



Detroit Water and Sewerage Department Meeting Minutes - Final Board of Water Commissioners

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Wednesday, March 15, 2017

2:00 PM

5th Floor Board Room, Water Board Building

Regular Meeting and Public Hearing-Budget and Bid Protest Hearing

1. CALL TO ORDER

Vice Chair Blackmon called the meeting to order at 2 p.m.

2. ROLL CALL

Present: 5 - Commissioner Mary Blackmon, Commissioner John Henry Davis, Commissioner Lane Coleman, Commissioner Pamela Rodgers and Commissioner Jane Garcia

Absent: 2 - Commissioner Linda Forte and Commissioner Michael Einheuser

3. APPROVAL OF AGENDA

Vice Chair Blackmon requested approval of the agenda.

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Lane Coleman that this Agenda be approved. The motion carried by an unanimous vote.

4. APPROVAL OF MINUTES

Vice Chair Blackmon requested approval of the minutes of February 15, 2017.

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Lane Coleman that the Minutes be approved. The motion carried by an unanimous vote.

5. PUBLIC COMMENTS (3 minutes per speaker)

Commissioner Rodgers joined the meeting at 2:05 p.m.

1. Carol Calhoun of 4690 Balfour came before the Board regarding running water in her front yard and low water pressure. Ms. Calhoun was referred to Palencia Mobley, Deputy Director and Chief Engineer.

2. Michelle George with the National Action Network came before the Board again regarding drainage fees on City churches and not suburban churches. She added the drainage communication sent to the churches had bypassed City Council approval. Director Brown replied the communication addressed the deferment of the drainage fee payment until 2018. He also spoke about the continuous workshops being held to find a solution that is in the best interest for all. Vice Chair Blackmon added the BOWC has a level of responsibility to its customers that does not fall

under the purview of City Council.

6. ITEMS FROM THE COMMISSIONERS

1. Follow-up Items
 - a. Fredia Butler - Copied Board
 - b. Michelle George National Action Network-Pending
2. Committee Updates
 - Customer Service Committee Charter-Pending
 - Human Resources Committee Charter-Pending
3. Purchasing Emergency Procurement-Copied Board

7. UNFINISHED BUSINESS

There were none.

8. BID PROTEST HEARING - DWSD Contract No. CS-1812, CIP Management Organization

Presenters: Richard Sulaka, DWSD General Counsel

Palencia Mobley, DWSD Deputy Director and Chief Engineer

Boysie Jackson, City of Detroit Chief Procurement Officer

James R. Case, Kerr, Russell and Weber, PLC

Nils Vitso, Walbridge, Assistant Vice President-Building Group

The Bid Protest Hearing began at 2:10 p.m.

Palencia Mobley, Deputy Director and Chief Engineer, stated the Request for Proposal (RFP) solicited for a culver management service to implement a five-year CIP for construction valued in the range of \$300-\$400 million. The three main goals of the program are: 1) renew and rehabilitate Detroit's infrastructure and neighborhoods, 2) reconfigure the system to reflect demographic trends and emerging urban plans for the City, and 3) relandscape the City of Detroit and ensure an environment that embraces greening of Detroit. This was a quality-based RFP driven at a strong engineering and technical skillset. There was an inclusion program that ensured Detroiters an opportunity to participate in the rebuilding of the City. We asked for self-performance of design activities by the program manager, who has the ability to design the water main replacement work or other capital improvement activities at the direction of DWSD. We ensured that DWSD had the maximum flexibility available throughout the document to make the decision that was in its best interest.

Boysie Jackson, City of Detroit Chief Procurement Officer, presented the timeline of the process. The RFP was advertised and posted in July. There were 102 firms that viewed the RFP; 44 firms that attended a pre-proposal conference; and three proposals submitted (Aecom, Tetra-Tech, DCIP) consisting of 27 different firms tied into the three companies all Detroit-based. The committee held over 60 evaluations between September 2016 and February 2017; oral presentations at Water Works Park in mid-November; best and final offers in December; background checks in January; award and regret letters sent in February. Negotiations continued with a focus on the program management and core design and engineer services. The evaluation team consisted of an Independent Chair, Detroit Building Authority, Department of Public Works (DPW), DWSD-Director, and GLWA Director of Engineer. The evaluation criteria are: 1) Work Plan, 2) Experience, 3) Fee proposal, 4) Alternatives, and 5) Presentations. Aecom was chosen based upon program

management and core design engineering services. Aecom had the best mix of local and North America talent. Their project size and scope most effectively reflected what the Department wanted in an RFP. The depth of their technical branch were unparalleled and they interviewed best. Aecom had the strongest asset management proposal. Their data analysis and condition assessment were better. They were the most responsive and their proposal met all the requirements of the RFP. A pilot area workplan in the RFP identified two locations: 1) North Rosedale Park and Cornerstone Village. Aecom had the most robust analysis, detailed workplan and the direct investment in these areas that the Department felt comfortable. They identified and exemplified a clear understanding of what water needed.

[17-0059](#)

DCIP Notice of Protest Letter

Sponsors: Sulaka

Attachments: [DCIP Protest Letter](#)
[DCIP Presentation](#)

This Communication or Report was received and filed.

Nils Visto, Walbridge, Assistant Vice President -Building Group explained the ramifications of the RFP.

James R. Case, Kerr, Russell and Weber, PLC argued there was manipulation in the RFP. The analysis that we have done based on all the information that was required pursuant to the RFP is that there is \$19 million difference. The general policy statement in the procurement policy says, the policy is to ensure that DWSD receives the best value for its work. We have shown by clear and convincing evidence there is an error in the evaluation process. There is no indication that bids were going to be evaluated on a three to one provision. Its scoring in the means that is stated in the RFP, we did not know how it was scored. The information was not provided and there is no evidence that this was done. The RFP indicated the alternates were going to be included in the analysis but were not. The bid protest should be granted. Aecom should not be awarded this contract.

[17-0062](#)

Procurement Policy Protest Standard

Sponsors: Sulaka

Attachments: [Procurement Policy Protest Standard](#)

Bid Protest Hearing Resolution

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Pamela Rodgers that the Bid Protest be denied. The motion carried by an unanimous vote.

The Bid Protest Hearing ended at 3:44 p.m.

9. PUBLIC HEARING -BUDGET FY 2017/2018

Vice Chair Blackmon called a five-minute recess at 3:45 p.m.

The Budget Hearing began at 3:50 p.m.

[17-0060](#)

DWSD Budget Review

Sponsors: Hudson

Attachments: [BOWC Presentation BUDGET V 2](#)

The Budget Hearing ended at 4:15 p.m.

This Communication or Report was received and filed

[17-0061](#)

The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **approves the proposed FY 2017-18 \$116,150,000.00 water system budget and \$277,500,000.00 sewage disposal system budget and proposed FY 2018-19 \$119,000,000.00 water budget and \$288,800,000.00 sewage disposal system budget for the City of Detroit Water and Sewerage Department**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Hudson

A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Lane Coleman that this Contract be approved. The motion carried by an unanimous vote.

10. NEW BUSINESS

[17-0049](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **enter into Contract No. WS-698 “Water System Improvements: Various Streets Throughout the City of Detroit)” with Major Cement Company (Contractor) at a cost not to exceed \$7,752,019.00 for a duration of 540 calendar days**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Field Services

A motion was made by Commissioner Lane Coleman, seconded by

Commissioner Jane Garcia that this Contract be approved. The motion carried by an unanimous vote.

[17-0051](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to grant **an increase of \$425,000.00 in the contract price and an extension of one (1) year for Contract No. CS-1799 “As-Needed Engineering Services” with OHM Advisors (Consultant)**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Field Services

A motion was made by Commissioner Lane Coleman, seconded by Commissioner Jane Garcia that this Contract be approved. The motion carried by an unanimous vote.

[17-0053](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **secure the purchase of Five Mobile Industrial Vacuum and High Pressure Jet Rodders -- four (4) Fan type units at \$1,842,699.72 (\$460,674.93 cost per unit), plus one (1) Positive Displacement type unit at \$462,674.93, for a total amount of \$2,305,374.65** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Hudson

Attachments: [17-0053 Solicitation List](#)

A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Lane Coleman that this Contract be approved. The motion carried by an unanimous vote.

11. DIRECTOR'S METRICS

[17-0050](#)

Director's Metrics - March

Sponsors: Brown

Attachments: [Board Report - Metrics - 03152017F](#)

- Boil water advisory issued by MDEQ for Detroiters due to the GLWA Water Works Park Water Treatment Facility equipment malfunction
- Director Brown keynote speaker at Flint's Water Infrastructure conference
- Director Brown welcomed Zavia Ferguson Public Affairs Specialist

12. COMMENTS BY COMMISSIONERS

Commissioner Coleman asked if the Department's Directors and Officer Liability Insurance updated. Mr. Sulaka replied a meeting has been scheduled for review and modification.

Commissioner Blackmon asked where is the Department with its Asset Management Program. Deputy Director Mobley replied an RFP has been solicited for sewer work.

Working with engineers on a asset management system. Will move forward with the program upon selection of a Program Manager.

13. COMMENTS BY THE CHAIR

There were none.

14. OTHER MATTERS

There were none.

15. ADJOURNMENT

Vice Chair Blackmon requested a motion to adjourn.

A motion was made by Commissioner John Henry Davis, seconded by Commissioner Pamela Rodgers that this Meeting be adjourned. The motion carried by an unanimous vote.

There being no further business, the meeting adjourned at 4:44 p.m.