

At the Regular Meeting of the Greenville County Water and Sewer Authority, Tuesday September 3, 2019, with Regular Session beginning at the conclusion of the Board of Supervisors meeting, in the Board Room of the Greenville County Government Building, 1781 Greenville County Circle, Emporia, Virginia

Present: Raymond L. Bryant, Chairman  
Tony M. Conwell, Vice-Chairman  
Michael W. Ferguson  
William B. Cain

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Chairman Bryant called the meeting to order.

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In Re: Closed Session

Mrs. Parson, Director, stated that Staff recommended the Authority go into Closed Session, Section 2.2-3711 (a) 1) Personnel Matters.

Mr. Conwell moved, seconded by Mr. Ferguson, to go into Closed Session, as recommended by Staff. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Regular Session

Mrs. Parson stated that Staff recommended the Authority return to Regular Session.

Mr. Ferguson moved, seconded by Mr. Conwell, to go into Regular Session. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Certification of Closed Meeting – Resolution #WS-19-53

Mr. Conwell moved, seconded by Mr. Ferguson, to adopt the following Resolution. A roll call vote was taken, as follows: Mr. Cain, aye; Mr. Conwell, aye; Mr. Ferguson, aye; and Chairman Bryant, aye.

**RESOLUTION #WS-19-53**

**CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Greensville Water and Sewer Authority has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Greensville County Water and Sewer Authority that such closed meeting was conducted in conformity with Virginia law:

**NOW, THEREFORE, BE IT RESOLVED** that the Greensville County Water and Sewer Authority hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Greensville County Water and Sewer Authority.

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In Re: Approval of Agenda

Mrs. Parson stated that Staff recommended approval of the Agenda with no added items.

Mr. Conwell moved, seconded by Mr. Ferguson, to approve the Agenda, as submitted. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Approval of the Consent Agenda

Mrs. Parson stated that Staff recommended approval of the Consent Agenda containing the following items:

Mr. Conwell moved, seconded by Mr. Ferguson, to approve the Consent Agenda. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Approval of Minutes for the meeting of August 19, 2019.

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In Re: Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #15, in the amount of \$164.30, Journal Voucher #17, in the amount of

\$30,895.00 and Budget Amendment Resolution #WS-19-54, in the amount of \$5,334.20; Fund #002 – Journal Voucher #16, in the amount of \$22,697.00, Journal Voucher #18, in the amount of \$20,732.00 and Budget Amendment Resolution #WS-19-55, all of which are incorporated herein by reference.

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Warrants:

Approval of Total Accounts Payable for September 3, 2019, in the amount of, \$154,722.82

Approval of General Fund, in the amount of, \$77,676.25

Approval of Special Projects, in the amount of, \$77,046.57

Approval of Payroll for August 30, 2019, in the amount of, \$162,798.88

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In Re: Resolution #WS-19-56 – Approval of the FY2020 Budget

Mr. Glen Gibson addressed the Authority and read the following resolution into record.

**RESOLUTION # WS-19-56  
APPROVAL OF FISCAL YEAR 2019-2020 BUDGET**

**WHEREAS**, the Recommended Operating, the Capital Budget for the Fiscal Year 2020 and the Five Year Capital Improvement Plan has been duly presented to the Authority and revisions made;

**NOW, THEREFORE, BE IT RESOLVED** that for informational and fiscal planning purposes, the Greenville County Water and Sewer Authority adopts, as incorporated herein by reference, an Operating Budget – Water of \$2,937,189 and an Operating Budget – Sewer of \$3,001,451.

**NOW, THEREFORE, BE IT RESOLVED** that for informational and fiscal planning purposes, the Greenville County Water and Sewer Authority adopts, as incorporated herein by reference, a Capital Budget – Water of \$1,580,000, a Capital Budget – Sewer of \$8,577,219 and the Five Year Capital Improvement Plan.

**FURTHER, BE IT RESOLVED**, that no expenditure shall be made or money shall be paid out until an appropriation is made by this governing body.

Mr. Ferguson moved to approve Resolution #WS-19-56. Voting aye: Mr. Ferguson. Voting nay: Mr. Cain, Mr. Conwell and Chairman Bryant. Motion died by lack of a second.

Mr. Conwell moved to defer the item until the next meeting.

Mr. Ferguson asked why there was a motion of deferral. Chairman Bryant stated that he had some questions regarding the budget and needed clarification.

Supervisor Ferguson seconded the motion to defer the item until September 16, 2019. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Resolution #WS-19-57 – MAMaC Sewer Project Phase I (Gravity Sewer to Otterdam Road)

Mr. Glen Gibson addressed the Authority stating that the resolution was in reference to two bid extension agreements for Phase I and Phase II of the MAMaC Sewer Project. He stated that the bids were received on July 9, 2019 and they were over budget. He also stated that Staff and the engineer had negotiated a reduced budget that was still in the amount of, \$313,930 higher than the funds that were available. He further stated that the project was primarily funded through a Go VA Grant. Mr. Gibson stated that the Authority had \$455,000 of engineering grant money and \$1,655,000 of construction grant money for both Phase I & Phase II of the project. He stated that the project was in support of the MAMaC Sewer Project but was also in support of extending sewer service to the western side of I-95 to service Exit #13. He stated that it was very expensive to extend sewer service to the other side of the interstate and a huge barrier to cross. Mr. Gibson stated that the majority of this project was being paid by grant funding. He stated that Staff was requesting additional time to present the request to the Board of Supervisors for the additional funding needed and Staff was requesting approval of the two bid extension agreements. He further stated that for Phase I was between the Greenville County Water and Sewer Authority and Ralph Hodge Construction, who was the low bidder for the project. He then stated that Phase II was submitted at the same time, on July 9 by Ralph Hodge Construction, for a force main to extend from Otterdam Road to the MAMaC site. He stated that in Phase II, if Staff was not able to obtain the additional grant funds, the Authority had the ability to back out of Phase II. Mr. Gibson then read the following Resolution #WS-19-57 into record. He then requested approval of the resolution.

**RESOLUTION #WS-19-57  
MAMAC SEWER PROJECT  
PHASE I (GRAVITY SEWER TO OTTERDAM ROAD)**

**RECITALS:**

- R-1** Ralph Hodge Construction Company (“Contractor”) submitted the low bid for “Phase I (Gravity Sewer to Otterdam)” of Greenville County Water and Sewer Authority’s (“GCWSA”) MAMaC Offsite Wastewater Collection System Project (“Project”);
- R-2** Attached hereto is a document titled “MAMaC Sewer Project – Summary” (“Summary”), the terms of which are incorporated herein by reference;
- R-3** Under the heading “Phase I – Base Bid (Gravity Sewer to Otterdam)” Contractor’s “Negotiated Bid (Gravity Sewer to Otterdam Road)” was in the amount of \$1,896,944.00 (“Phase 1 Negotiated Bid”);
- R-4** The Phase 1 Negotiated Bid provided that it would remain “open”, and could be accepted by GCWSA, to September 7, 2019 (“Phase I Negotiated Bid Expiration Date”);
- R-5** GCWSA has advised Contractor that its funding for Phase I of the Project will not be finalized prior to the Phase I Negotiated Bid Expiration Date;
- R-6** GCWSA has requested that Contractor extend the Phase I Negotiated Bid Expiration Date from September 7, 2019, to October 8, 2019; and
- R-7** Contractor has determined that preserving the potential to realize the contract benefits which will accrue to it under the proposed construction contract constitute good and valuable consideration for it to grant the extension of the Phase I Negotiated Bid Expiration Date requested by GCWSA, and Contractor has agreed to execute an agreement which extends the Phase I Negotiated Bid Expiration Date from September 7, 2019, to October 8, 2019, and acknowledges the aforesaid consideration for its granting such an extension.

**IT IS, ACCORDINGLY, HEREBY RESOLVED** that the GCWSA Board of Directors (“Board”) authorizes and directs the Chair or Vice-Chair, either of whom may act alone, to execute an agreement which extends the Phase I Negotiated Bid Expiration Date from September 7, 2019, to October 8, 2019, in the form this day presented to the Board.

Mr. Conwell moved, seconded by Mr. Ferguson, to approve Resolution #WS-19-57. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Resolution #WS-19-58 – MAMaC Sewer Project Phase II (Force Main along Otterdam Road to MAMaC Site)

Mr. Glen Gibson addressed the Authority and read the following Resolution #WS-19-58 into record. He then requested approval of the resolution.

**RESOLUTION #WS-19-58  
MAMAC SEWER PROJECT  
PHASE II – FORCE MAIN ALONG OTTERDAM ROAD TO MAMAC SITE**

**RECITALS:**

- R-1** Ralph Hodge Construction Company (“Contractor”) submitted the low bid for “Phase II – Force Main Along Otterdam Road to MAMaC Site” (“Phase II”) of Greenville County Water and Sewer Authority’s (“GCWSA”) MAMaC Offsite Wastewater Collection System Project (“Project”);
- R-2** Attached hereto is a document titled “MAMaC Sewer Project – Summary” (“Summary”), the terms of which are incorporated herein by reference;
- R-3** Under the heading “Phase II – Additive Bid (Force Main Along Otterdam Road to MAMaC Site)” Contractor’s “Original Bid Phase II” was in the amount of \$298,990.00 (“Phase II Original Bid”);
- R-4** The Phase II Original Bid provided that it would remain “open”, and could be accepted by GCWSA, to September 7, 2019 (“Phase II Bid Expiration Date”);
- R-5** GCWSA has advised Contractor that its funding for Phase II of the Project will not be finalized prior to the Phase II Expiration Date;
- R-6** By October 8, 2019, GCWSA will know whether it has secured a funding commitment for “Phase I (Gravity Sewer to Otterdam)” of the Project, but GCWSA will not know until February 28, 2020, whether it has secured a funding commitment for Phase II of the Project; and
- R-7** GCWSA has requested that Contractor authorize GCWSA to accept the Phase II Original Bid by October 8, 2019, with the contingency that GCWSA be authorized to rescind the Phase II Original Bid, without penalty, if GCWSA has been unable to secure a funding commitment for Phase II of the Project by February 28, 2020;
- R-8** Contractor has determined that preserving the potential to realize the contract benefits which will accrue to it under the proposed construction contract constitute good and valuable consideration for it to grant the request of GCWSA that it be authorized to accept the Phase II Original Bid by October 8, 2019, but thereafter be authorized to rescind GCWSA’s bid award, and the construction contract subsequently entered into with Contractor, through February 28, 2020, if GCWSA has been unable to secure a funding commitment for Phase II of the Project;

**R-9** GCWSA will promptly notify Contractor if GCWSA secures a funding commitment for Phase II of the Project, upon which notice from GCWSA its right to rescind its bid award and the construction contract subsequently entered into with Contractor, without penalty, shall automatically terminate, as a result of which termination both Contractor and GCWSA will be bound by the terms and conditions of the construction contract.

**R-10** To rescind the construction contract without penalty, GCWSA must, on or before February 28, 2020, notify Contractor that GCWSA did not secure a funding commitment for Phase II of the Project, and that as a result, GCWSA is terminating the construction contract, without penalty.

**IT IS, ACCORDINGLY, HEREBY RESOLVED** that the GCWSA Board of Directors authorizes and directs the Chair or Vice-Chair, either of whom may act alone, to execute an agreement which accepts the Phase II Original Bid by October 8, 2019, but thereafter be authorized to rescind GCWSA's bid award, and the construction contract subsequently entered into with Contractor, through February 28, 2020, if GCWSA has been unable to secure a funding commitment for Phase II of the Project.

Mr. Conwell moved, seconded by Mr. Ferguson, to approve Resolution #WS-19-58. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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In Re: Miscellaneous Matters

Mrs. Parson stated that located in the Friday Memo were the Staff Meeting Minutes and Departmental Reports for the Authority's review and comments.

Chairman Bryant asked if there were any questions. There were none.

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Re: Adjournment

There being no further business to discuss, Mr. Conwell moved, seconded by Mr. Ferguson, to adjourn the meeting. Voting aye: Mr. Cain, Mr. Conwell, Mr. Ferguson and Chairman Bryant.

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Raymond L. Bryant, Chairman  
Greenville County Water and Sewer Authority