

Presented and Approved: February 6, 2025

SUBJECT: Approval to Execute Amendment No. 01 of Contract No. 240070, Construction Manager at Risk (CMAR) Agreement, Guaranteed Maximum Price Amendment (GMP), Division RC-C – Rock Creek Project C (GI), Fort Myer Construction Corporation

**#25-04
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 February 6, 2025 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed to approve the execution of Amendment No. 01 of Contract No. 240070, Fort Myer Construction Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the CEO and General Manager to execute Amendment No. 01 of Contract No. 240070, Fort Myer Construction Corporation. The purpose of this contract is to provide construction of Division RC-C – Rock Creek Project C (GI) in support of DC Clean Rivers Project as required by a Consent Decree. This includes constructing Green Infrastructure (GI) practices in the public Right of Way (ROW) to manage 1.2” of rain on at least 25 impervious acres in the Rock Creek sewershed; and constructing 43 permeable alleys using a standardized design for efficient construction and lower costs. The total value of Amendment No. 01 is \$23,280,575.00.

This Resolution is effective immediately.

Michelle Rhodd

Secretary to the Board of Directors

Presented and Adopted: February 6, 2025

**Subject: Approval for the CEO & General Manager to Take All
Actions Necessary to Maintain Continuity of
Operations of the Washington Aqueduct**

**#25-05
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District member of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“DC Water”) at the Board meeting held on February 6, 2025, upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to authorize the CEO & General Manager to take all actions necessary to maintain the continuity of operations at the Washington Aqueduct.

WHEREAS, pursuant to an Act of Congress, dated March 3, 1859 (11 Stat 84), the ownership, management, and superintendence of the Washington Aqueduct is under the control of the Chief of Engineers of the United States Army Corps of Engineers; and

WHEREAS, pursuant to that Act the Chief of Engineers is responsible for supplying water in the District for use by the Federal government and for the use and benefit of the inhabitants of Washington, D.C.;

WHEREAS, pursuant to the Water Sales Agreement between the Secretary of Army and DC Water, effective July 31, 1997 and Memorandum of Understanding between the Department of the Army, Chief of Engineers and Among DC Water, Arlington County, Virginia and Fairfax, DC Water is a Wholesale Water Customer and member of the Wholesale Customer Board of the Washington Aqueduct; and

WHEREAS, on January 28, 2025, the U.S. Office Personnel Management issued an email presenting a deferred resignation offer to all full-time federal employees except for military personnel of the armed forces, employees of the U.S. Postal Service, those in positions related to immigration enforcement and national security, those in positions related to public safety, and positions excluded by an agency; and

WHEREAS, the eligible federal workers have until February 6, 2025 to accept the offer; and

WHEREAS, on February 6, 2025, the CEO & General Manager has advised the Board that employees of the Washington Aqueduct received the deferred resignation offer, and are eligible to accept it; and

WHEREAS, the CEO & General Manager has advised the Board that the operation of the Washington Aqueduct may be compromised if a significant number of Washington Aqueduct staff accept the resignation offer; and

WHEREAS, on February 6, 2025, upon consideration of the recommendations from the CEO & General Manager, the Board agrees the CEO & General Manager needs to take all actions necessary to maintain the continuity of operations of the Washington Aqueduct.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors authorizes the CEO & General Manager to take all actions necessary to maintain the continuity of operations of the Washington Aqueduct in the event that a deficiency of personnel at the Washington Aqueduct could interrupt water service to DC Water customers. This delegation is effective immediately and expires March 6, 2025.
2. The CEO and General Manager shall advise the Board of any issue affecting the continuity of operations of the Washington Aqueduct that will impact the supply of water to the District.
3. The CEO and General Manager shall include both operational and legal strategies in a plan for maintaining continuity of operations of the Washington Aqueduct to the Board of Directors at or before the March 6, 2025, Board of Directors meeting.
4. The CEO and General Manager shall also take action to request written position statements from representatives of the Washington Aqueduct, Fairfax Water Authority, and Arlington County, relating to DC Water taking action to ensure continuity of operations to the Board of Directors at or before the March 6, 2025, meeting.
5. Should the CEO exercise authority under this resolution an emergency board meeting will be called within 48 hours.
6. The Board may vote to extend the 30-day sunset at each Board meeting.
7. A fiscal cap of \$10 million in authority is hereby granted by the Board to the CEO and General Manager.
8. This resolution shall be effective immediately.

Michelle Rhodd
Secretary to the Board of Directors