



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-FY2022

RELATIVE TO APPROVAL OF AMENDMENT FOR THE INDEFINITE DELIVERY/INDEFINITE QUANTITY PROFESSIONAL PROJECT/CONSTRUCTION MANAGEMENT SERVICES 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 awarded an Indefinite Delivery – Indefinite Quantity (ID-IQ) contract to Brown and Caldwell for Project Management /Construction Management services in the maximum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

WHEREAS, GWA amended the Brown and Caldwell IDIQ for Project Management/Construction Management services under Resolutions 21-FY2020, 28-FY2020, 36-FY2020, 22-FY2021, and 29-FY2021 to increase the maximum amount to Two Million Five Hundred Forty-Eight Thousand Two Hundred Thirty-Two Dollars (\$2,548,232.00) to execute eight (8) Task Orders; and

WHEREAS, United States Environmental Protection Agency (USPEA) grant funds cover the cost of Task Order 4 and its subsequent amendments issued to Brown and Caldwell under this IDIQ to manage and complete the USEPA grant-funded Southern SSES Rehabilitation Phase 2 Construction Project; and

1 **WHEREAS**, due to the Guam SHPO's requirement for archaeological monitoring,
2 Amendment 5 to Task Order 4 (See Exhibit A) to the IDIQ contract is needed to increase funding
3 for the completed archaeological field work and any additional field work performed by the
4 archaeological subcontractor under Task Order No. 4 of this IDIQ; and

5
6 **WHEREAS**, Task Order 4 Amendment 5 (See Exhibit A) also increases contract time to
7 continue managing and providing services to complete the construction project; and

8
9 **WHEREAS**, GWA has received approval from USEPA to use USEPA grant funds to
10 cover the cost of Task Order 4 Amendment 5 (See Exhibit A); and

11
12 **WHEREAS**, management seeks CCU approval of Amendment to Owner-Engineer
13 Agreement No. 5 (See Exhibit B) to the IDIQ contract to execute the proposed amendment; and

14
15 **WHEREAS**, the total amount of the Task Order 4 Amendment 5 equals Eighteen
16 Thousand Eighteen Dollars (\$18,018.00) (See Exhibit A); and

17
18 **WHEREAS**, the current amount of all Task Orders and subsequent change orders under
19 the IDIQ contract is Two Million Five Hundred Forty-Five Thousand Two Hundred Thirty-Two
20 Dollars (\$2,545,232), which is less than the current CCU approved amount of Two Million Five
21 Hundred Forty-Eight Thousand Two Hundred Thirty-Two Dollars (\$2,548,232.00); and

22
23 **WHEREAS**, Amendment #5 to the IDIQ is necessary to increase the maximum contract
24 amount by Fifteen Thousand Eighteen Dollars (\$15,018.00) to enable execution of the Task Order
25 4 Amendment 5; and

26
27 **WHEREAS**, management further seeks the CCU's authorization to allow GWA to
28 increase the total amount of the IDIQ Contract by an additional Fifty Thousand Dollars
29 (\$50,000.00) in unallocated funds to address future change orders that may arise during the
30 remainder of the IDIQ contract, for a total increase of Sixty-Five Thousand Eighteen Dollars
31 (\$65,018.00); and
32

1 **WHEREAS**, the maximum approved amount for the IDIQ contract will be Two Million
2 Six Hundred Thirteen Thousand Two Hundred Fifty Dollars (\$2,613,250.00) to address Task
3 Order 4 Amendment 5 and any additional change orders that may arise during the remainder of
4 the IDIQ contract

5
6 **WHEREAS**, funding for Task Order 4 Amendment 5 will be from the EPA Title 2
7 Construction Grants Program grant funds applicable to the project and, if necessary, the remaining
8 funds under the maximum approved amount will be funded accordingly, including Grant, Bond,
9 or IFCIP funds, by Task Order.

10
11 **NOW BE IT THEREFORE RESOLVED**, that the Consolidated Commission on
12 Utilities does hereby approve the following:

- 13 1. The recitals set forth above hereby constitute the findings of the CCU.
- 14 2. The CCU finds that the solicitation of a water meter supply contract is essential to
15 the continued operation of the utility for existing and future customers.
- 16 3. The CCU hereby approves the funding increase for Task Order 4 Amendment 5 for
17 additional project and contract support services in the amount of Eighteen
18 Thousand Eighteen Dollars (\$18,018.00) (Exhibit A).
- 19 4. The CCU hereby approves increasing the total funding authorization for the IDIQ
20 contract with Brown and Caldwell by Fifteen Thousand Eighteen Dollars
21 (\$15,018.00) (Exhibit B) for the execution of Task order 4 Amendment 5 and Fifty
22 Thousand Dollars (\$50,000.00) for additional change orders under the IDIQ
23 contract, for a total increase of Sixty-Five Thousand Eighteen Dollars (\$65,018.00).
- 24 5. The CCU hereby further approves the total funding authorization for the IDIQ
25 contract with Brown and Caldwell to an amount of Two Million Six Hundred
26 Thirteen Thousand Two Hundred Fifty Dollars (\$2,613,250.00).
- 27 6. The CCU hereby further approves the use of Grant, Bond, or IFCIP funds that may
28 be applied to additional Change Orders within the total funding authorization
29 amount for the IDIQ contract with Brown and Caldwell.

30 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption
31 of this Resolution.
32

1 **DULY AND REGULARLY ADOPTED**, this 22nd day of February, 2022.

2
3 Certified by:

Attested by:

4 

5 **JOSEPH T. DUENAS**
6 Chairperson

7 

8 **MICHAEL T. LIMTIACO**
9 Secretary

10 **SECRETARY'S CERTIFICATE**

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

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

17
18 AYES: _____ 4 _____

19 NAYS: _____ ϕ _____

20 ABSENT: _____ 1 _____

21 ABSTAIN: _____ ϕ _____

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EXHIBIT A

This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated June 27, 2019.

Amendment No. 5 To Task Order No. 4

1. Background Data:

- a. Effective Date of Task Order: January 22, 2020
- b. Owner: Guam Waterworks Authority (GWA)
- c. Engineer: Brown and Caldwell (BC)
- d. Specific Project: Project/Contract Management for Southern SSES Rehabilitation – Phase 2 (Baza Gardens-Santa Rita-Talofoto) (SRF Grant Project)

2. Description of Modifications

a. The original Task Order, and its Amendments Nos. 1, 2, 3, and 4, included Engineering Services for project and construction management of the Hyundai Subdivision lift station, and archaeological and surveying services for the on-going Southern SSES Rehabilitation – Phase 2 (Baza Gardens-Santa Rita-Talofoto) construction project through close-out. Since the effective date of this Task Order, construction has been delayed due to COVID-19 restrictions, contractor's tardiness in completing design, time taken to secure approvals for permits, right-of-way, environmental and archaeological clearances, and responses from the Guam SHPO on remedial actions to lift their stop work order. Additionally, due to global supply shortages, the manufacturer and supplier of the lift station's permanent generator stated that the estimated arrival date of the generator to Guam is August 2022. However, the lift station will be substantially completed and commissioned in February 2022, with beneficial occupancy in March 2022. BC will continue to assist GWA and coordinate contractor responsibility until the generator is installed and commissioned. With the delays, the estimated final completion date is August 31, 2022. Therefore, this Amendment No. 5 to Task Order No. 4 extends the completion date of the Task Order to continue project and contract management to complete the active construction contract through September 30, 2022. Current Task Order funding can provide for continuation of BC's services through September 30, 2022; no additional funding is anticipated for BC direct labor.

Further, due to Guam SHPO's requirement for archaeological monitoring and soil profiling during excavation and backfilling activities, this amendment increases the Task Order amount by \$17,500, less GRT, on a Time and Materials basis for the completed archaeological field work and any additional field work performed by the archaeological subcontractor.

b. The Schedule for Rendering services under this Task Order is modified as follows:

<u>Party</u>	<u>Action</u>	<u>Previously Amended Completion Date</u>	<u>Revised Completion Date</u>
Engineer	Task 1 – Task Management	December 31, 2021	September 30, 2022
Engineer	Task 2 – Project/Contract Management/Archaeological Monitoring/Surveying Services	December 31, 2021	September 30, 2022

c. For the Additional Services set forth above, Owner shall pay Engineer the following Additional compensation:

Description of Service	Additional Amount	Basis of Compensation
1. Basic Services		
a. Task 1 – Task Management	\$0	T&M
b. Task 2 – Project Management	\$0	T&M
c. Task 2 – Contract Management	\$0	T&M
Total Additional Labor Cost	\$0	
d. Task 2 - Archaeological Monitoring	\$17,160	T&M
e. Task 2 – Survey	\$0	Lump Sum
e. Expenses	\$0	Lump Sum
Total Additional Subcontracts and Expenses	\$17,160	
f. GRT (5%)	\$858	T&M
TOTAL ADDITIONAL COMPENSATION (lines 1.a-f)	\$18,018	

3. Task Order Summary (Reference only)

a.	Original Task Order amount:	\$ 181,924
b.	Net change for prior amendments:	\$ 197,306
c.	This amendment amount:	\$ 18,018
d.	Adjusted Task Order amount:	\$ 397,248

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is December 31, 2021. It is acknowledged that the additional archaeological monitoring described above was performed prior to December 31, 2021.

OWNER:

By: _____

Title: _____

Date
Signed: _____

ENGINEER:

By: _____

Title: Senior Vice President

Date
Signed: _____

EXHIBIT B

This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated June 27, 2019.

Amendment to Owner-Engineer Agreement No. 5

1. Background Data:

- a. Effective Date of Task Order: June 17, 2019
- b. Owner: Guam Waterworks Authority
- c. Engineer: Brown and Caldwell
- d. Specific Project: Indefinite Delivery/Indefinite Quantity (IDIQ) for Professional Project/Construction Management Services GWA Project No. M19-003-BND

2. Nature of Amendment

During the contract, GWA identified needs for services under this contract that have totaled \$2,548,232 through eight Task Orders (nos.1-8) and subsequent respective change orders. By Resolution 29-FY2021, the CCU authorized increasing the Owner-Engineer Agreement to \$2,548,232 as covered in Amendment No. 4 to the Owner-Engineer Agreement

As shown in Section 3 below, the total current amount of all Task Orders, and subsequent change orders, is \$2,545,232, which is \$3,000 less than the CCU approved amount. With this remaining amount, this Amendment No.5 to the IDIQ Owner-Engineer Agreement contract increases the funding in the amount of \$15,018 for the completed archaeological field work and any additional field work performed by the archaeological subcontractor under Task Order No. 4. Additionally, this Amendment extends the performance period to complete the SSES Phase II (Task Order No. 4) Construction project The total contract amount is, therefore, \$2,563,250 through this Amendment No. 5 to the IDIQ.

3. Task Order Summary (Reference only)

During the execution of this IDIQ contract, GWA has approved the following Task Orders (and Change Orders to the Task Orders as noted) for the work described below.

- 1. Task Order No.1 – Consulting Engineer’s Report
 - a. Change Order No.1 – Clarification relative to the Municipal Advisor Disclosure
 - b. Change Order No.2 – Increase in scope for additional draft reports, updating financial projections, and evaluation of COVID-19 impacts on the financial projections.
 - c. Change Order No.3 – Increase in scope to address continuing development of changes required to the financial plan to adequately address the COVID-19 impacts, additional financial analysis and report modifications.
 - d. Change Order No.4 – Increase in scope to add task for assistance with and attendance at the individual investor meetings.

2. Task Order No.2 – Project/Contract Management for Rt.4 Sewer Rehabilitation
 - a. Change Order No.1 – Extension of performance time and associated increase in total fee due to construction period extensions.
3. Task Order No.3 – Project/Contract Management for Rt.1 Sewer Rehabilitation
 - a. Change Order No.1 – Extension of performance time and associated increase in total fee due to construction period extensions; plus increasing the scope to provide PM/CM for construction of the Adelup to Hagatna section.
 - b. Change Order No. 2 – Extension of performance time and associated increase in total fee due to Phase 2 construction.
4. Task Order No.4 – Project/Construction Management for SSES phase 2 Hyundai Subdivision Lift Station
 - a. Change Order No.1 - Extension of performance time and associated increase in total fee due to construction delays; plus adding archaeological services to the scope of work.
 - b. Change Order No. 2 – Extension of performance time (no-cost change order).
 - c. Change Order No. 3 – Extension of performance time (no-cost change order).
 - d. Change Order No. 4 – Extension of performance time and associated increase in total fee due to construction delays.
5. Task Order No.5 - Cost of Service Study (PUC Stipulation)
 - a. Change Order No. 1 – Reallocation of funding and additions to scope of work (no-cost change order)
 - b. Change Order No. 2 – Final reconciliation change order to reflect actual work and effort performed (deductive change order)
6. Task Order No.6 – Water Meter Technical Assistance
7. Task Order No.7 – Consent Decree and Hydraulic Modeling Assistance
8. Task Order No. 8 – Water Resources Master Plan Interim Update

Summary of Costs

Task Order No.1	\$188,490	Task Order No.4	\$181,924
Change Order No.1	\$0	Change Order No. 1	\$87,304
Change Order No.2	\$86,065	Change Order No. 2	\$0
Change Order No.3	\$13,084	Change Order No. 3	\$0
Change Order No.4	\$3,836	Change Order No. 4	\$110,002
Subtotal	\$291,475	Subtotal	\$379,230
Task Order No.2	\$148,348	Task Order No.5	\$318,343
Change Order No.1	\$48,959	Change Order No. 1	\$0
Subtotal	\$197,307	Change Order No. 2	-\$ 3,000
Task Order No.3	\$209,780	Subtotal	\$315,343
Change Order No.1	\$266,270	Task Order No.6	\$24,226
Change Order No. 2	\$141,435	Task Order No.7	\$358,325
Subtotal	\$617,485	Task Order No. 8	\$361,841
		Total	\$2,545,232

4. Agreement Summary

IDIQ Contract Amount

a. Original Agreement Amount	\$750,000
b. Net Change for Amendment No. 1:	\$992,860.00
c. Net Change for Amendment No. 2:	\$192,094.00
d. Net Change for Amendment No. 3:	\$361,841.00
e. Net Change for Amendment No. 4:	\$251,437.00
f. Net Change for Amendment No. 5:	\$15,018.00

Total Amount for Original Contract Plus Amendments
g. No. 1-5: \$2,563,250

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is September 28, 2021.

OWNER:

ENGINEER:

By: Miguel C. Bordallo, P.E.

By: _____

Title: General Manager

Title: Senior Vice President

Date
Signed: _____

Date
Signed: _____

Certified Funds:

Taling M. Taitano, CPA, CGFM, CGMA
Chief Financial Officer