

Presented and Adopted: June 4, 2009

SUBJECT: Approval to Execute Option Year One (1) of Contract No. WAS-08-025-AA-RV, Carter & Carter Enterprises, Inc.

#09-68
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year One (1) of Contract No. WAS-08-025-AA-RV, Carter & Carter Enterprises, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year One (1) of Contract No. WAS-08-025-AA-RV, Carter & Carter Enterprises, Inc. The purpose of the option is to contract with a vendor to supply and deliver ferric chloride. The contract amount is \$3,132,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009

SUBJECT: Approval to Execute Contract Modification No. 1 of Contract No.
WAS-07-047-AC-RE, Global Management Systems, Inc.

#09-69
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 1 of Contract No. WAS-07-047-AC-RE, Global Management Systems, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 1 of Contract No. WAS-07-047-AC-RE, Global Management Systems, Inc. The purpose of the contract modification is to add additional funding for services through December 30, 2009. The contract amount is \$340,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009

SUBJECT: Approval to Execute Contract Modification No. 1 of Contract No.
WAS-07-047-AF-RE, KeyTech Services, Inc.

#09-70
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 1 of Contract No. WAS-07-047-AF-RE, KeyTech Services, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 1 of Contract No. WAS-07-047-AF-RE, KeyTech Services, Inc. The purpose of the contract modification is to add additional funding for services through December 30, 2009. The additional amount is \$350,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009

SUBJECT: Approval to Execute Change Order No. 16 of Contract No.
030210, Ulliman Schutte Construction, LLC

#09-71
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Change Order No. 16 of Contract No. 030210, Ulliman Schutte Construction, LLC

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 16 of Contract No. 030210, Ulliman Schutte Construction, LLC. The purpose of the change is to relocate the wiring and conduit for dissolved oxygen probes and remove and dispose of grit from the odd and even side Nitrification Reactor Influent Channels. The change amount is \$521,705.21.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009
SUBJECT: Approval to Execute Contract No. DCFA #423-WSA
Black & Veatch Corporation


#09-72
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract No. DCFA #423-WSA, Black & Veatch Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. DCFA #423-WSA, Black & Veatch Corporation. The purpose of the contract is to provide design services for upgrade of the existing Secondary Treatment Facilities. The contract amount is not-to-exceed \$2,319,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009
SUBJECT: Approval to Execute Contract No. WAS-09-027-AA-GA,
TD Bank

#09-73
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on June 4, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract No. WAS-09-027-AA-GA, TD Bank.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. WAS-09-027-AA-GA, TD Bank for the Authority's bank depository for a term of five (5) years. The contract amount is \$1,272,297.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009
Subject: Approval of Final Rulemaking to Amend the
Procurement Regulations

#09-74
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors, (the "Board") of the District of Columbia Water and Sewer Authority ("Authority"), at its meeting on June 4, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval of final amendments to the Authority's Procurement Regulations.

WHEREAS, on or about September 9, 1999 the Board adopted Procurement Regulations (Resolution 99-66); and

WHEREAS, on April 2, 2009 the Board authorized publication of proposed amendments to Procurement Regulations (Resolution 09-47); and

WHEREAS, the proposed Procurement Regulations were published in the District of Columbia Register on April 24, 2009 for public comment; and

WHEREAS, one comment was received during the comment period; and

WHEREAS, the comment is under consideration to determine whether an amendment to the Procurement Regulations is necessary.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board adopts as final the Procurement Regulations which were proposed and published in the April 24, 2009 edition of the D.C. Register.
2. The General Manager shall publish a Notice of Final Rulemaking in the District of Columbia Register and make such changes to the Notice as may be needed to insure that the Final Regulations further the intentions expressed in this resolution and otherwise conform to the publication requirements of the Office of Documents.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4 , 2009
Subject: Approval for Revision to Business Development Plan

#09-75
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors, (the "Board") of the District of Columbia Water and Sewer Authority ("Authority"), at its meeting on June 4, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval for revision to the Authority's Business Development Plan.

WHEREAS, on or about June 3, 1999 the Board adopted the Authority's Business Development Plan (Resolution #99-41); and

WHEREAS, there is a need to revise the Authority's Business Development Plan; and

WHEREAS, a presentation of the proposed revisions to the Business Development Plan was made to the Environmental Quality and Operations Committee on May 26, 2009; and

WHEREAS, the Finance and Budget Committee met on May 28, 2009 and considered the revisions to the existing Business Development Plan; and

WHEREAS, the Environmental Quality and Operations Committee and the Finance and Budget Committee have recommended that the Board approve the attached Business Development Plan.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors hereby authorizes the General Manager to implement the revised Business Development Plan.

This resolution is effective immediately.


Secretary to the Board of Directors

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY BUSINESS DEVELOPMENT PLAN

The District of Columbia Water and Sewer Authority (WASA) is committed to promoting economic and business development in the District of Columbia and the region it services. WASA provides water and wastewater treatment services to one of the most diverse cities and regions in the country. In carrying out its mission, WASA will seek to reflect this diversity in meeting its business needs. As such, WASA will actively encourage and support the participation of certified local business enterprises (LBEs), local small business enterprises (LSBEs), minority business enterprises (MBEs) and woman-owned business enterprises (WBEs) in its contracting and procurement activities.

The General Manager or his/her designee is responsible for implementing and administering programs, procedures and processes, consistent with this plan, Authority policies and applicable regulations and laws, that will enhance participation, growth and development of LBEs, LSBEs, MBEs and WBEs.

To this end, WASA will employ every reasonable effort to ensure that LBEs and LSBEs are afforded full and equitable opportunities to participate as vendors, prime contractors, subcontractors and joint ventures for goods and services including construction and architectural and engineering (A/E) contracts funded by the District of Columbia and the user jurisdictions.

Pursuant to requirements established as a condition for receipt of federal grants and federal financial assistance, WASA will also implement a program to encourage and facilitate participation by Minority Business Enterprises and Women-owned Business Enterprises (MBE/WBE) in accordance with the Federal Fair Share Objective. This program will apply to WASA's capital A/E and construction projects, where appropriate.

The Business Development Plan (BDP) provides the framework for the design and implementation of programs and activities that will promote and enhance participation by LBEs, LSBEs, MBEs and WBEs.

I. CERTIFIED LOCAL AND LOCAL SMALL BUSINESS ENTERPRISE (LBE/ LSBE) PROGRAM

A. Overall Local and Small Participation Goals

The WASA Board of Directors (the Board) may establish overall goals for participation by LBEs and LSBEs in WASA's non-federally assisted procurement program. These goals will be reviewed every two (2) years to determine whether, based on performance, the Board's objectives are being achieved. The WASA LBE/LSBE program is race and gender neutral.

The overall goals will apply to non-federally assisted funds designated for competitively solicited contracts. These goals do not apply to procurement actions identified as exceptions in the WASA Procurement Regulations. The Board will establish goals for the following categories:

1. Goods and Services

2. Construction and A/E

The goals will be expressed as a percentage of the total dollar volume of all non-federally assisted contracts and purchase orders awarded for each goal category and may be achieved by LBE/LSBE participation as a vendor, prime contractor, subcontractor or joint venture provided there is sufficient competition for various types of procurements.

B. Large Purchases LBE/LSBE Utilization

1. Preference Program

To facilitate and encourage the participation and utilization of LBE/LSBE in the procurement process for large purchases, a preference will apply to competitive solicitations for goods and services and construction and A/E. The preference will be used in the evaluation of bids and proposals.

The preference provides for the utilization of additional points in the evaluation of proposals and the utilization of a preference percentage reduction in price for bids. The preferences are as follows.

a. Preference Points for Proposals:

- (1) Local=5 points
- (2) Small=5 points

The maximum number of eligible preference points for a proposal is ten (10) points.

b. Preference Price Reduction for Bids:

- (1) Local=5%
- (2) Small=5%

The maximum eligible preference price reduction for a single bid is a total of ten percent (10%) or \$100,000, whichever is less.

Prime contractors may subcontract or joint venture with LBE/LSBE. Preference consideration will be given for LBE/LSBE participation proportionate to the percentage of the LBE/LSBE's proposed participation on the contract. For example, if a prime contractor subcontracts to a certified local business (which is eligible for a 5.0% preference price reduction) for 25% of the work, the prime contractor would be eligible for 1.25% reduction in the bid price.

2. Small Purchases LBE/LSBE Utilization

For small purchases, under \$100,000, requests for quotes may be limited to LBEs/LSBEs when there are at least two such businesses capable of

providing the good, service or construction and can satisfy all applicable WASA requirements and conditions.

3. **Waivers**

The General Manager shall have the authority to determine when it is in the best interest of WASA to waive bonding and other requirements for solicitations estimated not to exceed \$250,000 if the General Manager determines:

- a) a waiver will assist LBEs/LSBEs by removing requirements that may inhibit LBE/LSBE participation in WASA contracting and procurement activities; and
- b) the interests of WASA are not adversely affected.

4. **Outreach Efforts**

In order to (1) encourage competition for all potential vendors and contractors, (2) transfer information that local and small businesses may require to compete for WASA contracts vendors, and (3) ensure that all potential vendors and contractors have equal opportunity to compete for a participate in WASA's contracting and procurement activities, measures will include, but not limited to:

- a. **Advertisement.** In addition to the placement of advertisements as may be currently required by the Procurement Manual, the Department of Procurement Services, as appropriate, may advertise or announce solicitations in other media targeted towards the vendor and contracting community, including those focused on local and small businesses.
- b. **Procurement Fair.** WASA will sponsor at least one procurement fair each year, at which:
 - (1) Procurement staff and end-user representatives will be available to potential vendors and contractors to discuss contracting and purchasing opportunities.
 - (2) Selected goods and services capable of being furnished by small businesses will be identified.
 - (3) The WASA procurement process will be explained.
 - (4) Potential vendors and contractors may market their goods and services to WASA, its prime contractors and vendors and other co-sponsor, if any.

Fairs and workshops may be held by WASA or in conjunction with a co-sponsor.

Attend Procurement Conferences or other related conferences to describe WASA's Capital Improvement Program and our outstanding history of LBEs, LSBEs, MBEs & WBEs participation

- c. **Project-specific Workshops.** For large and specialized projects, workshops will be held with potential prime contractors and vendors and local and small businesses to provide information and identify subcontracting and supplier opportunities. In addition, local and small businesses may market their services to potential prime contractors and vendors.
- d. **Prime Contractor Outreach.** WASA may require that similar outreach programs be implemented by prime contractors and vendors.

5. **Capacity Building Activities**

In an effort to expand the pool of qualified LSBEs, MBEs and WBEs, WASA will work with business and economic development agencies and organizations; and the prime contractor community to implement strategies for building the capacity of small businesses seeking to expand their performance on WASA contracts and/or compete for and execute contracts as prime contractors with WASA. Such efforts will include, but not limited to:

- a. Collaborating, coordinating and cooperating with other entities to leverage resources, share best practices and maximize the use of existing resources to assist small businesses working on WASA contracts.
- b. Facilitating better working relationships between large prime contractors and small businesses by creating networking forums and opportunities for knowledge transfer and skill development.
- c. Conducting workshops and trainings on how to do business with WASA to encourage small firms to bid and propose on WASA opportunities.
- d. Dividing or reducing the size or scope of solicitations, when economically feasible, to afford LSBEs, MBEs and WBEs greater opportunities to compete as prime contractors and vendors and subcontractors.

C. Eligible Program Participants

To achieve the goals established by the Board, WASA encourages the participation of local and small businesses whose primary business operations is located in the District of Columbia or one of the WASA user jurisdictions, which include Fairfax County, Virginia; Loudoun County, Virginia; Montgomery County, Maryland; and Prince George's County, Maryland. As such, eligible participants in the WASA Business Development Plan must have current certification as a local or local small business enterprise by one of the following jurisdictions' business development preference programs:

1. District of Columbia's "CBE Certification Program" as local or local and small.
2. Montgomery County's "Minority, Female and Disabled Business Enterprise" Certification Program as local or local and small.
3. Prince George's County's Registered "Local, Minority Business Enterprises" Program as local and local and small.
4. Virginia Department of Transportation's "Small, Women and Minority Owned Business" Program as accepted by Fairfax County for certification as local or local and small.
5. Other certification programs recognized by the District of Columbia or a WASA user jurisdiction and meet the District of Columbia's or user jurisdiction's criteria for local and local and small business enterprise.

Businesses desiring to take advantage of the preferences for local and small businesses for a specific solicitation must have verifiable documentation of current certification as a local or local and small business enterprise from an certifying agency listed above *prior to or on the bid opening or proposal due date.*

D. Monitoring and Reporting

WASA will implement procedures for monitoring LBE and LSBE participation as prime contractors and subcontractors in WASA's contracting and purchasing program. The General Manager will submit an annual report on actual results to the Board of Directors.

II. FEDERALLY FUNDED PROJECTS

WASA will implement an outreach, education and fair share objective program designed to encourage participation by MBEs and WBEs in procurements with federal financial assistance, pursuant to United States Environmental Protection Agency (EPA) regulations found at 40 CFR Section 31.36(e).

A. MBE/WBE Program Design

In accordance with EPA requirements, WASA's Fair Share Program will include the following features:

1. Fair Share Objectives, which are MBE/WBE participation goals based on an availability analysis performed by WASA and approved by EPA. These goals may be achieved by MBE/WBE firms participating as a vendor, prime contractor, subcontractor or joint venture for a federally assisted project.

Separate MBE and WBE objectives will be established for architectural and engineering services and for construction. In calculating the dollar value of the objective, the capital project dollar value will be the amount actually committed or "booked". WASA will track actual spending over the life of the project.

2. Six (6) Affirmative Steps (or Six (6) Positive Steps), which are steps that must be undertaken by WASA and contractors to inform MBEs/WBEs and encourage their participation. These steps include the following:
 - a. Placing qualified MBEs and WBEs on the solicitation lists.
 - b. Assuring that MBEs and WBEs are solicited whenever they are a potential source.
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by MBEs and WBEs.
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by minority and women-owned business enterprises.
 - e. Using the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) or the Department of Commerce.
 - f. Requiring prime contractors, when subcontracts are being let, to undertake affirmative steps 1 through 5 listed above.
3. Periodic reports to EPA on MBE/WBE participation results.
4. MBE/WBE certification of eligible program participants.

B. MBE/WBE Certification

Businesses participating in this program must have current certification as an MBE or WBE, as defined by EPA, by the Small Business Administration, another federal agency, a State or State agency or local jurisdictions.

C. Reporting

WASA will implement a procedure for monitoring contractor compliance with MBE/WBE requirements and will submit quarterly MBE/WBE utilization reports to

EPA. The General Manager will submit an annual report on results to the Board of Directors.

III. COMPLIANCE REQUIREMENTS

- A. WASA will encourage and monitor contractor compliance with federal standards, affirmative action and equal opportunity programs including but not limited to those administered by the U.S Department of Labor, Office of Contract Compliance.
- B. WASA will ensure that contractors fully comply with all elements of the LBEs LSBEs, MBEs and WBEs participation plans offered by such contractors in response to WASA solicitations. Contracting officers shall accomplish this requirement by enforcing contract language requiring periodic contractor performance reporting.

IV. GLOSSARY

- A. **Certifying Agency** - for purpose of the WASA LBE/LSBE Program, the District of Columbia Department of Small and Local Business Development or its successor or any User Jurisdiction's certifying agency.

WASA recognizes the following certifying agencies as user jurisdiction authorities:

- The Fairfax County Economic Development Agency
- Loudoun County (Virginia Department of Transportation)
- The Montgomery County Economic Development Agency (Local Small Business Reserve Program)
- The Prince George's County Minority Business Development Department
- Other certification agencies and programs recognized by the District of Columbia or a WASA user jurisdictions and meet the District of Columbia's or user jurisdiction's criteria for local and local and small business enterprises.

For purpose of the federally mandated MBE and WBE Program, EPA accepts certifications from:

- U.S. Environment Protection Agency (EPA)
- Small Business Administration (SBA) and U.S. Department of Transportation (DOT) with U.S. citizenship)
- Tribal, state and local governments, provided their standards for certification meet or exceed EPA requirement
- Independent private organization certification provided their standards for certification meet or exceed EPA requirements

- B. **Fair Share Objective** - a fair share objective is an amount of funds reasonably commensurate with the total project funding and the availability of qualified MBEs and WBEs taking into account experience on EPA-funded projects and other comparable projects in the area. This objective is based on an availability analysis conducted by WASA and approved by EPA. A fair share objective does not constitute an absolute requirement, but a commitment on the part of the recipient or prime contractor to make good faith efforts to use MBEs and WBEs to achieve the fair share objective.
- C. **Local Business Enterprise** - a business enterprise as defined by the District of Columbia or a user jurisdiction.
- D. **Minority Business Enterprise (MBE)** - for the purpose of the federal mandated program and fair share objectives, at least one of the following:
- (1) A business which is certified as socially and economically disadvantaged by the Small Business Administration; or

- (2) A business which is certified as a minority business enterprise by a state or federal agency; or
 - (3) An independent business concern which is at least 51% owned and controlled by minority group member(s).
- E. **Small Business Enterprise for the purpose of the federal mandated program and fair share objectives** - a business entity, including its affiliates, that is independently owned and operated, not dominant in the field of operations in which it is bidding on government contracts, and qualified as a small business under the criteria and size standard set forth at 13 CFR Part 121.
- F. **Small Business Enterprise for the purpose of the WASA LBE and LSBE Program** - a business enterprise as defined by the District of Columbia or user jurisdiction.
- F. **User Jurisdictions** - consist of the following:
- District of Columbia
 - Fairfax County, Virginia
 - Loudoun County, Virginia
 - Montgomery County, Maryland
 - Prince George's County, Maryland
- G. **Woman-owned Business Enterprise (WBE)** - For the purpose of federal mandated program and fair share objectives, a business which is certified as such by a state, federal agency, or; a business which is at least 51% owned by a woman or women, who also controls and operates it.

Presented and Adopted: June 4, 2009
SUBJECT: Approval of Providing Benefits to
Domestic Partners

#09-76
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("Authority"), at its meeting on June 4, 2009, upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve the following action with respect to benefits for domestic partners:

WHEREAS, the Authority maintains health and welfare benefits for post 1987 employees and their beneficiaries; and

WHEREAS, the Human Resources and Labor Relations Committee ("Committee") met on January 21, March 10 and May 27 and considered providing health and welfare benefits to Domestic Partners for post 1987 employees of the Authority; and

WHEREAS, benefits may be provided to same-sex and opposite-sex domestic partners in accordance with the Authority's fully-insured insurance contracts; and

WHEREAS, benefits offered will be consistent with benefits for post 1987 employees and their beneficiaries except where prohibited by law or the Authority's fully-insured insurance contracts; and

WHEREAS, staff recommends that employees be required to sign an Affidavit of Domestic Partnership and provide two proofs of financial interdependency to be eligible to receive benefits for domestic partners; and

WHEREAS, staff recommends that proofs of financial interdependency may include:

- Common ownership of real property or common leasehold interest in property
- Common ownership of motor vehicle
- Joint bank account or joint credit account

- Beneficiary of employees life insurance or retirement benefits
- Assignment from the employee of a durable power of attorney to the domestic partner
- Any other proof that establishes financial interdependence under the circumstances of the employee's particular case., e.g.,
 - Driver's license or State-issued identification listing a common residence
 - Designation of one partner as the primary beneficiary under the other partner's will or trust
 - Health care directive and or living will in which each partner gives the other the authority to make health care decisions; and

WHEREAS, the committee recommends benefits be extended to Post 1987 employees in accordance with staff recommendations, effective January 1, 2010.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board accepts and adopts the recommendation of the Human Resources and Labor Relations Committee.
2. Domestic Partner benefits will be offered in accordance with the terms of its fully-insured insurance contracts.
3. Domestic Partner benefits will be implemented on January 1, 2010.
4. The General Manager is authorized to take steps necessary to implement this resolution.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009

SUBJECT: Approval of Appointment of Administrator of 401(a) and 457(B) Plans

**#09-77
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("Authority"), at its meeting on June 4, 2009, upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to take the following action with respect to the appointment of the Plan Administrator:

WHEREAS, the Authority maintains the 401(a) and 457(b) Plans (collectively known as the "Plans") for the benefit of the participants and beneficiaries of the Plans; and

WHEREAS, the Plans provide for the Authority to designate one or more employees to act as Administrator with respect to the Plans; and

WHEREAS, the Board authorizes the Administrator to allocate responsibility for administration of the Plans among its members in accordance with the terms of the Plans; and

WHEREAS, the Human Resources and Labor Relations Committee ("Committee") at its meeting on May 27, 2009 considered the employee positions to comprise the Administrator for the Plans and the powers, duties and responsibilities to be allocated to the Administrator; and

WHEREAS, the Committee recommends that the Administrator for the Plans shall be comprised of those employees who from time to time hold the following positions:

- Chief Financial Officer
- Treasury Manager
- Human Resources Director
- Benefits Manager
- Designated member, by the General Manager; and

WHEREAS, the Committee recommends that in addition to the powers and responsibilities assigned to the Administrator under the terms of the Plans, the Administrator shall have the following additional powers, duties and responsibilities with respect to the Plans:

- Adoption, review and amendment of an Investment Policy for the Plans;
- Selection, review and replacement as appropriate of investments for the Plans;

- Selection, monitoring and replacement of an investment consultant or advisor for the Plans;
- Selection, monitoring and termination of a directed trustee or asset custodian for the Plans;
- Selection, monitoring and replacement of an investment advice provider for participants in the Plans, if the Administrator determines that such a service would be appropriate; and
- Selection, monitoring and replacement of a record keeper for the Plans.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board accepts and adopts the recommendation of the Human Resources and Labor Relations Committee regarding the employee positions to serve as Administrator for the Plans and the powers duties and responsibilities allocated to the Administrator.
2. The General Manager is authorized to take all steps necessary to implement and carry out the intent of this resolution.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009
Subject: Approval for Bad Debt Write-Off

#09-78
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("Authority"), at its meeting on June 4, 2009, upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to writing off uncollectible bad debt.

WHEREAS, the Authority's accounts receivable greater than 90-days delinquent totaled \$6.1 million and 15,400 customer accounts as of April 30, 2009; and

WHEREAS, since implementation of the Authority's Customer Information System (CIS) in 2001 and with numerous improvements in collection efforts, tremendous progress has been made in reducing accounts receivable from a high of over \$30 million when the Authority was established, to the current receivables of \$6.1 million as of April 30, 2009; and

WHEREAS, included in the accounts receivable greater than 90 days delinquent, is bad debt which represents 6,295 accounts totaling \$2.3 million as of April 30, 2009. Bad debt accounts are those with unpaid balances and inactive service for over 365 days.

WHEREAS, a rigorous and detailed review of our bad debt accounts has been undertaken over the last several months and it has been determined that approximately 56% of the bad debt amount (or \$1.3 million is uncollectible) for the following reasons:

- 3,355 accounts totaling \$762,973.93 have been outstanding for over 3 years (past due statute of limitation period) and are currently without liens.
- 1,477 residential accounts totaling \$104,294.00 have been outstanding for over 1 year but less than 3 years. Properties associated with these accounts were transferred to a different owner prior to a lien being secured primarily because the balance owed was less than the \$200 threshold amount.

- 226 commercial and multi-family accounts totaling \$13,602.96 outstanding for less than 3 years. Properties associated with these accounts were transferred to different owners prior to a lien being secured because the balance owed was under \$200 (the current lien threshold amount).
- 427 accounts totaling \$432,847.18 had property transferred to different owners despite the Authority properly securing a lien prior to the transfer. Since March 2008, the Authority has implemented a process with the title companies to ensure this no longer happens. All accounts listed in this category happened prior to this date.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board, in consideration of the above factors, authorizes the General Manager to write off one-million, three-hundred thirteen, seven-hundred eighteen dollars and seven cents (\$1,313,718.07) representing 5,485 uncollectible bad debt accounts

This resolution is effective immediately,


Secretary to the Board of Directors

Presented and Adopted: June 4, 2009
SUBJECT: Election of Vice-Chairperson

#09-79
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, (the "Authority") at its meeting on June 4, 2009, decided by a vote of eleven (11) in favor and none (0) opposed, to record the election of Timothy Firestine as Vice-Chairperson:

WHEREAS, the Board desires that the office of Vice-Chairperson shall rotate among the members from the suburban jurisdictions and the District of Columbia (Resolution #07-63, dated July 5, 2007); and

WHEREAS, pursuant to the By-Laws, section 4.02, the Chairperson of the Board, William Walker, appointed District of Columbia Principal Member Alan Roth; and Prince George's County Principal Member Jacqueline F. Brown; and Fairfax County Principal Member Anthony Griffin; and himself to the Nominating Committee; and

WHEREAS, the Nominating Committee has nominated Timothy Firestine, Principal Board Member from Montgomery County, Maryland to serve as Vice-Chairperson of the Board of Directors; and

WHEREAS, an election was held on June 4, 2009 with Timothy Firestine having received eleven (11) votes of the eleven (11) votes cast.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Nominating Committee having fulfilled its obligations, the Board of Directors of the District of Columbia Water and Sewer Authority hereby elects the following individual to serve as Vice-Chairperson:

Timothy Firestine, Principal – Montgomery County, Maryland

NOW THEREFORE BE IT FURTHER RESOLVED THAT:

1. The Board also expresses its gratitude to Dan Tangherlini for his service.

This resolution is effective immediately.


Secretary to the Board of Directors