

AGENDA

Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12th Avenue, Denver, Co 80204 and

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376 - Passcode: 600590 or

Dial in (669) 900-6833 - Meeting ID: 882 3417 6376 - Passcode: 600590

Members of the public are welcome to attend either in person or by video conference

Wednesday, February 8, 2023 9:00 a.m.

I. INTRODUCTORY BUSINESS

A. Call to Order and Determination of Quorum

B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the Board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the Board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

C. Ceremonies, Awards, and Introductions

D. Legislative Update Andrew Hill 10 minutes

II. ACTION ITEMS

A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Minutes from January 11, 2023
2. Minutes from January 25, 2023
3. Second Amendment to North Complex Hazeltine Pump Station Structural and Architectural Design – Professional Services – Contract 505355

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4. Water Treatment Engineering – Staff Augmentation – Contract 505615
5. Second Amendment for Clinic Occupational Health Physician – Contract 504147

B. Individual Approval Items

- | | | |
|--|----------------|------------|
| 1. Lead Reduction Program Update | Alexis Woodrow | 15 minutes |
| a. Second Amendment for Lab Services for Lead Reduction Program – Contract 504256 | | |
| b. Federally Funded Lead Service Line Program – Contracts 505623, 505624, 505625, 505626, and 505627 | | |

III. POLICY MATTERS

- | | | |
|--|-----------|------------|
| A. High Line Canal Transformation | Tom Roode | 15 minutes |
|--|-----------|------------|

IV. EXECUTIVE UPDATE

- A. CEO Update**
- B. CFO Update**
- C. Operations Update**

V. BRIEFING PAPERS & REPORTS

- A. Briefing Paper**
- B. Report**

VI. ADJOURNMENT

VII. TRUSTEE MATTERS

VIII. EXECUTIVE SESSION

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

A. Confidential Report

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2022

Board Item: II-A-3

Second Amendment to North Complex Hazeltine Pump Station Structural and Architectural Design – Professional Services Contract 505355

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve an amendment to Contract 505355 for Professional Services (Structural and Architectural Design) for the North Complex Hazeltine Pump Station Project.

The North Complex can be partially filled with raw water via gravity operations, but the complex's pump station is required to fully fill the complex. The new Hazeltine Pump Station will make the North Complex fully operational, increasing the usable storage within the complex from roughly 8,800 acre-feet to roughly 19,000 acre-feet.

Contract 505355 was competitively awarded and initially included predesign and 30% design services for the project, which have been successfully completed. As provided in the original request for proposals (RFP), services for final design and bidding are being amended based on the team's performance in delivering the 30% design.

Budget and Schedule:

The amount of the original contract was \$184,063. The first amendment was a time extension through March 1, 2023. This second amendment will add \$377,366, bringing the contract amount to \$561,429 and will extend the contract through February 1, 2024. Funds for this contract will come from the 2023 North Complex Hazeltine Pump Station and Site Electrical Project business unit which has sufficient funds to pay the \$359,286 estimated to be needed in 2023. The remaining \$18,080 will be budgeted in year 2024.

Selection of Business Partner:

The original contract was awarded based on a competitive selection process. In June 2022, Denver Water's Engineering section issued an RFP on Denver Water's website and through direct email to four known consultants who perform this type of work. Three proposals were received by Denver Water for the structural and architectural design services. The proposals were evaluated by a team of engineering management and project personnel. Alden Research Laboratory, LLC's proposal received the highest cumulative score from the proposal evaluation group and was selected for completion of design services.

S/MWBE Information:

The original Request for Proposal had a Small/Minority and Women-owned Business goal of 3%. Alden Research Laboratory, LLC's overall participation for the whole contract is anticipated to be 21%.

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Recommendation:

Staff recommends that the Board approve the Second Amendment to Contract 505355 with Alden Research Laboratory, LLC for completion of design services through final for bid for the North Complex Hazeltine Pump Station Structural and Architectural design. This includes an extension of the contract period through February 1, 2024 and an addition of \$377,366 for a total contract amount not to exceed \$561,429.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2023

Board Item: II-A-4

Water Treatment Engineering – Staff Augmentation Contract 505615

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve a staff augmentation contract to satisfy a short-term staffing need due to a recent resignation. This contract will augment the staff of the Water Treatment Engineering Group to deliver capital projects and unplanned work requests for the Engineering Division under the supervision of a Denver Water Engineering Manager. This approach will address the short-term staffing need until design staff transitions from the Northwater Treatment Plant project and allows the elimination of one permanent staff position. Based on the Northwater Treatment Plant project schedule and short-term workload projections for the Water Treatment Engineering Group, staff augmentation needs are estimated at 50% of a full-time employee (FTE) for 18 months.

Budget and Schedule:

The total amount of this contract is \$415,005 and the term of the contract is February 8, 2023 through August 13, 2024. Funds for this contract will come from the 2023 budget for the Water Treatment Engineering business unit with costs allocated to individual projects and associated business units.

Selection of Business Partner:

This contract is a task order initiated through Denver Water's General Engineering Services On-Call program. CDM Smith, Inc. was one of the firms competitively selected for the Water Treatment Processes category during the 2022 request for proposals.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board approve Contract 505615 with CDM Smith, Inc. for Water Treatment Engineering Staff Augmentation for the contract period February 8, 2023 through August 13, 2024 for a total contract amount not to exceed \$415,005.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2023

Board Item: II-A-5

Second Amendment for Clinic Occupational Health Physician Contract 504147

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to amend contract 504147 with Concentra Medical Centers in support of the on-site Clinic Physician.

Budget and Schedule:

The total amended amount of this contract will be \$690,000 and the amended term of the contract is three years from March 1, 2023 through March 1, 2026. Funds for this contract will come from the 2023 budget for Occupational Health Clinic which has sufficient funds to pay the \$112,000 estimated to be needed in 2023. The remaining \$288,000 will be budgeted in the years 2024 through 2026.

Selection of Business Partner:

Concentra Health Services was selected in 2020 through a competitive selection process.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board approve the Second Amendment to Contract 504147 with Concentra Medical Centers for Clinic Occupational Health Physician for an extension of the contract period through March 1, 2026 and for an addition of \$400,000 for a total amended contract amount not to exceed \$690,000.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input checked="" type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2023

Board Item: II-B-1-a

Second Amendment for Lab Services for Lead Reduction Program Contract 504256

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve the Second Amendment to Contract 504256.

On February 1, 2020, Denver Water entered into a Laboratory Services Agreement with 120WaterAudit to provide logistical services, including ordering of lead test kits, direct shipment of lead test kits to Denver Water customers, doorstep pickup and return for laboratory analysis, inventory management, and generation and distribution of sample result letters to Denver Water customers. Under the same agreement, Colorado Analytical Laboratories, Inc. provides laboratory services, including receiving and processing lead test kits, storage of samples, and coordination with 120WaterAudit to allow for implementation of the scope of work.

Denver Water experience shows that lead service lines (LSLs) can be verified through the collection of water quality samples. Denver Water identifies LSLs and develops its inventory through the distribution of lead sampling kits to customers in advance of LSL replacement. Under the variance, Denver Water offers free lead testing for customers post LSL replacement. In addition, Denver Water continues its practice of providing free water quality lead tests to customers upon request, which also helps to further perfect its service line inventory.

Budget and Schedule:

The amendment of \$2,366,129 will bring the total amount of this contract is \$6,012,129 and the term of the contract will be modified to February 12, 2020 to April 30, 2024. Funds for this contract will come from the 2023 budget for Lead Reduction Program, which has sufficient funds to pay the \$2,366,129 estimated to be needed in 2023.

Selection of Business Partner:

In 2019, Denver Water conducted a competitive selection process through a formal request for proposals (RFP) to select 120WaterAudit and Colorado Analytical Laboratories Inc.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

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Recommendation:

Staff recommends that the Board approve the Second Amendment to Contract 504256 with 120WaterAudit and Colorado Analytical Laboratories, Inc. for laboratory services for an extension of the contract period through April 30, 2024 and for an addition of \$2,366,129 for a total amended contract amount not to exceed \$6,012,129.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2023

Board Item: II-B-1-b

Federally Funded Lead Service Line Program Contracts 505623, 505624, 505625, 505626, and 505627

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is approval of the Federally Funded Lead Service Line Program (FFLSLP) contracts for 2023.

Out of the approximately 312,000 service lines in the system, an estimated 64,000 to 84,000 of these are lead service lines (LSLs). The required annual replacement rate is approximately 4,500 LSLs, and the LRP is expected to be complete by the end of 2034.

On December 15, 2022, the Board entered into a State Revolving Fund (SRF) Loan with the Colorado Water Resources and Power Development Authority (CWRPDA). The SRF funds are being used to replace lead service lines in addition to what Denver Water would normally replace under the terms of the variance. To comply with SRF loan terms, all federally funded work areas will be administered separately from Denver Water funded areas. These contracts are for federally funded work areas only.

Budget and Schedule:

The total not-to-exceed amount of these contracts is \$52,700,000, which includes funds budgeted for potholing investigations, in addition to LSL replacement work. The term of the contracts is from February 8, 2023 to October 1, 2025. Funds will come from the 2023 budget for FFLSLP, which is \$30,000,000 for 2023. The estimated spend amount in 2023 is \$39,680,000, which will result in a budget variance increase of \$9,680,000. An increased spending rate in 2023 will also result in a faster reimbursement through the SRF program. The remaining amount for the contracts will be planned, budgeted, and presented to the Board in 2024 and 2025.

Selection of Business Partner:

During fall of 2022, an openly advertised procurement process was conducted in accordance with 2 CFR part 200. As required by the SRF loan, CDPHE reviewed and approved the request for proposals (RFP) before it was posted. Seven contractors submitted submissions of qualifications (SOQs) and proposals to perform the work based on similar project experience, their proposed approach to meet the goals of the LRP, and their demonstrated capacity to complete the work. SOQs included sections on Contractor Team, Relevant Experience, a Program Narrative, Federal Requirements, Bonding and Insurance Capacity and Safety. All seven contractors met the minimum qualification score of 75 points on their SOQ, and their proposals were evaluated for best value pricing using the calculation below based on pricing provided for a typical FFLSLP Work Area:

$$\text{\$ per LSLR per SOQ point} = \frac{\text{Total All Bid Schedules}}{\text{No. of Sched A LSLRs} + \text{No. of Sched B LSLRs}} \times \text{Total SOQ Score}$$

The best value came from Five Star Energy Services (505623), KR Swerdfeger Construction (505624) and Apex Plumbing (505625). Per the RFP, the selection of 5 total contractors also resulted in proposed contracts with the remaining two contractors, AGL Construction and Mid City Corporation, who will be available for unforeseen situations during their contract periods.

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Disadvantaged Business Enterprises (DBE) Information:

A target goal of 6.1% and 6.6% MBE and WBE participation was established in the request for proposals. Per SRF specifications, these are goals for contractors and not requirements. Each of the three contractors has demonstrated good faith efforts to meet these goals. Denver Water posted an early notification of Request for Proposal encouraging DBEs to submit and reached out to contracting organizations such as Colorado Procurement Technical Assistance Center (CO-PTAC (SBA)); National Utility Contractors Association (NUCA); Colorado Contractors Association (CCA); Construction Management Association of America (CMAA); American Council of Engineering Companies (ACEC); and the Associated General Contractors of America (AGC). Contractors were also required to reach out to MBE and WBE as part of their Good Faith Effort Questionnaire required by SRF.

Recommendation:

Staff recommends that the Board approve Contracts 505623 with Five Star Energy Services, 505624 with KR Swerdfeger Construction, and 505625 with Apex Plumbing for FFLSLP for the contract period February 8, 2023, through October 1, 2025 for a projected not-to-exceed amount of \$52,700,000.

Contractor	Contract #	2023 LSLR Quantity	2023 INV Property Quantity	2023 Spend Amount (\$) (with 5% contingency)	Total Contract Quantity (LSLR)	Total INV Property Quantity	Total Contract Amount (\$) (with 5% contingency)
Five Star Energy Services	505623	920	400	\$12,700,000	1,270	400	\$18,600,000
KR Swerdfeger Construction	505624	885	500	\$15,430,000	1,150	600	\$19,700,000
Apex Plumbing	505625	895	400	\$11,550,000	1,050	400	\$14,400,000
AGL Construction*	505626	0	0	\$0	0	0	\$0
Mid City Corporation*	505627	0	0	\$0	0	0	\$0
TOTALS		2,700	1,300	\$39,680,000	3,470	1,400	\$52,700,000

*Contracts for AGL Construction and Mid City Corporation are \$0 and not included in 2023 Contract Amounts

Staff recommends that the Board approve contracts with the three best value contractors and to additionally approve contracts with the remaining two contractors should the best value contractors fail to perform the FFLSLP standards of quality and performance outlined in the contract. It is also recommended that the Board delegate authority to the CEO to award subsequent work areas to the contractors throughout 2023 based on costs and contractors' capacity to perform replacements. Status of contract performance and work area authorization will be reported to the Board throughout 2023.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
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