

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON NOVEMBER 26, 2018**

PRESENT: Herbert I. Miller, Chair
Clay A. Cosse, Committee Member
Mark L. Morgan, Committee Member
Herbert T. Weysham, III, Committee Member

The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on November 26, 2018, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Miller called the meeting to order at 2:45 p.m.

Opening Comments: None.

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

Approval of Minutes: The minutes of the October 18, 2018, Operations Committee meeting were approved.

Public Comments: None.

New Business:

A. Update on Bellaire Drive seepage issue.

Stevan Spencer, Regional Chief Engineer, advised that the U.S. Army Corps of Engineers (USACE) provided comments on the Bachus and Martin (Robert Bachus, Ph.D., P.E., D.GE, and Ray Martin, Ph.D., P.E, D.GE) report. Drs. Bachus and Martin are anticipated to provide their final report and response to the USACE's comments on their previous two reports. Chris Dunn, Assistant Chief of the USACE New Orleans District Engineering Division, and Brad Drouant, USACE Senior Project Manager for the Lake Pontchartrain and Vicinity Project, were at the meeting to provide an update.

Mr. Dunn explained that the USACE provided its comments to Drs. Bachus and Martin in late October and are awaiting their response. At this time the USACE holds its same position and is not planning to do any further work until after it receives the Bachus and Martin report and meets with the FPA's technical staff. He hoped to have a quick turn around after the report is received. He estimated, depending on Drs. Bachus' and Martin's responses, that the meeting could take place within two weeks.

Mr. Miller pointed out that everyone, including Drs. Bachus and Martin, agrees that the levee is not in any type of danger and that this is simply a seepage problem that can be resolved.

Mr. Spencer read excerpts from Drs. Bachus' and Martin's preliminary comments regarding the USACE's decision to add additional fill on the protected side: "We do not think that this offers any significant value... and it comes at a potentially high cost. It is much more effective to intercept the flow at the toe to control water pressures on the protected side. At the end of the day, the "ditch alone" as proposed by the USACE or the "collector pipe" proposed by us would have been a less expensive and more effective option to the USACE's recommendation to add additional fill."

Mr. Cosse inquired about future development of the property. Mr. Spencer advised that the area is within 300-ft. of the floodwall; therefore, it is subject to a levee safety permit. The USACE had indicated that caveats and restrictions would be placed on the development of the property. In addition, rock and gravel had been placed on the property. Derek Boese, Chief Administrative Officer, advised that the Orleans Levee District owns the property; however, it may be part of a settlement that was arranged prior to his becoming CAO. The long term intent is to return the property to commerce unless there is a reason that this cannot be done.

B. Discussion of a proposed contract with Vinformatix for Phases II, III and IV of the Web-based Permitting Software Management System with a total not to exceed amount of \$120,847.00 and the execution of task orders under said contract.

Mr. Morgan advised that this item was deferred at last month's meeting so that additional information could be received. He explained that he subsequently met with Vinformatix and FPA staff and received a detailed presentation. Staff agreed to the reduction of one of the tasks; i.e., a proposed notification feature regarding the renewal of permits at the end of a three year period. A decision was made that the permit holder could reapply for the permit. Staff reviewed the other issues and determined that the items were fair and adequate. The cost of the contract was reduced from \$134,000 to \$120,000. The group also determined that the FPA's permit fees (\$50 residential and \$100 commercial) should be reviewed and updated. Mr. Spencer is gathering data on permit fees assessed by other levee districts. Mr. Boese pointed out that efficiencies were put in place through the development of blanket permits for utilities; therefore, fees for blanket permits should also be part of the review. The FPA does not charge permit fees to other governmental agencies.

Mr. Miller noted that the software management system streamlines the permitting process and allows users to see the status of an application in the permitting process. Mr. Morgan pointed out the advantage of having supporting documentation electronically attached to the application/permit, which allows anyone to view the documentation at any point in time. The software is basically a usable application process that will streamline efforts.

The Committee voted unanimously to recommend that the Board approve the proposed contract with Vinformatix.

C. Discussion of the proposed issuance and advertisement of Requests for Qualifications for debris management and disposal services, monitoring of debris management and disposal services, and operation and/or maintenance repairs of flood control structures owned and operated by the FPA in order to pre-qualify contractors for future competitive bidding to provide said services after a storm or other qualifying event in accordance with FEMA Guidelines.

Mr. Miller explained that it is typical for governmental entities to have this type of contract in place prior to potential events in order to expedite required services. No cost is incurred unless a qualifying event takes place and services are needed. Mr. Boese commented that the FPA is attempting to ensure that all FEMA requirements are met and the contracts are put in place prior to hurricane season. Contract rates will be negotiated for the various services.

Mr. Cosse asked were the pumping stations included. Mr. Boese responded that all of the facilities are included. He pointed out that the services must be provided post-storm and qualify for FEMA reimbursement.

The Committee voted unanimously to recommend that the Board approve the issuance and advertisement of the subject Requests for Qualifications.

D. Discussion of the selection of the AIMS Group, Burk Kleinpeter, Inc., Design Engineering, Inc., ECM Consultants, Meyer Engineers, LTD and NY & Associates for the purpose of entering into Indefinite Delivery-Indefinite Quantity (ID-IQ) Contracts with said consultants to provide Construction Administration, Resident Inspection and other Inspection Services.

Mr. Miller advised that each of the proposed ID-IQ contracts will have a maximum contract value of \$500,000. The top two firms rated by the selection team were Burk-Kleinpeter, Inc. and ECM Consultants. The firms rated third, fourth and fifth were one point apart and were recommended along with Design Engineering, Inc. The contracts will have an initial term of one year with two one-year renewal options. Mr. Miller noted that two of the six firms have not performed work for the FPA for a long time and that this engagement provides an opportunity for the FPA to evaluate their performance.

The Committee voted unanimously to recommend that the Board approve the firms recommended by the selection team.

E. Discussion of the selection of firms for the purpose of entering into ID-IQ Contracts with said consultants to provide Facilities Management Services.

Mr. Boese explained that 14 firms submitted Statements of Qualifications (SOQ). The selection team met over the last several weeks and finalized the results this morning. Firms were given the option of submitting a SOQ for one or more scope items. The contracts will be for an initial term of one year with two one-year renewal options. The firms recommended by the selection team and the maximum contract values are as follows:

Support Services (Total Not-to-Exceed \$1,000,000) – ECM Consultants, Inc., Linfield, Hunter & Junius, Inc., Meyer Engineers, LLC and Sizeler-Thompson-Brown Architects

Environmental Services (Total Not-to-Exceed \$500,000) – ECM Consultants, Inc., Evans-Graves Engineers, and Linfield, Hunter & Junius, Inc.

Drainage Design Services (Total Not-to-Exceed \$500,000) – Evans-Graves Engineers, LLC, Linfield, Hunter & Junius, Inc. and Richard C. Lambert Consultants, LLC

HVAC Maintenance Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Pivotal Engineering, LLC

Water Maintenance Services (Total Not-to-Exceed \$500,000) – Digital Engineering, Linfield, Hunter & Junius, Inc. and Meyer Engineers, LLC

Electrical Support Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Pivotal Engineering, LLC

Testing Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Professional Service Industries

The Committee voted unanimously to recommend that the Board approve the firms recommended by the selection team.

F. Discussion of the proposed award of a contract in the amount of \$1,423,640.77 to Diamond Electrical Company, LLC for the West End Blue Light Pole Replacement Project.

Mr. Miller advised that six competitive bids were received. Felton Suthon, Engineer, explained that 67 light poles with stainless steel hardware will replace the current poles installed with galvanized hardware that experienced significant corrosion. The budget estimate for the project is \$1.54 million.

The Committee voted unanimously to recommend that the Board approve the award of the contract to Diamond Electric Company, LLC.

G. Discussion of a proposed Task Order with AECOM under the ID-IQ contract with said firm in a not to exceed amount of \$106,498.50 for the West End Traffic Study, including alternatives to make the area safer for pedestrians and drivers.

Mr. Suthon explained that the FPA's goal is to implement measures (e.g., a median halfway across Lakeshore Drive) to help protect pedestrians crossing Lakeshore Drive in the West End area. The FPA recently reinstalled three up-to-date crossings in this area. Mr. Boese pointed out that this is a public safety issue. Parking lots are located across the roadway from restaurants in the West End area. Lakeshore Drive is owned by the Orleans Levee District.

The Committee voted unanimously to recommend that the Board approve the execution of the subject task order with AECOM.

H. Discussion of a proposed Change Order to the contract with Southern Delta Construction, LLC for the NASA Levee Repair Project to increase the contract amount from \$354,140.00 to \$600,577.83 in order to close out the Contract and pay for the items installed by the Contractor in accordance with the Plans and Specifications.

Mr. Spencer advised that last month staff requested that the Board approve a change order to the contract with Southern Delta Construction, LLC (Southern Delta) in order to complete the project. The Board determined that the amount of the change order was too large compared with the original contract amount and decided to close out the contract with Southern Delta and rebid the remaining work. Staff is in the process of obtaining a proposal from Stantec under an ID-IQ contract to redesign the remaining work. Southern Delta delivered and put in place approximately \$250,000 of additional fill. A change order in the amount of \$246,417.83 is needed to close out the contract.

Mr. Spencer explained that the survey of the levee was done nine months prior to the notice to proceed being issued to the contractor. Significantly more erosion had taken place prior to the commencement of the contract than had been anticipated (up to two feet deep in some areas). In addition, forty-five days of rain took place during construction causing additional erosion and washout. Fill quantities are generally balanced near the end of an earthwork project and actual quantities are determined. The fill quantities that were required for this project were significantly higher than anticipated by staff. The FPA's consultant tracked haul tickets and monitored fill quantities. The unit cost for fill included in the contract was on the lower end of the bids received. The contract required the removal of the top four inches of levee material; however, the contractor had to remove six inches in order to achieve a good bond for the new surface fill layer, which required more fill.

Mr. Miller pointed out that a question was raised at the October 18th Board meeting about how much of the work had been done and whether the Board was going to approve the completion of the remaining work by the contractor. Staff advised the Board at the October 18th meeting that most of the work had been done. He stated that it was his understanding that the contract was closed out after the October 18th Board meeting and that the contractor had moved off the site. The FPA will need to advertise for bids for the remaining work. The work included in the change order being considered by the Committee today had been done prior to the October 18th Board action and the company is owed the money.

Mr. Miller added that the project was an in-house design. He advised that he is working with the CAO on the development of a resolution to be presented to the Board to authorize an independent QAQC for in-house designs over a certain value and that in-house designs regardless of value receive an independent QAQC by the Chief Engineer and other people. He commented that he was not blaming anyone for this issue with the NASA Levee Repair Project and that unforeseen circumstances had occurred. The

work that was done needed to be done, it was authorized by staff and the FPA needs to pay the contractor for the work that he accomplished.

Mr. Cosse asked the percentage of work performed by the contractor. Mr. Spencer responded that the FPA's consultant will determine this information when he prepares the final plans and specifications for rebid. Mr. Suthon added that the percentage of work that needs to be done is impossible to determine because the amount of work that is needed continues to increase with the persistent rains. The rain has not abated since the contract was closed out. Levee work is not normally done in December and January because of the amount of rain during this period. The FPA did not expect getting December and January rains in August, September, October and November. Mr. Miller pointed out that had the contractor completed the contract, the levee would have been seeded; however, the levee cannot be seeded at this point. The condition of the levee has changed from what it was when the contract work was ceased because of the additional rains; therefore, the remaining work will cost more than what the Board anticipated. The decision of the Board was to close out the contract and rebid the remaining work; therefore, the FPA must move forward.

The Committee voted unanimously to recommend that the Board approve the proposed change order to the contract with Southern Delta.

I. Discussion of a proposed amendment to the contract between the Orleans Levee District and Design Engineering, Inc. for the Lakefront Erosion Control Protection Project to increase the not to exceed fee limit for Phase 3 - Construction Administration and Resident Inspection Services by \$150,086.82, and to increase the not to exceed fee limit for Phase 4 - Design and Bidding Services by \$72,837.76, or a total increase of \$222,924.58 to the contract fee limit for said contract.

Mr. Miller asked the original not to exceed amount of the contract. Ryan Foster, Engineer, explained that the contract with Design Engineering, Inc. (DEI) commenced in 2015 and is divided into four phases. He advised that he would obtain and provide the original not to exceed contract amount at the Board meeting. He reviewed the proposed increases to Phases 3 and 4.

Phase 3 is currently under construction. Additional funding is needed for resident inspection for two reasons: 1) the completion date for the construction contract was October 6, 2018; however, the project is on-going and will probably continue to the end of 2018; and 2) the amount of overtime worked to-date by the contractor. In accordance with the terms of the contract, the contractor is obligated to reimburse the FPA for resident inspection overtime that results from the contractor working overtime. As of October 5th, the contractor has accumulated \$72,277.51 of resident inspection overtime costs. The proposed change order includes \$108,115.67 to cover both resident inspection overtime and resident inspection for the additional contract period. The contractor is also accumulating liquidated damages, which can be withheld from the FPA's payment to the contractor, for the construction period extending beyond the completion date of the contract. Additional construction administration was incurred as a result of plan changes and contractor performance issues (e.g., the need for the

engineer to perform evaluations and formulate recommendations due to the contractor's use of wrong material and pouring concrete slabs in the rain). Also, additional construction administration services are required due to the contractor's work extending beyond the contract completion date.

Phase 4 is under design. Additional items totaling \$73,837 were added to the scope of the contract. Two items are for the analysis and survey (approximately \$37,000) required for a staircase to be installed on both sides of Bayou St. John that would allow a continuous pedestrian pathway. Pedestrians will be able to walk across the seawall plaza, go up the staircase, cross the Bayou St. John Bridge, and then come down and continue walking on the other side of the Bayou. The third item is for the geotechnical analysis for a retaining wall around a large oak tree located along Lakeshore Drive (\$3,805). The fourth item is for additional park area drainage improvements (\$32,768). The area is currently holding water and has aging drainage pipes and catch basins.

The Committee voted unanimously to recommend that the Board approve the proposed amendment to the contract with Design Engineering, Inc.

J. Discussion of a proposed Change Order to the contract with Kostmayer Construction, LLC for the IHNC and Michoud Floodgate Painting Project to increase the contract amount in order to pay for additional work items and close out the contract.

Mr. Spencer explained that the proposed change order is needed to address the three storm events that occurred this year (Alberto, Gordon and Michael). About 21 floodgates were removed prior to the three storm events for off-site painting and had to be reinstalled prior to the storm event. Some of the gates that were in the process of being painted needed to be repainted in spots where the paint was damaged during the reinstallation process. The proposed change order totals approximately \$200,517.50. About 90 percent of the work has been completed. Mr. Suthon added that the project was initiated when the FPA discovered traces of lead in the paint on the older floodgates. The FPA is not equipped to handle the removal of lead paint on floodgates. The original contract amount is about \$2.8 million.

Mr. Cosse inquired about the removal of a floodgate located near his home during hurricane season for repainting. Mr. Suthon explained that the particular floodgate addressed by Mr. Cosse is a Mississippi River floodgate. The Mississippi River floodgates have higher sill elevations. In addition, there is significantly more warning about anticipated high river stages than tropical storms.

Mr. Suthon pointed out that a vastly improved paint system (two to three coats of paint versus the old seven coat system) is being used, which should greatly extend the life of the paint. In addition, as part of the project the FPA is replacing seals and hardware that may never have been replaced since the gates were installed. Mr. Boese noted that the project is a major maintenance activity that provided a significant learning opportunity for future projects. Mr. Suthon added that all of the work was well coordinated and that there was a great amount of cooperation and skill demonstrated by all who were involved in the project.

Mr. Suthon clarified that the reinstallation of gates prior to storm events was only a portion of the additional cost. Several floodgates were found to need repairs that were not initially anticipated. In addition, measures were required to address a temporary security issue that occurred (people walking through the opening) when one of the floodgates near the IHNC Lock was removed.

The Committee voted unanimously to recommend that the Board approve the proposed change order to the contract with Kostmayer Construction.

K. Discussion of a proposed Cooperative Endeavor Agreement between the FPA, on behalf of the Lake Borgne Basin Levee District, and St. Bernard Parish Government for the bike path located along the 40 Arpent Levee.

Mr. Boese advised that St. Bernard Parish Government (SBPG) is interested in expanding its bike path network to the 40 Arpent Levee. SBPG has requested comments on proposed plans for the project; therefore, a formal agreement is needed. SBPG will be responsible for maintaining the bike path.

The Committee voted unanimously to recommend that the Board approve the proposed Cooperative Endeavor Agreement.

There was no further business; therefore, the meeting was adjourned at 3:40 p.m.