

**WINNISPESAUKEE RIVER BASIN PROGRAM
ADVISORY BOARD MINUTES
NOVEMBER 2, 2012**

Members present: Paul Moynihan (Laconia), Ray Korber (Bay District), Sharon McMillin (DES), Steve Dolloff (DES), Brian Sullivan (Franklin), Sheldon Morgan (Gilford), Jeanne Beaudin (Belmont), Dan Leonard (Meredith), and Bob Veloski (Sanbornton). Visitors present: Jeff Pinnette (Wright-Pierce), and Paul Birkel (Wright-Pierce).

Minutes: Sheldon Morgan moved, seconded by Paul Moynihan to approve the minutes of October 16, 2012 as presented. Motion passed.

Legislative update: Paul Moynihan and Brian Sullivan met with Representative Frank Tilton who has proposed legislation requiring Weighted Voting for the WRBP. Rep. Tilton was provided copies of the DES WRBP Memorandum of Understanding and the WRBP Governance Guidelines. Rep. Tilton was assured that the Board is not opposed to entertaining weighted voting in the future but member communities would like to wait until the proposed flow metering system is in place. However, Rep. Tilton prefers that weighted voting be a standalone issue. Brian Sullivan indicated that the Board would prefer it tied to flow metering and actual use of the infrastructure rather than population. Rep. Tilton agreed to table the legislation at this time based upon work being performed by the Board and their assurances that the subject would be addressed in the future. The Board then discussed how weighted voting could work, whether it would be total population of each community or only actual sewer users and how either would be difficult to calculate given how these numbers fluctuate with seasonal tourism population changes. Paul Moynihan stated that this issue will be brought up again by Rep. Tilton and the Board will have to make a decision. The next legislative filing deadline is May 2013 so the Board should make sure they provide Rep. Tilton with an update and Brian Sullivan suggested including this on the agenda for the January 2013 Advisory Board meeting. In the meantime, Rep. Tilton will be kept informed of the Board's progress with flow metering, MOM Study, etc.

As-Needed Engineering Contract – Task Orders:

Brian Sullivan explained that he had suggested flow metering and the independent re-evaluation of the CIP as two of the task orders for the contract with Wright-Pierce. The one bid received was too high and raised red flags for the Board which is why value engineering is now being considered. Paul Birkel reviewed the Board's goals for updating methodology for flow metering and collecting data to determine each community's share of flow. Mr. Birkel explained that Wright-Pierce would look at the total project without bias and challenge decisions while looking for ways to save money. The three areas that they suggest for evaluation include:

1. Reduction of data collection: is there a less costly way to collect the data needed? Is radio telemetry required or are there other options? At what intervals will data be available and is it needed every ten minutes? All of this information would be carefully reviewed to determine if any savings are possible. They indicated that this was the area where the most savings could be

found. However, they indicated that reducing the scope (ex. eliminating locations or the capabilities of installations) was the only way to significantly reduce the project's cost.

2. Technology selection and application accuracy of the flow meters: How much previous flow metering was done? Will data be collected reliably? Will the technology provide sufficiently accurate data? Are the proposed sites for meters the most appropriate and can there be fewer and/or be in better locations? Any and all alternatives will be reviewed for each site.
3. Critical review of the bidding documents: Wright Pierce will look for items that can be changed as there are a number of areas that can add costs if they are not sufficiently delineated, such as permits or policing details in each community. There would be a review of the documents with input from the Board with the ultimate goal of saving money.

Ray Korber asked if Wright-Pierce would be looking at specific locations and evaluate whether CDM has selected appropriate sites. This can be done to determine if the selected locations of flow meters are the most efficient. Brian Sullivan commented that the Board spent lots of time on location and type of meters but not on how we collect the data or how much is needed. He is interested in whether we are over-investing if Wright-Pierce comes up with so many changes that a whole new bid document would be required. He also asked how this would fit in with working with CDM. Sharon McMillin responded that CDM is aware that the Board is looking into value engineering and they would need to make changes to the bid document based upon cost saving measures. Dan Leonard reminded the Board that CDM was asked to design the Cadillac plan which was received; however, the cost was now determined to be too high based on the sole bid received. He would be in favor of value engineering but only if it is cost effective. Sharon McMillin stated that the bidder has already done a mini value engineering study looking for savings in the contract and has come back with a slightly lower bid. DES staff did not feel that the contractor reduced their bid as much as was expected following the review meeting with CDM, the contractor, their electrical/electronics sub and DES staff. This meeting included a site by site review which uncovered a significant number of potential cost savings changes. Dan Leonard would be in favor of working with CDM to revise the contract and then re-bid the project. Sharon McMillin stated that many of the changes have already been determined and just need to be incorporated into the revised bid documents. Steve Dolloff stated that the specifications did not define exactly what data or reporting is required and this information should be included in the re-bidding. Sharon McMillin stated that the reporting and SCADA are simple outputs, but the specifications were vague so that the contractor didn't seem to understand enough about the required telemetry and reporting to cost effectively bid on that aspect of the project. Brian Sullivan commented that this is why he included the value engineering task order as due diligence before re-bidding the project. Sharon McMillin responded that CDM was not tasked with re-designing and re-bidding the contract or determining a new estimate after the mini value engineering session with the contractor and their electrical/electronics sub since the Board was discussing an independent value engineering effort. She didn't want to incur additional costs from CDM until a decision had been reached by the Board on the direction to take. The contractor was able to reduce the bid by about \$200,000 but the WRBP did not specifically ask CDM to look at all the suggested adjustments and provide a revised engineering estimate. The majority of the contract was attributable to the electrical/electronics sub's costs, so they would have to come down on their price to substantially affect the project costs.

Dan Leonard suggested that Sharon and Steve should go through the contract documents and then sit down with CDM to determine where costs can be saved. However, he also indicated that the majority of savings would necessarily be from eliminating scope from the project and the Board needed to recognize that they had had gotten the scope that they had asked for. Brian Sullivan asked if Steve and Sharon would be comfortable doing this review and if they have the time. Steve Dolloff responded that it would be good use of their time. Paul Birkel stated that data collection is the area where the most cost savings can be found but a decision has to be made about the level of data collection needed. It may be possible to reduce the number of metering sites and the specs can be tightened up for data collection and reporting. Jeff Pinnette noted that, in the bid documents, much of the risk of accuracy of data was placed on the contractor and expectations need to be clarified for the systems integrator (electrical/electronics firm performing programming, telemetry, data collection and reporting). Paul Birkel added that it would be good to draw the interest of more integrators to bid on the project but they normally come in as subs under a general contractor since they typically cannot get the required project bonding. This sometimes leads to qualified integrators who might be interested and cost effective not being included in the bid if the contractor chooses not to bid or not to use them as their sub.

Ray Korber suggested that Sharon and Steve meet with CDM to determine how to cut costs, re-evaluate the scope of work, identify additional bidders, set a target date to re-bid, and bring Wright-Pierce along to help determine which questions to ask. He also suggested that Wright-Pierce could act in an advisory role to help with appropriate technical questions and could collaborate with CDM Smith in developing the revised bid package. Sharon McMillin reminded the Board that this effort would have to be a task order in the Wright-Pierce contract and suggested that a task order be executed to provide such strategic advisory support and technical assistance.

Sharon also asked the Board to determine how to execute future task orders and whether the Board will require a vote for every expense. Ray Korber suggested giving authority for a certain amount to be spent under a general task order. Before going out to bid; however, Ray would like CDM to meet with the Board and provide an explanation of the contract scope, the cost savings, and exactly what is included in the contract as well as the cost for CDM to re-bid. Dan Leonard suggested having a conversation with CDM before going any further.

Ray Korber moved, seconded by Sheldon Morgan to ask CDM to meet with the Board to discuss the flow metering project with Wright-Pierce assisting as the strategic advisor. Motion passed unanimously. Sharon McMillin reminded the Board that the contract with Wright-Pierce was not yet executed and that it would likely be mid-December before the contract was formally approved by the Governor and Executive Council.

Jeanne Beaudin moved, seconded by Ray Korber to authorize a task order for the Wright-Pierce contract for as-needed engineering services for up to \$15,000 without further approval by the Board. Motion passed unanimously. This task order would be used at the discretion of DES staff and the Board until such time as the moneys are exhausted. At which time, the Board would need to vote to execute another

task order for additional funds. It was agreed that this task order funding also include Wright-Pierce support for the Board and the CIP Subcommittee.

MOM Study Selection Team update: The Selection Team consisting of Dan Leonard, Ray Korber, Jeanne Beaudin, Sharon McMillin, and Steve Dolloff unanimously agreed that Brown & Caldwell/NEIWPPC provided the best proposal and presented the best interview. Dan Leonard reported that Woodward & Curran missed the governance portion of the bid entirely, CDM had a strong presentation, but Brown and Caldwell presented the best understanding of the WRBP and the goals of the study. Jeanne Beaudin and Ray Korber agreed that Brown and Caldwell's proposal was better; they have better resources; and felt they were the stronger team. Sharon McMillin added that Brown and Caldwell had teamed with NEIWPPC; bringing added credibility since NEIWPPC is recognized in the wastewater industry as an independent, nonprofit organization. Brown and Caldwell also does not do contract operations themselves and so will objectively evaluate all options. NEIWPPC routinely provides training to wastewater professionals and wrote the guidance document used nationally for benchmarking and estimating staffing requirements at wastewater facilities.

Brian Sullivan informed the Board that the DES employees have expressed concern about where the program is headed, and they need to be re-assured regarding the goals of the study. Dan Leonard stated that we have to show them that the MOM study is beneficial to the employees as well as the member communities and suggested that a staff member be included on the steering committee proposed by Brown & Caldwell. Sharon McMillin stated that Brown and Caldwell have done these studies before and worked successfully with facility staff and unions so they are the most qualified to provide guidance on how best to communicate with WRBP staff. She indicated that the independence of the Brown & Caldwell/NEIWPPC team and their experience in similar situations was one of the primary reasons that they were selected. Jeanne Beaudin affirmed that the study needs to be made very clear, transparent and understandable to all employees. Sharon McMillin is working with Brown & Caldwell to provide a cost for the scope of work that they presented to the Selection Team. The cost proposal would then be reviewed by the Selection Team since they are most familiar with what was presented. Any changes would be incorporated in the scope and cost and then the Selection Team would make their recommendation to the full Board. As these project costs have not been determined yet, it is premature to officially recommend a contract with Brown & Caldwell/NEIWPPC to the full Board for a vote at this time. Sharon asked if the Board wanted to include the re-evaluation of the CIP in the Brown & Caldwell contract as additional scope, but the Board agreed to re-visit that need at a later time.

A Special Advisory Board meeting will be called to meet with CDM; hopefully, in mid-November. Depending upon the status of the negotiations with Brown & Caldwell/NEIWPPC, a vote on the recommendations of the MOM Study Selection Team could be held at this or a subsequent meeting.

Meeting adjourned at 11:00 am.

Minutes prepared by Eliza Conde