



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax**

TO: BOARD OF DIRECTORS
FROM: JENNA COVINGTON, EXECUTIVE DIRECTOR
DATE: NOVEMBER 11, 2022
SUBJECT: REGULAR MEETING – THURSDAY, NOVEMBER 17, 2022

November 11 marks an important day to honor the millions of veterans who have served this nation and protected our democracy and freedoms. Every Veterans Day, I think not only of their incredible contributions in uniform, but the ongoing, selfless service Veterans provide after returning to civilian life.

This District has been blessed to employ hundreds of Veterans over our seventy-one years. Former military women and men have served in just about every department. Today six of our Executive Team members are Veterans. The District benefits immensely from the skills, experience and work ethic instilled during their time in service to our country.

Finally, the numerous Directors, past and present, who have donned the uniform have always been an inspiration and voice of leadership since the very beginning of the District. From the very first Board of Directors through today, Veterans have provided guidance and direction as Directors through our toughest challenges and greatest accomplishments.

Thank you to all the Veterans for the contributions and service you provide every day in every aspect of our lives.

Strategic Initiative Highlight

This month we would like to highlight a project that supports the efforts of multiple objectives and initiatives across the plan. Our Wastewater and Human Resources teams have been working with the Water Environment Association of Texas (WEAT) on joining the Texas Workforce Commission's (TWC) Apprenticeship Training Program. WEAT has worked with TWC to develop and offer a program for Water and Wastewater employees within the following trade groups: Operators, Electronics Technicians and Mechanics. Through this program TWC will provide 80 percent reimbursement of base salary for the first six months of employment for newly hired personnel that are enrolled in a developmental training program. WEAT acts as the intermediary for the program and manages all state required reporting requirements for the employer.

The NTMWD Wastewater Team worked diligently over the past three years to implement a training and competency development program (for Wastewater Operators, Conveyance

Operators, Odor Control Operators, and Maintenance Technicians) that is designed to establish minimum training standards for the Wastewater Department. They have also worked to ensure employees have a clearly defined path of progression with the Knowledge, Skills, and Abilities to compete for future promotions. It was the foresight and development of this program within the Wastewater Department that allows our newly hired Wastewater Operators to participate in the TWC Apprenticeship Training Program. Our teams in Wastewater and Finance are also working through how the reimbursed funds can be applied to the benefit of employees, other projects or goals, and the District in general.

We are appreciative of our partners at the WEAT for their coordination with TWC and willingness to partner with NTMWD to provide administrative reporting requirements for the program. Also, we appreciate the diligent work of our staff in the Regional Wastewater System, Sewer System and Human Resources who have worked together in bringing this program forward for implementation. Through these partnerships, this program is supporting the goals and activities of **Objective 2.1 – Efficient Business Practices, Objective 3.3 – Durable Strategic Partnerships, Initiative 4.1.1 – Establish a Comprehensive Employee Training and Development Program and Initiative 4.3.1 – Establish Performance Goals, Track and Communicate Progress.**

Thanksgiving

In this season of Thanksgiving, it is the perfect opportunity to take a moment to thank you all for your continued hard work and dedication that allows us to provide vital services for nearly two million people in our region. As we focus on the virtue of gratitude, I am sincerely thankful for our dedicated Board members, our talented staff and most importantly, the opportunity to be of service to our community.

As we move into the season of holidays, I wanted to make sure you were aware of the modified schedules:

Wednesday, November 16, 2022

- Real Estate Committee – 1:00 p.m.
- Solid Waste Committee – 2:30 p.m.
- Water Committee – 4:00 p.m.

Thursday, November 17, 2022

- Board Meeting – 2:30 p.m.

Thursday and Friday, November 24-25, 2022

- District Offices Closed for Thanksgiving

Thursday, December 8, 2022

- Long Range Water Supply Work Session – 1:00 p.m.

Wednesday, December 14, 2022

- Legislative Committee – TBD
- Wastewater Committee – TBD
- Water Committee - TBD

Thursday, December 15, 2022

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- Board Meeting – 2:30 p.m.

Friday and Monday, December 23 and 26, 2022

- District Offices Closed for Christmas

Monday, January 2, 2023

- District Offices Closed for New Years



NORTH TEXAS MUNICIPAL WATER DISTRICT

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**BOARD OF DIRECTORS
REGULAR MEETING (IN PERSON AND BY VIDEOCONFERENCE)
THURSDAY, NOVEMBER 17, 2022
2:30 P.M.**

Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of North Texas Municipal Water District (NTMWD) will hold a regular meeting in person and by videoconference, accessible to the public, on Thursday, November 17, 2022, at 2:30 p.m., at the following meeting location: NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas 75098.

The Presiding Officer and a quorum of the Board of Directors will be present at the meeting location or by videoconference with two-way video and audio communication between Board members participating at the meeting location and by videoconference. The public may attend the meeting in person at the meeting location. Audio and video of Board members participating by videoconference will be broadcast live and will be visible to members of the public. The meeting will be recorded and available on the NTMWD website after the meeting.

Members of the public wishing to listen to live audio of the meeting may do so by calling in at **(469) 210-7159** or toll free **(844) 621-3956** and entering the following access code: **928 587 040**. Please note this line will not provide for two-way communication and public comment at the meeting must be made in person at the meeting location.

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

VI. OPENING REMARKS

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

VII. PUBLIC COMMENTS

Prior to the start of the meeting, speakers must complete and submit a "Public Comment Registration Form." During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is three (3) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items, but may respond with factual or policy information.

VIII. DISCUSSION ITEMS

There are no discussion items.

IX. EXECUTIVE SESSION (to begin at approximately 3:00 p.m. and end approximately at 4:00 p.m.)

The Presiding Officer will announce that the meeting will move into closed executive session and identify the agenda items to be discussed in executive session. The executive session will conclude so that the public meeting will resume at approximately 4:00 p.m.

- A. Consult with legal counsel regarding pending or contemplated litigation (Tex. Gov't Code Section 551.071)
1. Update on Oklahoma Red River Boundary Commission
 2. Buffalo Creek Parallel Interceptor, Phase I Project

X. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Chapter 551, the Board of Directors of NTMWD will reconvene into regular session to consider action, if any, on matters discussed in Executive Session.

XI. CONSENT AGENDA ITEMS

The Consent Agenda allows the Board of Directors to approve all routine, noncontroversial items with a single motion, without the need for discussion by the entire Board. Any item may be removed from consent and considered individually upon request of a Board member or NTMWD staff member.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-11-01**
- Consider approval of October 27, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 22-11-02**
- Consider approval of November 2022 Modification of Capital Projects Request

- C. **Adoption of Resolution No. 22-48 authorizing the amendment of a previously approved right-of-way acquisition program for the McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline project - Consent Agenda Item No. 22-11-03**
- Consider authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 22-48 authorizing the use of eminent domain to acquire property for Project No. 101-0505-18, McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline
- D. **Adoption of Resolution No. 22-49 authorizing the amendment to a previously approved right-of-way acquisition program for the Beck Branch Parallel Interceptor project - Consent Agenda Item No. 22-11-04**
- Consider authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 22-49 authorizing the use of eminent domain for Project No. 501-0439-16, Beck Branch Parallel Interceptor

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL / ADMINISTRATIVE SERVICES AGENDA ITEMS

- A. **Authorize Water System Variable Cost Rebates for Fiscal Year 2021-2022 – Administrative Memorandum No. 5871**
- Consider authorizing Water System Variable Cost Rebates for Fiscal Year 2021-2022 in the amount of \$2,793,511.32

BOIS D'ARC LAKE AGENDA ITEMS

- B. **Authorize a termination agreement with Rayburn Country Electric Cooperative (RCEC) for the Bois d'Arc Lake Power Supply project – Administrative Memorandum No. 5872**
- Consider authorizing the Executive Director to execute a termination agreement with RCEC for the electric transmission service to the Bois d'Arc Lake Raw Water Pump Station and the Leonard Water Treatment Plant. RCEC has completed both projects and the costs for those projects have been approved by the Public Utility Commission of Texas for recovery under the Transmission Cost of Service program, which allows NTMWD to unencumber funds in the amount of (\$5,229,000) reserved for Project No. 101-0362-14, Bois d'Arc Lake Power Supply

WATER AGENDA ITEMS

- C. **Authorize award of construction contract and inspection services on the Bonham Water Treatment Plant Intake Improvements project - Administrative Memorandum No. 5873**
- Consider authorizing award of construction contract with Dredge America, Inc. in the amount of \$999,975 and authorizing internal inspection services in the amount of \$27,000 for Project No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements

- D. **Authorize construction Change Order No. 1 for the Plano-McKinney Water Transmission System, Phase I project - Administrative Memorandum No. 5874**
- Consider authorizing Change Order No. 1 with Garney Companies, Inc. in the amount of \$525,171.88 for remobilization and additional work necessary to facilitate Texas Department of Transportation's proposed widening of Farm-to-Market Road FM 2551, Project No. No. 101-0544-19, Plano-McKinney Water Transmission System Phase I, Relocation of 84-inch and 42-inch Pipelines
- E. **Authorize award of a construction contract and internal inspection services for the Forney-to-Terrell Pump Station Communications Tower project - Administrative Memorandum No. 5875**
- Consider authorizing award of construction contract with Schofield Civil Construction, LLC in the amount of \$2,670,000 and authorizing internal inspections services in the amount of \$200,000 for Project No. 101-0542-19, Forney-to-Terrell Pump Station Communications Tower

WASTEWATER AGENDA ITEMS

- F. **Authorize construction Change Order No. 6 for the Buffalo Creek Parallel Interceptor, Phase I project - Administrative Memorandum No. 5876**
- Consider authorizing Change Order No. 6 with Mountain Cascade of Texas, LLC in the amount of \$384,011.82 to renew the required contractor flood insurance for work within the 100-year flood plain as a result of delays acquiring easements, and replace an existing pedestrian bridge and additional trail within an easement per easement settlement agreement for Project No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I

LAND ACQUISITION / RIGHT-OF-WAY AGENDA ITEMS

- G. **Adoption of Resolution No. 22-50 authorizing the execution of a Right-of-Way acquisition program for the Lake Texoma Pump Station 2019 Electrical Improvements, Phase I project - Administrative Memorandum No. 5877**
- Consider adoption of Resolution No. 22-50 authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$13,000; and authorizing the acquisition of a permanent easement for Project No. 101-0530-19, Lake Texoma Pump Station 2019 Electrical Improvements, Phase I

SOLID WASTE AGENDA ITEMS

- H. **Authorize award of construction contract and inspection services agreement for the 121 Regional Disposal Facility (RDF) Sectors 6B and 6C Mass Excavation project - Administrative Memorandum No. 5878**
- Consider authorizing award of construction contract to Rigid Constructors, LLC in the amount of \$2,947,352 and award of inspection services agreement to Biggs and Mathews Environmental in the amount of \$184,000 for Project No. 401-0614-22, 121 RDF Sectors 6B and 6C Mass Excavation

XIII. CLOSING ITEMS

- A. Opportunity for Board members to provide feedback or request potential future agenda items.

XIV. ADJOURNMENT

REQUIRED LEGAL NOTICES

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); or discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

Persons with disabilities who plan to attend the NTMWD meeting and who may need auxiliary aids or services are requested to contact Shannon Sauceman in the NTMWD Administrative Offices at (972) 442-5405 as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

CONSENT AGENDA ITEM NO. 22-11-01

OCTOBER 2022 REGULAR BOARD MEETING MINUTES

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the regular Board meeting held on Thursday, October 27, 2022, as presented. (See attached.)



NORTH TEXAS MUNICIPAL WATER DISTRICT

501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax

MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OCTOBER 27, 2022

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, October 27, 2022, at 2:30 p.m. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

I. CALL TO ORDER

President Jack May called the meeting to order at approximately 2:30 p.m.

President May advised the following regarding the meeting:

The meeting today is being conducted in person with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public may attend the meeting in person. Audio and video of Board members participating by videoconference will be visible. Members of the public wishing to listen to live audio from the meeting may do so by calling in.

II. INVOCATION

Director John Sweeden offered the invocation.

III. PLEDGE OF ALLEGIANCE

President May led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President May led the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

The roll was called, and attendance was confirmed as follows:

	DIRECTORS	ABSENT	REMOTE
1	Anderson, Terry Sam		✓
2	Appolito, Robert	✓	
3	Boren, Kalen		

	DIRECTORS	ABSENT	REMOTE
4	Carr, John		
5	Crowley, Rick		
6	Crump, George		
7	Dyer, Phil		
8	Farmer, Joe		
9	Fuller, Marvin		
10	Gordon, Don		
11	Hollifield, David		
12	Imrie, Chip		
13	Johnson, Blair	√	
14	Kelley, Ron		
15	Kerr, James (Jim)		
16	Kever, Geralyn		
17	May, Jack		
18	Peasley, Richard		
19	Roland, Randy		
20	Shuyler, Lynn	√	
21	Stephens, Keith		
22	Sutherland, Jody		
23	Sweeden, John		
24	Thompson, Larry		

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek, Sara Thornton – Lloyd Gosselink Rochelle & Townsend
- Nick Bulaich – Hilltop Securities
- Molly Carson – McCall, Parkhurst & Horton

VI. OPENING REMARKS

A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

President May advised that the District was saddened to learn that former Director, John Murphy, passed away earlier this month. Director Murphy retired from the Board of Directors in June of this year after being appointed by the City of Richardson in 2013.

President May thanked everyone who was able to attend the Bois d'Arc Lake Dedication, adding that Staff did a great job on the event.

President May noted that with the holidays approaching, the November and December Board meetings will be held on the third Thursday of each of these months.

President May reviewed the tentative list of meetings for November is as follows:

- Wednesday, November 2nd - Executive and Finance Committees

- Thursday, November 10th- Long Range Water Supply Work Session
- Wednesday, November 16th- Solid Waste, Real Estate, and Water Committees
- Thursday, November 17th- Board meeting

Staff is currently looking at an alternate date for the Long Range Water Supply Work Session. Director Murphy's funeral services are being held the same day.

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Executive Director Covington spoke of the Bois d'Arc Lake Dedication event held on October 14, 2022. She noted this is the first reservoir built in Texas in over 30 years. She reviewed the staff and organizations that were instrumental in planning a successful event, noting that 300 guests attended. A video of the ceremony and groundbreaking was presented.

Executive Director Covington announced that the City of Frisco selected Director Richard Peasley to receive its distinguished Veteran of the Year recognition. He will receive the award at Frisco's November 1st City Council meeting and will participate in the Veteran's Day parade on November 12th.

Executive Director Covington advised that the Budget in Brief for the next fiscal year has been provided to each Director, and the full budget is available to the Directors if they would like a copy and it is also posted on the District's website.

Executive Director Covington reviewed the recently completed Wilson Creek Wastewater Treatment Plant electrical improvements. She noted that the District's Engineering Department has received awards for this project.

VII. PUBLIC COMMENTS

Prior to the start of the meeting, speakers must complete and submit a "Public Comment Registration Form." During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is three (3) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items but may respond with factual or policy information.

Brian Galuardi representing the City of Rowlett addressed the Board regarding Rowlett's interest in becoming a Member of the District. He advised that Rowlett has been a Customer for many years and advised that they hope to submit a petition to become a Member according to the District's Enabling Legislation. He also congratulated the District on the Bois d'Arc Lake project.

VIII. DISCUSSION ITEMS

- A. Update on Sister Grove Regional Water Resource Recovery Facility

Deputy Director Cesar Baptista provided an update on the status of the Sister Grove Regional Water Resource Recovery Facility and the North McKinney Force Main and Lift Station. Location and site maps were reviewed as well as site photos. Mr. Baptista reviewed the financial status of the project, noting that approximately \$450 million has been authorized by the Board of Directors. The project schedule was provided.

B. Review of the fiscal year 2022 Regional Water System Variable Costs

Deputy Director Jeanne Chipperfield provided a review as follows of the Administration & Finance Policy, Section IV. Water Variable Cost Rebate as it was updated in August 2022:

- Board may consider a rebate of variable costs to Members and Customers who do not exceed their annual minimum for the Water Year.
- Rebate information to be reviewed at October Board Meeting and, if applicable, rebate payments placed on November Board meeting agenda.
- Total funds to be rebated calculated as the difference between the budgeted variable costs and the actual variable cost for the fiscal year. Should the variable cost budget be exceeded, then no rebate will be administered.
- Rebate funds are allocated to eligible Members and Customers based on the proportionate share of the underage on water minimums.

Ms. Chipperfield explained that the variable cost budget includes chemicals, power and certain water purchases. Two factors affected the variable costs in FY22:

- Extreme volatility in the chemical market required contract rebids; new contract price increases went into effect in June for several high usage chemicals.
- Extreme hot, dry early summer weather with unrestricted demands plus recent significant population growth significantly increased consumption in June and July.

Ms. Chipperfield advised that based on these factors, the FY22 amended budget for chemical expense was increased in July and August. At that time, it was communicated that a variable cost rebate would be unlikely due to the chemical cost increase. After that time there was a significant drop in demand following a call for conservation and rain, combined with additional chemical optimization efforts reducing actual chemical expense below levels previously anticipated. The total variable costs ended up slightly underbudget resulting in funds to be considered for rebate. Ms. Chipperfield provided a breakdown of budget and actual expense which reflects a preliminary rebate amount of approximately \$3 million, as well as an overview of consumption which dropped in the final three (3) months of the fiscal year. The list of Member Cities eligible for a variable cost rebate was reviewed.

Ms. Chipperfield advised that payment of the rebate does not negatively impact the District's fund balance. Operating and Contingency funds estimated balances were provided. If directed by the Board the rebates will be included on the Board's November agenda. President May directed her to proceed.

C. Review current fiscal year Capital projects

Deputy Director R.J. Muraski provided a comparison of the District's capital projects budget from previous years and the next six years, which is estimated at approximately \$6 billion. He advised this information is included in the District's Strategic Plan and has been provided to the cities.

Mr. Muraski provided a review of capital projects budgeted for FY22 for the Regional Water System, the Regional Wastewater System, the Upper East Fork Interceptor System and the Sewer System. Completed capital projects for FY22 were provided.

Mr. Muraski advised that for FY23 there are 24 design projects and 38 construction projects proposed. Those were reviewed. He noted that each of them must come before the Board for approval.

Discussion followed regarding the possible reimbursement of some relocation projects done at the request of TxDOT. Mr. Muraski noted that some of the smaller cities' pay for their own wastewater projects.

Location maps and project descriptions for FY23 were provided to the Directors.

A five-minute recess was taken at this time.

IX. EXECUTIVE SESSION

At 3:56 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss items IX. A. on the agenda pursuant to the Texas Government Code, Section 551.071, Consultation With Attorney.

A. Update on Oklahoma Red River Boundary Commission
(Tex. Gov't Code Section 551.071)

President May confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

Director John Carr recused himself from the Executive Session discussion.

X. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Chapter 551, the Board of Directors of NTMWD will reconvene into regular session to consider action, if any, on matters discussed in Executive Session.

Open Session reconvened at 5:33 p.m. The public teleconference line was reconnected.

No action was taken in Executive Session. No action was taken in open session as a result of Executive Session.

XI. CONSENT AGENDA ITEMS

President May inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. There were none.

Upon a motion by Director Phil Dyer and a second by Director Joe Farmer, the Board of Directors voted unanimously to approve the Consent Agenda.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-10-01**
- Consider approval of September 22, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 22-10-02**
- Consider approval of October 2022 Modification of Capital Projects Request
- C. **Ratification and approval of cost of professional services incurred with the sale of the Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds Series 2022 - Consent Agenda Item No. 22-10-03**
- Consider ratification and approval of the actions of the Executive Director authorizing professional services with McCall Parkhurst & Horton in the amount of \$128,891.55 and Hilltop Securities, Inc. in the amount of \$71,961.25 for a total of \$200,852.80 for costs incurred with the sale of the Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2022
- D. **Adoption of Resolution No. 22-46 authorizing the execution of an application to the Texas Commission on Environmental Quality (TCEQ) amending Water Use Permit No. 12152 - Consent Agenda Item No. 22-10-04**
- Consider adoption of Resolution No. 22-46 authorizing the Executive Director to file an application and necessary documents to amend Water Use Permit No. 12152 which allows NTMWD to transport water made available by the City of Dallas in Lake Tawakoni to Lake Lavon

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

WASTEWATER AGENDA ITEMS

- A. **Authorize Change Order No. 37 and an engineering services agreement (ESA) for the Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements, Phase I project – Administrative Memorandum No. 5869**
- Consider authorizing Change Order No. 37 with Pepper Lawson Waterworks, LLC in the amount of \$ 765,000 to replace the 304 stainless steel permeate piping to 316 stainless steel; and an ESA fee reduction in the amount of (\$322,936) for Project No. 301-0328-13, Rowlett Creek Regional Wastewater Treatment Plant (RWWTP) Peak Flow Management Improvements, Phase I

Director Ron Kelley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize funding for a construction change order to replace the pipe material for greater corrosion resistance.

Upon a motion by Director Ron Kelley and a second by Director John Sweeden, the Board of Directors voted unanimously to approve.

SOLID WASTE AGENDA ITEMS

B. Adoption of Resolution No. 22-47 authorizing annexation and zoning processes with the City of Melissa - Administrative Memorandum No. 5870

- Consider adopting Resolution No. 22-47 authorizing the Executive Director to proceed with annexation and zoning processes with the City of Melissa for the 12.677-acre Fleet Maintenance Annex Facility property adjacent to the 121 Regional Disposal Facility for Project No. 401-0569-20, 121 Regional Disposal Facility Fleet Maintenance Facility and Fleet Maintenance Annex Facility Improvements

Director David Hollifield advised that the Real Estate Committee discussed this item at the September 21st Real Estate Committee meeting.

This item authorizes the Executive Director to proceed with annexation and zoning processes with the City of Melissa for the Fleet Maintenance Annex Facility property adjacent to the 121 Regional Disposal Facility.

Director David Hollifield made a motion to approve. Director Don Gordon seconded motion.

Director Marvin Fuller requested zoning information regarding a 9.13 tract of land reflected on the map provided. Staff responded that the land is used a screening and has a ground storage tank on the property. It is currently zoned agricultural.

The Board of Directors voted unanimously to approve Resolution No. 22-47.

XIII. CLOSING ITEMS

A. Opportunity for Board members to provide feedback or request potential future agenda items.

Director Randy Roland requested additional information regarding the process for becoming a Member City. Executive Director Covington responded there are plans to discuss whether the Board wants to create a policy on this after the first of next year.

Director Terry Sam Anderson inquired about a potential date for the for Long Range Supply work session and dinner that was scheduled for that day. Executive Director Covington advised there is not a firm date yet.

XIV. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:43 p.m.

APPROVED:

JACK MAY, President

ATTEST:

GEORGE CRUMP, Secretary

DRAFT

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

CONSENT AGENDA ITEM NO. 22-11-02

MODIFICATION OF CAPITAL PROJECTS REQUEST

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors authorize the Modification of Capital Projects Request in accordance with NTMWD's Board Policies Manual for project changes greater than \$100,000 and less than \$500,000.

I. CONSTRUCTION CHANGE ORDERS ONLY

WATER SYSTEM

- a. Project No. 101-0338-13, Meter Vault Standardization, Set Point Control Phase III, Change Order No. 3

Description	Amount	Days
Original Contract Amount	\$13,470,395.00	570
Prior Change Order(s) Total	\$46,259.77	0
Proposed Change Order No. 3		
Wylie No. 2 additional electrical work	\$5,476.84	3
Wylie No. 2 piping modifications	\$13,407.34	2
Changes to implement comments received from city plan reviews	\$165,468.47	122
Oncor requested changes to McKinney No. 3 meter rack	\$12,386.85	4
Shutdown cancellations at Mesquite No. 3	\$52,989.79	62
Richardson No. 3 power supply Motor Control Center	\$18,826.38	152
Change motor operated valves to manually operated valves	\$86,401.08	18
Proposed Change Order No. 3 Increase	\$354,956.75	363
Revised Contract Amounts	\$13,871,611.52	933

Original Completion Dates: Substantial – January 26, 2022; Final – March 27, 2022

Revised Completion Dates: Substantial – January 24, 2023; Final – March 25, 2023

Funding in the amount of \$354,956.75 for Change Order No. 3 to Felix Construction Company, is available in the Regional Water System 2019A Construction Fund

WASTEWATER SYSTEM

- a. None.

SOLID WASTE SYSTEM

- a. None.

II. AUTHORIZATION TO ISSUE CONSTRUCTION FINAL PAYMENT ONLY

Work on the following projects is substantially complete with only minor deficiencies remaining. Final payment in the total amounts shown will be made on these projects when completion of all deficiency items is verified.

WATER SYSTEM

- a. None.

WASTEWATER SYSTEM

- a. Project No. 509-0455-17, Forney Mustang Creek Lift Station, Phase I

Description	Amount	Days
Original Contract Amount	\$15,197,000.00	634
Prior Change Order(s) Total	\$2,516,374.00	585
Previous Payments	\$16,827,705.30	
Proposed Final Payment to Crescent Constructors, Inc.	\$885,668.70	
Final Contract Amounts	\$17,713,374.00	1,219

Original Completion Dates: Substantial – December 14, 2020; Final – February 12, 2021
Revised Completion Dates: Substantial – July 22, 2022; Final – September 20, 2022

No additional funding is requested for final payment.

SOLID WASTE SYSTEM

- a. None.

III. CONSTRUCTION CHANGE ORDER AND AUTHORIZATION TO ISSUE FINAL PAYMENT ONLY

Work on the following projects is substantially complete with only minor deficiencies remaining. Final payment in the total amounts shown will be made on these projects when all work associated with the change order shown on the tabulation shall have been completed and accepted, and completion of all deficiency items is verified.

WATER SYSTEM

- a. None.

WASTEWATER SYSTEM

- a. Project No. 301-0599-21, Rowlett Creek Regional Wastewater Treatment (RWWTP) Train A Primary Clarifier Improvements

Description	Amount	Days
Original Contract Amount	\$1,339,350.00	270
Prior Change Order(s) Total	\$23,541.29	0
Proposed Change Order No. 3		
Credit for unused Bid Item No. 4 – Concrete Repair Mortars	(\$27,270.00)	0
Credit for unused Bid Item No. 5 – Additional Flex Base	(\$6,930.00)	0
Credit for unused Bid Item No. 6 – Concrete Crack Injection	(\$12,000.00)	0
Credit for unused Bid Item No. 7 – Structural Steel Allowance	(\$4,117.32)	0
Additional contract time (34 additional days for substantial completion and 14 additional days for final completion)	\$0.00	14
Proposed Change Order No. 3 Decrease	(\$50,317.32)	14
Final Contract Amounts	\$1,312,573.97	284

Original Completion Dates: Substantial – August 31, 2022; Final – September 30, 2022
Revised Completion Dates: Substantial – October 4, 2022; Final – October 14, 2022

Funding in the amount of (\$50,317.32) for Change Order No. 3 to BAR Constructors, Inc., will be credited back to the Regional Wastewater System Extendable Commercial Paper (ECP) Program.

SOLID WASTE SYSTEM

- a. None.

IV. AMENDMENTS TO ENGINEERING, INSPECTION AND/OR LEGAL SERVICES ONLY:

WATER SYSTEM

- a. None.

WASTEWATER SYSTEM

- a. Project No. 507-0549-19, Buffalo Creek Interceptor Tunnel

Description	Amount
Original ESA	\$2,391,254.00
Prior Additional Services	\$644,539.30
Proposed Additional Services	\$27,800.00
U.S. Army Corps of Engineers environmental requirement, Mitigation Agreement for the Bunker Sands Mitigation Bank	\$27,000.00
Flood Plain permit	\$ 800.00
Revised ESA Amount	\$3,063,593.30

Funding in the amount of \$27,800.00 for additional engineering services to Gresham Smith, is available in the Buffalo Creek Wastewater Interceptor System 2020 Construction Fund

SOLID WASTE SYSTEM

- a. None.

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

CONSENT AGENDA ITEM NO. 22-11-03

REGIONAL WATER SYSTEM MCKINNEY DELIVERY POINT NO 3 TO MCKINNEY DELIVERY POINT NO 4 PIPELINE PROJECT NO. 101-0505-18

RESOLUTION NO. 22 - 48

RIGHT-OF-WAY ACQUISITION PROGRAM

ACTION (*What*)

Authorize resolution to amend the previously approved Right-of-Way acquisition program to include the acquisition of property and easements.

PURPOSE (*Why*)

A section of the pipeline project is better suited to be acquired in fee instead of easement. Temporary construction easements are also needed as well as access easements at several locations to provide additional means of ingress and egress to the pipeline in the future.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors:

- 1) Authorize the Executive Director to amend a previously executed right-of-way acquisition program for the McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline, Project No. 101-0505-18, to add property and access easements; and,
- 2) Adopt Resolution No. 22-48, *“A Resolution Authorizing the NTMWD the Use of Eminent Domain to Acquire Property for the McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline, Project No. 101-0505-18, and Delegating Authority to Initiate Condemnation Proceedings to the NTMWD Executive Director.”*

Consultant: N/A

Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of property and easements for the project

Project: 101-0505-18, McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline

Funds: N/A

Strategic Objective: 3.3 Durable Strategic Partnerships

This was an item on the November 16, 2022, Real Estate Committee agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

PROJECT PURPOSE

- A Right-of-Way acquisition program was approved for McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline, Project No. 101-0505-18 by Ad Memo 5458, Resolution 19-42, August 2019.
- A portion of the project to be located within City of McKinney right-of-way is better suited to be acquired in fee instead of easement. Small portions of abutting properties will be acquired as property also.
- Additional temporary construction easements are needed for work adjacent to the fee property.
- Multiple access easements are needed for ingress and egress from roadways along the route to increase accessibility for future maintenance of the pipeline.
- Approximately 6.64 acres of property, 4.88 acres of additional temporary and 0.39 acres of access easements are required, as described in Exhibit "A" (line list).

SUPPORT SERVICES

- Employ the firm of Saunders, Walsh & Beard, Attorneys & Counselors, to act as counsel on the acquisition of easements.
- Employ an appraiser to provide appropriate reports.
- Employ a title company to provide professional services related to certain property ownership issues.
- Employ contracted land agents or acquisition company(s) to assist in easement acquisition.
- Employ survey services to perform title survey for purchase and acquisition, and verify property lines and potential easement locations when necessary.

FUNDING

FUND(S): No additional funding is requested.

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 22-48

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE MCKINNEY DELIVERY POINT NO. 3 TO MCKINNEY DELIVERY POINT NO. 4 PIPELINE, PROJECT NO. 101-0505-18, AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE NTMWD EXECUTIVE DIRECTOR

WHEREAS, the NTMWD Board of Directors previously authorized a Right-of-Way Acquisition Program for McKinney Delivery Point No. 3 To McKinney Delivery Point No. 4 Pipeline, Project No. 101-0505-18 (Project) by Administrative Memorandum No. 5458 and Resolution No. 19-42; and,

WHEREAS, a certain portion of the project is better suited to be acquired in fee; and,

WHEREAS, temporary easements are needed for work adjacent to fee property; and,

WHEREAS, the Project requires access easements to allow additional points of ingress and egress along the pipeline route; and,

WHEREAS, it is necessary to proceed with the acquisition of additional property and easements for construction, operation and maintenance of the Project improvements; and

WHEREAS, it may be necessary to acquire property and easements required for the Project through the use of eminent domain in the event negotiations are unsuccessful; and,

WHEREAS, it may be necessary to hire contracted land agents or acquisition companies, appraisers, and attorneys, in order to negotiate property and easement required for the Project.

NOW, THEREFORE, THE BOARD OF DIRECTORS IN A REGULAR MEETING DETERMINES AND RESOLVES THAT:

1. There is a public need for and that the public welfare and convenience are to be served by the improvements associated with the McKinney Delivery Point No 3 To McKinney Delivery Point No 4 Pipeline, Project No. 101-0505-18.
2. It is in the best interest and is necessary to acquire approximately 6.64 acres of property, approximately 4.88 acres of additional temporary and approximately 0.39 acres of permanent access easements for the Project, and across the properties described in Exhibit "A" attached hereto, and incorporated by reference herein, to provide the required working area for prosecution of the work, and operation and maintenance of the facilities.
3. The Executive Director is authorized to employ surveyors to assist in the acquisition process, as required.
4. The power to initiate eminent domain proceedings is hereby delegated to the Executive Director and she is hereby authorized to take all steps necessary to acquire the easements for the Project; including the hiring of negotiators, appraisers, Title Company, and attorneys.

RESOLUTION NO. 22-48
PAGE 2

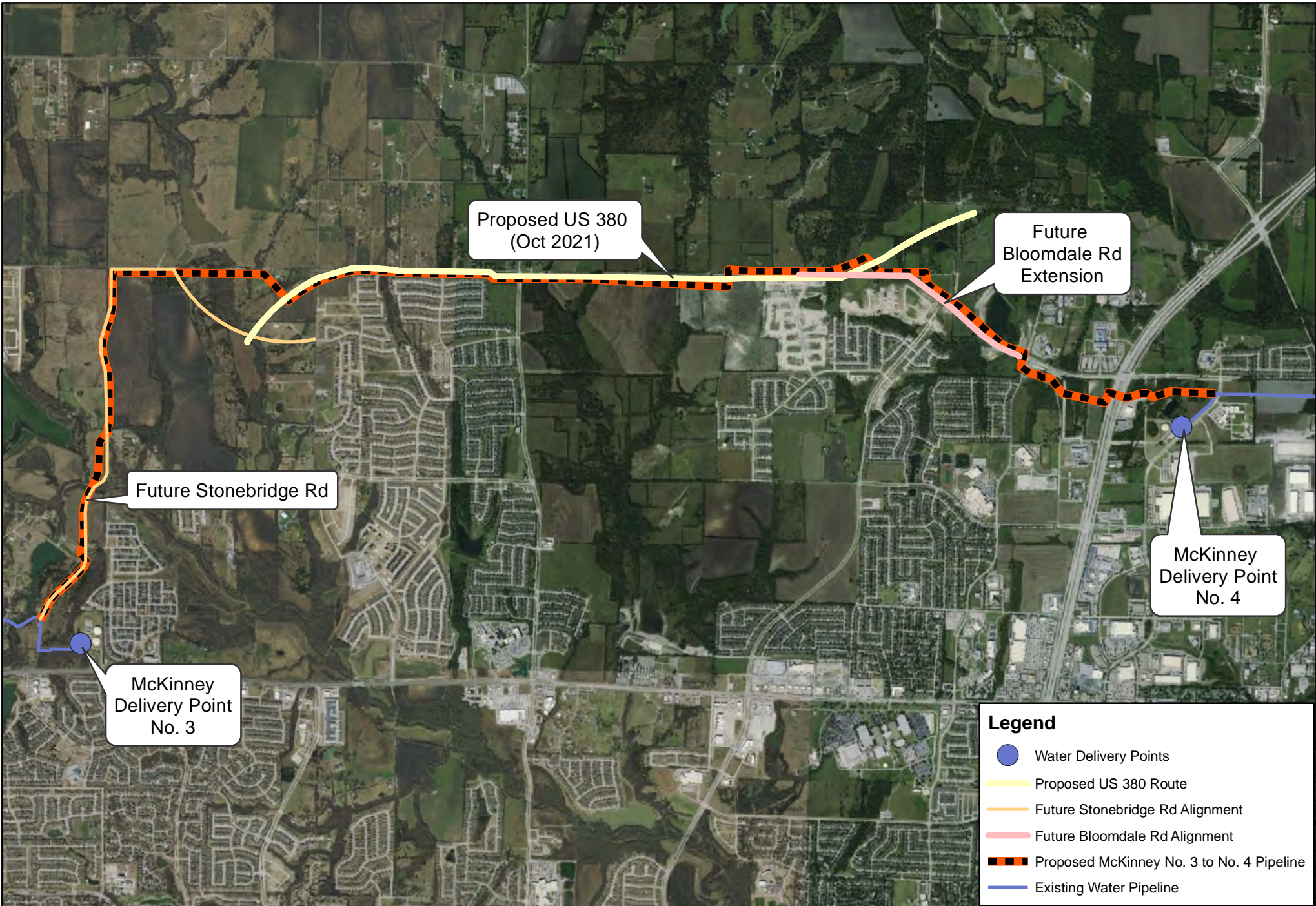
5. The Executive Director is authorized to employ the firm of Saunders, Walsh & Beard, Attorneys and Counselors, to represent the NTMWD in these land transactions; including filing of Petitions for Condemnation on properties when the Executive Director determines the property cannot be secured through negotiations and after issuance of a final offer letter in accordance therewith.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON NOVEMBER 17, 2022, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

GEORGE CRUMP, Secretary

JACK MAY, President

(SEAL)



McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline
Project No. 101-0505-18
Consent Agenda Item No. 22-11-03



EXHIBIT "A"

REGIONAL WATER SYSTEM
MCKINNEY DELIVERY POINT NO. 3 TO MCKINNEY DELIVERY POINT NO. 4 PIPELINE
PROJECT NO. 101-0505-18

LINE LIST

Parcel No.	Property Owner Name	Permanent Easement (Acres)	Temporary Easement (Acres)	Access Easement (Acres)	Fee Simple (Acres)
1-1	MCKINNEY, CITY OF	1.77	0.00	0.00	0.00
1-2	MCKINNEY, CITY OF	0.23	0.00	0.00	0.00
2	BVJV WATAUGA LP	0.94	0.00	0.00	0.00
3	CCC PARTNERSHIP LP	2.87	0.00	0.00	0.00
4	COLLIN COUNTY	2.16	0.00	0.00	0.00
6 R-1	ANCHOR CHURCH	0.43	0.00	0.00	0.00
7	RWR PARTNERS LP	1.87	0.00	0.00	0.00
8	BLOOMDALE 140 LP	2.57	0.00	0.00	0.00
9	CITY OF MCKINNEY	0.39	0.00	0.00	0.00
10	BORNEO 6SJ	1.42	0.00	0.00	0.00
11a	MAC TMK LP	3.99	1.84	0.02	0.00
11b	CANVAS MCKINNEY	1.11	0.00	0.00	0.00
12	CITY OF MCKINNEY	5.60	0.00	0.00	0.00
13	JEN TEXAS 22 LLC	3.15	0.00	0.00	0.00
19	CHRIST REDEEMER CHURCH	1.34	0.00	0.00	0.00
20	CITY OF MCKINNEY	5.03	0.00	0.00	0.00
21	BOILERMAKER INVESTMENTS LLC	1.27	0.00	0.00	0.00
22	CITY OF MCKINNEY BLOOMDALE RD ROW	0.00	1.17	0.00	6.05
23a	JMJ VENTURES LLC	0.00	0.57	0.00	0.13
23b	JMJ VENTURES LLC	0.00	0.54	0.00	0.32
24	SCICCHITANO RICCARDO	0.00	0.04	0.00	0.02
25	ROGERS LARRY & AE	0.00	0.48	0.00	0.12
26	FOUR CHRISTIE INVESTMENT PROPERTIES LTD	1.71	0.08	0.00	0.00
27	RIDGE MCKINNEY REALTY LLC	2.38	0.00	0.00	0.00
28	HENDERSON TERRY & SUSAN	0.26	0.00	0.00	0.00
29	DAVID WILLIAM MARK	2.10	0.00	0.12	0.00
30	BILLINGSLEY 380 NORTH LTD	3.81	0.00	0.13	0.00
31-1	BILLINGSLEY CORNELL CAPITAL LP	4.55	0.00	0.13	0.00
31-2	BILLINGSLEY CORNELL CAPITAL LP	2.97	0.00	0.00	0.00
32-1	BILLINGSLEY 380 NORTH LTD	1.91	0.00	0.00	0.00
32-2	BILLINGSLEY 380 NORTH LTD	2.66	0.00	0.00	0.00
33	BAYNE JAMES G	0.25	0.00	0.00	0.00
14-1	SLC MCKINNEY PARTNERS LP	6.43	0.00	0.00	0.00
14-2	SLC MCKINNEY PARTNERS LP	0.69	0.00	0.00	0.00
34	KEVIN VOIGT LIVING TRUST	0.00	0.32	0.00	0.00
35	COMBS KEVIN P & LACY N REVOCABLE TRUST	0.00	0.07	0.00	0.00
36	DALE JOHNTHAN E & ELIZABETH	0.00	0.40	0.00	0.00
37	TBD THROUGH TITLE SEARCH	0.00	0.35	0.00	0.00
38	REYES CESAR & RENEE REYES	0.00	0.03	0.00	0.00
39	ZAFAR ZAHID & FATIMA FAMILY REVOCABLE TRUST	0.00	0.40	0.00	0.00
40	MORRIS FRANK & PATSY REVOCABLE LIVING TRUST	0.00	0.20	0.00	0.00
41	LEWIS CHARLES & AMELIA	0.00	0.02	0.00	0.00
42	CACON FRANCISCO	0.00	0.13	0.00	0.00
43	TBD THROUGH TITLE SEARCH	0.00	0.03	0.00	0.00
44	LANDE JOSEPH A	0.00	0.05	0.00	0.00
TOTAL ACREAGES		65.86	6.72	0.39	6.64

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

CONSENT AGENDA ITEM NO. 22-11-04

UPPER EAST FORK INTERCEPTOR SYSTEM BECK BRANCH PARALLEL INTERCEPTOR PROJECT NO. 501-0439-16

RESOLUTION NO. 22 - 49

RIGHT-OF-WAY ACQUISITION PROGRAM

ACTION (*What*)

Authorize resolution to amend the previously approved Right-of-Way acquisition program to add additional permanent easement to this project.

PURPOSE (*Why*)

NTMWD has permission to install within a City of Plano easement, but an easement is needed from the property owner.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors:

- 1) Authorize the Executive Director to amend a previously executed right-of-way acquisition program for the Beck Branch Parallel Interceptor, Project No. 501-0439-16, to add additional permanent easement; and,
- 2) Adopt Resolution No. 22-49, *"A Resolution Authorizing the Use of Eminent Domain to Acquire Right-of-Way for the Beck Branch Parallel Interceptor, Project No. 501-0439-16, and Delegating Authority to Initiate Condemnation Proceedings to the NTMWD Executive Director."*

Consultant: N/A

Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of easements for the project

Project: 501-0439-16, Beck Branch Parallel Interceptor

Funds: N/A

Strategic Objective: 1.3 Proactive Asset and Maintenance Management

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input checked="" type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

PROJECT PURPOSE

- Ad Memo 5070 and Resolution 17-53, December 2017, approved a Right-of-Way acquisition program for Project No. 501-0439-16, Beck Branch Parallel Interceptor.
- A portion of the pipeline shall be installed within a City of Plano easement.
- NTMWD has permission to install within the City of Plano easement, but an easement is needed from the underlying property owner.
- Approximately 0.13 acres of permanent easement is required, as described in Exhibit "A" (line list).

SUPPORT SERVICES

- Employ the firm of Saunders, Walsh & Beard, Attorneys & Counselors, to act as counsel on the acquisition of easements.
- Employ an appraiser to provide appropriate reports.
- Employ a title company to provide professional services related to certain property ownership issues.
- Employ contracted land agents or acquisition company(s) to assist in easement acquisition.
- Employ survey services to perform title survey for purchase and acquisition, and verify property lines and potential easement locations when necessary.

FUNDING

FUND(S): No additional funding is requested.

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 22-49

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY FOR THE BECK BRANCH PARALLEL INTERCEPTOR, PROJECT NO. 501-0439-16, AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE NTMWD EXECUTIVE DIRECTOR

WHEREAS, the NTMWD Board of Directors previously authorized a Right-of-Way Acquisition Program for Beck Branch Parallel Interceptor, Project No. 501-0439-16 (Project) by Administrative Memorandum No. 5070 and Resolution No. 17-53; and,

WHEREAS, NTMWD has permission to install a portion of the pipeline within a City of Plano easement encumbering a parcel of land; and,

WHEREAS, NTMWD must acquire an easement over the same area encumbered by the City of Plano easement; and,

WHEREAS, it is necessary to proceed with the acquisition of easements for construction, operation and maintenance of the Project improvements; and

WHEREAS, it may be necessary to acquire the easements required for the Project through the use of eminent domain in the event negotiations are unsuccessful.

NOW, THEREFORE, THE BOARD OF DIRECTORS IN A REGULAR MEETING DETERMINES AND RESOLVES THAT:

1. There is a public need for and that the public welfare and convenience are to be served by the improvements associated with the Beck Branch Parallel Interceptor, Project No. 501-0439-16.
2. It is in the best interest and is necessary to acquire approximately 0.13 acres of permanent easement for the Project, and across the properties described in Exhibit "A" attached hereto, and incorporated by reference herein, to provide the required working area for prosecution of the work, and operation and maintenance of the facilities.
3. The Executive Director is authorized to employ surveyors to assist in the acquisition process, as required.
4. The power to initiate eminent domain proceedings is hereby delegated to the Executive Director and she is hereby authorized to take all steps necessary to acquire the easements for the Project; including the hiring of negotiators, appraisers, Title Company, and attorneys.
5. The Executive Director is authorized to employ the firm of Saunders, Walsh & Beard, Attorneys and Counselors, to represent the NTMWD in these land transactions; including filing of Petitions for Condemnation on properties when the Executive Director determines the property cannot be secured through negotiations and after issuance of a final offer letter in accordance therewith.

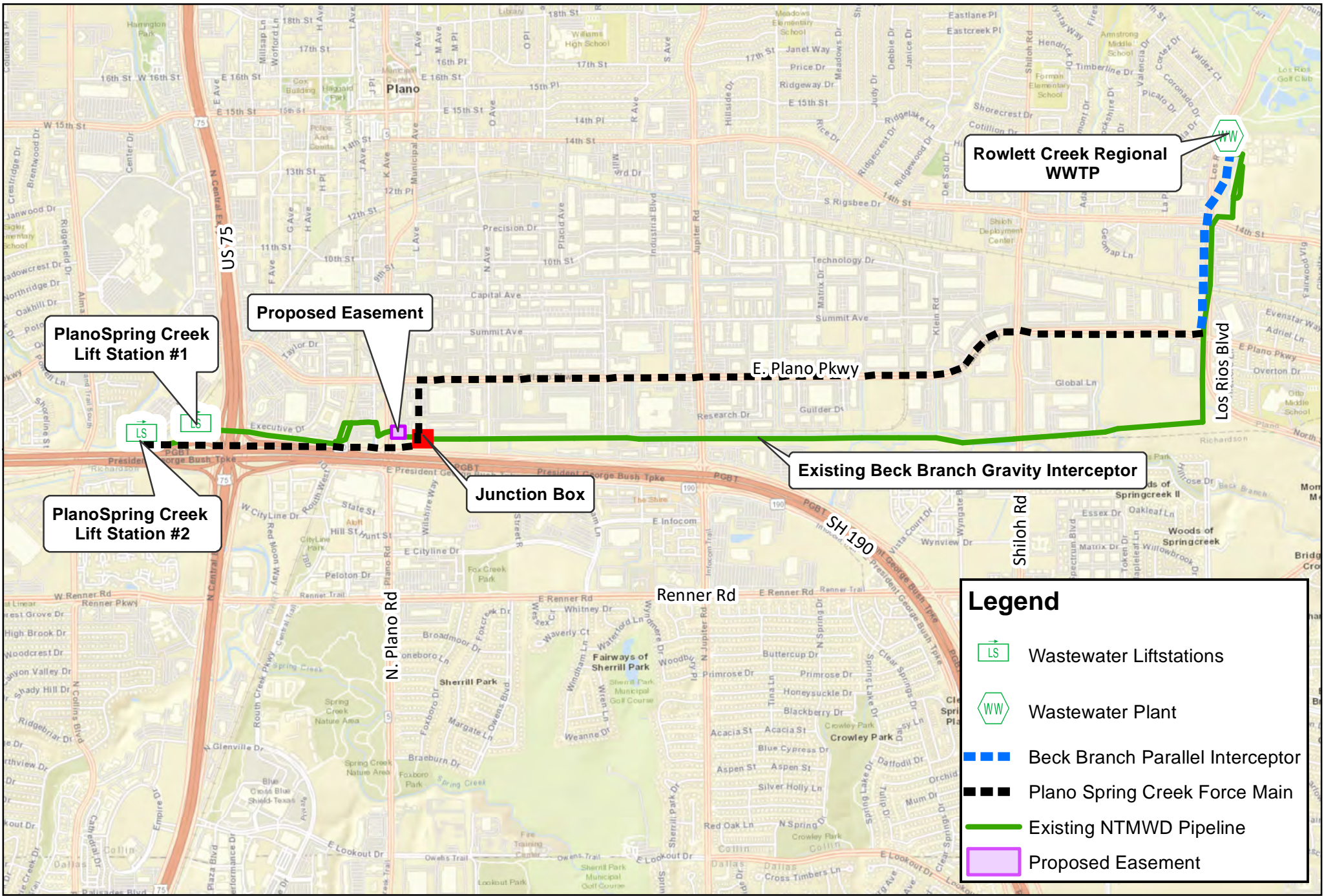
**RESOLUTION NO. 22-49
PAGE 2**

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON NOVEMBER 17, 2022, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

GEORGE CRUMP, Secretary

JACK MAY, President

(SEAL)



**Rowlett Creek Regional
WWTP**

Proposed Easement







**PlanoSpring Creek
Lift Station #1**

**PlanoSpring Creek
Lift Station #2**

Junction Box

Existing Beck Branch Gravity Interceptor

Legend

-  Wastewater Liftstations
-  Wastewater Plant
-  Beck Branch Parallel Interceptor
-  Plano Spring Creek Force Main
-  Existing NTMWD Pipeline
-  Proposed Easement



**Beck Branch Parallel Interceptor
Project No. 501-0439-16
Consent Agenda Item No. 22-11-04**



UPPER EAST FORK INTERCEPTOR
BECK BRANCH PARALLEL INTERCEPTOR
PROJECT NO. 501-0439-16

EXHIBIT "A"
 UPPER EAST FORK INTERCEPTOR SYSTEM
 BECK BRANCH PARALLEL INTERCEPTOR
 PROJECT NO. 501-0439-16

LINE LIST

<u>PARCEL NO.</u>	<u>PROPERTY OWNER NAME</u>	<u>TEMP ESMT (ACRES)</u>	<u>PERM ESMT (ACRES)</u>
01	United Rentals	0.0000	0.5062
05	1200 Plano Pkwy LLC - DBA Regal Research & Mfg.	0.2049	0.5463
05AE		0.0000	0.3895
13	Richard & Reed Ruschhaupt	0.7103	0.0000
28	Via West Inc.	0.0000	0.0611
29	FFIV	0.2030	0.4446
30	Flextronics Intl USA Inc	1.4030	1.1640
31	Chigani Real Estate	0.5505	0.4420
32	ActAeon LLC	0.4815	0.4723
34	Imad Inc.	0.0000	0.4516
35	Dallas Area Rapid Transit (DART)	0.0000	0.0500
36	CORE5 Business Center at Plano LLC	0.0000	0.3503
37	Hibernia National Bank dba Capital One NA	0.0160	0.0872
67	City of Plano	0.9345	1.0810
68	Oncor Electric Delivery Company LLC	0.0000	0.0469
70	Informatics Properties LLC	2.0100	0.0000
80	Woodmont Plano Avenue K LLC	0.0000	0.1300
TOTAL		6.5137	6.2230

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5871

WATER SYSTEM VARIABLE COST REBATES FISCAL YEAR 2021-22

ACTION *(What)*

Rebate monies paid by applicable Member Cities and Customers per the District's Water Variable Cost Rebate Policy, Section IV of the Administration and Finance Policy Manual.

PURPOSE *(Why)*

If authorized by the Board of Directors, the rebate shall be allocated amongst all eligible Member Cities and Customers based upon each Member City or Customer's proportionate share of the total volume eligible for rebate.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors authorize Water System Rebates for Fiscal Year (FY) 2021-22 in the amount of \$2,793,511.32 per the attached schedule.

Staff reviewed the preliminary FY 2021-22 Water System Rebates with the Board of Directors on October 27, 2022, and recommended placing the rebates for consideration by the Board of Directors at the November 2022 Board meeting.

Strategic Objective: 2.3 Rigorous Financial Management

DRIVER(S) FOR THIS PROJECT

- | | |
|--|--|
| <input type="checkbox"/> Regulatory Compliance | <input type="checkbox"/> Asset Condition |
| <input type="checkbox"/> Capacity | <input type="checkbox"/> Redundancy/Resiliency |
| <input type="checkbox"/> Relocation or External Requests | <input type="checkbox"/> Operational Efficiency |
| <input type="checkbox"/> Safety | <input checked="" type="checkbox"/> Administrative |
| <input type="checkbox"/> Policy | <input type="checkbox"/> Other _____ |

BACKGROUND

- Section 4 of the Administration and Finance Policy Manual, Water Variable Cost Rebate Policy, requires the NTMWD staff to provide the Board of Directors a schedule of Water System Variable Costs Rebates on an annual basis as a discussion item in October of each year and that after considering the financial condition of the NTMWD, the Board of Directors

shall either instruct the Executive Director to place the rebates on the November agenda for consideration, or accept the report as information only.

- The policy regarding Water System rebates was adopted in 1993. The policy was updated in August 2022 stating that the funds to be considered for rebate shall be calculated as the difference between the budgeted fiscal year variable costs and the corresponding fiscal year unaudited variable expenses in the Regional Water System.
- Rebates have been authorized each year except in 1996 and 1998.
- The total rebate amount for FY 2021-22 has been calculated to be \$2,793,511.32, and the NTMWD is in a financial position to fund the rebates.
- A copy of the 2021-22 Water Variable Cost Rebate Schedule is attached.
- The Water Variable Cost Rebate Policy specifically states that Member Cities/customers are not eligible for a rebate if they are establishing annual requirements by contract negotiations.

REGIONAL WATER SYSTEM 2021-22 WATER VARIABLE COST REBATES

	CONSUMPTION (1,000 Gallons)			% of Total Rebate Volume	REBATE (proportionate share)
	ANNUAL MINIMUM	ACTUAL USAGE	Rebate Volume (1,000 gal)		
MEMBERS					
Farmersville	279,486	255,527	23,959	0.213%	\$ 5,960.74
Garland	13,674,674	11,251,971	2,422,703	21.577%	602,742.38
Mesquite	8,254,231	6,512,923	1,741,308	15.508%	433,218.66
Plano	26,600,916	22,343,378	4,257,538	37.917%	1,059,229.55
Richardson	10,968,729	9,248,589	1,720,140	15.320%	427,952.28
Wylie	1,873,784	1,768,869	104,915	0.934%	26,101.72
Total Members	61,651,820	51,381,257	10,270,563	91.469%	\$ 2,555,205.33
CUSTOMERS					
College Mound SUD	78,066	38,717	39,349	0.350%	\$ 9,789.61
Copeville SUD	134,140	130,209	3,931	0.035%	977.99
Fate	279,932	115,456	164,476	1.465%	40,919.86
Gastonia-Scurry SUD	110,490	86,417	24,073	0.214%	5,989.10
Kaufman	459,989	434,112	25,877	0.230%	6,437.92
Kaufman Four-One	555,695	514,690	41,005	0.365%	10,201.60
Milligan WSC	149,894	105,028	44,866	0.400%	11,162.18
Mt. Zion WSC	159,302	108,131	51,171	0.456%	12,730.79
Rowlett	3,192,039	2,823,646	368,393	3.281%	91,652.21
Sachse	1,332,153	1,249,639	82,514	0.735%	20,528.59
Wylie N.E. SUD #1	307,630	195,422	112,208	0.999%	27,916.14
Total Customers	6,759,330	5,801,467	957,863	8.531%	\$ 238,305.99
Grand Total	68,411,150	57,182,724	11,228,426	100.000%	\$ 2,793,511.32

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5872

REGIONAL WATER SYSTEM
BOIS D'ARC LAKE POWER SUPPLY
PROJECT NO. 101-0362-14

RAYBURN COUNTRY ELECTRIC COOPERATIVE
AUTHORIZATION OF TERMINATION AGREEMENT

ACTION (*What*)

Authorize a termination agreement for two projects undertaken by Rayburn Country Electric Cooperative, Inc. (RCEC) to supply electric transmission service to the Bois d'Arc Lake (BDL) Raw Water Pump Station (RWPS) and the Leonard Water Treatment Plant (WTP).

PURPOSE (*Why*)

This action acknowledges RCEC is complete with both electric transmission projects, and the costs for those projects have been approved by the Public Utility Commission of Texas (PUC) for recovery under the Transmission Cost of Service (TCOS) program.

RECOMMENDATION

The Executive Director, NTMWD staff and Lloyd Gosselink Rochelle & Townsend, P.C., recommend the Board of Directors authorize the Executive Director to execute the "Termination Agreement" with Rayburn Country Electric Cooperative, Inc. as follows:

Electric

Service: Rayburn Country Electric Cooperative, Inc.

Scope: Termination Agreement for Electric Transmission Power Agreements for the Bois d'Arc Lake Raw Water Pump Station and Leonard Water Treatment Plant

Project: Project No. 101-0362-14, Bois d'Arc Lake Power Supply

Amount: (\$5,229,000)

Strategic

Objectives: 1.2: Successfully Deliver Capital Program, and 1.4: Reliable and Resilient Systems

This will be an item on the November 16, 2022, Water Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

PROJECT PURPOSE

- Provide high voltage electric transmission service with its associated infrastructure to the BDL dam and RWPS.
- Provide high voltage electric transmission service with its associated infrastructure to the Leonard WTP and Leonard WTP High Service Pump Station (HSPS).
- Construct a portion of two electric power substations at the facilities listed above.

PREVIOUS AGREEMENTS WITH RCEC

- NTMWD agreed to reimburse RCEC for its costs to perform the engineering, environmental and legal work needed to submit a request for Certificates of Convenience and Necessity (CCN) from the Public Utility Commission of Texas (PUC) for the high voltage electric transmission lines, as well as the design for two electric substations, if RCEC's costs were not recoverable from the TCOS program. The CCN essentially gives RCEC the authority to construct the lines as well as the right of eminent domain. NTMWD reserved \$3,924,000.00 toward this reimbursement if needed, although RCEC required no upfront funding.
- NTMWD reserved an additional \$1,305,000.00 in a separate agreement to reimburse RCEC for its costs to design the high voltage portions of the electric substations at the BDL dam and Leonard WTP sites, including the HSPS. RCEC requested no upfront funding for this project as well.
- RCEC obtained the CCN for both projects, and they have completed construction of the transmission lines and high voltage interconnect switching stations.
- RCEC also has completed construction of their portions of the two electric substations that were eligible for cost recovery from TCOS.

TERMINATION AGREEMENT

- The PUC has approved RCEC's request for cost recovery from TCOS, so NTMWD has no further obligation to RCEC for this work. Both RCEC and NTMWD wish to terminate these agreements.
 - This document finalizes NTMWD's commitment and acknowledges that RCEC's costs were recoverable through TCOS.
 - The Termination Agreement was reviewed by Lloyd, Gosselink, Rochelle and Townsend, P.C., and a copy is attached to this Administrative Memorandum.
-

RCEC SUMMARY OF TERMINATION AGREEMENT

Description	Amount
Reserved funding for RCEC for high voltage electric transmission service to the Leonard WTP and Leonard WTP HSPS (Refer to Administrative Memorandum No. 4658)*	\$3,924,000
Reserved funding for RCEC for high voltage electric transmission service to BDL dam and RWPS (Refer to Administrative Memorandum No. 4688)*	\$1,305,000
Final Reserved Amount (decrease)	\$5,229,000

* The funding listed above represents the amounts NTMWD reserved for these projects, not the amount to be refunded since RCEC requested no upfront funding.

FUNDING

FUND(S): Encumbered funds in the amount of (\$5,229,000) is to be credited back to the Regional Water System Capital Improvement Fund.

TERMINATION AGREEMENT

(RELATED TO CONSTRUCTION OF ELECTRIC UTILITY FACILITIES TO SERVE THE NTMWD LOWER BOIS D'ARC LAKE WATER TREATMENT AND WATER PUMPING FACILITIES)

THIS TERMINATION AGREEMENT (“Termination Agreement”) is entered into as of the last date of signature below (the “Effective Date”), by and between the North Texas Municipal Water District (“NTMWD”) and Rayburn Country Electric Cooperative, Inc. (“Rayburn”). Rayburn and NTMWD are collectively referred to as the “Parties” and each individually as a “Party”. Capitalized terms used but not defined in this Agreement shall have the meanings given to them in the Project Agreements.

RECITALS

WHEREAS, the Parties previously entered into that certain Agreement for Pre-Construction Work Associated with One Transmission Line dated August 24, 2016, and that certain Agreement for Reimbursement of Costs for Two Transmission Lines and Portions for Two Substations dated January 25, 2019 (collectively, the “Project Agreements”); and

WHEREAS, the Project Agreements obligated Rayburn to construct electric utility facilities to serve the NTMWD Bois d’Arc Lake water treatment and water pumping facilities located in Fannin County, Texas, as more particularly described in said Project Agreements (the “Work”); and

WHEREAS, the Work is complete and the Public Utility Commission of Texas (“PUCT”), by its Order, dated October 6, 2022, approved Rayburn’s Application for Transmission Cost of Service (“TCOS”) recovery, which included all costs incurred by Rayburn for the Work, in PUCT Docket No. 52353; and

WHEREAS, Rayburn desires to release NTMWD from its obligation under the Project Agreements to reimburse Rayburn for any costs of Work not recoverable as TCOS; and

WHEREAS, the Parties desire to terminate the Project Agreements on the terms set forth herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants, agreements and obligations of the Parties herein set forth, the Parties agree as follows:

1. The Project Agreements are hereby terminated as of the Effective Date, defined hereinabove, on the basis that the Work contemplated thereunder is complete and the costs incurred by Rayburn for Work were recovered under TCOS, SAVE AND EXCEPT that NTMWD shall release and hold Rayburn harmless from any and all claims and liability related to liens filed by contractors, entities or other persons as a result of the Work; and
2. As a result of this termination, each Party, on behalf of itself and its respective present and former subsidiaries, affiliates, officers, directors, members, successors, and assigns (collectively, "Releasors") hereby releases, waives, and forever discharges the other Party and its respective present and former, direct and indirect, affiliates, employees, officers, directors, members, agents, representatives, permitted

successors, and permitted assigns (collectively, "Releasees") of and from any and all actions, causes of action, suits, losses, liabilities, rights, debts, obligations, costs, expenses, liens, bonds, covenants, promises, damages, judgments, claims, and demands, of every kind and nature whatsoever, whether now known or unknown, foreseen or unforeseen, matured or unmatured, suspected or unsuspected, in law or equity (collectively, "Claims"), which any of such Releasers ever had, now have, or hereafter shall or may have against any of such Releasees for, upon, or by reason of any matter or cause from the beginning of time through the date of this Termination Agreement arising out of or relating to the Project Agreements, except for any Claims relating to rights and obligations preserved by, created by, or otherwise arising out of this Termination Agreement.

No Representations. Rayburn, its agents and employees have made no representations, promises, or made any inducements, written and verbal, which are not contained herein. The Parties are not bound by or liable for any statement, representation, promise, inducement, understanding, or undertaking of any kind or nature (whether written or oral) with regard to the subject matter hereof not set forth or provided for herein. Each Party agrees that it is not relying on any statement not herein contained.

Texas Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas excluding any conflict of law or other provision referencing the laws of another jurisdiction.

Recitals. The recitals at the beginning of this Agreement are incorporated into this Agreement for all purposes.

Further Assurances. Each Party agrees to execute and deliver any such instruments and to perform any such acts as may be necessary or reasonably requested by any other Party in order to give full effect to the terms of this Agreement.

No Third-Party Beneficiaries. Nothing in this Agreement is intended to confer any right, remedy, or claim under or by reason of this Agreement to any party other than NTMWD and Rayburn.

Authorization. Each person signing this Agreement as a party or on behalf of a party represents that he or she is duly authorized to sign this Agreement on such party's behalf, and is executing this Agreement voluntarily, knowingly, and without any duress or coercion.

Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall be but a single instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date set forth above.

**RAYBURN COUNTRY
ELECTRIC COOPERATIVE, INC.**

**NORTH TEXAS MUNICIPAL
WATER DISTRICT**

By: _____

By: _____

Name: David Naylor

Name:

Title: President/CEO

Title:

Date: _____

Date: _____

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5873

REGIONAL WATER SYSTEM
BONHAM WATER TREATMENT PLANT INTAKE IMPROVEMENTS
PROJECT NO. 101-0582-21

TABULATION OF PROPOSALS AND AWARD OF CONTRACT
AND AUTHORIZE INSPECTION SERVICES

ACTION (*What*)

Award a construction contract and authorize inspection services for the Bonham Water Treatment Plant (WTP) Intake Improvements project.

PURPOSE (*Why*)

This project is designed to dredge the intake channel at the Bonham WTP to improve access to higher quality water at the intake structure.

RECOMMENDATION

The Executive Director, NTMWD staff, and Freese and Nichols, Inc. recommend the Board of Directors authorize the award of a contract as follows:

Contract: Dredge America, Inc.

Scope: Construction Services

Project: No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements

Amount: Construction Contract: \$999,975
Internal Inspection Services: \$ 27,000

Strategic Objective: 1.1 High Quality Services
1.4 Reliable and Resilient System Capacity

This will be an item on the November 16, 2022, Water Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input checked="" type="checkbox"/> Asset Condition
<input type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

The significant collection of sediment occurring in the lake bottom depression around the raw water pump intake structure results in source water quality that is challenging to treat under many conditions. To access higher quality water, dredging of the Bonham WTP intake structure is required.

Due to the specialty nature of dredging operations, in May 2022 the Board of Directors approved Consent Agenda Item No. 22-05-06 authorizing the use of Competitive Sealed Proposal procurement approach for this project.

PROJECT PURPOSE

- Provide access to generally lower-turbidity water at the water treatment plant intake
- Improving raw water quality to make the treatment process more efficient and reliable

PROJECT COMPONENTS

- Dredge approximately 4,100 cubic yards of material (estimate, based on design phase survey) from the intake channel and at the raw water pump station intake
- Dredge collected material from inside the intake structure
- Sediment sampling
- Develop the temporary decant site to accept dredgate
- Install temporary piping to move dredgate to the decant site, and to return water from decant site to Lake Bonham
- Install new marker buoys around the intake structure to encourage a safe boating buffer

BEST VALUE PROPOSAL

NTMWD utilized a Competitive Sealed Proposal selection approach per Section 2269 Contracting and Delivery Procedures for Construction Projects of the Texas Administrative Code. This method involves the evaluation and scoring of proposals according to certain key project approach criteria, including price, experience with similar work and conditions, planned approach for this project, and key personnel. Proposals were received from two contractors on Tuesday, October 11, 2022.

Dredge America, Inc. achieved the best overall evaluated score, including the lowest price of \$999,975, and is recommended as providing the best value proposal to the District.

TABULATION OF PROPOSALS

Sealed proposals for construction were received at 2:00 p.m. on Tuesday, October 11, 2022, as tabulated below:

Proposer	Total Bid	Recommendation
Dredge America, Inc.	\$999,975.00	Lowest responsible bid and highest ranked proposal Recommended for Award
Viking Dredging, LLC	\$1,178,927.00	
ENGINEER'S OPINION OF PROBABLE COST	\$1,027,900.00	

PROPOSER HISTORY

Dredge America, Inc. has completed one project with NTMWD, and has successfully completed or is currently in construction on several projects of similar size and complexity:

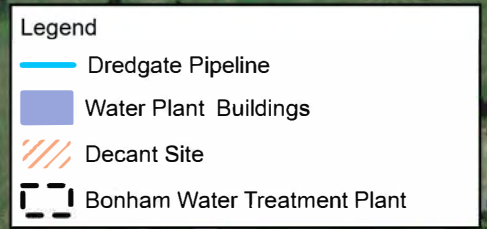
- NTMWD Project No. 101-0350-14, Lavon Lake Raw Water Pump Stations Intake Channel Improvements – Remove approximately 34,500 cubic yards of material from intake channels at NTMWD Raw Water Pump Station Nos. 2 and 3. (Cost was \$2,020,963.20 – Completed September 2015.)
- Wolf Creek Nuclear Operating Corporation – removed approximately 50,000 cubic yards of material from the intake channel. Project located in Burlington, Kansas. (\$220,000)
- Lake Panorama Rural Improvement Zone – Remove approximately 730,000 cubic yards of material. Project located in Panora, Iowa. (\$4,117,500)
- Tennessee Valley Authority – removed approximately 13,000 cubic yards of material from the plant's ultimate heatsink channel. Project located in Athens, Alabama. (\$1,209,000)

INTERNAL INSPECTION SERVICES

NTMWD will utilize internal inspection staff to cover all inspection tasks. The costs to NTMWD related to this internal inspection coverage is approximately \$27,000.

FUNDING

FUND(S): Funding in the amount of \$999,975 to Dredge America, Inc. and \$27,000 for internal inspection services is to be made available in the Regional Water System 2019A Construction Fund.



Bonham Water Treatment Plant Intake Improvements
Project No. 101-0582-21
Administrative Memorandum No. 5873



NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5874

REGIONAL WATER SYSTEM
PLANO-MCKINNEY WATER TRANSMISSION SYSTEM, PHASE I
RELOCATION OF 84-INCH AND 42-INCH PIPELINES
PROJECT NO. 101-0544-19

CHANGE ORDER NO. 1

ACTION (*What*)

Authorize Change Order No. 1 with Garney Companies, Inc. (Garney) for remobilization and additional work necessary to facilitate Texas Department of Transportation's (TxDOT's) proposed widening of Farm-to-Market Road (FM) 2551.

PURPOSE (*Why*)

As part of the relocation of portions of the existing NTMWD 84-inch and 42-inch pipelines, this change order addresses the clearing of unknown conflicts, replacement of an inoperative blowoff valve, and additional contractor costs due to demand-driven work delays.

RECOMMENDATION

The Executive Director, NTMWD staff and BGE, Inc. recommend the Board of Directors authorize a construction change order as follows:

Contractor: Garney Companies, Inc.

Scope: Construction, Change Order No. 1

Project: No. 101-0544-19, Plano-McKinney Water Transmission System Phase I,
Relocation of 84-inch and 42-inch Pipelines

Amount: \$525,171.88

Strategic Objective: 3.3 Durable Strategic Partnerships

DRIVER(S) FOR THIS PROJECT

- | | |
|---|---|
| <input type="checkbox"/> Regulatory Compliance | <input type="checkbox"/> Asset Condition |
| <input type="checkbox"/> Capacity | <input type="checkbox"/> Redundancy/Resiliency |
| <input checked="" type="checkbox"/> Relocation or External Requests | <input type="checkbox"/> Operational Efficiency |
| <input type="checkbox"/> Safety | <input type="checkbox"/> Administrative |
| <input type="checkbox"/> Policy | <input type="checkbox"/> Other _____ |

PROJECT PURPOSE

- TxDOT is in the process of widening FM 2551 between FM 2514 and FM 2170 in Parker and Allen.
- NTMWD maintains two existing water transmission pipelines within NTMWD easements, but these easements will be partially impacted by the planned TxDOT widening.
- Portions of the existing 84-inch and 42-inch pipelines that lie within the limits of the revised future TxDOT right-of-way need to be relocated for protection and repair/maintenance access.

PROJECT COMPONENTS

- Approximately 477 linear feet of 42-inch steel water pipe
- Approximately 2,000 linear feet of 84-inch steel water pipe
- Blow off valves (BOV's), combination air release valves and other appurtenances

PROPOSED CHANGE ORDER

- In preparation a critical piping connect an existing blowoff valve (to be opened by NTMWD for draining the line) was found to be inoperable. The Contractor used his equipment and men to excavate and open the BOV in order to continue with the time-sensitive shutdown.
- A City of Parker 12-inch waterline (WL) was not in the location indicated by as-built plans provided by the City, and was found to be in direct conflict with the relocations at 3 locations along the 84-inch pipeline.
- The contractor completed the 42-inch waterline relocation and tie-in during spring 2022, but was delayed in relocation of the 84-inch line until the conflicts could be resolved. The delays resulted pushed the work time beyond the available shutdown window, which is driven by critical system demands. Garney was asked to demobilize until the Fall 2022 shutdown season, which started October 31st.

CHANGE ORDER NO. 1

Description	Amount	Days
Original Contract Amount	\$6,881,176.00	180
Prior Change Order(s) Total	\$0.00	0
Proposed Change Order No. 1		
WL-A BOV operation (during shutdown)	\$4,510.80	0
WL-A City of Parker 12-inch waterline relocation	\$70,502.79	0
WL-D City of Parker 12-inch waterline relocation (South)	\$52,287.41	0
WL-D City of Parker 12-inch waterline relocation (North)	\$58,623.83	0
De-mobilization and re-mobilization (high demand)	\$339,247.05	180
Proposed Change Order No. 1 Amounts	\$525,171.88	180
Revised Contract Amounts	\$7,406,347.88	360

FUNDING

FUND(S): Funding in the amount of \$525,171.88 to Garney Companies, Inc. is to be made available in the Regional Water System 2019A Construction Fund.

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5875

REGIONAL WATER SYSTEM
FORNEY-TO-TERRELL PUMP STATION COMMUNICATIONS TOWER
PROJECT NO. 101-0542-19

TABULATION OF BIDS AND AWARD OF CONTRACT AND AUTHORIZE INSPECTION SERVICES

ACTION (*What*)

Authorize award of a construction contract and internal inspection services for construction of a new communications tower at the Forney-to-Terrell Pump Station to serve the southern area of the Water Transmission System.

PURPOSE (*Why*)

This tower will serve as a relay point for monitoring and control communications between several remote sites in low-lying areas in the southern transmission system and the main control room at the Wylie Water Treatment Plant. The tower will enhance communications by providing updated equipment and by providing reliable signal paths with twelve other facility sites in the South Transmission System.

RECOMMENDATION

The Executive Director, NTMWD staff, and Pape-Dawson Engineers, Inc. recommend the Board of Directors authorize the award of a construction contract as follows:

Contractor: Schofield Civil Construction, LLC

Scope: Construction

Project: No. 101-0542-19, Forney-to-Terrell Pump Station Communications Tower

Amount:	Construction Contract:	\$2,670,000
	Internal Inspection Services:	\$ 200,000

Strategic Objectives: 1.1 High Quality Services
1.4 Reliable and Resilient Systems

This will be an item on the November 16, 2022, Water Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input type="checkbox"/> Capacity	<input checked="" type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

PROJECT PURPOSE

- Provide a tower at the Forney-to-Terrell Pump Station Site to boost signal strength between the South System and Wylie.
- Primary and current communication with remote sites in the South Transmission System is via radio repeating through the Wetlands Conveyance Pump Station to Wylie. Radio communication has degraded over time due to increased volume of data transmitted through the network and area development, which impacts signal paths.
- The Engineer’s estimated opinion of probable construction cost (OPCC) is \$2,000,000.
- This project was originally advanced and authorized as the Hailey Pump Station, Ground Storage Tank Rehabilitation and Site Improvements and Forney-to-Terrell Communications Tower. When bids for this project came in at twice the Engineer’s OPCC the scope items related to the Hailey Pump Station site were re-evaluated for timing of the most critical needs.
- It was determined that while the Forney-to-Terrell Pump Station Communications Tower remains a priority, the Hailey Pump Station site tasks can be delayed in an attempt to align with a more- advantageous bidding environment.
- In restructuring the scope of this project, it is also recommended that the project name be changed to Forney-to-Terrell Pump Station Communications Tower to reflect the reduction in scope.

PROJECT COMPONENTS

- Provide new Federal Communications Commission (FCC) license radio and 195-foot radio tower at the Forney-to-Terrell Pump Station site to improve communication with 12 other facility sites in the South System.
- Construct an approximately 500 linear feet concrete access drive from the existing Forney Maintenance Facility.

TABULATION OF BIDS

Sealed bids for construction were received at 2:00 p.m. on Wednesday, October 12, 2022, as tabulated below:

Bidder	Total Bid	Recommendation
Schofield Civil Construction, LLC	\$2,670,000.00	Lowest responsible bid Recommended for Award

ENGINEER'S OPINION OF PROBABLE COST	\$2,000,000.00	
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RECEIPT AND EVALUATION OF BID

Only one bid was received in this second round of bidding as opposed to three bidders in the initial bid effort. It is likely that the removal of civil and structural scope items impacted the interest of at least two of the original bidding general contractors. Despite the reduced pool of bidders the price for the communications tower was 26% higher than OPCC, which is an improvement over the original scope of the project that was 100% higher than the OPCC. The communications tower and related radio equipment integration are specialized construction that have a very limited pool of competent and available contractors, which contributes to higher base costs than more general construction work.

The project remains a critical need for reliability of the transmission system and the bidder and subcontractors are experienced and knowledgeable for this scope of work.

LOWEST RESPONSIBLE BIDDER HISTORY

Schofield Civil Construction, LLC has successfully completed or is currently in construction on several projects for the NTMWD:

- Project No. 101-0422-16, Wylie Water Treatment Plant (WTP) IV Filter Repair, Early Work Package No. 1 (completed October 2022)
- Project No. 101-0511-18 Wylie WTP I Washwater Supply Tank Improvements (currently in construction)
- Project No. 101-0568-20 Wylie Water Treatment Plant II Sedimentation Basin Troughs Improvements (currently in construction)
- Project No. 101-0543-19, Forney Delivery Point No. 1 Site Improvements (currently in construction)

Schofield Civil Construction, LLC has successfully completed or is currently in construction on several other projects of similar size and complexity:

- Phase 2 - Oak Grove WWTP Improvements, City of Ennis, Texas - \$4,000,000
- Mart Intake and Water Treatment Plant, City of Mart, Texas - \$7,000,000
- Solar Biosolids Dryer, City of Surprise, Arizona - \$1,400,000
- Disinfection Improvements, City of Surprise, Arizona - \$841,000
- Trinity River Authority Meter Station Rehabilitation - \$656,000
- Well No. 9 Booster Pump Station and Reservoir, Valley Utilities Water Company, Glendale, Arizona - \$2,300,000
- Riley Drive Wastewater Lift Station, City of Avondale, Arizona. Cost - \$762,000.
- General Land Office Wastewater Treatment Plant Improvement Plan, City of Jewett, Texas - \$464,000.
- Fort Mojave Tribal Utilities Authority Booster Station, Fort Mojave Indian Tribe (near Mohave Valley, Arizona) - \$2,600,000
- Rio De Flag Wastewater Treatment Plant Ultraviolet System Replacement Project, City of Flagstaff, Arizona - \$1,200,000

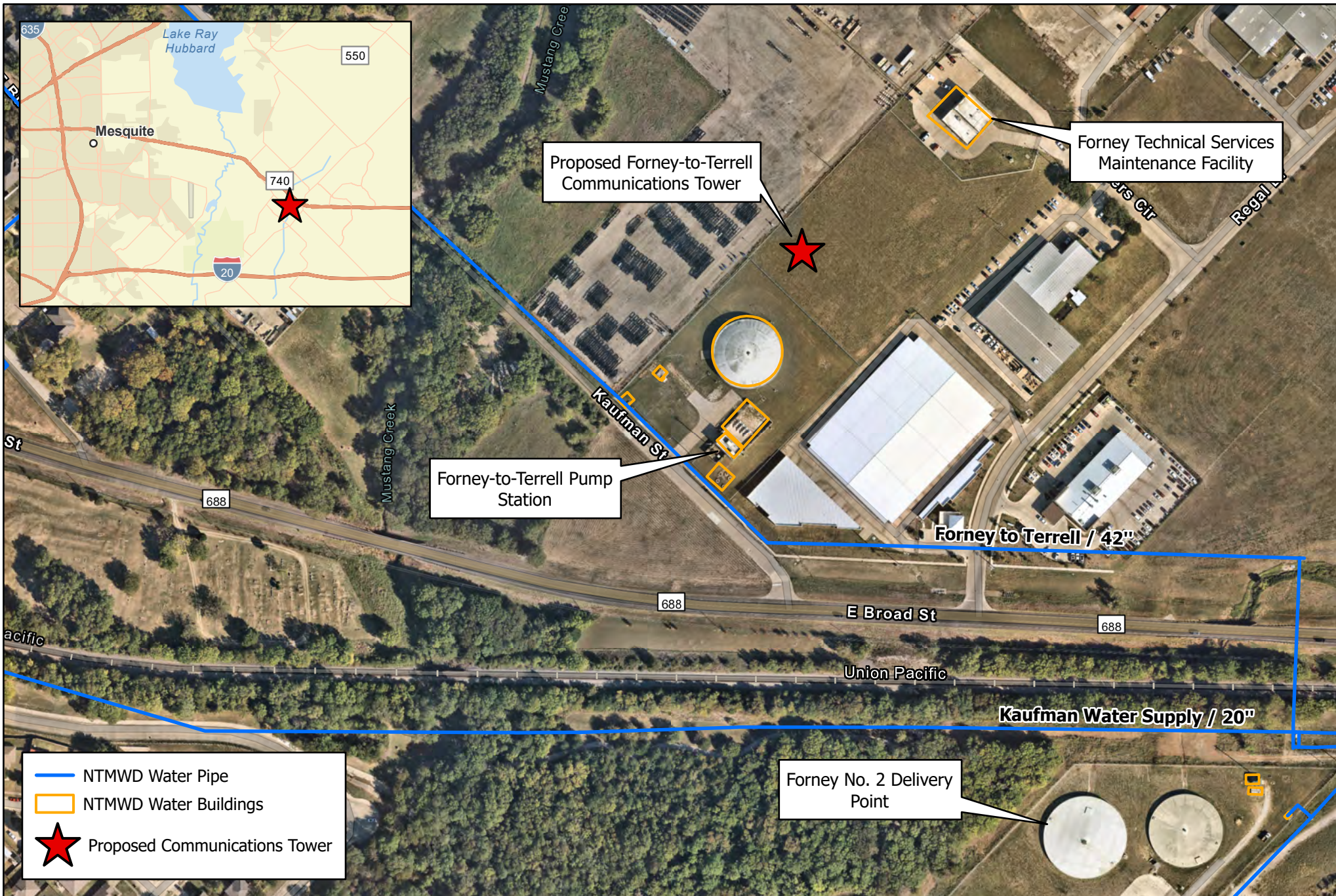
Notwithstanding the single bid received, based on their standing as lowest responsible bidder, the information provided, and reports by the supplied references, NTMWD staff and Pape-Dawson Engineers, Inc., recommend award of the contract to Schofield Civil Construction, LLC.

INTERNAL INSPECTION SERVICES

NTMWD will utilize internal inspection staff to cover all inspection tasks. The costs to NTMWD related to this internal inspection coverage is approximately \$200,000.

FUNDING

FUND(S): Funding in the amount of \$2,670,000 to Schofield Civil Construction, LLC, and \$200,000 for NTMWD internal inspection services is to be made available in the Regional Water System 2021 Construction Fund.



Forney-to-Terrell Pump Station Communications Tower
Project No. 101-0542A-19
Administrative Memorandum No. 5875



NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5876

BUFFALO CREEK INTERCEPTOR SYSTEM
BUFFALO CREEK PARALLEL INTERCEPTOR, PHASE I
PROJECT NO. 507-0484-17

CHANGE ORDER NO. 6

ACTION (*What*)

Authorize Change Order No. 6 with Mountain Cascade of Texas, LLC for two additional items outlined in this Administrative Memorandum.

PURPOSE (*Why*)

The purpose of this change order is to: (1) renew the required contractor flood insurance for work within the 100-year flood plain as a result of delays acquiring easements, and (2) replace an existing pedestrian bridge and additional trail within an easement per easement settlement agreement.

RECOMMENDATION

The Executive Director, NTMWD staff and Huitt-Zollars, Inc. recommend the Board of Directors authorize a construction change order as follows:

Contractor: Mountain Cascade of Texas, LLC

Scope: Construction, Change Order No. 6

Project: No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I

Amount: \$384,011.82

Strategic Objective: 1.2 Successfully Deliver Capital Program
1.4 Reliable and Resilient System

This was on the October 26, 2022, Wastewater Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input checked="" type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

PROJECT PURPOSE

- Increase conveyance capacity to meet the immediate and projected 2040 projected flow conditions due to population growth in the cities of Forney, Heath, and Rockwall as recommended by the Buffalo Creek Interceptor System, Forney Interceptor System, Lower East Fork Interceptor System, and Mustang Creek Interceptor System Capacity Assessment by Burgess and Niple in 2017.
- Provide a new gravity interceptor to parallel the existing Buffalo Creek Interceptor from the Buffalo Creek Wastewater Treatment Plant (WWTP) to Manhole No. 3015 north of Farm-to-Market Road (F.M.) 740, with interconnections to the existing interceptor.
- Provide for the rehabilitation of manholes located along the existing Gravity Sewer Section 1 and Gravity Sewer Section 2 interceptors.

PROJECT COMPONENTS

- Construct approximately 43,600 linear feet of wastewater pipe (36-inch to 48-inch diameter) from the Buffalo Creek WWTP to F.M. 740, including bore with encasement at selected locations.
- Construct manholes and odor control equipment as required to meet the anticipated operating conditions of the gravity sewer.
- Rehabilitate manholes along the existing Buffalo Creek Interceptor, from the Buffalo Creek WWTP to the Buffalo Creek Lift Station.

PROPOSED CHANGE ORDER

- Renewal of the required contractor-required flood insurance.
 - The original construction completion date is November 3, 2022.
 - The project is predominately located within a 100-year flood plain.
 - The contract requires the contractor to obtain flood insurance.
 - Construction progress and schedule was impacted due to delays acquiring all of the easements and due to a May 31, 2022, stop work order issued by the City of Heath that required NTMWD to obtain a tree mitigation permit in reference to the City of Heath's Tree Preservation Ordinance.
 - All remaining easements and clearance to resume tree clearing and construction with the City of Heath's jurisdiction were obtained on July 5, 2022
 - The renewed flood insurance extends coverage through April 2, 2023.
- Remove and replace an existing pedestrian bridge and additional trail
 - A property owner, TR Heath Crossing, constructed a pedestrian sidewalk/culvert/bridge and additional trail within NTMWD's proposed easement
 - The property owner's improvements were constructed after the project was surveyed and designed and after the project was bid and awarded to the contractor
 - NTMWD's easement obligates NTMWD to restore improvements that were damaged and removed during construction. During easement negotiations, the property owner prefers

NTMWD restore the improvements in lieu of additional compensation. The NTMWD's attorney and Real Estate agreed that NTMWD replace the improvements disturbed by construction in the interest of closing the easement.

- This additional work will add 10 additional calendar days to the contract time

The following item was discussed at the Wastewater Committee meeting, however, after additional review and consideration, NTMWD staff does not recommend this option.

- Option to upgrade sheet pile driver methodology at the Buffalo Creek Golf Course irrigation pond.

The following item was also discussed at the Wastewater Committee meeting. NTMWD staff are coordinating with the contractor on the proposed changes and anticipate presenting it to the Board for approval in December or January timeframe.

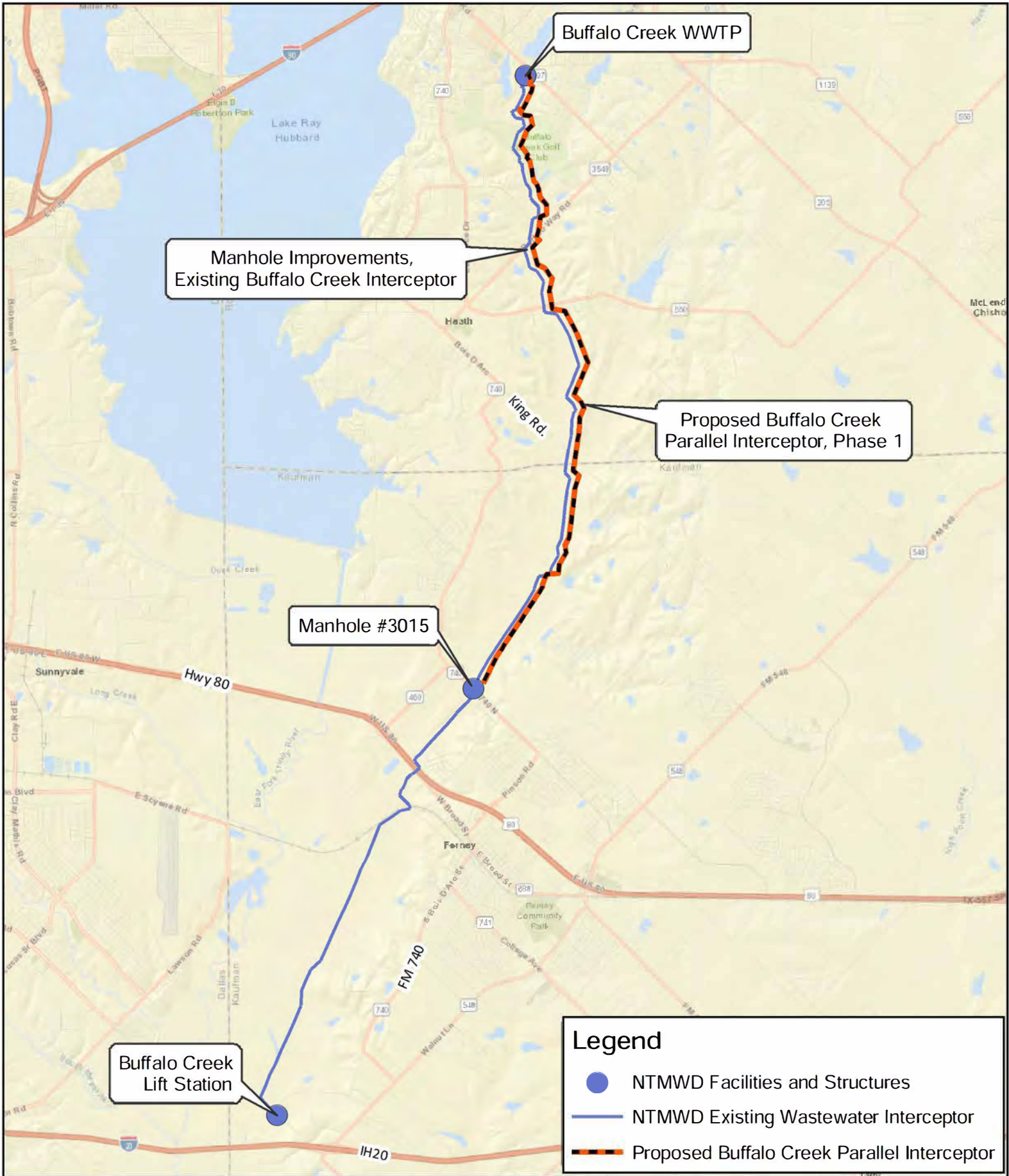
- Additional manhole rehabilitation work to meet current NTMWD standards. The overall scope is being evaluated by the project team.

CHANGE ORDER NO. 6

Description	Amount	Days
Original Contract	\$24,630,180.00	610
Prior Change Order(s) Total	\$597,509.04	74
Proposed Change Order No. 6		
Additional contractor-required flood insurance	\$263,624.37	0
Remove and replace existing pedestrian bridge and additional trail	\$120,387.45	10
Proposed Change Order No. 6 Increase	\$384,011.82	10
Revised Contract Amount	\$25,611,700.86	734

FUNDING

FUND(S): Funding in the amount of \$384,011.82 to Mountain Cascade of Texas, LLC, is to be made available from the Buffalo Creek Wastewater Interceptor System 2020 Construction Fund.



Buffalo Creek Parallel Interceptor, Phase I
Project No. 507-0484-17
Administrative Memorandum No. 5876



NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5877

REGIONAL WATER SYSTEM
LAKE TEXOMA PUMP STATION 2019 ELECTRICAL IMPROVEMENTS, PHASE 1
PROJECT NO. 101-0530-19

RESOLUTION NO. 22-50

RIGHT-OF-WAY ACQUISITION PROGRAM

ACTION (*What*)

Authorize funding and resolution to acquire a permanent easement needed for an electrical building.

PURPOSE (*Why*)

Additional acreage is needed for a new electrical building, which will house a new electrical system to serve the Lake Texoma pump station.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors:

- 1) Authorize the Executive Director to execute a right-of-way acquisition program for the Lake Texoma Pump Station 2019 Electrical Improvements, Phase I, Project No. 101-0530-19, in the amount of \$13,000.00; and,
- 2) Adopt Resolution No. 22-50, "*A Resolution Authorizing the NTMWD Executive Director to Acquire Permanent Easement Required for the Lake Texoma Pump Station 2019 Electrical Improvements, Phase I, Project No. 101-0530-19.*"

Consultant: N/A

Scope: Property acquisition and the necessary support services to facilitate purchasing of permanent easement for the project

Project: Project No. 101-0530-19, Lake Texoma Pump Station 2019 Electrical Improvements, Phase I

Amount: \$13,000

Strategic Objective: 1.4 Reliable and Resilient Systems

This was an item on the November 16, 2022, Real Estate Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input checked="" type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input checked="" type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

PROJECT PURPOSE

- Lake Texoma Pump Station (PS) was constructed and operates upon a permanent easement conveyed by United States Army Corps of Engineers (USACE).
- Phase I of this project consists of replacing the existing electrical system serving the Lake Texoma PS.
- The new electrical system will serve the larger pumping units to be installed during Phase II.
- Additional acreage is needed to construct a building to house the new electrical system.
- USACE shall convey the easement for no monetary compensation, but a budget is needed for associated costs: legal expenses, recording fees, and any others that may arise.
- Approximately 2.04 acres of permanent easement are recommend for acquisition as described in Exhibit "A" (line list).

SUPPORT SERVICES

- Employ the firm of Saunders, Walsh & Beard, Attorneys & Counselors, to act as counsel on the acquisition of the properties.
- Employ an appraiser to provide appropriate reports.
- Employ a title company to provide professional services related to certain property ownership issues.
- Employ survey services to perform title survey for purchase and acquisition, and verify property lines and potential easement locations when necessary.
- Employ contracted land agents, coordinators, and/or acquisition company(s) to assist in transaction management and easement acquisition.

FUNDING

FUND(S): Funding in the amount of \$13,000 is to be made available in the Regional Water System Capital Improvement Fund.

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 22-50

A RESOLUTION AUTHORIZING THE NTMWD EXECUTIVE DIRECTOR TO ACQUIRE PROPERTY REQUIRED FOR THE LAKE TEXOMA PUMP STATION 2019 ELECTRICAL IMPROVEMENTS, PHASE I, PROJECT NO. 101-0530-19

WHEREAS, the NTMWD Board of Directors previously authorized the Engineering Services Agreement for the Lake Texoma Pump Station (LTPS) 2019 Electrical Improvements, Phase I, Project No. 101-0530-19 (Project), by Administrative Memorandum No. 5796; and,

WHEREAS, Phase I of the Project consists of replacing the existing electrical system serving the LTPS; and,

WHEREAS, a building shall be constructed to house the new electrical system; and,

WHEREAS, additional acreage is needed for the building; and,

WHEREAS, United States Army Corps of Engineers (USACE) conveyed a permanent easement for the construction and operation of the LTPS; and,

WHEREAS, USACE will convey a permanent easement to provide adequate area for the construction of the building; and,

WHEREAS, it is necessary to proceed with the acquisition of easements for construction, operation and maintenance of the Project improvements; and

WHEREAS, it may be necessary to hire appraisers and attorneys, in order to negotiate easements required for the Project; and,

WHEREAS, adequate funds in the amount of \$13,000 for project 101-0530-19 is available in the Regional Water System Capital Improvement Fund for the acquisition of properties needed for the Project.

NOW, THEREFORE, THE BOARD OF DIRECTORS IN A REGULAR MEETING DETERMINES AND RESOLVES THAT:

1. There is a public need for and that the public welfare and convenience are to be served by the improvements associated with the Lake Texoma Pump Station 2019 Electrical Improvements, Phase I, Project No. 101-0530-19.
2. It is in the best interest and is necessary to acquire approximately 2.04 acres in permanent easement for the Project and across the properties described in Exhibit "A" attached hereto, and incorporated by reference herein, to provide the required working area for prosecution of the work, and operation and maintenance of the facilities.
3. The Executive Director is authorized to employ appraisers, surveyors, Title Company, and attorneys to assist in the acquisition process, as required.

4. The Executive Director is authorized to employ the firm of Saunders, Walsh & Beard, Attorneys and Counselors, to represent the NTMWD in these land transactions.
5. A budget of \$13,000 is authorized for this land acquisition program.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON NOVEMBER 17, 2022, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

GEORGE CRUMP, Secretary

JACK MAY, President

(SEAL)



Lake Texoma Pump Station 2019 Electrical Improvements
Project No. 101-0530-19
Administrative Memorandum No. 5877



EXHIBIT "A"

REGIONAL WATER SYSTEM
LAKE TEXOMA PUMP STATION
2019 ELECTRICAL IMPROVEMENTS, PHASE I
PROJECT NO. 101-0530-19

LINE LIST

Parcel No.	Property Owner	Permanent Electrical Easement (Acres)
01	United States of America	2.04
TOTAL ACREAGE		2.04

NORTH TEXAS MUNICIPAL WATER DISTRICT

NOVEMBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5878

REGIONAL SOLID WASTE SYSTEM
121 REGIONAL DISPOSAL FACILITY
SECTORS 6B AND 6C MASS EXCAVATION
PROJECT NO. 401-0614-22

TABULATION OF BIDS AND AWARD OF CONTRACT AND INSPECTION SERVICES AGREEMENT

ACTION (*What*)

Award a construction contract and inspection services agreement for the 121 Regional Disposal Facility (121 RDF) Sectors 6B and 6C Mass Excavation project.

PURPOSE (*Why*)

This project excavates Sectors 6B and 6C for future development of the landfill liner and leachate collection system to continue to serve the Solid Waste member cities through the 121 Regional Disposal Facility.

RECOMMENDATION

The Executive Director, NTMWD staff and Biggs and Mathews Environmental, recommend the Board of Directors authorize the award of a contract as follows:

Contract: Construction Contract: Rigid Constructors, LLC
Inspection Services Agreement: Biggs and Mathews Environmental

Scope: Construction and Inspection Services

Project: No. 401-0614-22, 121 RDF Sectors 6B and 6C Mass Excavation

Amount: Construction Contract: \$2,947,352
Inspection Services Agreement (outsourced): \$ 184,000

Strategic Objectives: 1.2 Successfully Deliver Capital Program
1.4 Reliable and Resilient System

This will be an item on the November 16, 2022, Solid Waste Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

PROJECT PURPOSE

- Excavation of Sectors 6B and 6C of the 121 Regional Disposal Facility.
- NTMWD generally excavates Austin Chalk material for the next cell to be constructed.
- Cell progression is from east to west and due to increasing depth as excavation activities approach the western end of the landfill the excavation quantity is greater than in-house capability.
- A third-party contractor will ensure excavation grades are met when cell construction must begin.
- This project will ensure sufficient airspace is available to support landfill operations.

PROJECT COMPONENTS

- Approximately 600,000 cubic yards (CY) of Austin Chalk excavation
 - Approximately 10,000 cubic yards of clay soil stockpiling
 - Approximately 6,000 linear feet of silt fence
 - Construction of 121 RDF Austin Chalk stockpile
-

TABULATION OF BIDS

Sealed bids for construction were received at 2:00 p.m. on October 20, 2022, as tabulated below:

Bidder	Total Bid	Recommendation
CST Sitework, LLC	\$2,597,638.00	Withdrew bid
Rigid Constructors, LLC	\$2,947,352.00	Lowest responsible bid Recommended for Award
FCS Construction, LP	\$3,063,000.00	
Mario Sinacola and Sons Excavating, Inc.	\$3,351,600.00	
Young's General Contracting, Inc.	\$3,532,510.00	
Hammett Excavation, Inc.	\$4,350,400.00	
4X Construction Group, LLC	\$5,131,500.00	
Sema Construction, Inc.	\$5,150,800.00	
RPMx Construction, LLC	\$5,459,900.00	
Stephenson Dirt Contracting, LLC	\$6,878,931.00	
ENGINEER'S OPINION OF PROBABLE COST	\$4,901,815.00	

LOWEST RESPONSIBLE BIDDER HISTORY

CST Sitework, LLC (CST) was the lowest bidder. CST did not attend the pre-bid meeting. Biggs & Mathews Environmental (BME) and NTMWD staff contacted CST to confirm it understood the scope of the project. CST stated it was unaware of the extent of excavation in the Austin Chalk rock layer and requested withdrawal of its bid. On Monday October 24, 2022, NTMWD staff received a formal request from CST Sitework, LLC to withdraw its bid.

Rigid Constructors, LLC (Rigid) submitted the lowest responsible bid. Rigid attended the pre-bid meeting, visited the construction site and confirmed to BME and NTMWD staff it understands the full scope of work including the extent of Austin Chalk excavation.

Rigid has completed the following list of similar projects:

- Maxter Distribution Facility Mass Grading Phase I, Houston TX, 850,000 CY of Excavation
- Vermilion Regional Detention, Lafayette Parish LA, 6,200,000 CY of Excavation
- Comite River Diversion Segment 2A, Baton Rouge LA, 1,400,000 CY of Excavation
- Calcasieu River CDF-D, Westlake LA, 3,200,000 CY of Excavation

Based on their standing as lowest responsible bidder, the information provided, reports by the supplied references, and history of successful project completion, the NTMWD staff and Biggs and Mathews Environmental recommend award of the contract to Rigid Constructors, LLC.

INSPECTION SERVICES AGREEMENT

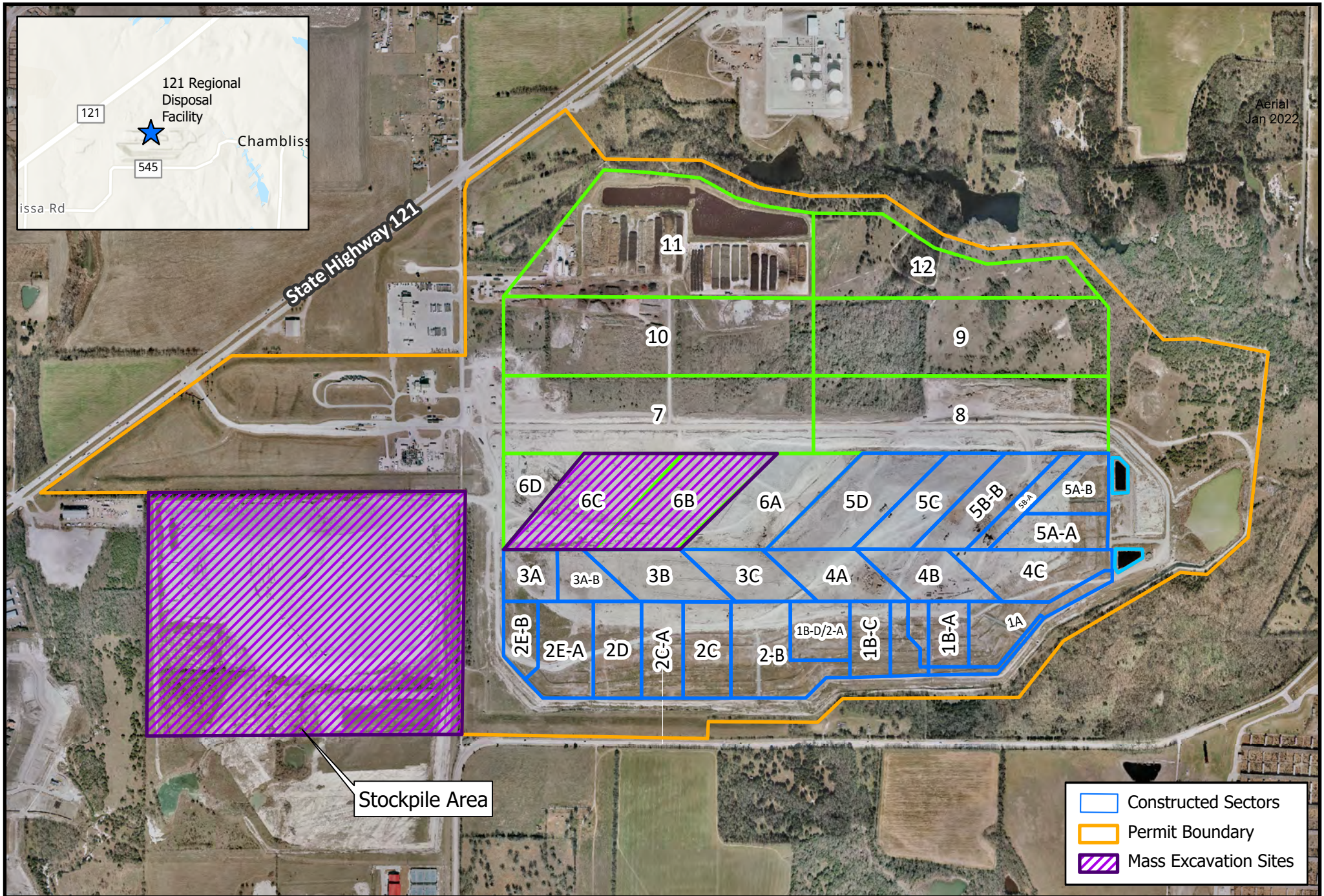
INSPECTION SERVICES FEE

- NTMWD normally provides inspection services for the NTMWD projects. However, due to current project workload, the NTMWD staff recommends that Biggs and Mathews Environmental (BME) be retained to provide full-time inspection services. BME is currently the engineer of record for the 121 Regional Disposal Facility.
 - BME has proposed to provide:
 - Eight days per month to observe project activities at the site and time for project management (1,040 hours at a rate of approximately \$126.54 per hour, resulting in the amount of \$131,600.00)
 - Collect aerial drone topography data no less than once per month for quantity verification (20 total at a rate of \$2,200.00 per flight, resulting in the amount of \$44,000.00)
 - Four gridded ground surveys to verify that the contractor has excavated to design grades (4 at a rate of \$2,100 per survey, resulting in the amount of \$8,400)
 - NTMWD staff will oversee the actions of the contracted personnel
 - NTMWD staff has reviewed the hourly rate and maximum hour projection proposed by BME and recommends them as representative of the anticipated effort.
-

FUNDING

FUND(S): Funding in the amount of \$2,947,352 to Rigid Constructors, LLC and \$184,000 to Biggs and Mathews Environmental is to be made available utilizing the Regional Solid Waste System 2022 Construction Fund.

Aerial
Jan 2022



Regional Solid Waste System
121 RDF Sectors 6B and 6C Mass Excavation
Project No. 401-0614-22
Administrative Memorandum No. 5878

