

May 5, 2015

A special meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Tuesday, May 5, 2015 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Gene Harrell, Vice-Chairman Judge Jimmy Gaidry
Greg Nolan, Secretary/Treasurer Eli Miles, Jr.
Jake Giardina Ron Animashaun
Francis Richard Lance Authement

Absent: Hugh Caffery, Chairman; Donald Schwab

Present were: Dustin Rabalais and Philip Chauvin, Jr., T. Baker Smith; Barry Marionneaux, Attorney
Tiffany Bergeron; Ayad Taofik, Burk-Kleinpeter, Inc.; Alma Robichaux, BTNEP; Robert Mire
Ben Malbrough, Executive Director

Vice-Chairman Gene Harrell chaired the meeting in the absence of Chairman Hugh Caffery. Vice-Chairman Gene Harrell advised that we do have a quorum for the meeting.

Mr. Malbrough reported that the first item on the agenda is to discuss the Mississippi River Reintroduction into Bayou Lafourche Phase 2 construction contract.

Mr. Malbrough advised that we opened bids last Monday, and we received three bids. He stated that the Board has a packet that was distributed with the recommendation from the engineer. He advised that there is a detailed bid breakdown from each contractor, and the summarized bid tabulation from the contractors that showed up for the pre-bid meeting, and the three that bid the job.

Mr. Malbrough reported that the low bid was Bertucci Contracting Company, LLC. They had a base bid of \$12,849,580.00, and an Alternate No. 1 bid of \$2,064,295.00 for a total of \$14,913,875.00. He advised that he would like to accept the recommendation by T. Baker Smith to award the Phase 2 construction to Bertucci Contracting Company, LLC. He stated that also in the recommendation would be to authorize himself, Barry Marionneaux, and Hugh Caffery to negotiate and execute the construction contract with Bertucci Contracting Company, LLC.

Commissioner Jake Giardina asked if the bonding is in order, and Mr. Malbrough answered yes. Mr. Malbrough stated that we received the bids on Monday, and we had to get some additional paperwork per the bid law from them, which we received yesterday. T. Baker Smith reviewed everything, and determined that they were the lowest responsible responsive bidder.

Vice-Chairman Gene Harrell asked if there were any other questions, and there were none. He asked for a motion to award the Phase 2 construction contract.

Motion by Commissioner Francis Richard, seconded by Commissioner Jake Giardina and unanimously approved to award the Mississippi River Reintroduction into Bayou Lafourche Phase 2 construction contract to Bertucci Contracting Company, LLC for the Base Bid of \$12,849,580.00, and an Alternate No. 1 Bid of \$2,064,259.00 for a total bid amount of \$14,913,875.00.

Mr. Malbrough advised that the next item on the agenda is the follow-up from last month's meeting which we had the revised Union Pacific Preliminary Engineering Services Agreement for the preliminary design of the bridge. They had some language that we had requested to be added back in to assure that the cost and expenses to the Fresh Water District would not exceed \$100,000.00 without prior written approval from the Fresh Water District. We passed it back to Union Pacific and they had no problems, and they updated the agreement to include the language. Mr. Barry Marionneaux reviewed it, and was okay with it.

Mr. Malbrough made the recommendation that the Board approve himself to execute the Preliminary Engineering Services Agreement with Union Pacific with a cost not to exceed \$100,000.00 without prior written approval from the Bayou Lafourche Fresh Water District.

Vice-Chairman Gene Harrell advised that he missed the last meeting, and had a question about the two alternates and Mr. Malbrough answered that the alternates will be determined in the preliminary services. Vice-Chairman Gene Harrell asked if there is going to be any land acquisition, and Mr. Malbrough answered we had talked about that and it doesn't appear now. He stated that obviously the alternative analysis is going to take into consideration the possibility of having to get an additional right-of-way. It will all be dependent upon how much area they need to pull off west and east to transition back into the main existing track.

Vice-Chairman Gene Harrell asked if there were any other questions, and there were none. He asked for a motion to accept the Preliminary Engineering Services Agreement with Union Pacific Railroad.

Moved by Commissioner Jake Giardina, seconded by Commissioner Eli Miles, Jr. to approve the Preliminary Engineering Services Agreement with Union Pacific Railroad Company, and authorize Ben Malbrough to execute the Preliminary Engineering Services Agreement with Union Pacific Railroad Company with a cost not to exceed \$100,000.00 without prior written approval from the Bayou Lafourche Fresh Water District. Motion carried unanimously.

Mr. Malbrough advised that the Board had already approved at a prior meeting to bring on a consultant that we had discussed with Union Pacific regarding several consultants that they preferred. We reached out to them for qualifications and rates, and we selected a consultant back in October.

Vice-Chairman Gene Harrell asked what is the projected starting time for Phase 2, and Mr. Malbrough answered he would like to think that we would be able to start construction within the next thirty days.

Mr. Malbrough advised that we got a public records request yesterday from an attorney out of Baton Rouge, who he is assuming is representing one of the contractors that were not the apparent low bidder. He is requesting essentially all of the documents relative to the bidding of the project.

Commissioner Francis Richard asked what could that mean, and Mr. Marionneaux answered that they will look at everything. He advised that everything was done according to law. He stated that if they find something that they might consider to be out of the ordinary, they could file a lawsuit.

Vice-Chairman Gene Harrell asked if there were any further questions. He asked for any public comments, and there were none.

Moved by Commissioner Francis Richard, seconded by Commissioner Jake Giardina and unanimously approved the meeting adjourned at 5:30 p.m.

Gene Harrell, Vice-Chairman

Greg Nolan, Secretary/Secretary