

PUBLIC WORKS COMMISSION  
MEETING OF WEDNESDAY SEPTEMBER 14, 2022  
8:30 AM

Present: Evelyn O. Shaw, Chairwoman  
Ronna Rowe Garrett, Vice Chairwoman  
Donald L. Porter, Secretary  
Wade R. Fowler, Jr., Treasurer

Others Present: Mick Noland, Interim CEO/General Manager  
Telly Whitfield, Assistant City Manager  
Media

Absent: Deno Hondros, City Council Liaison  
Jimmy Keefe, Cumberland County Liaison

REGULAR BUSINESS

Chairwoman Evelyn Shaw called the meeting of September 14, 2022, to order at 8:31 am.

APPROVAL OF AGENDA

Upon motion by Commissioner Wade Fowler, Jr., seconded by Commissioner Donald Porter, the agenda was unanimously approved.

CONSENT ITEMS

Upon motion by Commissioner Donald Porter, seconded by Commissioner Ronna Garrett, the Consent Items were unanimously approved.

- A. Approve Minutes of meeting of August 24, 2022
- B. Approve bid recommendation to award bid for the contract for the Ann Street to Green Street Sanitary Sewer Relocation to T. A. Loving Company, Goldsboro, NC, the lowest, responsive, responsible bidder, in the total amount of \$1,275,000.00, and forward to City Council for approval.

The Ann Street to Green Street Sanitary Sewer Relocation Project is budgeted in the Hurricane Matthew CPF (CPR1000332). The project costs will be reimbursed by FEMA.

Bids were received July 22, 2022, as follows:

<u>Bidders</u>	<u>Total Cost</u>
T. A. Loving Company, Goldsboro, NC	\$1,275,000.00

COMMENTS: Bid was advertised through PWC's normal channels on June 8, 2022, with an original bid opening date on June 30, 2022. PWC received only one (1) bid in response to the initial advertisement. Because the minimum required three (3) bids were not received, PWC readvertised the bid through its normal channels on July 14, 2022, with a bid opening date of July

22, 2022. The readvertisement again resulted in one (1) bid being submitted by T. A. Loving Company. The bid was evaluated by PWC Water Resources Engineering and staff recommends award to T. A. Loving Company as the lowest responsive, responsible bidder. **SDBE/Local Participation:** T A. Loving Company, Goldsboro, NC, is not a local business and is not classified as a SDBE Minority or Woman Owned business.

- C. Approve bid recommendation to award contract for the Shadow Lawn Aerial Sewer Crossing Replacement to T. A. Loving Company, Goldsboro, NC, the lowest, responsive, responsible bidder, in the total amount of \$2,767,010.00, and forward to City Council for approval.

The Shadow Lawn Aerial Sewer Crossing Replacement is a budgeted item (\$1,200,00.00 in FY23 & \$1,567,010.00 in FY24 in CPR1000438)

Bids were received July 22, 2022, as follows:

Bidders

Total Cost

T. A. Loving Company, Goldsboro, NC \$2,767,010.00

**COMMENTS:** The bid was initially advertised through our normal channels on June 17, 2022, with a bid opening date of July 13, 2022, and only one bidder, T.A. Loving Company, submitted a bid. The bid was not opened. Notice of the bid readvertisement was through our normal channels on July 14, 2022, with a bid opening date of July 22, 2022. The readvertisement resulted in the submission of one bid, T.A. Loving Company. Award is recommended TA Loving Company, Goldsboro NC.

The bid came in well above what was budgeted for the project in fiscal year 2023. Prices for materials have increased exponentially since the start of the Covid-19 Pandemic and the costs for the project could not have been anticipated over a year ago when the budget was created. Further complicating matters are major delays in receiving materials. It is anticipated that delivery of some of the materials needed to construct the Shadow Lawn project will take a year or more to receive once they are ordered. Due to these circumstances, we propose to award the project to T.A. Loving Company and utilize the FY23 Shadow Lawn budget to have materials ordered and paid. Water Resources Engineering (WRE) will budget for construction in FY24. Upon contract award, the contractor will order long lead time items that are not expected to arrive for 52-60 weeks (12-14 months) after ordering. **SDBE/Local Participation:** T A. Loving Company, Goldsboro, NC, is not a local business and is not classified as a SDBE Minority or Woman Owned business.

- D. Approve sole source recommendation from Electric Systems Support in the amount of \$414,000.00 to Systems with Intelligence, Inc. (SWI), Mississauga, ON, Canada for the purchase of hardware, software licenses, and technical support, to upgrade part of the existing substation security camera system. This upgrade is due to the existing embedded operating system not meeting PWC IS Cyber Security guidance's

Procurement has reviewed and concurs with the sole source justification. The existing security system was purchased via sole source procurements with SWI in 2015 and 2016. This system provides a tailored configuration of equipment at each substation, integrated to SCADA via SWI's hardware and video management system. Procurement conducted independent research and could not locate any resellers of SWI products. Integration of servers from other manufacturers would require the acquisition and utilization of SWI's video management system software therefore acquisition and implementation of goods from any source other than SWI would be impractical. Procurement recommends approval of this sole source recommendation ensuring compatibility with the existing system.

**BUDGET INFORMATION:** \$414,000 is budgeted in FY2023 Operating Capital – Security Monitoring Equipment Upgrade.

**COMMENTS:** N.C.G.S. 143-129(e)(6) allows an exception to the bidding requirements when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. This request supports the Commission’s directive to accelerate the upgrade of security monitoring at all PWC substations.

E. Adopt PWC Resolution # PWC2022.21 – Resolution of the Fayetteville Public Works Commission to Direct the Filing of an Application for State Loan Assistance

The above resolution for Commission action directs the filing of State Revolving Loan application for funding for the P. O. Hoffer WTP Expansion Phase 3 Residuals project which is currently estimated at approximately \$34.9 million.

**COMMENTS:** Staff recommends the Commission adopt the attached resolution directing staff to file the State Revolving Loan Application for the P. O. Hoffer WTP Expansion Phase 3 Residuals project

F. Adopt PWC Resolution # PWC2022.22 – Resolution Delegating Authority to the CEO/General Manager to Execute Leases of One Year or Less

Staff recommends that the Commission clarify its delegation of authority to the CEO/General Manager to execute leases for one (1) year or less subject to Section 6A.9 of the Charter to the City of Fayetteville. The Commission has this authority pursuant to North Carolina General Statutes Section 160A-272(b), and the provided resolution clarifies the prior authority delegated by the Commission in Resolution No. PWC2010.07, a copy of which is attached.

**COMMENTS:** Delegating this authority will allow PWC to enter into short-term leases efficiently and effectively.

END OF CONSENT

Commissioner Shaw stated the Commission is pleased Mr. Noland has so graciously consented to lead the organization with the team’s support. She stated they could not have found a finer person or a more competent person. The Commissioners want Mr. Noland to know how much he is appreciated and his leadership. She stated if there is anything the Commissioners can do to assist him, they are available.

GENERAL MANAGER REPORT

Mr. Noland stated he appreciates those words of encouragement and support. He stated the staff here at PWC will keep doing the good job they have been doing. We will continue to endeavor to meet and exceed the customers’ expectations. We talk about water and electricity being important, but we cannot forget about water reclamation. Every gallon we put into our customers, a lot we have to clean up and put back into the river. We appreciate all that division does to make sure the water is acceptable to go back into the river.

Mr. Noland stated there has been a lot that have happened since the Commission met. He feels they have hit the ground running. There are various issues we are working on that have been in play, and some may be new to the situation. We have a good group up here, and we are working together. Everyone has their own area of expertise that he will lean on heavily.

Mr. Noland stated we are still shifting some people around. Misty Manning has agreed to step-up into Mr. Noland’s role as Chief Operations Officer of Water Resources. John Allen has agreed to step-up up into Ms. Manning’s role. They both have a lot of good years of experience; good heads on their shoulders. Mr. Noland

stated they will be integral in keeping the Water Resources Division in shape as well as working with the management team in keeping up with the companywide issues. He stated he likes to view the utility as a three-legged stool. You have the customers, the staff and then you have to look at the Commission as well. If any does not match up right, things can get out of balance.

## **TEXFI**

One of our long running projects is TEXFI. We have been trying to get the groundwater remediation pilot going. We hope to be on the ground in getting it started soon. We have all the approvals, permits and discussions with the State completed.

## **Council Orientation**

Staff is planning to have the New Council Orientation next week on September 22<sup>nd</sup>. The management staff will provide to council our information on our various areas of operation.

Commissioner Porter thanked Mr. Noland for accepting their request to step up and into the position. Mr. Noland stated when they get through this bump in the road it will not be because of him but it will be because of everyone pulling together to get the work done. He stated he is depending very heavily on the knowledge and experience of the staff that has the experience that he does not have.

Commissioner Shaw thanked Ms. Manning and Mr. Allen to stepping up and saying yes to Mr. Noland's request. She stated we know you will serve in that capacity as he has given you the confidence.

## **COMMISSIONER/LIAISON COMMENTS**

Mr. Noland stated Council Member Hondros spoke to him and informed him he would not be able to attend. Mr. Noland stated Council Member Hondros is very enthusiastic about serving as the City Council Liaison.

## **REPORTS AND INFORMATION**

The Commission acknowledges receipt of the following reports and information.

- A. Utility Payments by Payment Type – August 2022
- B. Career Opportunities
- C. Approved N.C. Department of Transportation Encroachment Agreement(s):
  - Encr. #19081 – Install. of underground street lighting facilities @ Camden Rd (SR 1003)

## **CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTES 143-318.11(A)(3) TO CONSULT WITH AN ATTORNEY**

Commissioner Wade Fowler, Jr., motioned to enter Closed Session Pursuant to North Carolina General Statutes 143-318.11(A)(3) to Consult with an Attorney. Commissioner Donald Porter seconded the motion, and upon unanimous consent the Commission entered closed session at 8:40 am.

There being no further discussion, upon motion by Commission Donald Porter, seconded by Commissioner Wade Fowler, Jr., the Commission returned to open session at 9:51 am.

CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTES 143-318.11(A)(6)  
FOR PERSONNEL MATTER

Commission Wade Fowler, Jr., motioned to enter Closed Session Pursuant to North Carolina General Statutes 143-318.11(A)(6) for Personnel Matters. Commissioner Ronna Garrett seconded the motion, and it was unanimously approved at 9:51 am.

There being no further discussion, upon motion by Commissioner Wade Fowler, Jr., seconded by Commissioner Ronna Garrett, the Commission returned to open session at 10:40 am.

ADJOURNMENT

There being no further discussion, upon motion by Commissioner Wade Fowler, Jr., seconded by Commissioner Ronna Garrett, the Commission adjourned at 10:41 a.m.