GUAM CONSOLIDATED COMMISSION ON UTILITIES RESOLUTION NO. 01-FY2017

RELATIVE TO APPROVAL OF THE BAZA GARDENS WASTEWATER CROSS-ISLAND PUMPING AND CONVEYANCE PHASE I CONSTRUCTION PROJECT

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual, and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, GWA currently has a number of critical Court Order ("CO") projects including a complete evaluation of the Baza Gardens WWTP to determine what improvements are necessary at the plant to achieve compliance with the WWTP's NDPES permit, as stated in Paragraph 13 of the 2011 Court Order as well as the completion of construction activities that were identified in the approved plan resulting from the evaluation noted above as stated in Paragraph 14 of the 2011 Court Order; and

WHEREAS, the system evaluation report required under Paragraph 13 and completed in April of 2014 by GWA's Program Management Office (PMO), Brown and Caldwell, resulted in a recommendation to GWA and the USEPA that transferring/conveying the Baza Gardens WWTP effluent flow across the Route 17 (Cross Island Road) to a new Agat-Santa Rita WWTP site was the recommended conceptual alternative to which this recommendation was found to be acceptable by all parties; and

WHEREAS, Paragraph 14, subsection (b) of the 2011 Court Order required that GWA "execute a contract and issue a notice to proceed with construction" by October 31, 2016; and

WHEREAS, in September of 2015 GWA began the procurement process to find a consulting engineering team to design the wastewater conveyance system and via Resolution 06-FY2016, approved by the CCU in October of 2015, GWA management was authorized to enter

into a contract with Duenas Camacho and Associates to design the wastewater conveyance and pumping system which would include new Sewer Pump Station (SPS), gravity mains, force mains and all incidentals and appurtenances to these man components; and

WHEREAS, GWA has determined that in an effort to comply with the intent of the Court Order deadline of October 31, 2016 the most expedient process was to break the construction activities into phases with the first phase covering the construction of one sewer pump station, 14,643 linear feet of gravity and 2,767 linear feet of force main which is considered approximately one third of the overall project requirements; and

WHEREAS, GWA has advertised the Invitation For Bid (IFB-08-ENG-2016) for Bazal Gardens Wastewater Conveyance and Pumping Phase I Construction project wherein GWA is soliciting bid proposals from experienced and responsive bidders to construct a sewer pump station, sewer gravity and force mains; and

WHEREAS, this phase of work consists of furnishing all labor, tools, equipment and materials including coordination with GWA Wastewater Operations and Engineering and the Construction Manager to construct all components described in the 100% design drawings and technical specifications which include but are not limited to a sewer pump station with generator and wet well, 14,643 linear feet of gravity line with sizes ranging from 12" to 15" in diameter, 2,767 linear feet of 10" diameter gravity main, pavement restoration in affected areas, SPS perimeter fencing, SPS retaining walls, as well as a communication conduit for future by GWA and GPA; and

WHEREAS, IFB packages were picked up by ten (10) interested parties, from which GWA received bid proposals from two (2) of the ten (10) (SEE EXHIBIT A – Abstract of Bids) before the bid proposals deadline of September 30, 2016; and

WHEREAS, GWA's design consultant for the project along with GWA Engineering analyzed the bid proposals received, particularly the lowest bid received and determined that "BME & Son Inc." successfully submitted the lowest bid as a responsive and responsible bidder and met all the bid requirements set forth by GWA (SEE EXHIBIT B – Bid Evaluation); and

WHEREAS, GWA management finds BME & Son Inc.'s bid proposal acceptable and now seeks CCU approval of the bid proposal amount of Seven Million Eight Hundred Eighty Eight Thousand One Hundred Fifty One Dollars and Nineteen Cents (\$7,888,151.19) attached hereto (SEE EXHIBIT C – Bid Proposal),

WHEREAS, GWA management further seeks CCU approval of a five percent (5%) contingency to the bid proposal amount or Three Hundred Ninety Four Thousand Four Hundred Seven Dollars and Fifty Six Cents (\$394,407.56) to bring the total authorized funding amount to Eight Million Two Hundred Eighty Two Thousand Five Hundred Fifty Eight Dollars and Seventy Five Cents (\$8,282,558.75); and

WHEREAS, funding for this project will be from the 2016 Bond Funds under the line items CIP WW 11-03 "Baza Gardens STP Replacement"; and

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve the following:

- 1. The recitals set forth above hereby constitute the findings of the CCU.
- The CCU finds that the terms of the conditions set by GWA relative to commencement of work activities are fair and reasonable and serve as a measure of Quality Assurance/Quality Control (QA/QC).
- 3. The CCU hereby authorizes the management of GWA to accept the bid proposal from "BME & Son Inc." attached hereto as Exhibit C and which is incorporated into this Resolution in its entirety.
- 4. The CCU hereby further authorizes the management of GWA to enter into a contract with "BME & Son Inc." in the amount Seven Million Eight Hundred Eighty Eight Thousand One Hundred Fifty One Dollars and Nineteen Cents (\$7,888,151.19).
- 5. The CCU hereby further approves the funding total of Seven Million Eight Hundred Eighty Eight Thousand One Hundred Fifty One Dollars and Nineteen Cents (\$7,888,151.19) plus a five percent (5%) contingency of Three Hundred Ninety Four Thousand Four Hundred Seven Dollars and Fifty Six

Cents (\$394,407.56) for a total amount of Eight Million Two Hundred Eighty Two Thousand Five Hundred Fifty Eight Dollars and Seventy Five Cents (\$8,282,558.75).

The CCU hereby further approves funding for this project to be from the 2016
Bond Funds under the line items CIP WW 11-03"Baza Gardens STP
Replacement".

RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 25th day of October 2016.

Attested by:
mile g. pr
L.GEORGE BAMBA Secretary

I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities as evidenced by my signature above do hereby certify as follows:

The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

AYES:	4
NAYS:	0
ABSTENTIONS:	0
ABSENT:	1
ALDOLINI.	

Exhibit A (1 of 1)

ORIGINAL

GUAM WATERWORKS AUTHORITY ABSTRACT OF BIDS

Project Name: BAZA GARDENS WASTEWATER CROSS-ISLAND PUMPING AND CONVEYANCE (PHASE I)
Project Number: \$15-008-BND; IFB-08-ENG-2016

Bid Opening Date: September 30, 2016 Bid Opening Time: 3:00 p.m.

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Bids Opened and Read by: SUDDIA BENUSA (Name and Signature)	GWA Estimate			TG ENGINEERS	PROPACIFIC BUILDER CORP	SUMITOMO MITSUI CONST. CO., LTD	BME & SONS INC.	KORANDO CORPORATION	PACIFIC RIM CONSTRUCTORS, INC.	BLACK CONSTRUCTION	AMERICAN INTL SUPPLY, INC.	POLYPHASE SYSTEM INC.	PERNIX	bidders name	Didday Name
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GWA Procurement Representative: Alicolan C (Name and Signature)	100000						<						<	Qualification	Bidder
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	\$ 9,422,9,000					- 4	7.888.151.19						\$9,24,64,00	BID AMOUNT	BASIC

Exhibit B (1 of 1)





October 7, 2016

Thomas Cruz, PE Chief Engineer Guam Waterworks Authority thomas@guamwaterworks.org 671-300-6036 Hand delivery

Ref: Baza Gardens Wastewater Cross-Island Pumping and Conveyance System, Phase I

Subj: BME & Sons Bid Proposal Review

Hafa Adai,

Thank you for allowing Duenas, Camacho and Associates, Inc. (DCA) the opportunity to review the September 30th, 2016 Bid Proposal, submitted by BME & Sons (BME) for the referenced project. DCA reviewed the bid proposal provided by BME as well as the past projects provided in appendix G, bidder qualifications form.

The BME bid proposal was compared to the engineers estimate. Overall the BME bid is 16% below the engineers estimate. Detailed review indicates that the sewer-line installations are >25% below the engineers estimate. In addition, the pumps station structure is 32 % below the engineers estimate. BME has experience in utility installation as well as building construction. Based on BME past projects listed in the bidder qualifications form and DCA's past experience working as a construction manger with BME, the low values provided under sewer-line and building construction are more likely than not attributed to the selected means and methods used by BME for construction rather then an error or emission on the bid. Large equipment items such as the generator, pumps and odor control systems are comparable to the equipment quotes reviewed during the design of the referenced project.

Based on our review we have no exceptions with GWA moving forward with contracting BME & Sons for this referenced project.

Thank you

Kenneth M. Rekdahl, PE

Vice- President and Project Manager

Duenas, Camacho & Associates

671-477-7991

knrekdahl@dcaguam.com

Exhibit C (1 of 4)

Baza Gardens Wastewater Cross-Island Pumping and Conveyance System (Phase-I)

SECTION A-3

BID PROPOSAL

To: General Manager
Guam Waterworks Authority
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, GU 96913

Dear Sir/Madam:

The undersigned ("Bidder"), a ______ Corporation (Corporation or Partnership or Individual) organized and/or licensed to do business under the laws of ______ hereby proposes and agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the BAZA GARDENS WASTEWATER CROSS-ISLAND PUMPING AND CONVEYANCE SYSTEM (PHASE-I).: S15-008-BND in accordance with the bid documents for the sum of:

\$ 7,888,151.19 (Seven Million Eight Hundred Eighty Eight Thousand One Hundred Fifty One Dollars & 19/100)

plus any and all sums to be added and/or deducted resulted from all extra and/or omitted work under a change order or contract amendment under the unit and/or lump sum prices stated in the itemized proposal form attached hereto.

The undersigned has examined the location of the proposed work, the drawings, specifications and other Contract Documents and is familiar with the local conditions at the place where the work is to be performed, agrees to perform all work within the time set forth; herein and the price stated in their bid.

The Bid Guaranty attached hereto without endorsement, in the sum of not less than fifteen percent (15%) of the highest amount the total aggregate bid, is furnished to the Guam Waterworks Authority as a guarantee that the Agreement will be executed and a Performance and Payment Bond and proof of insurance and other requirements set forth in the bid, in forms acceptable to GWA, shall be furnished within twenty (20) days after notification that the undersigned is the lowest responsible bidder. In the event that this Bid is accepted, and the undersigned bidder shall fail to: (1) provide any and all documents requested by GWA that are required under the bid; (2) execute the Contract on terms and conditions acceptable to GWA; and (3) furnish a satisfactory performance and Payment Bond under the conditions and within the time specified in this Proposal, the equivalent amount of the Proposed Guaranty shall be forfeited, as liquidated damages for the delay and additional work and costs caused thereby in obtaining another bidder, said amount being beforehand determined as being reasonable and containing no penalties. If written notice that the bidder is the lowest responsible bidder, and such notice is mailed, telegraphed or delivered to the undersigned within sixty (60) days after the opening thereof, the undersigned agrees to execute the contract on terms and conditions acceptable to GWA, and to furnish a Performance and Payment Bond as a condition

Exhibit C (2 of 4)

Baza Gardens Wastewater Cross-Island Pumping and Conveyance System (Phase-I)

precedent to entering into the contract.

RESPECTFULLY SUBMITTED BY:

The undersigned hereby acknowledges receipt of the following Addenda:

	Addendum No.	Dated:
	01	09/16/2016
	02	09/22/2016
1 7 7 7 7	03	09/26/2016
	04	09/28/2016
protection of the Community of the Commu		

If awarded the Contract, the undersigned agrees to complete the work for the "Basic Bid" within three hundred and sixty (360) calendar days following the execution of the Contract by all parties thereto and the issuance of the Notice to Proceed from GWA.

Attached hereto are the following: (1) an affidavit in proof that the undersigned has not entered into any collusion with any person in respect to this proposal or any other proposal or the submitting of proposals for the Contract for which this bid is submitted; (2) proof of licensure on Guam to conduct the services specified in the bid; (3) proof of insurance in the types and amounts specified in the bid, including certificates and a copy of the complete policies which indicates coverages and exclusions; (4) Certification of Non-Employment of Convicted Sex Offenders; and (5) any other document requested under the bid.

The undersigned understands that the Guam Waterworks Authority reserves the right to reject any or all Proposals or to waive any informality or technicality in any Proposal in the interest of GWA.

BME & SONS INC.

(CONTRACTOR)

BERNADETTE MARANAN

(BY)

VICE PRESIDENT

(TITLE)

P.O. BOX 24402 BARRIGADA, GUAM 96921

(BUSINESS ADDRESS)

Exhibit C (3 of 4)

Baza Gardens Wastewater Cross-Island Pumping and Conveyance System (Phase-I)

BID SCHEDULE

Interested Bidders must complete the following Bid Schedules in its entirety. All blanks in each table must be filled out.

BAZA GARDENS WASTEWATER CROSS-ISLAND PUMPING AND CONVEYANCE SYSTEM (PHASE-I)

Bidder will complete the work for the following price(s) as broken down per scope item:

Scope Item	Description	Est. Qty.	Unit	Total
I	Mobilization	1	LS	\$84,806.75
2	Project management, coordination, documentation, Insurance, temporary Facilities and site Layout	1	LS	\$217,468.74
3	Extended warranty	1	LS	\$39,980.33
4	Environmental protection	1	LS	\$56,733.57
5	Traffic control	1	LS	\$211,023.79
6	Site clearing	1	LS	\$40,726.76
7	Pump Station #3 access road and pavement	1	LS	\$16,641.60
8	Perimeter fence line	1	LS	\$20,508.76
9	Site Retaining Wall	1	LS	\$24,659.76
10	Site grading	1	LS	\$44,474.11
11	Site drainage improvements	1	LS	\$11,520.72
12	Generator and Wetwell structure and finishing's	1	LS	\$229,981.49
13	Wastewater pumps	1	LS	\$161,724.30
14	Pump station #3 process piping, fittings and flow-meter	1	LS	\$61,305.42
15	Pump VFDs, controls and level sensor	1	LS	\$253,625.22
16	Sewer-line B	1	LS	\$1,129,460.14
17	Sewer-line B road repair	I	LS	\$127,234.06
18	Force-main 3	1	LS	\$419,681.53

Exhibit C (4 of 4)

Baza Gardens Wastewater Cross-Island Pumping and Conveyance System (Phase-I)

19	Force-main 3 road repair	1	LS	\$174,016.23
20	Sewer-line C	1	LS	\$2,344,241.22
21	Sewer-line C road repair	1	LS	\$819,625.12
31	Communication conduit and hand-hole Installation	1	LS	\$829,521.45
32	Odor control unit	1	LS	\$98,873.91
33	Site electrical improvements	1	LS	\$99,801.34
34	Standby generator	1	LS	\$71,104.30
35	Wastewater pump station 3 start-up	1	LS	\$38,060.06
36	Project closeout.	1	LS	\$14,350.51
37	Force account (Allowance)	1	LS	\$250,000.00
				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	T. I.D. I. D. I.			
	Total Basic Bid	Carrie de Labor	LS	\$ 7,888,151.19

NOTE:

- 1. LS = Lump Sum.
- 2. All other Work not qualified or not listed in the Bid Schedule are considered incidental work and are an obligation of the Contractor under the various Bid Items as specified in the Bid at no additional cost to GWA.
- 3. Total basic bid shall include sales tax and all applicable taxes and permit fees.

BASIS OF SELECTION

Award will be based on the Total Basic Bid. All bids are subject to availability of funding.



CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority • Guam Waterworks Authority P.O.BOX 2977 • Agana, Guam 96932

October 25, 2016

MEMORANDUM

TO:

Members, Consolidated Commission on Utilities

SUBJECT: Ratification of Polling of Votes: Resolution 01-FY2017 Relative to the Approval of the Baza Gardens Wastewater Pumping and Conveyance Phase I Construction (see attached email dated 10/7/2016)

Commissioner	Y/N	Initials	Time/Date	Comments
Joseph Duenas	4	2		
Francis Santos	Y	The	10/11/2016 9:10 p.m.	Via email
George Bamba	Y	de	10/11/2016 8:54 a.m.	Via email
Pedro Guerrero				
Simon Sanchez	Y	SK	10/11/2016 3:36 p.m.	Via Email

Concurred b	V.

Miguel Bordallo, &WA GM

10.26-16

Date

immediately and return or destroy the information. You may contact sender at (671) 300-6847 or (671) 300-6846. This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use.

From: Francis Santos [mailto:fesantos57@gmail.com]

Sent: Tuesday, October 11, 2016 9:10 PM

To: Miguel Bordallo

Cc: Joseph Duenas; J. George Bamba; Simon Sanchez; Pedro SN. Guerrero; Lou Sablan; Greg Cruz; Kelly Clark; Thomas

Cruz; Ann Borja; Paul Kemp

Subject: Re: Fw: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens Wastewater Pumping and

Conveyance Phase I Construction

N /		guel,
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This email will serve as my approval on the proposed resolution.

Francis

On Sat, Oct 8, 2016 at 12:01 PM, Miguel Bordallo <mcbordallo@guamwaterworks.org> wrote:

Commissioners:

Attached are the draft resolution, justification sheet and exhibits for the Court-ordered Baza Gardens wastewater pumping and conveyance project for your review and consideration in advance of our October meeting.

This project has a court-ordered deadline of October 31, 2016 for GWA to enter a construction contract for the execution of the work. In order to meet this deadline, I am asking for a poll vote by Wednesday of next week, with ratification at the October meeting, so that if the Commission approves, we may begin processing the contract documents for signing subsequent to ratification but prior to the 31st.

Please advise of any questions or concerns, and Tom, Paul and Kelly will try to get them addressed immediately, while I am off-island next week.

Lou Sablan

From:

Bernadette Lou Sablan <siguam2013@gmail.com>

Sent:

Monday, October 17, 2016 4:34 PM

To:

Lou Sablan

Subject:

Fwd: FW: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens

Wastewater Pumping and Conveyance Phase I Construction

----- Forwarded message -----

From: Ann Borja <annborja@guamwaterworks.org>

Date: Mon, Oct 17, 2016 at 10:45 AM

Subject: FW: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens Wastewater Pumping

and Conveyance Phase I Construction

To: siguam2013@gmail.com

From Commissioner Sanchez



Sincerely,

Ann Dueñas Borja, CPM

Management Analyst IV, Assistant to

Miguel C. Bordallo, P.E., General Manager

Guam Waterworks Authority

Gloria B. Nelson Public Service Building

688 Route 15

Mangilao, Guam 96913

Telephone No.: (671) 300-6847 (Direct) or 300-6846 E-mail address: annborja@guamwaterworks.org

The information contained in this message and any accompanying attachments may contain privileged, private and/or confidential information protected by local, state and federal law. This message and any attachments are intended for the designated recipient only. If you have received this information in error, please notify the sender immediately and return or destroy the information. You may contact sender at (671) 300-6847 or (671) 300-6846. This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use.

From: Simon Sanchez [mailto:gdcmgr@quamdrycleaners.com]

Sent: Tuesday, October 11, 2016 3:36 PM

To: goergebamba@hotmail.com

Cc: Miguel Bordallo; Joseph Duenas; Francis Santos; Pedro SN. Guerrero; Lou Sablan; Greg Cruz; Kelly Clark; Tom Cruz;

Ann Borja - GWA; Paul J. Kemp, M. S.

Subject: Re: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens Wastewater Pumping and

Conveyance Phase I Construction

I vote yes

Simon says

On Oct 11, 2016, at 8:54 AM, J. George Bamba < georgebamba@hotmail.com > wrote:

Hi Miguel, Joey and Colleagues,

After reviewing all the attachments, I do vote yes to the Resolution. We have really tight timelines and it is important to keep the momentum moving forward. Miguel, congratulations to you and your team for your efforts in moving this project forward.

Blessings,

George

Date: Sat, 8 Oct 2016 12:01:06 +1000

Subject: Fw: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens

Wastewater Pumping and Conveyance Phase I Construction

From: mcbordallo@guamwaterworks.org

To: jtduenas@hotmail.com; fesantos57@gmail.com; georgebamba@hotmail.com; gdcmgr@guamdrycleaners.com; psnguerrero@gpagwa.com; lsablan@gpagwa.com

CC: gpcruz@guamwaterworks.org; koclark@guamwaterworks.org; thomas@guamwaterworks.org; annborja@guamwaterworks.org; paulkemp@guamwaterworks.org; mcbordallo@guamwaterworks.org

Commissioners:

Attached are the draft resolution, justification sheet and exhibits for the Court-ordered Baza Gardens wastewater pumping and conveyance project for your review and consideration in advance of our October meeting.

Lou Sablan

From: Bernadette Lou Sablan <siguam2013@gmail.com>

Sent: Monday, October 17, 2016 4:34 PM

To: Lou Sablan

Subject: Fwd: FW: Pw: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens

Wastewater Pumping and Conveyance Phase I Construction

Follow Up Flag: Follow up Flag Status: Completed

----- Forwarded message -----

From: Ann Borja <annborja@guamwaterworks.org>

Date: Mon, Oct 17, 2016 at 10:46 AM

Subject: FW: Fw: Draft Resoluiton 01-FY2017 Relative to the Approval fo the Baza Gardens Wastewater

Pumping and Conveyance Phase I Construction

To: siguam2013@gmail.com

From Commissioner Santos



Sincerely,

Ann Dueñas Borja, CPM

Management Analyst IV, Assistant to

Miguel C. Bordallo, P.E., General Manager

Guam Waterworks Authority

Gloria B. Nelson Public Service Building

688 Route 15

Mangilao, Guam 96913

Telephone No.: (671) 300-6847 (Direct) or 300-6846 E-mail address: annborja@guamwaterworks.org