

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

December 13, 2023

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on December 13, 2023 at MsWRA’s headquarters at Deer Island in Boston, and also via remote participation.

Chair Tepper presided from MWRA headquarters. Board Members Flanagan, Foti, Pappastergion, Peña, Taverna, Jack Walsh, and White-Hammond also participated from MWRA headquarters. Board Members Vitale, Patrick Walsh and Wolowicz participated remotely.

MWRA Executive Director Frederick Laskey; General Counsel Carolyn Francisco Murphy; Chief Operating Officer David Coppes; Deputy Chief Operating Officer Rebecca Weidman; Director of Finance Thomas Durkin; Director of Administration Michele Gillen; Special Assistant for Affirmative Action Patterson Riley; Director of Planning and Sustainability Stephen Estes-Smargiassi; Deer Island Treatment Plant Director David Duest; Deer Island Engineering Services Manager Richard Adams; Director of SCADA Metering and Monitoring Ethan Wenger; Director of Security Gary Cacace; Tunnel Program Director Kathy Murtagh; Human Resources Director Wendy Chu; Chief Engineer Brian Kubaska; Chief of Staff Katie Ronan; Associate General Counsel Kristen Schuler Scammon; and, Assistant Secretary Kristin MacDougall participated at MWRA headquarters.

Vandana Rao, EEA, and Matt Romero, MWRA Advisory Board, also participated at MWRA Headquarters.

Chair Tepper called the meeting to order at 1:06pm.

ROLL CALL

MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance and announced that Board Members Vitale, Patrick Walsh and Wolowicz were participating remotely. The Chair announced that the meeting was being held at MWRA’s headquarters at Deer Island and virtually, via a link posted on MWRA’s website. She added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website. She also announced that individual roll call votes would be conducted after each motion was made and given an opportunity for discussion.

APPROVAL OF NOVEMBER 15, 2023 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of November 15, 2023.

Chair Tepper asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
		Foti
Pappastergion		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. I)

REPORT OF THE CHAIR

Chair Tepper updated Board Members on the Healy-Driscoll Administration's Forest as Climate Solutions Initiative. She explained that the Initiative is a series of programs designed to accelerate progress toward the Administration's land conservation goals such as the expansion of existing state land conservation programs; investment in forest conservation; enhancement of the network of forest reserves; and the provision of incentives to private landowners for the advancement of climate-focused practices. She then reported that the Administration has convened a Land Forestry Committee to provide the Secretariat with expert, science-informed guidance and recommendations to help the state enforce its forestry and land management decisions while prioritizing climate mitigation and resilience. She explained that the guidance will apply to state lands, including MWRA watershed lands managed by the DCR's Division of Water Supply. The Chair then reported that review of the state's Climate Smart Forest Management Practices is underway, and that the Land Forestry Committee has met several times since the Initiative's launch. She noted that the Committee's report on its recommendations is expected to be released to the public soon and will be posted on the Forestry as Climate Solutions webpage. She advised that the report will inform the Administration's efforts toward keeping its commitment to resume its Forestry Program. She then explained that EEA, DCR, and MassWildlife will review the Committee's recommendations and public input to determine an implementation approach for new projects going forward. Finally, Chair Tepper advised that MWRA will continue to be informed about the Climate as Forestry Solutions Initiative's schedule and next steps. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

Fred Laskey, MWRA Executive Director, reported that Personnel and Compensation Committee Chair Wolowicz, Committee Vice Chair White-Hammond and MWRA staff participated in a productive workforce development meeting on December 4, 2023 to discuss a NOAA workforce grant opportunity. He noted added that staff invited DCR staff to participate in future discussions, and asked Board Members White-Hammond and Wolowicz to share their perspectives.

Board Member White-Hammond provided brief background on the NOAA workforce grant opportunity. She explained that the grant reflects ongoing shifts in the ways city and state agencies operate due to climate change, and the growing need to provide training and support that prepares workers for emerging careers that promote climate resilience. She noted that the grant emphasizes the development of opportunities for a more diverse workforce, and aligns with the staffing needs of the

City of Boston, DCR and MWRA and other potential grant partners.

Board Member Wolowicz added that the meeting participants also discussed helpful and creative ideas for recruiting staff and generating interest in water and wastewater careers, and that she is looking forward to continuing these collaborative efforts.

Mr. Laskey resumed his report. He noted that staff will update the Board on the progress of the Metropolitan Water Tunnel Program in the coming months. Next, he reported that EPA had recently issued a draft of the revised Lead and Copper Rule (“LCR”) and invited Stephen Estes-Smargiassi, MWRA Director of Planning and Sustainability, to update Board Members. Mr. Estes-Smargiassi advised that the new LCR will include a reduced Lead Action Level of 10 parts per billion (ppb), vs. the current 15 ppb Action Level. He further advised that EPA is proposing a ten-year mandate for the removal of every lead service line in the United States. He noted that staff will provide more details at a future Board meeting. Mr. Laskey stressed that meeting the new LCR requirements will require a large financial investment.

Next, Mr. Laskey reported that MWRA staff had successfully completed the termination of its outstanding Interest Rate Hedge Agreements (“SWAPs”) and thanked Finance staff for their work. He then reminded Board Members of an upcoming deadline to complete required Conflict of Interest training. Finally, Mr. Laskey discussed proposed changes to the format and locations of MWRA Board of Directors meetings, including holding some meetings at the MWRA Chelsea facility.

There was discussion about potential adjustments to the Board Meeting format, various meeting locations, and a return to holding monthly Board Committee meetings in the morning, followed by a full Board of Directors meeting in the afternoon. There was also general discussion about the public notices and typical agendas for Committee and Board meetings, quorum requirements, and Board Members’ schedules. Rev. White Hammond proposed that the Committees meet quarterly, and Chair Tepper suggested that the Committees begin meeting in March 2024. Rev. White-Hammond requested that quarterly Committee meetings be scheduled ahead. Board Member Vitale invited the Board of Directors to meet at the Boston Water and Sewer Commission’s headquarters and Charlestown location. There was further brief, general discussion about the Board meeting schedule and locations. (ref. III)

EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session to discuss Real Estate and Litigation, since discussing such in Open Session could have a detrimental effect on the negotiating and litigating positions of the Authority. She announced the planned topics for discussion in Executive Session were a watershed land acquisition, approvals of orders of taking, and the Reardon v. MWRA et al Superior Court case. She announced that the Board would return to Open Session after the conclusion of Executive Session.

A motion was duly made and seconded to enter Executive Session for these purposes, and to resume Open Session after Executive Session adjournment.

General Counsel Francisco Murphy reminded Board members that under the Open Meeting Law members who were participating remotely in Executive Session must state that no other person is present or able to hear the discussion at their remote location. A response of “yes” to the Roll Call to

enter Executive Session when their name was called would also be deemed their statement that no other person was present or able to hear the Executive Session discussion.

Upon a motion duly made and seconded, a roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

Voted: to enter Executive Session, and to resume Open Session after Executive Session adjournment.

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 1:26pm and adjourned at 2:20pm.

*** CONTINUATION OF OPEN SESSION ***

WASTEWATER POLICY AND OVERSIGHT

Contract Awards

Combustion Turbine Generator Maintenance, Deer Island Treatment Plant: O'Connor Corporation, Contract S616

A motion was duly made and seconded to approve the award of Contract S616, Combustion Turbine Generator Maintenance, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, O'Connor Corporation, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in the not to exceed amount of \$5,670,334 for a contract term of 1,096 calendar days from the Notice to Proceed.

David Duest, MWRA Deer Island Treatment Plant Director, presented an overview of a proposed combustion turbine generator (CTG) maintenance contract. He described the specifications and capacity of the CTG system at the Deer Island Treatment Plant (DITP), and explained that the CTGs provide backup power as required by MWRA's NPDES permit. He described benefits of MWRA's CTGs, including the generation of non-rate revenue (\$1.9 million in FY2023); capacity payment avoidance; and continuity of MWRA sewer service. Mr. Duest then discussed the scope and terms of the proposed CTG

maintenance contract, which includes three years of regular maintenance services and allowances for emergency and non-emergency maintenance and spare parts. He noted that the contractor would only be paid for work completed. He further noted that the contract also includes a task order for a one-time major upgrade of the CTGs' control systems, which were installed approximately 25 years ago.

Next, Mr. Duest described the procurement process for this contract. He explained that it was advertised as a Chapter 149 contract and that twelve vendors had requested bid documents. He advised that only one bid was received, from O'Connor Corporation, the incumbent contractor. He further advised that O'Connor's bid was 51.2% higher than the Engineers Estimate of \$1.2 million. Mr. Duest explained that some key items, with a total value of approximately \$1.5 million, had been inadvertently omitted from the Engineers' Estimate.

Board Member Foti asked who had prepared the Engineer's Estimate. Mr. Duest explained that the Engineer's Estimate was prepared by MWRA staff. There was brief, general discussion about the disparity with the Engineer's Estimate and its causes.

Richard Adams, MWRA Deer Island Engineering Services Manager, described factors that contributed to the disparity. He explained that the extent of the work needed to perform the one-time control system upgrade was not known until after the contract requisition was submitted, and that overhead costs were inadvertently omitted because they are not typically included in Chapter 149 contracts. There was brief discussion about Chapter 149 contracts. Mr. Foti requested clarification on the causes of the disparity. David Coppes, MWRA Chief Operating Officer, explained that the disparity was largely caused by procedural errors. There was brief discussion about the difference between the Engineer's Estimate and the contract cost, and driving factors. Mr. Foti noted that in his view, disparities between cost estimates and final bid prices have become more frequent industry-wide since the COVID-19 pandemic began. Mr. Coppes advised that staff had considered re-advertising the CTG contract due to the disparity, but decided to move forward with O'Connor's bid because of the criticality of the CTG maintenance and repair contract, the lack of competition for qualified vendors, and the potential for a second round of bids to come in at a higher cost. There was general discussion about the legal requirements and potential ramifications of a hypothetical re-advertisement.

Board Member Jack Walsh requested more information about the CTGs' manufacturer. Mr. Duest explained that the CTGs were manufactured by Pratt & Whitney Power Systems, Inc., which has since been acquired by Mitsubishi Heavy Industries, Ltd. Mr. Walsh asked if proprietary CTG technology limits the pool of potential operations and maintenance contractors. Mr. Duest responded in the affirmative. He explained that MWRA's CTG units require maintenance but are expected to continue operating well into the future because they are used infrequently, and advised that the cost of maintenance is expected to rise. Mr. Coppes added that MWRA is embarking on a study of new, greener, combined heat and power technology for Deer Island. Mr. Walsh expressed concern about the limited number of vendors qualified to maintain MWRA's CTGs. There was brief, general discussion about the challenges of proprietary technologies.

Rev. White-Hammond recommended that staff investigate and identify any structural causes of Engineer's Estimate disparities and the frequency of single bid contracts. Mr. Duest noted that staff

packaged its CTG procurements as two separate contracts in an effort to elicit as many qualified vendors as possible. There was brief, general discussion about the long-term benefits of reviewing MWRA's contractor procurement and estimation processes. Mr. Walsh expressed concerns about the potential impacts of a hypothetical CTG failure, and the availability of spare parts. Mr. Coppes advised that the CTG project includes the replacement of obsolete and hard-to-find parts, and that the proposed operations and maintenance contract includes a spare parts allowance. Mr. Duest added that the control system upgrade represented the bulk of the Engineer's Estimate disparity. There was brief discussion about various ways the proposed contract could have been packaged, the location of O'Connor Corporation staff, and MWRA's emergency response plan for any CTG issues.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.1)

(Board Member Peña temporarily left the meeting after the roll call vote.)

WATER POLICY AND OVERSIGHT

Contract Amendments/Change Orders

John J. Carroll Water Treatment Plant SCADA System Upgrade - Design, Engineering Services During Construction and Resident Engineering Services: Arcadis U.S., Inc., Contract 7581, Amendment 4

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 4 to Contract 7581, John J. Carroll Water Treatment Plant SCADA System Improvements, Design, Engineering Services During Construction and Resident Engineering Services, with Arcadis U.S., Inc. in the amount of \$1,232,905, increasing the contract amount from \$6,010,390.04 to \$7,243,295.04 with no increase in contract term.

Ethan Wenger, MWRA Director of SCADA Metering and Monitoring, presented the reasons for a proposed amendment to a design, engineering and resident engineering services contract for SCADA systems upgrades at the Carroll Water Treatment Plant. He briefly described the functions of the Carroll plant and its SCADA system, and the scope of the contract, which includes the construction of a new, parallel SCADA system. Mr. Wenger then discussed the benefits of the upgrade and parallel system, and

the importance of the project to MWRA's ability to deliver drinking water without interruption. Next, he provided a brief overview of the contract's amendments to date, and advised that staff were seeking approval of an amendment for SCADA system programming, additional SCADA screens and screen improvements, added testing, and associated administrative costs. Mr. Wenger then described the benefits of the work under the proposed amendment, including better efficiency for operators, improved ease of maintenance, and reduced risk during the transition to the new system. Next, he discussed some upcoming challenges for the project that could impact the contract's duration and cost, such as long lead times for SCADA components and a complex testing and system transition process. He then stressed that the project is critical to MWRA operations, and that staff continues to seek ways to improve MWRA's systems. Finally, Mr. Wenger provided more detail on the SCADA system component replacement process.

(Mr. Peña returned to the meeting during the presentation.)

Mr. Peña requested more information about Programmable Logic Controller ("PLC") security. Mr. Wenger described MWRA's PLC security protocols. There was brief, general discussion about PLC security.

Board Member Taverna asked for more information about Arcadis U.S., Inc.'s staff qualifications. Mr. Wenger explained that the work under the proposed amendment would be performed by Aztec Automation Company ("Aztec"), a well-qualified subcontractor with experience on MWRA projects. Mr. Taverna asked where the subcontractor is located. Mr. Wenger advised that Aztec is located in Massachusetts, and that additional staff supporting the contract were located in Vermont and Connecticut. There was brief, general discussion about the proposed amendment's travel and meal allowance line item.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI A.1)

ADMINISTRATION, FINANCE AND AUDITContract AwardsSecurity Officer Services for Various MWRA Facilities: United Security, Inc., Contract EXE-048

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Contract EXE-048, Security Officer Services for Various MWRA Facilities, to United Security, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$8,694,782.87 for a period of 1,095 calendar days from the Notice to Proceed, with an option to extend the contract for two additional 365 calendar day periods, subject to further Board of Directors' approval.

Gary Cacace, MWRA Director of Security, summarized the scope and terms of a proposed contract for security officer services. He explained that MWRA's Deer Island Treatment Plant, Carroll Water Treatment Plant and Chelsea Facility are guarded by uniformed security personnel on a 24/7 basis. He described the security guards' duties, including routine access control, facility patrol, security system monitoring, event reporting, coordinated response, and as-needed emergency access. Finally, Mr. Cacace discussed the contract procurement process and advised that the contract selection committee had unanimously ranked United Security, Inc. as the preferred bidder.

There was brief, general discussion about United Security, Inc.'s qualifications, the merits of its proposal and the previous security officer services contract. Mr. Taverna requested more information about the terms of the proposed contract. Mr. Cacace advised that the contracted security staff are paid on an hourly basis. There was brief, general discussion about contract line items, including vehicles.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VII A.1)

PERSONNEL AND COMPENATIONInformationRecruitment and Retention Update

Michele Gillen, MWRA Director of Administration, thanked Board Members for their support of MWRA's

efforts to recruit and retain qualified and diverse staff. She then invited questions from the Board.

Hearing no discussion or questions from the Board, Committee Chair Wolowicz moved to the next information item. (ref. VIII A.1)

Administration Division Proposed Organizational Changes

Ms. Gillen presented organizational charts for current and proposed Administration Division staffing, and invited Board Members' questions.

Hearing no discussion or questions from the Board, Ms. Wolowicz moved to the next information item. (ref. VIII A.2)

Metropolitan Water Tunnel Program Consultant and Contract Structure Update and Tunnel Department Proposed Organizational Changes

Kathy Murtagh, MWRA Tunnel Program Director, presented an overview of proposed organizational changes for the Metropolitan Water Tunnel Department. She explained that the proposed changes reflected the Tunnel Program's transition from preliminary design to final design. Ms. Murtagh added that the proposed staffing structure includes the reduction of one position, and emphasizes more senior, experienced staff members to manage upcoming large contracts. She then invited questions from Board Members.

Mr. Taverna requested an update on the progress of filling vacant positions within the Tunnel department. Ms. Murtagh advised that staff would provide more information at a later date.

Hearing no further discussion or questions from the Board, Ms. Wolowicz moved to Approvals. (ref. VIII A.3)

Approvals

December 2023 PCR Amendments

A motion was duly made and seconded to approve amendments to the Position Control Register (PCR) as presented and filed with the records of this meeting.

Wendy Chu, MWRA Human Resources Director, advised that the proposed PCR amendments for December 2023 included adjustments to meet the previously-discussed Administration Division and Metropolitan Water Tunnel Department staffing needs (ref. VIII A.2 and A.3), and invited questions from Board Members.

Chair Tepper asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VIII B.1)

Appointment of Ivana McGrail, Manager, Benefits & HRIS

A motion was duly made and seconded to approve the appointment of Ms. Ivana McGrail as Manager, Benefits & HRIS (Grade 14, Non-Union) in the Administration Division at an annual salary of \$135,854.00 commencing on a date to be determined by the Executive Director.

Ms. Chu provided background on the proposed appointment of the Benefits and HRIS Manager as well as a Human Resources Operations Manager (ref. VIII B.3). She explained that these positions reflect a reallocation of existing staff due to a recent retirement. She then described the qualifications and work experience of the proposed candidate for the Benefits and HRIS Manager, and the position's job duties.

Hearing no discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VIII B.2)

Appointment of Jeannie Teixeira, Manager, Human Resources Operations

A motion was duly made and seconded to approve the appointment of Ms. Jeannie Teixeira to the position of Manager, Human Resources Operations (Non-Union, Grade 14), in the Administration Division, Human Resources Department at the recommended annual salary of \$133,989, commencing on a date to be determined by the Executive Director.

Ms. Chu briefly discussed the operational need for the Human Resources Operations Manager position and described the proposed candidate's qualifications and work experience.

Mr. Vitale requested more information about the number of union and non-union staff in MWRA's Human Resources Department. Ms. Chu explained that the Human Resources Department includes seven union positions, including confidential positions. Mr. Vitale asked if having union staff in Human Resources positions affects collective bargaining contract negotiations. Ms. Chu advised that Human Resources' union staff are excluded from participating in the collective bargaining negotiations process. There was brief, general discussion about challenges related to union Human Resources staff concerning collective bargaining.

Hearing no further discussion or questions from the Board Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VIII B.3)

Chair Tepper announced that the Board would postpone all further Information items on the meeting agenda due to time constraints.

WATER POLICY AND OVERSIGHT (Continued)

Contract Amendments/Change Orders

Metropolitan Water Tunnel Program: Program Support Services, JCK Underground, Inc., Contract 7655, Amendment 2 – First Optional 24-Month Renewal

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Contract 7655, Program Support Services for the Metropolitan Tunnel Redundancy Program, with JCK Underground, Inc., to exercise the first optional 24-month renewal, increasing the contract amount by \$7,000,000, from \$10,247,877 to \$17,247,877, and extending the contract term by 24 months, from April 1 2024 to April 1 2026.

Ms. Murtagh invited questions from Board Members.

Mr. Pappastergion asked if the proposed Amendment represented an extension of an existing contract with JCK Underground, Inc. ("JCK"). Ms. Murtagh responded in the affirmative. Chair Tepper requested more information about the reasons for the proposed increase to the contract amount. Ms. Murtagh explained that when the contract was first awarded in 2019, MWRA staff envisioned that the

Metropolitan Water Tunnel Department would have a larger staff. She further explained that the proposed contract Amendment is needed to maintain the Tunnel Program's schedule, which is currently on track. Mr. Taverna asked if JCK has adequate staff to maintain the Program schedule. Ms. Murtagh responded in the affirmative.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. IX A.1)

WASTEWATER POLICY AND OVERSIGHT

Approvals

First Amendments to Both the Memorandum of Understanding and Financial Assistance Agreement with the Boston Water and Sewer Commission for Implementation of the Fort Point Channel and Mystic/Chelsea Confluence Combined Sewer Overflow Control Projects

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute the First Amendment to the Memorandum of Understanding and the First Amendment to the Financial Assistance Agreement by and between Massachusetts Water Resources Authority and Boston Water and Sewer Commission for the Implementation of Fort Point Channel and Mystic/Chelsea Confluence Combined Sewer Overflow Control, substantially in the form attached to the December 13, 2023 staff summary presented and filed with the records of this meeting, with no increase to not-to-exceed amount of \$10,000,000 or change in term of 32 months, from November 1, 2022, through June 30, 2025.

Brian Kubaska, MWRA Chief Engineer, presented an overview of a proposed Amendment to both a Memorandum of Understanding ("MOU") and a Financial Assistance Agreement ("FAA") with the Boston Water and Sewer Commission ("BWSC"). He began with a brief progress update on procurements recently advertised under the original MOU (abatements for CSO outfalls BOS017, BOS062, BOS065 and BOS070/DBC).

Next, Mr. Kubaska explained that the purpose of the proposed Amendment is to add work at CSO outfall BOS013 in East Boston. He advised that the CSO outfalls in this area are closed or meeting MWRA's Long

Term Control Plan goals, with the exception of BOS013 which is materially meeting and BOS009. He noted that the BOS009 work will fall into compliance after the expected completion of a BWSC sewer separation project in summer 2024. He further noted that the work at BOS013 is being added to the MOU/FAA. Mr. Kubaska then advised that bids received this day came in over the Engineer's Estimate and the value of the currently proposed BWSC MOU/FAA which also includes design services. Finally, he explained that staff will work with BWSC to determine appropriate next steps.

There was brief, general discussion about the scope of the MOU/FAA.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. X A.1)

Contact Awards

Electrical Equipment Testing, Deer Island Treatment Plant: Infra-Red Building and Power Services, Inc., Contract S618

A motion was duly made and seconded to approve the award of Contract S618, Electrical Equipment Testing, Deer Island Treatment Plant, to the lowest responsible and eligible bidder, Infra-Red Building and Power Services, Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$2,339,858 for a contract term of 1,095 calendar days from the Notice to Proceed.

Mr. Duest summarized the scope and procurement process for an electrical equipment testing contract for the Deer Island Treatment Plant. He advised that Infra-Red Building and Power Services, Inc. ("Infra-Red") submitted the lowest bid, which is 2.5% lower than the Engineer's Estimate and 6.7% lower than the incumbent contractor's bid. He noted that Infra-Red has experience working on MWRA projects.

Mr. Jack Walsh requested the price of the previous contract. Mr. Duest advised that it is \$1.928 million. There was brief, general discussion about the range of bids received.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. X B.1)

ADMINISTRATION, FINANCE AND AUDIT

Information

Delegated Authority Report – November 2023

This agenda item was postponed due to time constraints. (ref. XI A.1)

FY21-FY25 Strategic Business Plan: Annual Update for FY23

This agenda item was postponed due to time constraints. (ref. XI A.2)

FY2024 Financial Update and Summary through November 2023

This agenda item was postponed due to time constraints. (ref. XI A.3)

CORRESPONDENCE TO THE BOARD

There was no correspondence to the Board (ref. XII)

OTHER BUSINESS

There was no other business. (ref. XIII)

ADJOURNMENT

A motion was duly made and seconded to adjourn the meeting.

A roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. XIV)

The meeting adjourned at 3:21pm.

Approved: January 17, 2024

Attest:

 for

Brian Peña, Secretary

LIST OF DOCUMENTS AND EXHIBITS USED

- Draft Minutes of November 15, 2023 MWRA Board of Directors' Meeting (ref. I)
- December 13, 2023 Staff Summary and presentation – Combustion Turbine Generator Maintenance: Deer Island Treatment Plant, O'Connor Corporation, Contract S616 (ref. V A.1)
- December 13, 2023 Staff Summary and presentation – John J. Carroll Water Treatment Plant SCADA System Upgrade - Design, Engineering Services During Construction and Resident Engineering Services: Arcadis U.S., Inc., Contract 7581, Amendment 4 (ref. VI A.1)
- December 13, 2023 Staff Summary – Security Officer Services for Various MWRA Facilities: United Security, Inc., Contract EXE-048 (ref. VII A.1)
- December 13, 2023 Staff Summary – Recruitment and Retention Update (ref. VIII A.1)
- December 13, 2023 Staff Summary and presentation - Administration Division Proposed Organizational Changes (ref. VIII A.2)
- December 13, 2023 Staff Summary and presentation – Metropolitan Water Tunnel Program: Consultant and Contract Structure Update and Tunnel Department Proposed Organizational Changes (ref. VIII A.3)
- December 13, 2023 Staff Summary – December 2023 PCR Amendments (ref. VIII B.1)
- December 13, 2023 Staff Summary – Appointment of Ivana McGrail, Manager, Benefits & HRIS (ref. VIII B.2)
- December 13, 2023 Staff Summary – Appointment of Jeannie Teixeira, Manager, Human Resources Operations (ref. VIII B.3)
- December 13, 2023 Staff Summary – Metropolitan Water Tunnel Program: Program Support Services, JCK Underground, Inc., Contract 7655, Amendment 2 – First Optional 24-Month Renewal (ref. IX A.1)
- December 13, 2023 Staff Summary and presentation – First Amendments to Both the Memorandum of Understanding and Financial Assistance Agreement with the Boston Water and Sewer Commission for Implementation of the Fort Point Channel and Mystic/Chelsea Confluence Combined Sewer Overflow Control Projects (ref. X A.1)
- December 13, 2023 Staff Summary – Electrical Equipment Testing, Deer Island Treatment Plant: Infra-Red Building and Power Services, Inc., Contract S618 (ref. X B.1)

Documents used for this meeting and cited in these minutes, including the documents and exhibits referenced above, are posted on MWRA's website: <https://www.mwra.com/02org/html/bodmtg.htm>