



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY
Board of Directors**

Meeting of the
Environmental Quality and Operations Committee

Thursday, June 18, 2020
9:30 a.m.

**Via Microsoft Teams
202-753-6714 Conference ID: 796 379 258#**

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|-----------|------|----------------------|---------------------------------|
| 9:30 a.m. | I. | Call to Order | Adam Ortiz
Chair |
| | II. | Roll Call | Linda Manley
Board Secretary |
| 9:35 a.m. | III. | Action Item | Len Benson |

Non-Joint Use

1. [Kennedy Street Green Infrastructure Construction – \(Memorandum of Agreement\), District of Columbia Department of Transportation \(DDOT\)](#)

- | | | | |
|-----------|-----|---|---------------------|
| 9:40 a.m. | IV. | Other Business / Emerging Issues | |
| 9:45 a.m. | V. | Executive Session* | |
| 9:50 a.m. | VI. | Adjournment | Adam Ortiz
Chair |

Follow-up Items from Prior Meetings:

1. *SVP, CIP Project Delivery: Include risks associated with a potential privatization of the Washington Aqueduct and its impact on rates as part of the Risks and Sensitivities analysis. [TBD]*
2. *VP, DC Clean Rivers: Schedule a tour of GI Sites [TBD]*
3. *Director, Procurement: Fix typo in the ‘contractor/sub/vendor information’ table, under the participation column in Joint Use, Fact Sheet #4 and resubmit Fact Sheet [Submitted corrected page to BOD Secretary, 05/18/20]*
4. *SVP CIP Project Delivery: Provide an update regarding the effort and progress made in engaging and transitioning subcontractors to take roles as prime contractors on DC Water jobs. (Information was submitted to Committee members via email on 6/1/20 and members will be invited to the Governance Committee meeting when an update on this is on the Agenda)*

The DC Water Board of Directors may go into executive session at this meeting pursuant to the District of Columbia Open Meetings Act of 2010, if such action is approved by a majority vote of the Board members who constitute a quorum to discuss: matters prohibited from public disclosure pursuant to a court order or law under D.C. Official Code § 2-575(b)(1); contract negotiations under D.C. Official Code § 2-575(b)(2); legal, confidential or privileged matters under D.C. Official Code § 2-575(b)(4)(A); collective bargaining negotiations under D.C. Official Code § 2-575(b)(5); facility security under D.C. Official Code § 2-575(b)(8); disciplinary matters under D.C. Official Code § 2-575(b)(9); personnel matters under D.C. Official Code § 2-575(b)(10); proprietary matters under D.C. Official Code § 2-575(b)(11); train and develop members of a public body and staff under D.C. Official Codes § 2-575(b)(12); decision in an adjudication action under D.C. Official Code § 2-575(b)(13); civil or criminal matters where disclosure to the public may harm the investigation under D.C. Official Code § 2-575(b)(14), and other matters provided in the Act.



District of Columbia Water and Sewer Authority
David L. Gadis, CEO and General Manager

Briefing on:

*2002 DDOT/DC Water Memorandum of Agreement
and
Kennedy Street Green Infrastructure Memorandum of Understanding*

Briefing for:

Environmental Quality and Operations Subcommittee

June 18, 2020



DCWATER.COM

District Policy Toward Utilities in Public Space

- DDOT controls work within public right of way
- DDOT capital projects may necessitate relocation or modification of existing utilities
 - Examples: DDOT's Frederick Douglas Memorial Bridge, 11th Street Bridge, 9th Street Bridge, many others
- How is this handled for PEPCO, Wash Gas, Verizon & others?
 - Utilities are **directed to move at their own cost**
 - Based upon franchise agreements that allow utilities the benefit of using public space



DDOT's 31 St NW Bridge Replacement

- Potentially large cost for utilities
- DDOT has little motivation to “design around” other utilities

DC Water is Treated Differently Because of 2002 Memorandum of Agreement

- Title: *Memorandum of Agreement Between D.C. Department of Transportation and D.C. Water and Sewer Authority, 2002*
- Signatories: City Administrator for District, DDOT and DC Water
- Purpose: established the basic principles of cooperation between the two organizations with respect to project design and planning, construction, cost sharing, method of payment and other relevant matters for construction of DC Water infrastructure by DDOT.
- Key Provisions:
 - DC Water will design utility changes, DDOT will include in contract documents and bid the work
 - Costs to relocate/modify DC Water utilities: **split 50/50**
 - Costs for betterment of DC Water utilities: **100% paid by DC Water**
 - Cost to collect/extend stormwater: **100% paid by DDOT**DC Water pays actual costs, with reconciliation process



2002 MOA has Saved Ratepayers Tens of Millions

DDOT's 11th Street Bridge Project



- If 2002 MOA had not been in place, relocation of major DC Water assets could have been required by DDOT:
 - Anacostia Force Main
 - Anacostia Force Main & Gravity Sewer
 - CSO 007
 - East and West Outfall Sewer from Main PS
 - Numerous smaller water and sewer lines
- Instead, bridge projects were designed around existing utilities with minimal relocation
- Saved tens of millions of rate-payer dollars

DDOT's Frederick Douglas Memorial Bridge Project

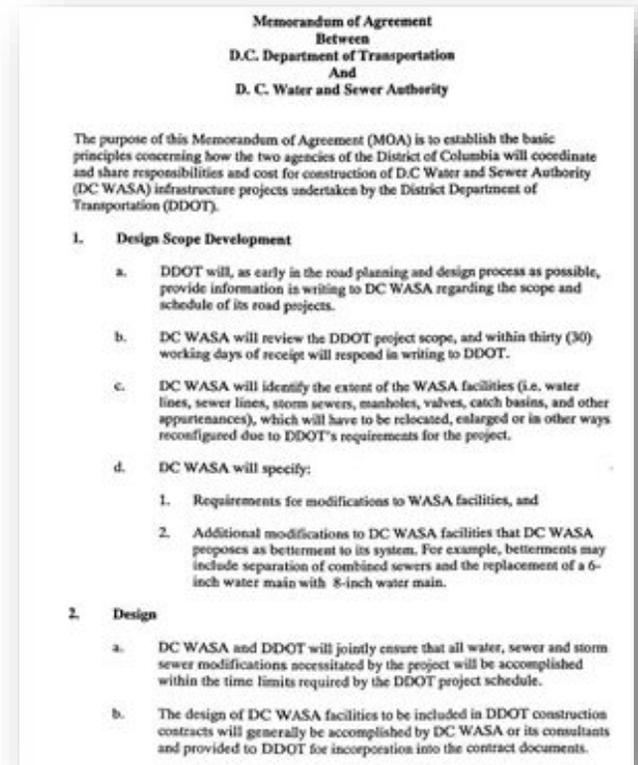


Has happened many times
for both mega-projects
and small projects

2002 MOA has Saved Ratepayers Tens of Millions (Continued)

- MOA allows DC Water to have water/sewer improvements constructed by DDOT
 - More economical than a separate DC Water contract
 - Costs for general conditions, mob/demob, maintenance of traffic, sediment & erosion, etc. are already part of DDOT project
 - DC Water's addition of water/sewer work does not substantively change these costs
 - Impact = lower cost for ratepayers to repair and replace infrastructure

- District & DDOT have made clear they would like to change 2002 MOA and treat DC Water like other franchise utilities
 - Many other utilities are for-profit
 - Would increase costs for ratepayers
 - Bad public policy because would encourage cavalier attitude toward existing infrastructure if there are no cost implications for District/DDOT



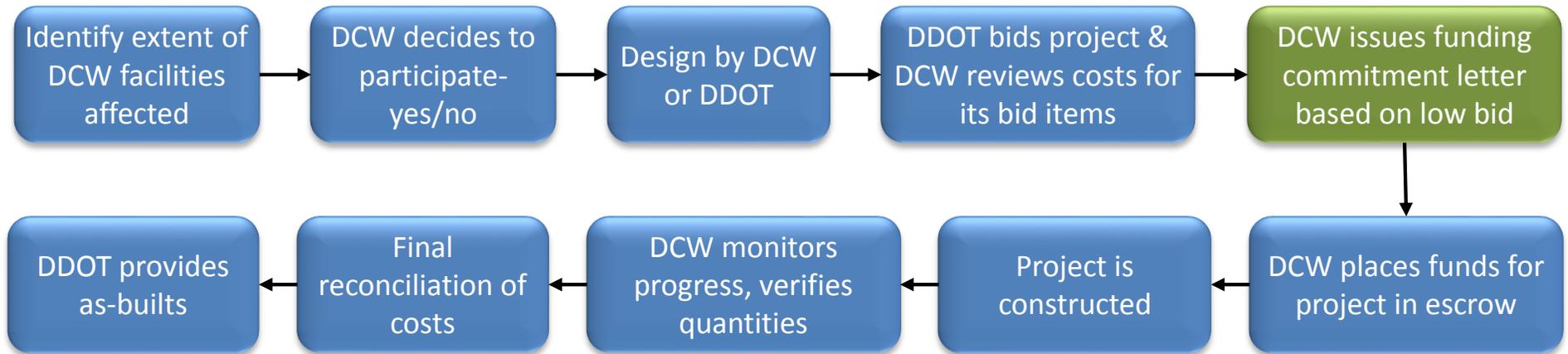
District has tried to treat green infrastructure differently from water/sewer lines and has wanted a "different deal" than the 2002 MOU

Recent Projects Using 2002 MOA for Construction of DC Water Assets

Date	Project Title	Service Area	Cost
6/13/2018	Green infrastructure	Water/Sewer	\$2,931.94
6/13/2018	Cedar Street Blair Street 4th Street	Water	\$5,385.00
4/20/2016	Normanstone/Fulton DC Water Sanitary Sewer Improvements - Task Order #15	Sewer	\$44,772.36
2/26/2014	Upgrade, reconstruction, and resurfacing at various Ward 5-6	Fire hydrants	\$64,400.00
10/10/2019	C Street NE	Water	\$72,312.06
6/22/2017	FHA MOA – Constr. Services for ROCR Sewer Doghouse Manhole on Sherrill Drive NW and Beach Drive	Sewer	\$123,600.00
4/6/2017	Rehabilitation of Pennsylvania Bridge over Rock Creek Parkway	Water	\$128,800.00
1/28/2020	Douglas St. Ped Bridge Replacement_ FAP No.1302(036)	Water	\$156,356.45
7/17/2019	Southern Ave., Phase II	Water	\$272,446.26
5/24/2018	Normanstone Drive/Fulton Street, NW Culvert	Sewer	\$307,764.08
12/6/2018	DC 295/I-295 Improvements from Chesapeake St. S.E. to Eastern Ave, N.E.	Water	\$358,344.00
8/16/2017	DOEE MOU - Spring Valley Stream Restoration & Sewer Rehab (Multi-Year)	Sewer	\$379,000.00
8/1/2017	DDOT MOA - Rehabilitation of 30" Waterline on Key Bridge. Change Order 9	Water	\$710,934.50
8/21/2017	DOEE MOU - Stickfoot Branch Stream Restoration & Sewer Rehab	Sewer	\$739,000.00
7/9/2019	Florida Ave. from T Street to Barry Pl., NW	Water	\$902,355.53
5/29/2019	NJ NY Aves NW Safety Improvements (DCKA-2018-0017)	Water	\$1,090,895.75
12/3/2019	South Capitol Bridge	Water and sewer	\$1,975,000.00
5/2017	DDOT MOA - Kennedy Street Green Infrastructure Streetscape Project	Green Infrastructure	\$2,146,887.09
4/19/2018	DDOT MOU - Kenilworth Ave Stormwater PS	Sewer	\$2,188,338.00
6/30/2017	MOU between DDOT and DC Water for the Construction of Green Alleys as Party of Alley Contract	Green Infrastructure	\$2,700,000
8/21/2019	Reconstruction of Oregon Ave., N.W.	Water and sewer	\$4,151,700.00

Current Process and Proposed Changes

Current Process

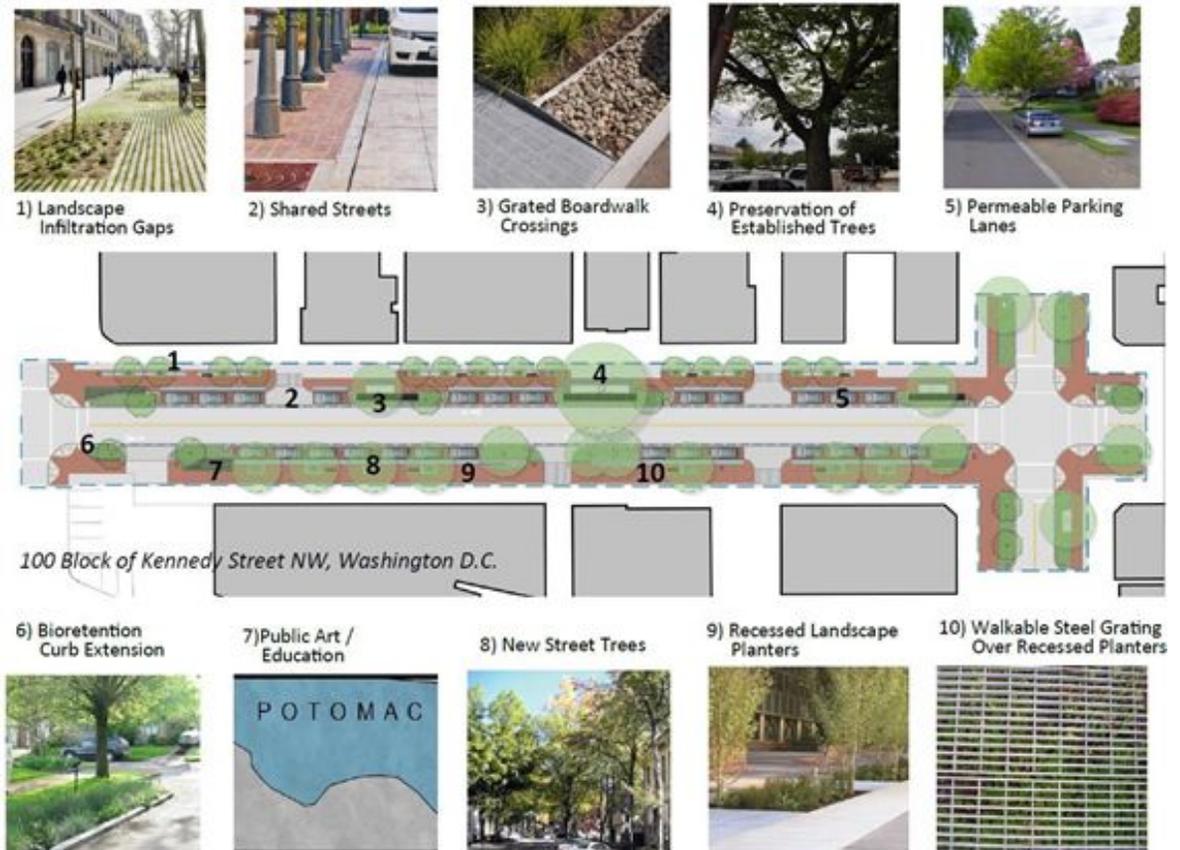


Proposed Changes

- Based on a review of a draft MOU with DDOT to Rehab Kenilworth Ave Pumping Station, Legal Affairs determined that the Board would need to approve procurements for construction services exceeding \$1 Million.

DC Water's Kennedy St. Green Infrastructure (GI) Project

- DDOT planned streetscape project on Kennedy Street, NW
- DC Water added GI to DDOT project pursuant to 2002 MOA
- Kennedy Street GI was used to meet Long Term Control Plan Consent Decree requirement to control minimum acres in Rock Creek by March 30, 2019
- More economical to construct GI as part of a larger streetscape project than a separate DC Water contract



DC Water's Kennedy St. Green Infrastructure (GI) Project Timeline

- Funding commitment letter to DDOT: 4/8/16
- Construction:
 - Start: 5/15/17
 - Finish: 6/15/19
- DDOT final invoice received 4/22/20
 - Payment due: \$2,146,887.09



Project was a success and excellent example of DC Water/District cooperation

- Met LTCP consent decree deadline
- Minimized disruption to public
- Improved streetscape
- More economical than separate DC Water project

Recommendation

- Approve execution of MOU with DDOT for Kennedy Street Green Infrastructure for \$2,146,887.09.
- Look Ahead: additional project approvals derived from 2002 DDOT/DC Water MOA are expected in coming months

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
BOARD OF DIRECTORS FACT SHEET**

ACTION REQUESTED

MEMORANDUM OF UNDERSTANDING AGREEMENT:

**Kennedy Street Green Infrastructure Construction
(Non-Joint Use)**

Approval to execute the Memorandum of Understanding Agreement (MOU) between District of Columbia Department of Transportation (DDOT) and DC Water for \$2,146,887.09. The modification exceeds the General Manager's approval authority.

PARTY INFORMATION

PARTY:	SUBS:	PARTICIPATION:
District of Columbia Department of Transportation 55 M Street SE Washington, DC 200003	MBE and WBE fair share objectives will follow DDOT goals.	

DESCRIPTION AND PURPOSE

MOU Value, Not-To-Exceed: \$2,146,887.09
 MOU Time: 761 Days (2 Years, 1 Months)
 MOU Start Date: 05-15-2017
 MOU Completion Date: 06-15-2019

Purpose of the MOU:

To provide for construction of Green Infrastructure to control combined sewer overflows from Rock Creek CSO 049 by DDOT as part of DDOT's Kennedy Street NW Improvement Project (Project No. DCKA-2016-C-00271). This work is required by a Consent Decree.

MOU Scope:

- DC Water prepared design plans to include Green Infrastructure in DDOT's Kennedy Street Improvement project
- DDOT competitively bid the project and awarded a contract to Capitol Paving, who constructed the improvements
- The scope of the agreement provides for bidding and construction of the green infrastructure, and compensation by DC Water for actual work constructed
- The Green Infrastructure will manage 2.7 acres of impervious surface runoff and will be owned and maintained by DC Water

Federal Grant Status:

- Work under this MOU is not eligible for Federal grant funding assistance

