



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. 15-FY2023

**RELATIVE TO APPROVAL OF BUDGET INCREASE AND EXTENSION FOR
PROGRAM MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR
THE GUAM WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS
PROGRAM**

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, through Resolution No. 15-FY2017 (Exhibit A), GWA entered into an agreement with Brown and Caldwell for the Program Management/Construction Management Contract for the Guam Water and Wastewater Infrastructure Improvements Contract (“PM/CM”) with an original contract amount of Fourteen Million Seven Hundred Ninety Thousand Three Hundred Forty-Six Dollars (\$14,790,346); and,

WHEREAS, Resolution No. 15-FY2017 further authorized a five percent (5%) contingency of Seven Hundred Thirty-Nine Thousand Five Hundred Seventeen Dollars and Thirty Cents (\$739,517.30), which brought the total authorized amount of the original contract to Fifteen Million Five Hundred Twenty-Nine Thousand Eight Hundred Sixty-Three Dollars and Thirty Cents (\$15,529,863.30); and,

WHEREAS, Resolution No. 13-FY2022 (Exhibit B) extended the PM/CM contract completion date to August 31, 2022 and increased the contract amount by One Million One Hundred Sixty Six Thousand Nine Hundred Ninety Three Dollars and Thirty One Cents (\$1,166,993.31), which brought the total authorized contract amount to be Sixteen Million Six

1 Hundred Ninety Six Thousand Eight Hundred Fifty Six Dollars and Sixty One Cents
2 (\$16,696,856.61); and,

3
4 **WHEREAS**, the Northern District Wastewater Treatment Plant (“NDWWTP”) Upgrades
5 and NGLA Monitoring Wells Expansion Construction Projects were completed behind schedule
6 on December 31, 2022 due to COVID-19, global supply chain shortages, H2-B visa processing,
7 and other unforeseen circumstances; and

8
9 **WHEREAS**, Amendment No. 5 to the PM/CM contract is needed to increase funding and
10 extend Brown and Caldwell’s services through March 31, 2023 for the successful completion and
11 closeout of the aforementioned projects; and,

12
13 **WHEREAS**, management seeks CCU approval of Amendment No. 5 to the PM/CM
14 contract in the amount of Three Hundred Thousand Dollars (\$300,000.00) (See Exhibit C); and

15
16 **WHEREAS**, management seeks to increase the authorized PM/CM contract amount by
17 Three Hundred Thousand Dollars (\$300,000.00) to enable execution of Amendment No. 5; and

18
19 **WHEREAS**, the new authorized amount for the PM/CM contract will be Sixteen Million
20 Nine Hundred Ninety Six Thousand Eight Hundred Fifty Six Dollars and Sixty One Cents
21 (\$16,996,856.61) to execute Amendment No. 5 of the PM/CM contract; and,

22
23 **WHEREAS**, funding for this Amendment No. 5 will be from either applicable Bond funds,
24 System Development Charges (“SDC”), or a combination thereof.

25
26 **NOW BE IT THEREFORE RESOLVED**, that the Consolidated Commission on
27 Utilities does hereby approve the following:

- 28 1. The recitals set forth above hereby constitute the findings of the CCU.
- 29 2. The CCU finds that Amendment No. 5 to the PM/CM contract is necessary for the
30 successful completion and closeout of the NDWWTP Upgrades and NGLA
31 Monitoring Wells Expansion projects.

32 //

- 1 3. The CCU hereby approves the funding increase of the PM/CM contract in the
2 amount of Three Hundred Thousand Dollars (\$300,000.00) (Exhibit C).
- 3 4. The CCU hereby approves the total funding authorization for the PM/CM contract
4 with Brown and Caldwell to be Sixteen Million Nine Hundred Ninety Six Thousand
5 Eight Hundred Fifty Six Dollars and Sixty One Cents (\$16,996,856.61) to execute
6 Amendment No. 5 of the PM/CM contract.
- 7 5. The CCU hereby further approves the use of Bond and/or SDC funds that may be
8 applied to this Amendment No. 5 of the PM/CM contract as necessary.
- 9 6. The CCU hereby further authorizes GWA Management to seek approval of the
10 Guam Public Utilities Commission under the Contract Review Protocol, if needed.

11
12 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption
13 of this Resolution.

14
15 **DULY AND REGULARLY ADOPTED**, this 21st day of February, 2023.

16
17 Certified by:

18 

19 **JOSEPH T. DUENAS**
20 Chairperson

17 Attested by:

18 

19 **PEDRO ROY MARTINEZ**
20 Secretary

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SECRETARY'S CERTIFICATE

I, Pedro Roy Martinez, 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:	<u>5</u>
NAYS:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>



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EXHIBIT A

GUAM CONSOLIDATED COMMISSION ON UTILITIES

RESOLUTION NO. 15-FY2017

**RELATIVE TO APPROVAL OF THE PROGRAM MANAGEMENT /
CONSTRUCTION MANAGEMENT CONTRACT FOR THE OFFICE OF ECONOMIC
ADJUSTMENT "GUAM WATER AND WASTEWATER INFRASTRUCTURE
IMPROVEMENTS"**

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. Government determined that the island of Guam was the preferred alternative for the relocation of Marine Corps forces from Japan, and as required under the 2014 National Defense Authorization Act, through the Department of Defense (DoD) Economic Adjustment Committee, an "implementation plan" to address the assistance needed for public infrastructure; and

WHEREAS, collaborative discussions between GWA, the CCU, the Office of the Governor of Guam, DoD, USEPA and the Office of Economic Adjustment (OEA) resulted in GWA being deemed the proper entity to serve as "owner and operator" of the Guam civilian water and wastewater projects which are necessary given the impacts associated with the Marines Corps relocation to Guam; and

WHEREAS, OEA will grant funding to GWA to manage the implementation of three projects, namely (1) the NDWWTP Treatment Upgrades which will convert the plant from advance primary treatment to secondary treatment, (2) the GWA Interceptor Sewer Refurbishment (AAFB to NDWWTP) to rehabilitate sewer lines ranging in sizes from 18 inches to 42 inches, and (3) the NGLA Monitoring System Expansion/Rehabilitation which is a project that intends to refurbish up to twelve existing monitoring wells and installation of up to seven new monitoring wells; and

1 **WHEREAS**, an intergovernmental support team consisting of individuals from
2 GWA/CCU, OEA, Department of the Navy, USEPA and the Office of the Governor of Guam
3 will provide support to GWA in their efforts to implement the three above noted projects; and
4

5 **WHEREAS**, in addition to the support from the intergovernmental support team, the
6 implementation and execution of the projects through GWA will be managed by a Program
7 Management/Construction Management (PM/CM) team for which funding is allotted from the
8 OEA grant; and
9

10 **WHEREAS**, the qualifications for the PM/CM who shall provide support services
11 related to project management, design, construction and operational needs as part of execution of
12 these projects requires the PM/CM to have ten years of experience managing projects delivered
13 under a Design-Bid-Build (D-B-B) and Design-Build (D-B) methodology, and to have
14 successfully completed similar projects at a value of \$100 million or higher; and
15

16 **WHEREAS**, GWA has advertised the Request for Proposal (RFP-01-ENG-2017)
17 soliciting a statement of qualification from experienced and qualified engineering firms to
18 provide project management/construction management services for the Guam Civilian water and
19 wastewater projects; and
20

21 **WHEREAS**, Request for Proposal (RFP) packages were downloaded by over twenty
22 interested parties, from which GWA received proposals from five (5) architecture - engineering
23 (A-E) firms before the RFP submittal deadline; and
24

25 **WHEREAS**, the GWA A-E Selection Committee reviewed and evaluated the five (5)
26 proposals (see EXHIBIT A - Evaluation Scores) and generated a short list of the top three (3)
27 firms who were then requested as part of the RFP process to participate in "in-person" interviews
28 to conduct a presentation on their experience and qualifications, as well as answer questions
29 from the GWA A-E Selection Committee; and
30

31 **WHEREAS**, the GWA A-E Selection Committee conducted an evaluation of the short
32 listed firms, taking into account their presentation and responses to question, and generated a

1 ranking list (see EXHIBIT B – Interview Evaluation Scores) for the General Manager, which
2 recommended to award a contract to the firm Brown and Caldwell (see EXHIBIT C – GM
3 Determination); and

4
5 **WHEREAS**, GWA and Brown and Caldwell negotiated the scope and fee for the project
6 management / construction management and other related services to be provided in the fixed fee
7 amount of Fourteen Million Seven Hundred Ninety Thousand Three Hundred Forty-Six Dollars
8 and Zero Cents (\$14,790,346) (see Exhibit D – Scope and Fee) for the program of improvements
9 contemplated under the OEA grant for all three (3) projects; and

10
11 **WHEREAS**, GWA Management seeks CCU approval of the fee proposal amount of
12 Fourteen Million Seven Hundred Ninety Thousand Three Hundred Forty-Six Dollars
13 (\$14,790,346.00), plus a five percent (5%) contingency of Seven Hundred Thirty-Nine
14 Thousand Five Hundred Seventeen Dollars and Thirty Cents (\$739,517.30) for a total amount
15 of Fifteen Million Five Hundred Twenty-Nine Thousand Eight Hundred Sixty-Three Dollars
16 and Thirty Cents (\$15,529,863.30); and

17
18 **WHEREAS**, funding for this contract will be from Office of Economic Adjustment grant
19 proceeds and if necessary or applicable the 2010, 2013, and 2016 Bond funds as an alternate
20 funding source; and,

21
22 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
23 does hereby approve the following:

- 24 1. The recitals set forth above hereby constitute the findings of the CCU; and
25 2. The CCU finds that the terms of the fee proposal submitted by Brown and
26 Caldwell are fair and reasonable (EXHIBIT D).
27 3. The CCU finds that the terms and conditions set by GWA relative to
28 commencement of work activities are fair and reasonable and serve as a
29 measure of Quality Assurance/Quality Control (QA/QC).
30 4. The CCU hereby authorizes the management of GWA to enter into a contract
31 with Brown and Caldwell in the amount of Fourteen Million Seven Hundred
32 Ninety Thousand Three Hundred Forty-Six Dollars (\$14,790,346.00).

EXHIBIT B



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. 13-FY2022

**RELATIVE TO APPROVAL OF THE PROGRAM MANAGEMENT/CONSTRUCTION
MANAGEMENT SERVICES FOR THE GUAM WATER AND WASTEWATER
INFRASTRUCTURE IMPROVEMENTS SERVICES EXTENSION**

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, through Resolution No. 15-FY2017, GWA entered into an agreement with Brown and Caldwell for the Program Management/Construction Management (“PM/CM”) services for the Guam Water and Wastewater Infrastructure Improvements Program of specific Department of Defense (DoD) grant-funded projects to support the military buildup on Guam; and

WHEREAS, Resolution No. 15-FY2017 further authorized an original contract amount of Fourteen Million Seven Hundred Ninety Thousand Three Hundred Forty-Six Dollars (\$14,790,346.00) and a five percent (5%) contingency of Seven Hundred Thirty-Nine Thousand Five Hundred Seventeen Dollars and Thirty Cents (\$739,517.30), which brought the total authorized funding to Fifteen Million Five Hundred Twenty-Nine Thousand Eight Hundred Sixty-Three Dollars and Thirty Cents (\$15,529,863.30); and

WHEREAS, GWA has approved three Owner-Program Manager Amendments to date (Amendment Nos. 1 – 3) for an additional Two Hundred Twenty-Two Thousand One Hundred

1 Sixty Dollars and Sixty-Four Cents (\$222,160.64), for a current total contract amount of Fifteen
2 Million Twelve Thousand Five Hundred Six Dollars and Sixty-Four Cents (\$15,012,506.64); and
3

4 **WHEREAS**, the completion of Northern District Sewer Interceptor Rehabilitation was
5 ahead of schedule and under budget, and the Ocean Outfall Diffuser installation was completed
6 ahead of schedule, the Northern District Wastewater Treatment Plant ("NDWWTP") Upgrades
7 and NGLA Monitoring Wells Expansion Construction Projects have been extended due to
8 COVID-19, global supply chain shortages, H2-B visa processing, and other unforeseen
9 circumstances; and

10
11 **WHEREAS**, Amendment No. 4 to the PM/CM contract is needed to increase funding
12 and extend the Brown and Caldwell project team's services through August 31, 2022 for the
13 successful completion of the two remaining projects in the Guam Water and Wastewater
14 Infrastructure Improvements Program; and,

15
16 **WHEREAS**, management seeks CCU approval of Amendment No. 4 to the PM/CM
17 contract (See Exhibit A); and

18
19 **WHEREAS**, the total amount of Amendment No. 4 to the PM/CM contract equals One
20 Million Six Hundred Eighty-Four Thousand Three Hundred Forty-Nine Dollars and Ninety-
21 Seven Cents (\$1,684,349.97) (See Exhibit A); and

22
23 **WHEREAS**, the current PM/CM contract amount, including approved Amendment Nos.
24 1 - 3, is Fifteen Million Twelve Thousand Five Hundred Six Dollars and Sixty-Four Cents
25 (\$15,012,506.64), which is less than the total CCU approved amount of Fifteen Million Five
26 Hundred Twenty-Nine Thousand Eight Hundred Sixty-Three Dollars and Thirty Cents
27 (\$15,529,863.30); and

28
29 **WHEREAS**, management seeks to increase the authorized PM/CM contract amount by
30 One Million One Hundred Sixty-Six Thousand Nine Hundred Ninety-Three Dollars and Thirty-
31 One Cents (\$1,166,993.31) to enable execution of Amendment No. 4; and
32

1 **WHEREAS**, the new authorized amount for the PM/CM contract will be Sixteen Million
2 Six Hundred Ninety-Six Thousand Eight Hundred Fifty-Six Dollars and Sixty-One Cents
3 (\$16,696,856.61) to execute Amendment No. 4 of the PM/CM contract; and,
4

5 **WHEREAS**, funding for this Amendment No. 4 will be from Office of Local Defense
6 Community Cooperation (OLDCC), which is formerly known as the Office of Economic
7 Adjustment (OEA), grants and, if necessary, applicable Bond funds.
8

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

- 11 1. The recitals set forth above hereby constitute the findings of the CCU.
- 12 2. The CCU finds that Amendment No. 4 to the PM/CM contract is necessary for the
13 successful completion of the NDWWTP Upgrades and NGLA Monitoring Wells
14 Expansion projects (Exhibit A).
- 15 3. The CCU hereby approves the funding increase of the PM/CM contract in the
16 amount of One Million One Hundred Sixty-Six Thousand Nine Hundred Ninety-
17 Three Dollars and Thirty-One Cents (\$1,166,993.31).
- 18 4. The CCU hereby approves the total funding authorization for the PM/CM contract
19 with Brown and Caldwell to be Sixteen Million Six Hundred Ninety-Six
20 Thousand Eight Hundred Fifty-Six Dollars and Sixty-One Cents (\$16,696,856.61)
21 to execute Amendment No. 4 of the PM/CM contract.
- 22 5. The CCU hereby further approves the use of OLDCC grant and, if necessary,
23 Bond funds as may be required to execute Amendment No. 4 of the PM/CM
24 contract and authorizes GWA Management to seek approval of the Guam Public
25 Utilities Commission under the Contract Review Protocol if required.

26 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption
27 of this Resolution.
28

29 //

30
31 //
32

1 **DULY AND REGULARLY ADOPTED**, this 26th day of April, 2022.

2
3 Certified by:

Attested by:

4
5 

6 **JOSEPH T. DUENAS**
7 Chairperson

8
9 

10 **MICHAEL T. LIMTIACO**
11 Secretary

12
13 **SECRETARY'S CERTIFICATE**

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

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

20 AYES: 5

21 NAYS: 0

22 ABSENT: 0

23 ABSTAIN: 0



EXHIBIT C

This is **EXHIBIT K**, consisting of 4 pages, referred to in and part of the **Agreement between Owner and Program Manager** dated January 31, 2023.

Amendment to Owner-Program Manager Agreement – Amendment No. 05

1. Background Data:

- a. Effective Date of Owner-Program Manager Agreement: February 1, 2017
- b. Owner: Guam Waterworks Authority,
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913
- c. Program Manager: Brown and Caldwell
414 W. Soledad Ave. Suite 602
Hagatna, GU 96910
- d. Program: Project Management/Construction Management Services for the Guam Water
and Wastewater Infrastructure Improvements,
GWA Project No. S17-001-OEA.

2. Nature of Amendment [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Program Manager
 Modifications to Services of Program Manager
 Modifications to Responsibilities of Owner
 Modifications to Payment to Program Manager
 Modifications to Time(s) for rendering Services
 Modifications to other terms and conditions of the Agreement

3. Description of Modifications

Brown and Caldwell's (BC's) contract for the Program Management/Construction Management (PM/CM) services for the subject program was anticipated to be completed by August 31, 2022. The Program has extended and is now anticipated to be completed by March 31, 2023. Pursuant to Article 3, Section 3.2, Paragraph B, of BC's contract, BC is requesting additional time and corresponding compensation for extending our PM/CM services through this added duration to the anticipated completion of this work. Program Manager to provide additional professional services to conduct PM/CM efforts for the Northern District Wastewater Treatment Plant (NDWWTP) Upgrades as follows:

- a. Continue to perform PM/CM Services, as described in BC's Contract for the PM/CM Services for the Guam Water and Wastewater Infrastructure Improvements, GWA Project No. S17-001-OEA during the remaining construction work and the Commissioning and Start-up associated with Black Construction Corporation's contract, and project closeout for the Upgrade of Northern District Wastewater Treatment Plant from September 1, 2022, through January 31, 2023.

- b. Continue to perform PM/CM Services, as described in BC's Contract for the PM/CM Services for the Guam Water and Wastewater Infrastructure Improvements, GWA Project No. S17-001-OEA during the remaining Northern Guam Lens Aquifer (NGLA) Expansion Project related work, and project closeout from September 1, 2022, through March 31, 2023.

Owner and Program Manager hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is September 1, 2022.

OWNER:
GUAM WATERWORKS AUTHORITY

PROGRAM MANAGER:
BROWN AND CALDWELL

By: MIGUEL C. BORDALLO, PE

By: _____

Title: General Manager

Title: _____

Date Signed: _____

Date Signed: _____

Modifications

- I. Program Manager to extend its PM/CM services in accordance with the remaining applicable tasks described in Exhibit A of BC's PM/CM Services for the Guam Water and Wastewater Infrastructure Improvements Contract as follows:
 - a. Phase 010, Program Management
 - b. Phase 110, Project 1 – NDWWTP
 - c. Project 410, Project 4 – Groundwater Monitoring Wells
- II. For the Additional Services set forth above, Owner shall pay Program Manager the following additional compensation by Time and Materials not to exceed \$300,000.00, without written approval, and consistent with the following.

ADDITIONAL SERVICES

For the efforts noted above, the additional labor and expenses, consistent with attached Table 1, are as follows:	
1. Jerry Johnson @ 125 hours x \$272/hr. =	\$ 34,000.00
2. Joseph Claveria @ 88 hours x \$164.84/hr. =	\$ 14,506.12 ^a
Total BC's Labor =	\$ 48,506.12
GHD Subcontracted Labor and Expenses =	\$ 359,765.20
BC's Mark-up on Subconsultants @ 3% =	\$ 10,792.96
Total BC's Consultants Labor & Expenses =	\$ 370,558.16
Subtotal BC Labor and Subconsultants =	\$ 419,064.28
GRT @ 4.167%	\$ 17,462.41
GRAND TOTAL	\$ 436,526.69
Remaining Budget from Amendment No. 4	(\$ 136,526.69)
Amendment No. 5 Contract Increase	\$300,000.00

a: Difference due to rounding so that the total contract adjustment is \$300,000

***OPTIONAL SERVICES**

TOTAL OPTIONAL	\$0.00
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- III. An increase of 7 months is requested under this Amendment to a new Program end date of March 31, 2023.

Joseph Claveria

From: Steven Carbullido <Steven.Carbullido@ghd.com>
Sent: Friday, February 10, 2023 11:02 AM
To: Joseph Claveria
Cc: Jerald Johnson
Subject: RE: NDWWTP Sep 22 - Jan 23 Projected Billing / CO

Hello Joe,

Below are the projected numbers for the next change order.

Thank you!
Steven

From: Steven Carbullido
Sent: Wednesday, February 8, 2023 9:34 AM
To: Jerald Johnson <JJohnson2@BrwnCald.com>
Subject: NDWWTP Sep 22 - Jan 23 Projected Billing / CO

Jerry,

Below are close numbers for our projected billing / change order. Might be off by ~\$5k (still waiting on final charges to hit).

Our excel breakdown sheet will have the full itemized list of charges but in general:

Sep-22 had Bryan, Jeff, Arlyn, Ross, and Steven.
Oct-22 had Jeff, Arlyn, Ross, and Steven.
Nov-22 had Jeff, Arlyn, Ross, and Steven.
Dec-22 had Arlyn, Ross, Steven, and a larger effort by Patrick.
Jan-23 had Arlyn, Ross, Steven, and a smaller effort by Patrick.

Sep-22	\$ 84,800.83
Oct-22	\$ 85,426.94
Nov-22	\$ 59,606.28
Dec-22	\$ 73,524.75
Jan-23	\$ 56,406.40
	\$ 359,765.20

Steven Carbullido
Staff Engineer

GHD

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865 S Marine Corps Dr Ste 202 Tamuning GU 96913 USA

D 671 300 9237 E steven.carbullido@ghd.com

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