



CONSOLIDATED COMMISSION ON UTILITIES
Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

GWA RESOLUTION NO. 12-FY2019

**RELATIVE TO THE APPROVAL OF CHANGE ORDERS TO THE CONTRACT FOR
DESIGN SERVICES FOR THE UPGRADE TO THE NORTHERN DISTRICT
WASTEWATER TREATMENT PLANT TO SECONDARY TREATMENT, GWA
PROJECT NO. S17-003-OEA (OEA GRANT OCON 676-16-02)**

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, the U.S. Department of Defense, Office of Economic Adjustment awarded to GWA a General Assistance Grant, No. OCON 676-16-02, for community investment on August 26, 2016 for Twenty-One Million Dollars (\$21,000,000); and

WHEREAS, the General Assistance Grant is to be used for water and wastewater improvements in support of the relocation of U.S. Marines and their dependents to Guam; and

WHEREAS, the report “Final Guam Water and Wastewater Assessment Report in Support of the Economic Adjustment Committee Implementation Plan,” (NAVFAC, Department of the Navy, February 2015) has recommended the design and construction of Northern District Wastewater Treatment Plant (“NDWWTP”) treatment upgrades to comply with the current National Pollutant Discharge Elimination System permit and mitigate impacts from wastewater utilities to nearshore waters, and marine biological resources; and

1 **WHEREAS**, the original Contract for Design Services for the Upgrade to the NDWWTP
2 plus contingency was approved by the CCU on July 25, 2017 under Resolution No. 47-FY2017
3 for a total Fee not to exceed Nine Million Dollars (\$9,000,000.00); and
4

5 **WHEREAS**, GWA management executed the Contract for Design Services with Duenas,
6 Camacho & Associates in the amount of Eight Million Six Hundred Forty Thousand Seventy-
7 Eight Dollars and Six Cents (\$8,640,078.06) on August 4, 2017; and
8

9 **WHEREAS**, GWA management approved Amendment 1 to the Contract for Design
10 Services for a no cost change to the Scope of Work on August 4, 2017; and
11

12 **WHEREAS**, GWA management approved Amendment 2 to the Contract for Design
13 Services for a change to the Scope of Work and Fee in the amount of Eight Thousand Three
14 Hundred Thirty-Six Dollars (\$8,336.00) on July 21, 2018 for additional required services for an
15 archaeological survey and report to support the Federal National Environmental Policy Act's
16 Environmental Assessment process; and
17

18 **WHEREAS**, GWA management approved Amendment 3 to the Contract for Design
19 Services for Part 1 of a change to the Scope of Work and Fee for the preparation of design plans
20 and specifications for deductive bid items for the NDWWTP Bid Documents in the amount of
21 Three Hundred Fifty-One Thousand Five Hundred Eighty-Five Dollars and Ninety-Four Cents
22 (\$351,585.94) on December 26, 2018, thus bringing the total amount of the Contract for Design
23 Services to Nine Million Dollars (\$9,000,000.00), the maximum fee approved by the CCU on
24 July 25, 2017; and
25

26 **WHEREAS**, GWA management has requested additional survey and design services
27 from the Design Engineer under Amendment 4 to the Contract for Design Services for the design
28 of a new waterline between Route 3 and NDWWTP to convey potable water to meet the
29 increased demands for the new treatment processes required for the upgrade to secondary
30 treatment. The new waterline is planned to connect to an existing 16-inch waterline at a utility
31 vault located at the terminal end of an existing easement from Route 3 serving the adjacent
32 private property; and

1 **WHEREAS**, GWA's Project Management/Construction Management (PM/CM) team
2 has negotiated the Scope of Work and Fee, as described briefly above and in Exhibit A - the
3 Engineers Joint Contract Documents Committee Exhibit K for Amendment 4 to Owner-Engineer
4 Agreement, with the Design Engineer for Amendment 4 to the Contract for Design Services in
5 the amount of Fifty-Nine Thousand Seven Hundred Fifty-Seven Dollars and Thirty-Three Cents
6 (\$59,757.33); and

7
8 **WHEREAS**, GWA management has requested additional design services from the
9 Design Engineer under Amendment 5 to the Contract for Design Services for Part 2 of the
10 preparation of design plans and specifications for deductive bid items for the NDWWTP Bid
11 Documents. The deductive bid items will ensure that GWA will receive construction bids that
12 are within the available OEA Grant funding and provide the flexibility to ensure that the final
13 construction contract can be awarded without delay; and

14
15 **WHEREAS**, GWA's PM/CM team has negotiated the Scope of Work and Fee, as
16 described briefly above and in Exhibit B - the Engineers Joint Contract Documents Committee
17 Exhibit K for Amendment 5 to Owner-Engineer Agreement, with the Design Engineer for
18 Amendment 5 to the Contract for Design Services in the amount of Sixty-Two Thousand Nine
19 Hundred Twenty-One Dollars and Six Cents (\$62,921.06); and

20
21 **WHEREAS**, GWA management seeks CCU approval of the proposed additional costs
22 for design associated with Amendments 4 and 5, as described above and in Exhibits A and B, for
23 the total amount of One Hundred Twenty-Two Thousand Six Hundred Seventy-Eight Dollars
24 and Thirty-Nine Cents (\$122,678.39); and

25
26 **WHEREAS**, GWA management further seeks the CCU's authorization to allow GWA to
27 increase the total amount of the Contract for Design Services up to a maximum of Nine Million
28 Three Hundred Thousand Dollars (\$9,300,000.00) to address Amendments 4 and 5 and any
29 additional change orders that may arise during the remainder of the design phase or during
30 construction services; and

1 **WHEREAS**, the source of funding for Amendments 4 and 5 to the Contract for Design
2 Services will be from the OEA General Assistance Grant OCON 676-16-02; and
3

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

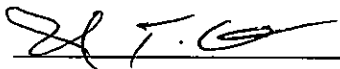
- 6 1. The recitals set forth above hereby constitute the findings of the CCU.
- 7 2. The CCU finds that the terms of the Scope of Work and Fee proposals
8 submitted by Duenas, Camacho & Associates for Amendments 4 and 5, as
9 described in Exhibits A and B, are fair and reasonable.
- 10 3. The CCU hereby authorizes the management of GWA to execute
11 Amendments 4 and 5 for the total amount of One Hundred Twenty-Two
12 Thousand Six Hundred Seventy-Eight Dollars and Thirty-Nine Cents
13 (\$122,678.39).
- 14 4. The CCU hereby further approves the funding amount for this Contract of
15 Nine Million Dollars (\$9,000,000.00), plus Three Hundred Thousand Dollars
16 (\$300,000.00) to address Amendments 4 and 5 and any additional change
17 orders that may arise during the remainder of the design phase or during
18 construction services, to bring the total authorized funding amount to a
19 maximum of Nine Million Three Hundred Thousand Dollars (\$9,300,00.00).

20
21 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption
22 of this Resolution.

23
24 **DULY AND REGULARLY ADOPTED**, this 22nd day of January 2019.

25
26 Certified by:

26 Attested by:

27
28 

29 **JOSEPH T. DUENAS**
30 Chairperson

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28 

29 **MICHAEL T. LIMTIACO**
30 Secretary

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SECRETARY'S CERTIFICATE

I, Michael T. Limtiaco, 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

