RESOLUTION NO. 43-FY2017

RELATIVE TO INCREASE FUNDING FOR THE YIGO AND ASTUMBO RESERVOIR CONSTRUCTION MANAGEMENT CONTRACT

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 is currently working on critical reservoir projects under the 2011 Court Order (“CO”) Paragraph 29 – Storage Tank/Reservoir Repair, Replacement, and Relocation Program; and

WHEREAS, the CCU passed Resolution No. 53-FY2016 on August 23, 2016 that approved Pernix Guam, LLC to construct the new Yigo No. 1 reservoir, new Astumbo No. 1 reservoir, and new Yigo Elevated booster pump station after which the Notice to Proceed was issued on December 2, 2016; and

WHEREAS, GWA management subsequently executed Change No. 1 to Pernix Guam, LLC that advanced the construction of Yigo No. 3 reservoir and its associated work which was stipulated in the construction contract to potentially occur as a later phase once Yigo #1 reservoir was completed; and

WHEREAS, the advancement of the construction of the new Yigo #3 reservoir was not taken into account in the initial Construction Management (CM) services scope thus GWA negotiated with GHD to continue CM services for the Yigo No. 3 reservoir in the amount of
Three Hundred Ninety Seven Thousand Five Hundred Sixty Six Dollars ($397,566.00) (see EXHIBIT A); and

WHEREAS, GWA has already executed one Change Order to the Construction Manager contact which leaves a balance in the contingency of approximately One Hundred Thirty Thousand Eight Hundred Seventy Five Dollars ($103,875.00); and

WHEREAS, GWA management seeks CCU approval of the increase in funding, on top of current available contingency fund, for the additional CM services in the amount of Two Hundred Ninety Three Thousand Six Hundred Ninety One Dollars ($293,691.00); and

WHEREAS, as this increase is actually required for planned future construction, and not an unplanned need, GWA management seeks CCU approval of a ten percent (10%) contingency to the additional fund request of Twenty Nine Thousand Three Hundred Sixty Nine Dollars and Ten Cents ($29,369.10), to bring the additional fund request to Three Hundred Twenty Three Thousand Sixty Dollars and Ten Cents ($323,060.10); and

WHEREAS, CCU Resolution No. 02-FY2015 (see EXHIBIT B) approved the original funding total of One Million Five Hundred Twenty Six Thousand Seven Hundred Eighty Dollars and Twenty Cents ($1,526,780.20) for the construction management services of the Yigo No. 1 reservoir, Astumbo No. 1 reservoir, Yigo Elevated booster pump station and associated work; and

WHEREAS, GWA management seeks CCU approval of the increased funding total of One Million Eight Hundred Forty Nine Thousand Eight Hundred Forty Dollars and Thirty Cents ($1,849,840.30); and

WHEREAS, funding for this project will be from the bond funds under the line item - PW 09-11 "Water System Reservoirs 2005 Improvements" and PW 12-05 "Tank Major Repair, Yigo #1, Mangilao #2, Astumbo #1"; 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.
2. The CCU finds that the terms of the fee proposal submitted by GHD are fair and reasonable.
3. The CCU finds that the terms of the conditions set by GWA relative to the commencement of subsequent work activities are fair and reasonable and serve as a measure of Quality Assurance/Quality Control (QA/QC).
4. The CCU hereby approves the funding increase of Three Hundred Twenty Three Thousand Sixty Dollars and Ten Cents ($323,060.10) for the construction management of Yigo No. 3 reservoir and its associated work.
5. The CCU hereby approves total authorized funding amount to One Million Eight Hundred Forty Nine Thousand Eight Hundred Forty Dollars and Thirty Cents ($1,849,840.30), which includes the original approve funding.
6. The source of funding for the additional CM services will be from the bond funds under the line item - PW 09-11 “Water System Reservoirs 2005 Improvements” and PW 12-05 “Tank Major Repair Yigo #1, Mangilao #2, Astumbo #1”.

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

DULY AND REGULARLY ADOPTED, this 25th day of July 2017.

Certified by:

JOSEPH T. DUENAS
Chairperson

Attested by:

J. 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:  5

NAYS:  0

ABSTENTIONS:  0

ABSENT:  0
February 3, 2017

Mr. Tom Cruz, P.E.
Chief Engineer
Guam Waterworks Authority
Gloria B. Nelson Public Service Building
688 Route 15
Mangilao, Guam 96913

RE: Change Proposal 02 (CP-2) for Construction Management Services for PW12-05 GWA
    Yigo and Astumbo Replacement Reservoirs, GWA Project W13-001-BND
    Additional CM Services for Yigo No. 2 Reservoir Construction

Dear Mr. Cruz:

GHD is pleased to submit this proposal for an amendment to our Scope of Work and Fee for the above referenced project. This scope of work defines the construction management services that will be provided by GHD Inc. and their subconsultants for additional CM service for construction of Yigo No. 2 Reservoir. The additional scope for CP-02 as discussed with GWA is detailed below. The original project scope will be changed on a lump sum basis per the fees in the table below.

**SCOPE OF WORK**

**General:** GHD shall provide additional Construction Management (CM) Services for a six (6) month period, from December 5, 2017 to June 5, 2018, with final completion and closeout services to July 30, 2018 in conjunction with GWA’s contract modification to construct Yigo Reservoir No. 2. The original contract completion date for CM services was for twelve (12) months after the notice to proceed for the contractor on December 5, 2016. The July 30, 2018 completion date is taken from the Contract Change Request No. 1 from Pernix.

**Details:** The Scope of Work will provide an extension of the construction phase tasks provided in the original Scope of Work that relate to the construction of Yigo Reservoir No. 2. See attached Fee Proposal for QA testing and survey service to be included.

**Data and Assumptions:**

a. These CM Services are being provided for the construction of improvements shown on the construction plans and include in the bid schedule that was awarded to Pernix, including Tank No. 2. If additional improvements are added to the construction contract then the fees for additional CM Services will be negotiated with GWA.
b. It is understood that the intent is for GHD to provide six (6) consecutive months (126 work days or 182 calendar days) of Resident Engineer (RE)/Project Manager (PM) services and six (6) consecutive months of full time onsite inspection. An additional full time onsite inspector is anticipated for an estimated period of two months when both Yigo 1 and Yigo 2 are under construction. RE/PM services have been estimated at 20 hours per week. This is based upon a standard 40 hour work week.

c. GWA agrees to negotiate with GHD for change orders for additional construction phase services due to construction delays, additional work for substantial completion beyond June 5, 2018 and final completion beyond July 30, 2018, adverse weather delays, or any other reason not due to the negligent acts of GHD until final acceptance of the project is achieved.

Our lump sum fees are summarized in the following Fee Schedule:

**FEE SCHEDULE FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES**

<table>
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<tr>
<th>TASKS</th>
<th>TOTALS</th>
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<tr>
<td>Original Contract Amount</td>
<td>$1,387,982</td>
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<tr>
<td>Contract Amount with CO #1</td>
<td>$1,422,905</td>
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<tr>
<td>Yigo No. 2 Construction Phase CM Services</td>
<td>$381,663</td>
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<tr>
<td><strong>SUBTOTAL COST</strong></td>
<td><strong>$381,663</strong></td>
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<td>GUAM GRT (at 4.167%)</td>
<td>$15,904</td>
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<td><strong>TOTAL CHANGE PROPOSAL COST</strong></td>
<td><strong>$397,566</strong></td>
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<tr>
<td><strong>AMENDED CONTRACT AMOUNT</strong></td>
<td><strong>1,820,471</strong></td>
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* Work which exceeds the scope of this proposal will be brought to your attention for review, approval and fee adjustment. Such extra services, will be performed on a time and materials basis (per our Fee Schedule in effect at the time services are performed), or for a mutually agreed upon lump sum. Work performed will be billed monthly based on estimated percent complete. Payment is due within 30 days of receipt and acceptance of the invoice. We stand ready to provide the professional services necessary to assist GWA in this endeavor.

Sincerely,

[Signature]

Aaron Sutton
Construction Manager

Attachments: GHD Change Proposal Fee dated 02/01/17
Cc: file
### Exhibit A (3 of 14)

#### A. PRECONSTRUCTION PHASE TASKS

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<th>Phase Letter &amp; Task Number</th>
<th>Task Description</th>
<th>HOURLY LABOR RATES</th>
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#### B. CONSTRUCTION PHASE TASKS

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**Note:** The table continues with more tasks and their respective labor rates. This is a fragment of the full table, which includes detailed tasks and labor rates for the construction phases.
### Exhibit A (4 of 14)

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<tr>
<th>Task Letter and Task Number</th>
<th>Task Description</th>
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<td>CMIC/AA Testing (also see expenses)</td>
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<td>B10.3.3</td>
<td>GWA Testing (part of Task B10.1)</td>
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<td>Construction QA Survey Services (also see expenses)</td>
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<td>Sum Inspector Hrs                   1,400</td>
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#### Construction Phase Services Hour Subtotal

- **Total Hrs**: 4,748
- **Grand Total**: 338,573

#### Construction Phase Services & Expenses Total

- **Total Hrs**: 4,748
- **Grand Total**: 381,663

### C

**Post Construction Services**

| C1 | Final Report | - |
| C2 | Record Drawings | - |

**Post Construction Phase Services Hour Subtotal**

- **Total Hrs**: 4,748
- **Grand Total**: 381,663

**Post Construction Phase Services Subtotal**

- **Total Hrs**: 4,748
- **Grand Total**: 381,663
## GHD - PROJECT ESTIMATING SHEET - GHD EXPENSES

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<tr>
<th>Project Name:</th>
<th>GWA Construction of Yigo Reservoir - CM Services Change Proposal 2</th>
<th>Attachment:</th>
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</thead>
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<tr>
<td>GHD Project Number:</td>
<td>8411481</td>
<td>of:</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Aaron Sutton</td>
<td>Checked by:</td>
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<tr>
<td>Date:</td>
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### EXPENSE ITEM

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<tr>
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<th>QUANTITY</th>
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<td>CONSTRUCTION PHASE TASKS</td>
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### TOTAL

|              | 27,608 | 37,470 | 5,620 |       | 43,090 |
### QA SURVEY ESTIMATE

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<td>Top of Type H - Drian Rock</td>
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<td>Top Communication Handholds</td>
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## Pavement
- Ribbon Gutter Formwork: $800
- Pavement Formwork: $800

## Bench Marks
- Establish bench marks on top of all vaults, top of retaining wall, top of footing at water height guage, over-flow, drian, & outlet: $1,200

Contingency: 5%  
$680

**TOTAL ESTIMATED BUDGET**: $14,280

### Rate
- Half Day: $800
- Full Day: $1,200
- Hourly: $150

---

## CQA Testing Estimate

### Material Laboratory Testing:

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<th>Unit Cost</th>
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### Compaction Testing:

- **Over-Excavation**
  - Bottom of Over-Excavation: $74.00  
  - Type G - Crushed Aggregate: $74.00  
  - Top of Type H - Drian Rock: $340.00  
  - Type-E Certificate of Observation: $340.00

- **Pump House**
  - Foundation: $74.00

- **Generator Bldg.**
  - Foundation: $74.00

- **Overflow Manhole**
  - Below Base: $55.00

- **Outlet Vault #1**
  - Below Foundation: $55.00  
  - First Lift: $55.00  
  - Middle: $55.00  
  - Last: $55.00

---

6 of 12
### Exhibit A (8 of 14)

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Contingency 10% $178.60

**TOTAL ESTIMATED BUDGET:** $1,964.60
## Exhibit A (9 of 14)

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### Concrete Testing:

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<tr>
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<tr>
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<tr>
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### Description of Tests
- Compressive Strength of Cylindrical Concrete Specimens (4 at $17.00 ea.): $68.00
- Curing and Disposal of Cylindrical Concrete Specimens without test, each: $12.00
- Air Content of Freshly Mixed Concrete by the Pressure/Volumetric Method, per test: $50.00
- Unit Weight and Yield of Fresh Concrete, each: $50.00
- Slump Test & Making Concrete Specimens in the field (2.5 Hours of Labor): $125.00

**Subtotal:** $305.00

### Total Estimated Budget:
$10,065.00
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<th>Hours</th>
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<td>Tristar MPPT Controller (EA.)</td>
<td>0</td>
<td>850</td>
<td>0</td>
</tr>
<tr>
<td>Camera Housing, Mounting Hardware (LS)</td>
<td>0</td>
<td>600</td>
<td>0</td>
</tr>
<tr>
<td>Internet Service - Static IP (Monthly)</td>
<td>12</td>
<td>150</td>
<td>1,800</td>
</tr>
<tr>
<td>Wiring, Battery Encloser, Misc. (LS)</td>
<td>0</td>
<td>400</td>
<td>0</td>
</tr>
<tr>
<td>NVR Recorder Hardware/Software (LS)</td>
<td>0</td>
<td>3,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>1,800</td>
<td>270</td>
<td>2,070</td>
</tr>
<tr>
<td><strong>POST CONSTRUCTION SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,800</td>
<td>270</td>
<td>2,070</td>
</tr>
</tbody>
</table>
NOTES
1. Survey cost assumes $1,000 per crew day and 10 crew days total over the length of the project.
2. GEO CQA costs assumes 10% check on Contractor's testing.
3. Original contract was for 1 year (360 days).
4. Reduced contract with approval of Yigo 2 - contract is 330 (substantial completion) + 196 (Substantial completion) + 75 days (Final) - 360 (original contract) = 241 days extra.
5. Negotiated to provide 180 days (6 months).
6. Extra costs considered:
   Will need extra inspector because of complication of additional tank
   extra time beyond 360 days at Astumbo for final.
GUAM CONSOLIDATED COMMISSION ON UTILITIES

RESOLUTION NO. 02–FY2015

RELATIVE TO APPROVAL OF THE YIGO AND ASTUMBO RESERVOIR CONSTRUCTION MANAGEMENT CONTRACT

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 is currently working on critical reservoir projects under the 2011 Court Order ("CO") Paragraph 29 – Storage Tank/Reservoir Repair, Replacement, and Relocation Program; and

WHEREAS, structural inspections of the Yigo #1, Yigo Elevated, and Astumbo #1 reservoirs has been completed and the reservoirs were found to be in poor condition; and

WHEREAS, the design of Yigo and Astumbo reservoirs are on its pre-final stage and nearly completed; and

WHEREAS, GWA has advertised the Request For Proposals (RFP-05-ENG-2014) soliciting statement of qualifications from experienced and qualified engineering firms to provide construction management services for the Yigo and Astumbo Replacement Reservoir project; and

WHEREAS, RFP packages were picked up by thirty (30) interested parties, from which GWA received proposal submittals from eleven (11) firms before the RFP submittal deadline; and
WHEREAS, the GWA A-E Selection committee reviewed and evaluated the eleven (11) proposals (see EXHIBIT A) and generated a short list of the top three (3) firms with a recommendation to award a contract to the firm GHD and any successor at interest thereto (see EXHIBIT B – Evaluation Summary and GM Determination); and

WHEREAS, GHD and GWA negotiated the price for the services to be provided in the total amount of One Million Three Hundred Eighty Seven Thousand Nine Hundred Eighty Two Dollars ($1,387,982.00) (see EXHIBIT C); and

WHEREAS, GWA management seeks approval of the fee proposal amount of One Million Three Hundred Eighty Seven Thousand Nine Hundred Eighty Two Dollars ($1,387,982.00), along with a ten percent (10%) contingency of One Hundred Thirty Eight Thousand Seven Hundred Ninety Eight Dollars and Twenty Cents ($138,798.20) to bring the total authorized funding amount to a maximum of One Million Five Hundred Twenty Six Thousand Seven Hundred Eighty Dollars and Twenty Cents ($1,526,780.20); and

WHEREAS, funding for this project will be from the 2013 Bond Funds under the line item “PW 12-05 Tank Major Repair Yigo #1, Mangilao #2, Astumbo #1”; 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.
2. The CCU finds that the terms of the fee proposal submitted by GHD are fair and reasonable.
3. The CCU finds that the terms of the conditions set by GWA relative to commencement of subsequent work activities are fair and reasonable and serve as a measure of Quality Assurance/Quality Control (QA/QC).
4. The CCU hereby authorizes the management to accept the fee proposal from GHD which is also incorporated into this Resolution in its entirety (Exhibit C).
5. The CCU hereby further authorizes the management of GWA to enter into a contract with GHD, in the amount of One Million Three Hundred Eighty Seven Thousand Nine Hundred Eighty Two Dollars ($1,387,982.00).

6. The CCU hereby further approves the total funding amount for this project of One Million Three Hundred Eighty Seven Thousand Nine Hundred Eighty Two Dollars ($1,387,982.00), along with a ten percent (10%) contingency of One Hundred Thirty Eight Thousand Seven Hundred Ninety Eight Dollars and Twenty Cents ($138,798.20) to bring the total authorized funding amount to One Million Five Hundred Twenty Six Thousand Seven Hundred Eighty Dollars and Twenty Cents ($1,526,780.20).

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

DULY AND REGULARLY ADOPTED, this 28th day of October 2014.

Certified by: JOSEPH T. DUENAS
SIMON A. SANCHEZ II Secretary
Chairperson

SECRETARY’S CERTIFICATE

I, Joseph T. Duenas, 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