



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

RESOLUTION NO. 23-FY2019

RELATIVE TO APPROVAL OF CHANGE ORDER NO. 8 FOR THE AGAT SANTA RITA WASTEWATER TREATMENT PLANT UPGRADE 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 currently has a number of critical Court Order (“CO”) projects including work required at the Agat Santa Rita Wastewater Treatment Plant that is necessary for the plant to achieve compliance with the WWTP’s NDPEs permit, eliminate by-passes at the plant, ensure that solids generated by the WWTP are adequately stabilized and dewatered, and to comply with sludge and biosolids requirements 40 C.F.R. Part 503 as stated in Paragraph 11 of the 2011 Court Order; and

WHEREAS, GWA executed contracts with Sumitomo Mitsui Construction Company (SMCC) to construct the new WWTP and with GHD, Inc. to provide construction management services; and

WHEREAS, the construction activities have been delayed and completion of all construction activities by SMCC is now expected to extend through June 2019; and

WHEREAS, the CM Services have been extended only through April 30, 2019, as per Change Order No. 7 which was authorized via Resolution No. 17-FY2018, and

1 **WHEREAS**, with the new anticipated construction completion moving to the end of
2 June 2019 GWA estimates additional CM services being provided on a time & material basis
3 would not exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00) per month, based
4 on scope and effort estimates which GWA is currently finalizing with GHD; and

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6 **WHEREAS**, GWA management seeks CCU approval to increase the funding
7 authorization an additional amount not to exceed Two Hundred Fifty Thousand Dollars
8 (\$250,000) to compensate GHD for CM services through June 30, 2019; and

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10 **WHEREAS**, approval of the funding authorization increase and subsequent Change
11 Order will result in a total contract amount for CM services to be Six Million Three Hundred
12 Fifty Thousand Eight Hundred Ten Dollars (\$6,350,810.00); and

13
14 **WHEREAS**, funding for this project will be from the bond funds under the line item -
15 WW 11-08 "Agat/ Sta Rita STP Replacement", System Development Charges, Internally Funded
16 CIP, as well as Liquidated Damages of \$5,000 per day from the contractor beginning September
17 15, 2018, where applicable; and

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

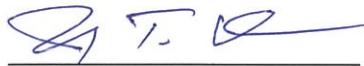
- 21
22 1. The recitals set forth above hereby constitute the findings of the CCU.
23 2. The CCU finds that the terms of the conditions set by GWA relative to
24 commencement of subsequent work activities are fair and reasonable and
25 serve as a measure of Quality Assurance/Quality Control (QA/QC).
26 3. The CCU hereby approves an increased funding authorization to an amount
27 not to exceed of Two Hundred Fifty Thousand Dollars (\$250,000).
28 4. The CCU hereby further approves GWA management execute a Change
29 Order with GHD for additional CM services to bring the total contract amount
30 to Six Million Three Hundred Fifty Thousand Eight Hundred Ten Dollars
31 (\$6,350,810.00).
32

1 5. The source of funding for the additional CM services will be from the bond
2 funds under the line item - WW 11-08 "Agat/ Sta Rita STP Replacement",
3 System Development Charges, Internally Funded CIP, as well as Liquidated
4 Damages of \$5,000 per day from the contractor beginning September 15,
5 2018.

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

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10 **DULY AND REGULARLY ADOPTED**, this 25th day of April, 2019.

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12 Certified by:

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14 **JOSEPH T. DUENAS**
15 Chairperson

12 Attested by:

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14 **MICHAEL T. LIMTIACO**
15 Secretary

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17 **SECRETARY'S CERTIFICATE**

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19 I, Michael T. Limtiaco, Board Secretary of the Consolidated Commission on Utilities as
20 evidenced by my signature above do hereby certify as follows:

21
22 The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular
23 meeting by the members of the Guam Consolidated Commission on Utilities, duly and
24 legally held at a place properly noticed and advertised at which meeting a quorum was
25 present and the members who were present voted as follows:

25 AYES: _____ 5
26 NAYS: _____ 0
27 ABSTENTIONS: _____ 0
28 ABSENT: _____ 0

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