

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON DECEMBER 21, 2017**

PRESENT: Herbert I. Miller, Chair
Mark L. Morgan, Committee Member
Clay Cosse', Committee Member
G. Paul Kemp, Committee Member

The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (FPA or Authority) met on December 21, 2017, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Miller called the meeting to order at 10:35 a.m.

Opening Comments: None

Adoption of Agenda: The agenda was adopted by the Committee.

Approval of Minutes: The minutes of the November 16, 2017 Operations Committee meeting were approved.

Public Comments: None.

New Business:

A. Discussion of approval of proposed Cooperative Endeavor Agreement with Sewerage and Water Board regarding the PCCP.

Mr. Morgan advised that the proposed Cooperative Endeavor Agreement (CEA) for the Permanent Canal Closures and Pumps (PCCP) was discussed by the Finance Committee and the Committee's comments and concerns would be summarized at the Board meeting. The Finance Committee discussed the budgeting process. The U.S. Army Corps of Engineers (USACE) estimated an annual budget of \$4 million for the PCCP, which includes long term maintenance. Therefore, a portion of the \$4 million must be set aside for long term maintenance costs. The Sewerage and Water Board (S&WB) is aware of the long term maintenance set aside, which will be a line item in the Authority's budget. Mr. Miller pointed out that the Authority would receive \$2.5 million from the S&WB for the first year, which includes \$500,000 for contingencies, and that the Authority would match this amount. Mr. Morgan added that the Finance Committee also discussed the Coastal Protection and Restoration Authority (CPRA) excluding itself from any liability or costs, even though the CPRA was involved in the design, quality control and quality assurance for the PCCP. The Mayor's Executive Counsel attended the Finance Committee meeting and was in agreement with the Committee's comments. In addition, the Mayor-elect has been advised about the PCCP process.

Mr. Miller stated that the Operations Committee would not offer a recommendation regarding this item, but would refer discussion to the Board meeting.

B. Discussion of proposed amendment to Task Order No. 3 issued to HNTB Corporation to provide an increase of \$37,484 (increasing Task Order No. 3 from \$175,096 to \$212,580) for Engineering During Construction and Construction Management for the LPV 01.1 and 02.2 Levee Lift Project and extending the period of service for said task order to January 31, 2017.

The Committee noted that the extension for the task order period should be corrected to read January 31, 2018. Mr. Morgan pointed out that HNTB previously came before the Operations Committee and the Board for an extension on the task order and that no liquidated damages had been implemented to offset costs. He recommended that some type of methodology be implemented on future contracts in order to avoid delays and offset costs. Derek Boese, Chief Administrative Officer (CAO), explained that staff would be comprehensively reviewing the Authority's contract language, including appropriately managing risks and liabilities, during the first week of January. Mr. Miller commented that HNTB would have had to continue with monthly meetings and other services. Stevan Spencer, Regional Chief Engineer, expressed support for the amendment of the task order. He explained that the project was delayed due to rain and that problems were experienced with grass growth. In addition, USACE representatives inspecting the site wanted things a certain way prior to the contractor being released, which took extra effort. He noted that sufficient rain days were experienced by the contractor; therefore, there would not have been any liquidated damages assessed.

The Committee voted unanimously in favor of recommending that the Board approve the proposed amendment to the task order with HNTB, subject to the correction of the task order period.

C. Discussion of proposed award and execution of a contract with the lowest responsive bidder for the Pump Station 6 Erosion Repairs Project (project funded by FEMA). (Bids to be opened on December 19, 2017)

Mr. Miller advised that the lowest bid was submitted by Cycle Construction, LLC in the amount of \$347,895, and that the only other bid was submitted by Circle Construction, LLC in the amount of \$1,030,020. Ryan Foster, Engineer, explained that the engineer's current estimate is \$200,000. The project is being funded by FEMA; therefore, the Project Worksheet (PW) must be rewritten to reflect the actual cost. The initial Project PW developed four or five years ago reflects an amount in the range of \$120,000 to \$150,000. The contract must be awarded by mid-January so that FEMA funding will not be lost. Mr. Miller commented that the fact that the project is over \$55,000 makes it a large project with FEMA; therefore, FEMA would be obligated to pay the cost. Mr. Foster advised that a recommendation was received from the project engineer regarding the award of the contract and that staff was in agreement with the recommendation. He pointed out that there were some costs in the initial PW that were not accounted for with respect to constructability issues, which will be brought out to FEMA to support additional funding. Mr. Miller inquired about the low number of bids

received. Mr. Foster responded that eight to ten contractors attended the pre-bid conference; however, only two of the contractors submitted a bid.

Mr. Boese recommended approval of the award of the contract to the lowest bidder, especially based on the tight timeline with FEMA for funding. Mr. Spencer added that Gerry Gillen, Operations Director, has remained in constant communication with FEMA to advise the status of the project. A notice to proceed must be issued by January 18.

The Committee voted unanimously in favor of recommending that the Board approve the award of the contract to the lowest bidder (Cycle Construction, LLC).

D. Discussion of proposed award and execution of a contract with the lowest responsive bidder for the Pump Stations Nos. 6 and 7 Pump Station Repairs Project (project funded by FEMA). (Bids to be opened on December 19, 2017)

Mr. Miller advised that the lowest bid was submitted by Conhagen, Inc. in the amount of \$1,227,000 and that two other bids were received (M.R. Pittman Group, LLC in the amount of \$1,667,000 and Lou-Con, Inc. in the amount of \$1,999,000). Mr. Foster explained that the engineer's estimate was \$1.1 million. The initial FEMA PW for the project reflects an estimate cost of approximately \$900,000. The FEMA PW will be rewritten to reflect the actual cost.

The Committee voted unanimously in favor of recommending that the Board approve the award of the contract to the lowest bidder (Conhagen).

E. Discussion of proposed award and execution of a contract with the lowest responsive bidder for West Roadway Street Drainage Repairs South Roadway (Street to Floodgate L-01) Project. (Bids opened on December 13, 2017)

Mr. Miller advised that eight bids were received ranging from the lowest bid submitted by Hard Rock Construction, LLC in the amount of \$505,320.50 to the highest bid in the amount of \$739,738.97. Mr. Foster explained that the engineer's estimate for the project was \$800,000. The project has been in planning for several years; however, it could not go forward until the 17th Street Canal Pump Station, which is located adjacent to the project site, was completed. Mr. Morgan asked whether the contract would include the revisions that result from staff's review of the Authority's contract language. Nyka Scott, Executive Counsel, responded, yes.

The Committee voted unanimously in favor of recommending that the Board approve the award of the contract to the lowest bidder (Hard Rock Construction, LLC).

F. Discussion of proposed issuance of a Task Order to Tetra Tech, Inc. in the not to exceed amount of \$97,045.25 to address eight of the 20 recommended Risk Reduction Measures provided in Tetra Tech, Inc.'s Risk Assessment Report.

Mr. Miller inquired about the other recommended Risk Reduction Measures. Mr. Gillen responded that one measure had already been addressed in-house and five additional measures would be addressed in-house. Eight measures would be addressed under

the proposed task order to Tetra Tech. The remaining measures must be considered further because of the significant amount of effort involved. Mr. Morgan asked was the not to exceed amount of the proposed task order reasonable. Mr. Gillen replied, yes, and that he had reviewed the number of hours involved.

The Committee voted unanimously in favor of recommending that the Board approve the issuance of the proposed task order to Tetra Tech, Inc.

G. Discussion of proposed issuance of a Task Order to HNTB Corporation in the not to exceed amount of \$132,566.00 to survey, handle permitting, prepare plans and specifications and provide bidding assistance to install slope paving at Outfall Canal locations where levee geometry makes levee maintenance difficult.

Mr. Miller asked would HNTB be doing the surveying for the project in-house. Jennifer Dewey with HNTB responded that a sub-consultant (Bryant Hammett) would be retained by HNTB for surveying and that the cost is included in HNTB's proposal. It was noted that the Authority has an ID-IQ contract with Bryant Hammett for surveying services. Mr. Boese explained that it is difficult for staff to ensure that nothing falls through the cracks if the Authority separately hires a surveyor, geotechnical services and prime designer for a project. Felton Suthon, Engineer, advised that the Authority is trying to create a balance of work among its contracted consultants. He also noted that he negotiated the proposed cost of the task order down about \$20,000. Mr. Spencer commented that the slope paving would occur at 14 locations most of which are on the protected side of the levee. Mr. Suthon added that the project would be vetted through the USACE's 408 permitting process.

Mr. Miller pointed out that the draft resolutions that are being presented to the Board must be corrected to omit the Director of Engineering and Operations as an authorized signatory for the proposed task orders or contracts.

The Committee voted unanimously in favor of recommending that the Board approve the issuance of the proposed task order to HNTB, subject to the removal of the Director of Engineering and Operations as an authorized signatory for the document.

H. Discussion of proposed issuance of a Task Order to Burk-Kleinpeter, Inc. in the not to exceed amount of \$206,372.60 for project management, assembly of data, permitting, preparation of construction documents, advertisement and bidding assistance for Foreshore Protection repairs along the East Jefferson Levee District Lakefront Levee.

Mr. Morgan pointed out that Agenda Items H and I would total approximately \$500,000 of additional work that would be given to Burk-Kleinpeter, Inc. (BKI). The total amount of task orders issued to BKI to date is approximately \$700,000; therefore, BKI would exceed its not to exceed ID-IQ contract amount. Mr. Boese advised that he did not have an issue with deferring the East Jefferson Levee District (EJLD) Foreshore Protection Repair Project for one to two months. He explained that BKI was used for a vast amount of the foreshore project along Reaches 4 and 5 that was put in place about

seven years ago using FEMA funding and that Reaches 4 and 5 have held up extraordinary well. The remaining reaches (1 thru 3) that were done by the USACE have not held up and have experienced dramatic erosion and subsidence. The conditions do not pose any danger to the flood protection system; however, they need to be addressed soon. The Authority requested that the USACE look into this issue; however, its request has already been denied once by the USACE. The suggestion to utilize BKI was due to the successful Reaches 4 - 5 project. He pointed out that the proposed task order for the IHNC/Michoud Floodgate Project is critical due to timing. Mr. Suthon explained that a contract was awarded to a contractor for the floodgate work and that BKI would be providing construction administration, resident inspection and paint testing utilizing KCGES. Mr. Morgan added that BKI performed inspections on the PCCP to provide quality control and had trained West-Authority staff on the West Closure Complex; therefore, BKI could potentially be utilized to assist with the PCCP.

The Committee voted unanimously in favor of recommending that the Board defer consideration of the issuance of a task order to BKI for EJLD Foreshore Protection Repairs.

I. Discussion of proposed issuance of a Task Order to Burk-Kleinpeter, Inc. in the not-to-exceed amount of \$241,993.85 to provide Construction Administration and Resident Inspection Services for the IHNC / Michoud Floodgates Blast, Paint and Repair Project.

Mr. Spencer explained that BKI performed the design work for the IHNC / Michoud Floodgate Project and that BKI also performed the work on the previous phase of the floodgate repainting/repair project.

The Committee voted unanimously in favor of recommending that the Board approve the issuance of a task order to BKI for construction administration and resident inspection for the IHNC / Micoud Canal Floodgate Project.

J. Discussion of proposed execution of a contract to Fed Agent Consult Group, LLC to provide Security Assessments at the Surge Barrier, Bayou Bienvenue Sector Gate, Bayou St John Sector Gate, Bayou Dupre Sector Gate, Caernarvon Sector Gate, Franklin Avenue Facility and EJLD West Return Wall in the vicinity of Armstrong Airport.

Mr. Boese advised that the Authority had not yet received a proposal from Fed Agent Consult Group; therefore, he recommended that the item be deferred. Staff anticipated that a proposal would be received prior to the Committee meeting. Mr. Spencer explained that Fed Agent Consult Group representatives have visited all of the sites and obtained copies of the plans. Fed Agent Consult Group did the security assessment for the Seabrook Complex.

The Committee voted unanimously in favor of recommending that the Board defer consideration of a proposed contract with Fed Agent Consult Group.

There was no further business; therefore, the meeting was adjourned at 11:15 a.m.