



Richland County Council

Sewer Ad Hoc Committee
December 8, 2020 –3:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, and Dalhi Myers

OTHERS PRESENT: Paul Livingston, Michelle Onley, John Thompson, Leonardo Brown, Jennifer Wladischkin, Tamar Black, Angela Weathersby, Kyle Holsclaw, Ashiya Myers, Ashley Powell, Elizabeth McLean, Jessica Mancine, Stacey Hamm, Bill Davis, and Tariq Hussain

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 3:00 PM.

2. **APPROVAL OF MINUTES** –

a. **June 30, 2020** – Ms. Myers moved, seconded by Mr. Malinowski, to approve the minutes as distributed.

In Favor: Malinowski, Myers

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Myers moved, seconded by Mr. Malinowski, to adopt the agenda as published.

Mr. Malinowski noted on p. 8 of the minutes there was a deferral of an item to the next committee meeting. He requested staff to explain why this item was not on the current agenda.

Mr. Brown responded he would have to check, but he believes the rate agreement went to Council, and Council voted on the rate agreement, which included information about deferring the rates. We talked about the rates, and rate structure, early on during the pandemic.

Mr. Malinowski requested Mr. Brown to follow-up on this item.

Ms. Myers stated, for clarification, it spoke to a narrow group of ratepayers, but the problem was that everyone was being negatively impacted. Her question had to do with redoing the rate study.

Mr. Brown noted the document Council voted on did include all ratepayers for Richland County Sewer.

Ms. Myers responded it did not speak to whether we needed to redo the rate study, and that is specifically what this was about. The rate study is the question that remains before us, and she would like Mr. Brown to look at it.

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In Favor: Malinowski, Myers

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

EASTOVER PLANT UPGRADES – SOUTHEAST SEWER PROJECT FLOW INCREASE – Mr. Davis stated we are in a position where there is some maintenance that needs to be done at Eastover Wastewater Treatment Plant in order to bring them up to the full capacity of 750,000 for the flowing going from the transfer area, as well as the Southeast Sewer. This plant will be near capacity at that time. He noted Mr. Wood is currently working on the permit upgrade to 1.2 million, but until that time, we will need the 750,000 gallons in order to bring the new sewer system to Eastover, and deflect it from the City of Columbia and the current discharge points.

Ms. Myers inquired if this was temporary.

Mr. Davis responded, what is happening right now is, the flow from the transfer area is discharging into the City of Columbia's system. About 1,400 customers are discharging into the City system. We have Franklin Park, which is a separate permit and then we have the other smaller systems that are still in operation until we discharge into our new trunk line which we have been calling the backbone. Once the backbone comes online, all of the flow will go to Eastover. Eastover currently only has two customers, the the Town of Eastover and Kemira Chemical plant, which has a few bathrooms that discharge there, so it is a really low flow currently.

Ms. Myers stated, for clarification, Mr. Wood is working on a permit, and until that permit is ready. She did not understand the nexus between what Mr. Davis was saying and the permit Mr. Woods in working on.

Mr. Davis stated, for clarification, we currently have a permit for 750,000 gallons, but we do not need anywhere close to that; we need about 120,000. We have not been using the other side of the treatment plant because it was not needed. We used parts from it to keep the other side running, because that piece of the plant is what we have been using since it started up. The other part of the plant was not needed because they only had 120,000 every day, but now we are going to seeing close to 700,000 gallons with the transfer of these customers into the Eastover plant. The current permit will be fine, but they were going to go ahead and upgrade to the 1.2 million, for future capacity. Once you get to about 90% of your permitting capacity, you should already have a plan underway to upgrade the plant. That is already underway with Mr. Wood and a permit upgrade.

Ms. Myers inquired why this was not a part of the original bond and plan. Since we knew we took the pieces out of it to use on the other side, and we have essentially downgraded the capacity. We could forecast and plan for what the capacity was going to be, pre-bond, so why are we needing more money.

Mr. Davis responded it was probably because maintenance is done annually anyway. When you do maintenance on items that you are using, and you are replacing pumps, fixing pipes and things like that all the time. We have a large maintenance budget that is usually used for that. In this case, they did a thorough analysis because we needed to make sure the plant was at full capacity. In order to do that analysis, they brought the equipment manufacturer to the plant to make sure that all the pieces were functioning properly and were able to upgrade to make the plant fully operational. It has never run at full capacity.

Ms. Myers stated she was making sure that this is not what happens at Broad River because we did not

check that out pre-bond either. Her inquired, if we knew we were bonding to do the new system, and we knew we were bonding to do maintenance, why did we not check this out to get the maintenance number right before the bond rather, than coming back for more money? Have we done that at the Broad River plant? And, are we going to need more money there too?

Mr. Davis assured Ms. Myers they are doing their homework, and looking at other aspects of the Broad River System, as well. In the past, we have not had a robust Capital Improvements Plan. From this point, We are going to try to make sure we stay ahead of the curve on maintenance.

Ms. Myers stated she agreed with Mr. Davis. She thought when they did this Capital Improvement Bond, and the Sewer Bond, what we were accounting for was this long languished maintenance and adding to the system.

Mr. Malinowski inquired as to what the original contract with Brigman was let for, and the request by procurement.

Mr. Davis responded the original plan was to the installment the backbone, as well as, the interconnectivity of all the systems along the way. Maintenance was the part that is normally done annually, but that did not need to be done because we did not need that part of the plant. Now it needs to be done because we are about to come online. We could have done it one piece at a time, but we are going to do it at one time to make sure we are ready in time for the new project to come onboard.

Mr. Malinowski stated his question was, when this particular contract was let, and a request for proposals was given out, was the proposal based on the full capacity, or the capacity that is being built to right now by the Brigman company.

Mr. Davis responded the capacity was not in question.

Mr. Malinowski stated he understands what was permitted. He wants to know what the contract was allowed for. Was the contract out for doing the work that has been done up-to-date by the Brigman Company? If so, it seems to him, this additional request would be a new contract and a new procurement matter.

Mr. Davis stated they bid it out with three different contractors that are currently working on the project. This is a way of saving a lot of money and time because it is bid out to three contractors that are currently working for us, under the contingency of the money, which is available for the project and such things as this. This is not necessarily a change order, as much as an additional service, where we got prices from three different people.

Mr. Malinowski responded this exactly where he was going. It is not really a change order, as people are being led to believe. It is new work being done. While you say it was bid out among three contractors doing work here, we only have the benefit of the one company in front of us, to see what they were willing to do the work for. There could be \$1,000 difference between this company and one of the others. We do not have that in front of us. Additionally, when the initial procurement contract was advertised, Richland County could have maybe gotten a better deal, if the entire plant was advertised for what we totally wanted. We did not do it that way, so it does not seem fair to the other bidders that now, late into the game, we are saying, by the way we are changing the rules a little bit, and we want you to bid on what is left that we want to do in the future. That does not seem like the way we should be doing business.

Mr. Davis responded it is a change order, by contract, but the services were not an error or an omission, we

are asking them to do something, and they have prices that are low bid unit prices and hourly rates that they are using for the same contract for Division Two. We have unit prices and hourly rates that were already the low bid, which gives us the better deal, because those prices were fixed.

Mr. Malinowski stated, he understood that. He wants us to get the better deal, but not to the exclusion of fairness for all involved. He would have to go back to the original bids, when the contract was initially awarded, and see how close the other bidders were. Those other bidders may have come in at a lesser price overall than Brigman had they known the full extent of the contract. We do not have the benefit of that now because it was not done that way. He would like to know from Procurement or Legal, if this is a proper way of doing things. It is not really a change order. It is a new contract for new work to be done.

Ms. Mclean stated she took a look at this, and she does not see an issue with it being a change order, even though it is additional services. Most of the contracts are set up so we can add additional services, if we need to. Generally speaking, these items go through Procurement before they come to her, but she did not see an issue.

Mr. Malinowski stated the contract the Brigman Company has for doing work on the Eastover sewer plant was awarded to them because they were the low bidders, at the time. Now, we are coming forward and saying we want to do additional work, which technically would be another contract. Yet, if it was all bid out the first time, the bidders may have come in at a lower overall price, but they did not have that benefit. He does not know if this is the way it should be done Procurement-wise, or not. Also, he does not have the benefit of seeing the difference in prices, and what the bids were.

Ms. Wladischkin responded Mr. Malinowski has a valid point. Nobody knows what would have happened, if this work had originally been included. We cannot really say what the bidders would have bid. From a Procurement standpoint, Brigman was awarded the project. It was her understanding, after discussing with Utilities and Operational Services, and the other parties involved, this work was being recommended to be performed by this particular contractor because they were already out there. This would afford the County some savings versus resoliciting, as a separate bid, and having contractors come in who would have mobilization costs. It is in the County's best interest to achieve better cost savings by using the contractor that is already in place, and doing work in the same area. From the Procurement standpoint, it is not a matter of whether the bid process should have been done or not. It is more a matter of what is in the best interest of the County.

Mr. Malinowski responded, if we use that attitude, does this mean in the future, when bids come in and we accept the low bid, we can just tack something on again to the exclusion of all other bidders.

Ms. Wladischkin responded that would not be something we would typically do, but if it fell into the same exact pattern of this, where there is a contractor there that can perform the work, and the additional work is in the same realm as that work. The best case scenario is for this work to have been included in the original bid. She is not sure why it was not. She does not know if this issue just came up. Maybe with different departments, they did not know what the other department was doing. It is not a standard practice we would like to engage in, but because it happened in this case, she felt like it was in the best interest to move forward with the work.

Mr. Malinowski stated Mr. Davis mentioned a figure of 1.2 million gallons, but in the information they have the highest figure he sees is 750,000 gallons per day. He inquired where the 1.2 million gallons come from.

Mr. Davis responded that is actually the next step. Once you get to 750,000 gallons, less 10%, you should have a plan in place to begin the upgrade. We are very fortunate in the sense that our predecessor, Andy

Metts, had actually planned for this plant to be larger. There are going to be minor upgrades required to get the 1.2 million. Early on, when the plant was built, it was big enough, but we did not permit it for that because we did not need it. It would add some additional requirements, which we did not need until now. The permitting is not a part of this project. The permitting is a separate contract with Mr. Wood.

Mr. Malinowski stated, for clarification, Mr. Davis said there were three bids for the new work.

Mr. Davis responded they invited three people and the next closest bidder was Stuntz and Williams at \$517,625. The mobilization cost is probably where Brigman was able to save a lot of money, and give us a better price because they are already mobilized at the plant.

Mr. Malinowski stated maybe that second bidder would have been able to give a better price had they been there too. He does not think we are being fair about this. He is all about saving the County money but, not at the expense of fairness to our business community.

Ms. Myers agreed with Mr. Malinowski was saying. She noted, in these economic times, we do not know what any company would have been able to do to get to work. They might have been willing to forego some of those cost in order to keep their people working. She too has problems with the process we used, and she has some questions about why this was additional work, rather than previously scoped work, given that it is not new information

Mr. Malinowski inquired how long it would take to re-advertise for everyone to be able submit a bid.

Ms. Wladischkin responded it would probably take a couple of days to put together a bid package and get it advertised. Typically, they have to be advertised for 30 days, unless the County Administrator reduces that time period. Then it would a day to evaluate the responses and recommend the lowest response bidder. Traditionally, it can take up to 35 days altogether, but we do have a couple of holidays in there.

Mr. Malinowski inquired, if this company that is in there now, is there an anticipated completion date for the current project.

Mr. Davis responded, the current project, as well as this additional service, would be completed by July 1.

Mr. Malinowski inquired, if Council were to decide they wanted to re-advertise this, and see if an additional bidder would maybe come in lower, it is not going to delay the overall project is it?

Mr. Davis responded it would delay the project. When you negotiate with a contractor you already have under contract, you can go out to the site and point to the various issues because they are already familiar with the project. If you re-bid it, you have to put together an entire set of specifications and a drawings/sketches that shows everything that needs to be replaced, which can take 30 – 60 days, at a minimum. Then you have to go through Council to get the bid out, get it awarded, and get them started. We are paying about \$1,500 a day, or approximately \$500,000 per year, to the City of Columbia to treat our sewer.

Ms. Myers inquired how long the work will take once the bidding and the back office work is done.

Mr. Wood responded it would take approximately 90-100 days. Nobody can order equipment yet because nobody has been awarded a contract. The big issue is getting the materials delivered.

Dr. Thompson asked what the total time from ordering of assets to the completion of the project.

Mr. Davis responded about 90 days. It is all about delivery of big equipment.

Ms. Myers moved, seconded by Mr. Malinowski, to defer this item until the next meeting, so the committee members can have conversations with the staff offline.

In Favor: Malinowski, Myers

The vote in favor was unanimous.

5. **SEWER SERVICE FOR ALBENE PARK** – No Action was taken.
6. **ADJOURNMENT** – The meeting adjourned at approximately 3:30 PM.