration of Approval of Contractor Selection for Contract 2 (PAC12-05)~~
(WRF Biosolids Handling)**

~~—Speaker: Alexandra Jones, P.E., Project Engineer~~

D. Consideration of Approval of Contractor Selection for Contract 6 (PAC12-06)

(Beaver Creek and West Cary Pump Stations and Olive Chapel Road Water Line)

Speaker: Alexandra Jones, P.E., Project Engineer

WESTERN WAKE PARTNERS

Report to the Policy Advisory Committee (PAC12-06)

Date: December 13, 2011
To: Policy Advisory Committee
From: Technical Advisory Committee (TAC)
Prepared by: Alexandra Jones, P.E., Project Manager, Town of Cary
Subject: Consideration of Bid Award for the Western Wake Regional Wastewater Management Facilities Contract 6 – Beaver Creek Pump Station, West Cary Pump Station, and Olive Chapel Road Waterline Extension

Background

Town of Cary staff report EN12-039 (attached) presents background information. Pending approval by the Policy Advisory Committee, the Cary Town Council will consider taking action for bid award at its regular meeting on January 10, 2012.

Recommendation

The Technical Advisory Committee recommends the Policy Advisory Committee approve the Lead Agency awarding the project to PC Construction for \$21,210,000.

STAFF REPORT

Operations Committee, January 5, 2012

Western Wake Regional Wastewater Management Facilities Contract 6 (EN12-039)

Consideration of Bid Award for the Western Wake Regional Wastewater Management Facilities Contract 6 – Beaver Creek Pump Station, West Cary Pump Station, and Olive Chapel Road Water Line

Speaker: Tim Bailey

From: Tim Bailey, PE, Engineering Director
Prepared by: Shuyan Tian, PE, Engineer
Approved by: Benjamin T. Shivar, Town Manager
Approved by: Michael J. Bajorek, Assistant Town Manager

Executive Summary

The Town of Cary, on behalf of the Western Wake Partners received bids for Western Wake Regional Wastewater Management Facilities Contract 6 on Thursday, December 8, 2011. The project includes the construction of Beaver Creek Pump Station, upgrade of the existing West Cary Pump Station, and the construction of a water line extension to provide water service to Beaver Creek Pump Station. Construction of this project is scheduled to start spring 2012 and be completed in the spring of 2014. After reviewing the bid proposals staff recommends that the project be awarded to PC Construction for \$21,210,000.

Discussion

Contract 6 will provide two components of the influent conveyance system for the Western Wake Regional Wastewater Management Facilities. The project includes Beaver Creek Pump Station construction and Olive Chapel Road waterline extension (SW1146), and West Cary Pump Station upgrades (SW1143). Beaver Creek Pump Station will convey wastewater from Town of Cary, Town of Morrisville, and Town of Apex to the new treatment facility. West Cary Pump Station will pump wastewater from Town of Cary and Town of Morrisville to Beaver Creek Pump Station.

Bid results are tabulated below. Staff recommends selecting PC Construction on the basis of bid prices. The apparent lowest bid by Encore Construction does not meet requirements on minority business participation and is considered non-responsive.

Bid Table

Contractor	Bid Price
Encore Construction	\$20,993,460
PC Construction	\$21,210,000
Reynolds Inc.	\$21,409,500
Shook Construction	\$21,802,890
Crowder Construction	\$22,118,000
English Construction	\$22,520,000
Haren Construction	\$23,432,000
T.A. Loving	\$23,615,000
State Utility Constructors	\$24,317,000
DH Griffin Infrastructure, LLC	\$24,708,000
Dellinger, Inc	\$26,628,572
Hickory Construction	\$26,780,000
Balfour	\$27,738,000

Fiscal Impact

Operating: This project is one of eight construction contracts for the Western Wake Regional Wastewater Management Facilities (WWRWMF). Cary, as Lead Agency, will include all operating costs in the Town's annual budget, with recognition of revenue from Apex reimbursement, as outlined in the Interlocal Agreement between the Western Wake Partners (Towns of Apex, Cary, and Morrisville).

Funding: A total of \$30,821,861 has been appropriated to date to Contract 6. Funding for Project SW1146 Beaver Creek Pump Station and Olive Chapel Road Waterline is \$19,830,250 by the Western Wake Partners. Project SW1143 West Cary Pump Station Upgrade is funded for \$10,446,551 by Town of Cary and Town of Morrisville. A total of \$2,035,665 from Contract 6 has been encumbered/spent to date. The remaining balance of \$28,786,196 is adequate to cover the total bid of \$ 21,210,000.

The construction costs will be divided between SW1146 and SW1143 after staff has reviewed and approved the contractor's schedule of values. Based on total bid price, no additional appropriation needs are anticipated for these projects.

Staff Recommendation

Staff recommends awarding Contract 6, to PC Construction for \$21,210,000. The recommendation of award by Council represents a preliminary determination as to the qualifications of the bidder and no legally binding acceptance of the bid or offer occurs until the Town has executed a written agreement.

Jones presented the staff report herein. The total bid price includes three alternate bid items, two of which are necessary for Apex's Public Utility Regulatory Policies Act (PURPA) compliance requirements and the third will save money with the construction of the bio-filter. The Partners recommendation is contingent on ongoing evaluation of documentation of minority business participation that comes with the bid process.

ACTION: Holcombe moved to approve staff's recommendation of awarding contract selection to PC Construction in the amount of \$21,210,000; Weinbrecht provided the second. The committee granted unanimous approval.

~~E. Consideration of Approval of Consultant Selection for Soils & Material Testing for Contract 1 (PAC12-07)~~

~~— Speaker: Alexandra Jones, P.E., Project Engineer~~

F. Consideration of Development of Western Wake Partners Interim Interlocal Agreement (PAC12-08)

Speaker: Leila Goodwin, P.E., Water Resources Manager

WESTERN WAKE PARTNERS

Report to the Policy Advisory Committee (PAC12-08)

Date: December 7, 2011
 To: Policy Advisory Committee
 From: Technical Advisory Committee (TAC)
 Prepared by: Leila Goodwin, P.E., Water Resources Manager, Town of Cary
 Subject: Consideration of Development of Western Wake Partners Interim Interlocal Agreement

Background

The Western Wake Partners have entered into the following Interlocal Agreements (ILAs):

	Interlocal Agreement (ILA)	Effective Date
1	Interlocal Agreement for Regional Wastewater Treatment Study	May 1, 2002
2	Amendment No. 1	June 24, 2004
3	Interlocal Agreement for Regional Wastewater Management Facilities Land Acquisition and Preliminary Work	July 28, 2004
4	Amendment No. 1	January 26, 2005
5	Agreement For Design, Construction, Ownership, Management And Operation Of Western Wake Regional Wastewater Management Facilities	August 22, 2005
6	Amendment No. 1	October 27, 2006
7	Amendment No. 2	October 17, 2007
8	Amendment No. 3	May 13, 2008

In September 2010, Holly Springs withdrew from the Partnership, and communications regarding finalizing the terms of withdrawal are ongoing. It is anticipated that there will be an Amendment No. 4 to the *Agreement For Design, Construction, Ownership, Management And Operation Of*

Western Wake Regional Wastewater Management Facilities specifying the terms of Holly Springs' withdrawal and terminating that ILA, concurrent with a new ILA between Apex, Cary and Morrisville specifying terms for moving forward.

The purpose of this proposed Interim ILA between Apex, Cary and Morrisville is to clarify some details from the *Agreement For Design, Construction, Ownership, Management And Operation Of Western Wake Regional Wastewater Management Facilities*, as amended, and to specify terms for cost sharing and other items in the interim before the terms of Holly Springs' withdrawal are finalized.

Discussion

The remaining Partners summarized the items for which Holly Springs is responsible in a May 19, 2011 letter. Cary, on behalf of the Partners, has billed Holly Springs for its share of incurred costs for those items; that billing is current and outstanding. The Partners have also identified some items for which Holly Spring will not be charged, including some costs which have been incurred as far back as September 2010. The Partners are in agreement that these items will not be charged to Holly Springs in the future.

To fully account for the terms of Holly Springs' withdrawal, the proposed interim ILA will include the following items at a minimum.

1. Adopt an updated Exhibit A from Amendment No. 4 to the *Agreement For Design, Construction, Ownership, Management And Operation Of Western Wake Regional Wastewater Management Facilities* containing the following:
 - a. Recognize Holly Springs' withdrawal and resulting removal from any ownership shares in land or facilities
 - b. Add and update cost share details for specific items related to the permitting and/or facilities Holly Springs was involved in, consistent with invoicing to Holly Springs
 - c. Update some capital cost estimates as available
 - d. Update facility loading capacity based on actual NPDES permit
 - e. Other technical corrections based on updated information
 - f. Now that Cary and Morrisville have merged utility systems and Cary is serving customers in Morrisville, combine Cary and Morrisville shares and recognize that Morrisville will not own land or facilities, per the merger agreement.
2. Specify terms for Apex providing water service to Cary, on behalf of the Partners, at facility sites for use by contractor(s) during construction and later by Cary during operations.
3. Clarify deed transfer arrangements for land and land interests.

This ILA will allow the following specific actions to move forward:

1. Transfer of the appropriate ownership interest in the Water Reclamation Facility and Effluent Pump Station land to the Town of Apex.
2. Allocation to Apex and Cary of Holly Springs' share of some costs incurred since Holly Springs' withdrawal, with subsequent billing to Apex of their share (preliminary estimate is about \$40,000). This does not include any items which the Partners have invoiced to Holly Springs.
3. Future billing to Apex using the appropriate increased cost shares for items we are no longer billing to Holly Springs (which will prevent future invoice adjustments).
4. Proper setup and billing of water account for service from Apex to Cary at the WRF site.

Recommendation

The TAC recommends that Partner staff work with their respective Town attorneys to develop the above-described interim ILA, and present the ILA to the Town Councils of Apex, Cary and Morrisville for approval and execution.

Goodwin presented the staff report herein.

Weatherly suggested this item be tabled to allow the Partners more time to review the matter before directing staff and attorneys to do further work on it. Holcombe asked if any part of this item was time-sensitive. Goodwin said no.

ACTION: Weinbrecht moved to table this item; Holcombe provided the second. The committee granted unanimous approval.

G. Closed session will be called if necessary.

N/A

H. Adjourn

ACTION: At 4:54 p.m. Holcombe moved to adjourn; Weinbrecht provided the second. The committee granted unanimous approval.