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

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

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

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

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

WHEREAS, GWA management has requested additional survey and design services from the Design Engineer under Amendment 4 to the Contract for Design Services for the design of a new waterline between Route 3 and NDWWTP to convey potable water to meet the increased demands for the new treatment processes required for the upgrade to secondary treatment. The new waterline is planned to connect to an existing 16-inch waterline at a utility vault located at the terminal end of an existing easement from Route 3 serving the adjacent private property; and
WHEREAS, GWA’s Project Management/Construction Management (PM/CM) team has negotiated the Scope of Work and Fee, as described briefly above and in Exhibit A - the Engineers Joint Contract Documents Committee Exhibit K for Amendment 4 to Owner-Engineer Agreement, with the Design Engineer for Amendment 4 to the Contract for Design Services in the amount of Fifty-Nine Thousand Seven Hundred Fifty-Seven Dollars and Thirty-Three Cents ($59,757.33); and

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

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

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

WHEREAS, GWA management further seeks the CCU’s authorization to allow GWA to increase the total amount of the Contract for Design Services up to a maximum of Nine Million Three Hundred Thousand Dollars ($9,300,000.00) to address Amendments 4 and 5 and any additional change orders that may arise during the remainder of the design phase or during construction services; and
WHEREAS, the source of funding for Amendments 4 and 5 to the Contract for Design Services will be from the OEA General Assistance Grant OCON 676-16-02; 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 Scope of Work and Fee proposals submitted by Duenas, Camacho & Associates for Amendments 4 and 5, as described in Exhibits A and B, are fair and reasonable.
3. The CCU hereby authorizes the management of GWA to execute Amendments 4 and 5 for the total amount of One Hundred Twenty-Two Thousand Six Hundred Seventy-Eight Dollars and Thirty-Nine Cents ($122,678.39).
4. The CCU hereby further approves the funding amount for this Contract of Nine Million Dollars ($9,000,000.00), plus Three Hundred Thousand Dollars ($300,000.00) to address Amendments 4 and 5 and any additional change orders that may arise during the remainder of the design phase or during construction services, to bring the total authorized funding amount to a maximum of Nine Million Three Hundred Thousand Dollars ($9,300,000.00).

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

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

Certified by:  

[Signature]  
JOSEPH T. DUENAS  
Chairperson

Attested by:  

[Signature]  
MICHAEL T. LIMTIACO  
Secretary
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