



"RE-BUILDING THE CITY'S WATER SYSTEMS FOR THE 21ST CENTURY"

Sewerage & Water Board OF NEW ORLEANS

MITCHELL J. LANDRIEU, *President*
WM. RAYMOND MANNING, *President Pro-Tem*

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April 15, 2015

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE SEWERAGE AND WATER BOARD OF NEW ORLEANS:

A reconvene meeting of the **Executive Committee** of the Sewerage and Water Board was called to order on Wednesday, April 15, 2015 at 7:30 AM in the Board Room at 625 St. Joseph Street.

ATTENDANCE

Present: Wm. Raymond Manning, Chair
Mark Moody
Kerri Kane
Alan Arnold

Also in Attendance: Cedric S. Grant, Executive Director; Robert Miller, Deputy Director; Nolan Lambert, Legal Counsel; Joseph Becker, General Superintendent; Madeline Goddard, Deputy Superintendent; Robert Jackson, Community & Intergovernmental Relations; Brenda Thornton, Communirep, Inc.; Yolanda Grinstead, Legal Department; Harold Marchand, Legal Department; Geneva Coleman, The Hawthorne Agency, Inc.; Casey Crawford, Grady Crawford Construction; Jimmie Johnson, Grady Crawford Construction; Gray Sexton, Grady Crawford Construction; Derrick Goudeau, GEC, Inc.; Loretta Mince, Fishman Haygood Phelps Walmsley Willis & Swanson L.L.P.; Wally Drennan, Wallace C. Drennan, Inc.; Bart Peak, Wallace C. Drennan, Inc.; Larry Roedel, Roedel, Parsons, Koch, Blache Balhoff & McCollister; Randy Smith, Royal Engineering.

ACTION ITEMS

1. Design Build Agreement for Contract 6249 Hazard Mitigation Grant Program Retrofit Power Distribution Network – Bid Protest.

Attorney Larry M. Roedel, an outside counsel for the Sewerage and Water Board of New Orleans, stated that this is a continuation of the hearing that began on Friday, April 10th. The proper procedure this morning is to allow the counsel for the protesting party and the counsel for the responding party about five (5) minutes to summarize their perspective positions. Madeline Goddard will follow with a power-point presentation. The Board's legal team will follow with recommendations after analyzing the terms of protest and responses. The Evaluation Committee will be allowed to ask any questions they may have. Finally, the Committee will vote on the Board's legal counsel's recommendation.

Attorney Loretta G. Mince, representing Wallace C. Drennan, summarized the five (5) points their bid protest was based on and asked the Committee to declare GCCCI's proposal nonresponsive; to obtain an opinion from the EDBE Compliance Office relative to the responsiveness of GCCCI's EDBE submission; to vacate the technical scores awarded by the Selection Committee; and to meet with the responders to discuss perceived strengths and weaknesses.

Attorney Daniel Lund, III, representing Grady Crawford Construction Company, Inc., stated Grady Crawford is committed to design and build the project in accordance with the New Orleans Sewerage and Water Board's RFP and will do so for the fixed price set forth in the Grady Crawford financial proposal.

Committee asked Legal Counsel if the company awarded the contract could later request additional funds in the form of a change order due to underbidding concrete/asphalt needed for the project. Mr. Nolan Lambert informed the board that if it was in the scope of the contract, we could not legally approve a change order of additional funds. The company would have to eat the additional cost.

Attorney Larry M. Roedel thereafter stated that there is no indication of a mistake or abuse of discretion by the Evaluation Committee. Our preliminary conclusion is as follows: The protest by Drennan and the response by Grady Crawford have been communicated in good faith and in a very professional way by their counsel. As analyzed by the Legal team, we did not find a clear error or an abusive discretion by the Evaluation Committee as it made its initial recommendation in favor of Grady Crawford.

Mr. Alan Arnold moved to accept the recommendation of the Sewerage and Water Board counsel regarding the bid protest and to award project to Grady Crawford Construction. Ms. Kerri Kane seconded the motion.

There being no further business to come before the Committee, the meeting adjourned at 8:40 AM.

Respectfully Submitted,

Wm. Raymond Manning
Committee Chair