

MINUTES  
CLAY COUNTY UTILITY AUTHORITY  
November 17, 2020

The Board of Supervisors of the Clay County Utility Authority (CCUA) met in Regular Session in the Board meeting room at the Administrative Office of the Clay County Utility Authority, 3176 Old Jennings Road, Middleburg, Florida, on the above-stated date.

Item No. 1 – Call to Order

Chairman Kloss called the meeting to order at 2:00 P.M.

Item No. 2 – Invocation/Pledge of Allegiance

Chairman Kloss offered the Invocation and led those in attendance in the Pledge of Allegiance.

Item No. 3– Roll Call

Roll Call was taken with Chairman Kloss, Vice-Chairman Davis, Mr. Hodges, Mr. Roark, Mr. Starnieri, and Mr. Welch in attendance.

Also present at the meeting were Executive Director Jeremy Johnston, Chief Operations Officer Teri Shoemaker, Chief Financial Officer Jeff Wesselman, Chief Engineer Jim French, Public & Legislative Relations Liaison Celeste Goldberg, Administrative Assistant Operations Alicia Baker, Administrative Assistant Engineering Lori Stewart, and Grady H. Williams, Jr., legal counsel to the CCUA.

Item No. 4 – Approval of Minutes

a. Board of Supervisors Regular Meeting, November 4, 2020

After discussion, Vice-Chairman Davis moved, seconded by Mr. Hodges, and carried 6-0, to approve the minutes of the Board of Supervisors Regular Meeting, November 4, 2020.

Item No. 5– Approval of Consent Agenda

a. Approval of Financial and Operational Activities

After discussion, Mr. Roark moved, seconded by Mr. Hodges, carried 6-0, to approve the Financial and Operational Activities and Developer Agreements, Warranty Deeds & Easements, as follows;

- 1) Approval of Payment of Warrants  
Warrants totaling \$ 1,570,129.82
  - a. Schedule of payments to Sole Sources
  - b. Schedule of Emergency Repairs/Purchases - None
  - c. Schedule of items initiated under Emergency Contract - None
  - d. Schedule of payments from the Emergency Account
  - e. Schedule of claims paid under the Sewage Backup Response Policy - None
  - f. Detailed Descriptive Warrant Report
  - g. Statement from Grady H. Williams, Jr. LL.M.
- 2) Request for Asset Disposal Authorization – None
- 3) Request for Sole Source Designation - None

b. Approval of Capital Budget Activities - None

c. Approval of Developer Agreements, Warranty Deeds & Easements

- 1) Developer Agreement KU20/21-05 - Caliber Collision Center located at 910 Blanding Boulevard (Cross Development CC Orange Park, LLC) - 5 ERC's water, 5 ERC's AWS, 2.5 ERC's wastewater, 2.5 ERC's environmental impact, 2.5 ERC's debt service - \$22,952.10
- 2) Developer Agreement KU20/21-06 - Water & Wastewater Service to 1566 Island Sunset Cove (Gennadiy Yakovlev & Oleksandr Savchuk) - 1 ERC water, 1 ERC AWS, 1 ERC wastewater, 1 ERC environmental impact, 1 ERC debt service - \$7,804.50
- 3) Developer Agreement KU20/21-07 - Pet Paradise Resort located at 1115 Fleming Plantation Boulevard (American Pet Resort, LLC) - 6 ERC's water, 6 ERC's AWS, 7 ERC's wastewater, 7 ERC's environmental impact, 6 ERC's debt service - \$37,476.14
- 4) Quit Claim Deed – Lift Station in Cross Creek Unit 1C – Grantor – D.R. Horton, Inc. – Jacksonville
- 5) Partial Release of Easement – Partial Release of CCUA Easement to Wal-Mart Stores East, LP for Expansion of Wal-Mart Store #3308 at 1580 Branan Field Blvd.

Item No. 6 – Customer Account Adjustments - None

Item No. 7 – Business discussed at Committee Meetings - None

Item No. 8 – Executive Director's Business

a. Request for award of the contract for Bid No. 2019/2020-A9 – Fleming Island Wastewater Treatment Facility BTU No. 3 Expansion and approval of the minutes of the bid opening held on October 14, 2020

Mr. French presented a request for award of the contract for Bid No. 2019/2020-A9 – Fleming Island Wastewater Treatment Facility BTU No. 3 Expansion and approval of the minutes of the bid opening held on October 14, 2020. The Fleming Island WWTF expansion was identified in the five-year Capital Budget and included design evaluation of Biological Treatment Unit (BTU) #1 for repairs, the construction of a new third BTU with various improvements to the clarifier splitter system, influent distribution system, instrumentation and controls, and yard piping to accommodate the addition of the new BTU. The project's engineering firm, CDM Smith Inc., prepared the public solicitation documents for the project, and staff advertised them in the Florida Times Union, DemandStar, and on CCUA's website on September 5, 2020, just over a month ahead of the baseline schedule. During the October 14, 2020 bid opening, CCUA received eight (8) bids. During the bid opening staff identified Williams Industrial Services' bid bond did not contain an amount and was incomplete. The bid bond stated "Clay County Utility Authority" instead of an amount. The solicitation documents required a 5% security of the total bid amount. After the bid opening, Williams Industrial Services, submitted a revised bid bond. Staff and Lisa Sterling, P.E., with CDM, evaluated the three lowest bids for conformance with the solicitation requirements, and found that Williams Industrial Services failed to include the Trench Safety Affidavit. Addendum No. 2 clarified that the Trench Safety Affidavit is "required with the bid", and the addendum was acknowledged on Williams Industrial Services' Bid Form. The Trench Safety Affidavit requires bidders to identify compliance costs and acknowledge the bidder's compliance with Florida's Trench Safety Act as separate items included in the Bidder's bid price. This form includes the following note "Failure to complete the above shall result in the bid being declared non-responsive." Resolution No. 2012/2013-04 governs CCUA's bidding and protest process. Section 11 of this Resolution states "Any bids that do not meet the requirements of the bid solicitation advertisement will be rejected and the reasons therefor stated. Any bids received after the deadline, hour and minute of the published notice

will remain unopened and returned to the bidder. Notwithstanding the foregoing, however, the AUTHORITY reserves the right to waive formalities in any Bid, to reject any or all Bids with or without cause, and/or to accept the Bid or any portion thereof that, in its judgment, will be in the best interest of the AUTHORITY.” CCUA’s options include: 1) Reject the apparent low bid and award to the next lowest bidder, 2) Reject all bids and rebid the project, 3) Waive the non-compliances in the apparent low bidder and award to the low bidder, or 4) The Board may refer the bid to the Finance Committee. Staff recommends rejecting the apparent low bidder, Williams Industrial Services, LLC, based on the non-conforming bid submission for failure to provide the required bid bond in the amount of at least 5% of the total bid amount and failure to provide the Trench Safety Affidavit. The apparent second lowest bidder, Wharton-Smith, Inc. submitted a lump sum base bid of \$5,837,000 with an additive alternate bid of \$445,000 for unit price work for a total bid price of \$6,282,000. In the best interest of the project, staff requested the Board’s approval of the award for Bid No. 19/20-A9 - Fleming Island WWTF Upgrades BTU No. 3 to the apparent second lowest bidder, Wharton-Smith, Inc. who submitted the lowest, responsive bid at a total bid price of \$6,282,000. Staff also requested the Board’s approval of deductive change orders and owner direct purchase orders for the express purpose of saving sales taxes on major materials and equipment, as authorized by the Executive Director, or his designee, and as recommended by the Chief Engineer. In addition, staff also requested approval of the minutes from the October 14, 2020 bid opening. After discussion, Mr. Roark moved, seconded by Vice-Chairman Davis, and carried 6-0, to reject the bid from Williams Industrial Services for the reasons set forth above and award the contract to Wharton-Smith, Inc., approval of deductive change orders and owner direct purchase orders and minutes of the bid opening, as presented by Mr. French.

b. Request for approval of proposed Supplemental Agreement No. 3 to the contract for RFQ 2018/2019 No. 3 - Civil and Environmental Engineering Professional Services with Reiss Engineering, Inc. for Water Supply and Regulatory Strategic Planning Services

Mr. Johnston presented a request for approval of proposed Supplemental Agreement No. 3 to the contract for RFQ 2018/2019 No. 3 - Civil and Environmental Engineering Professional Services with Reiss Engineering, Inc. (Reiss) for Water Supply and Regulatory Strategic Planning Services. The St. Johns River Water Management District, Suwannee River Water Management District, and the Florida Department of Environmental Protection are proceeding with rulemaking to protect several water bodies through Minimum Flows and Levels (MFL) regulations. In addition to the MFL development, staff believes the State Legislature will again consider legislation aimed at eliminating surface water discharges. These regulations have the potential to significantly influence CCUA’s Consumptive Use Permits and operating permits. CCUA currently has a need to evaluate the potential regulatory impacts of the MFL’s proposed by the water management districts, as well as the elimination of surface water discharges if passed by the State Legislature. Staff contacted Reiss because they recently completed CCUA’s Risk and Resiliency Assessments which were required by the Environmental Protection Agency as part of the American Water Infrastructure Act and their team includes a subconsultant, Liquid Solutions Group (LSG) that currently serves as the water supply technical experts for the NFUCG. LSG is familiar with the regulatory changes associated with the MFL’s and the elimination of surface water discharges as part of their involvement with the NFUCG. Staff coordinated with Reiss, a consultant engaged through one of CCUA’s continuing contracts, to request a scope of services to perform the evaluation of the regulations being considered, their impacts to CCUA’s current strategy with AWS initiative, and provide recommendations for potential changes. Staff negotiated the proposed scope and fee with Reiss and determined the proposed total lump sum fee of \$67,758.32 to be reasonable for the services to be provided. After discussion, Mr. Welch moved, seconded by Mr. Hodges, and carried 6-0, to approve Supplemental Agreement No. 3 in the amount of \$67,758.32, as presented by Mr. Johnston.

c. SJRWMD Governing Board Tour of the Fleming Island Wastewater Treatment Facility Phosphorus Removal Project on December 7, 2020 at 1:30 P.M.

Mr. Johnston informed the members SJRWMD's Governing Board will tour the Fleming Island Wastewater Treatment Facility's Phosphorus Removal Project on December 7, 2020 at 1:30 P.M. Mr. Hodges, Mr. Roark, Mr. Starnieri, and Mr. Welch confirmed their proposed attendance. Chairman Kloss stated he would check his schedule and will attend if his schedule permits. Mr. Johnston provided several talking points for the members regarding some upcoming issues involving the District. The Workshop Session Tour will be publicly noticed as required.

d. Other - None

Item No. 9 – Legal Business

a. Other- None

Item No. 10 – Old Business/New Business

Mr. Starnieri had some questions regarding the Construction Project Report relating the projected costs on the Keystone Heights water main relocation project. Ms. Shoemaker provided additional information regarding his inquiry.

Item No. 11 – Public Comment – None

Item No. 12 – Supervisor Comments

Mr. Roark wished everyone a happy Thanksgiving.  
Chairman Kloss also wished everyone a safe Thanksgiving holiday season.

Item No. 13 – Adjournment

Chairman Kloss adjourned the meeting at 2:18 P.M.



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Walter Kloss, Chairman



Janice Loudermilk, Recording Secretary