

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
OCTOBER 20, 2010**

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 P.M., Wednesday, October 20, 2010. Chairman Aceto presided with the following members present: Bellamy, Bissette, Bryson, Haner, Kelly, Root, Russell, Stanley, VeHaun and Watts. Mr. Creighton was absent.

Others present were: Thomas E. Hartye, General Manager, William Clarke, General Counsel, Gary McGill with McGill Associates, Inc., Ryan Beaver and Steele Bryce Windle, III with Shumaker, Loop & Kendrick representing Shane Herbert of Buckeye Construction Company, Inc., Jack Westall with Westall, Gray, Connelly & Davis representing Wendell Howard of T&K Utilities, Inc., Jason Beard with Hickory Construction Company, Gerri Barraco with Sperling & Barraco, Inc., Leah Karpen with the League of Women Voters, Joseph Martin with Woodfin Sanitary Water & Sewer District, Stan Boyd, Ed Bradford, John Kiviniemi, Scott Powell, Jim Hemphill, Peter Weed, Roger Watkins, Ken Stines, Mike Butler, Lisa Tolley, Julie Willingham and Sondra Honeycutt, MSD.

2. Inquiry as to Conflict of Interest:

Mr. Aceto asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

3. Approval of Minutes of the September 15, 2010 Meeting:

Mr. Aceto asked if there were any changes to the Minutes of the September 15, 2010 Board Meeting. With no changes, the Minutes were approved by acclamation.

4. Discussion and Adjustment of Agenda:

None

5. Informal Discussion and Public Comment:

Mr. Aceto welcomed Mr. Beaver, Mr. Windle, Mr. Herbert, Mr. Howard, Mr. Westall, Mr. Beard, Ms. Barraco, Ms. Karpen and Mr. Martin.

6. Hearing to Consider Withdrawal of Bid: Lake Julian Interceptor Phase III Sewer Rehabilitation Project – Buckeye Construction:

At 2:04 PM, Mr. Aceto declared the hearing on the withdrawal of the bid by Buckeye Construction Co., Inc. open.

Mr. Aceto called on Ed Bradford for a presentation on the project. Mr. Bradford reported that the project is located at Lake Julian and begins at the French Broad River, runs under 1-26, then along the south side of the lake. He stated that this is phase III of an overall four-phase rehabilitation around the lake. Phase I was around the north side of the lake and Phase II, MSD partnered with the NCDOT on the Long Shoals Road widening project. These phases consisted of approximately 13,000 LF and are now complete. He further reported that Phase III is the largest collection project in the current CIP at approximately 8,200 LF, with a construction budget of \$2.4 million. The project was advertised and eight bids were received on September 7, 2010. On September 8, 2010, Buckeye Construction Company submitted a request to withdraw its bid citing a mathematical error. On September 10, 2010, T&K Utilities, Inc. submitted a request to withdraw its bid citing a clerical error. As a result, neither contractor can now be considered for this project. The lowest responsive bidder is now Ruby-Collins and NCGS 143-129.1 requires that a hearing be held to determine whether or not Buckeye

Construction Company, Inc. and T&K Utilities, Inc. shall be allowed to withdraw their bids.

The Board then heard a presentation from Al Windle, an attorney representing Buckeye Construction. Mr. Windle also presented copies of Buckeye Construction's bid papers which he said showed that Buckeye made a mathematical error of approximately \$162,000. Mr. Shane Herbert, Vice President of Buckeye Construction, was sworn in and offered testimony as well. The documents presented by Mr. Windle on behalf of Buckeye, and the testimony of Mr. Herbert, demonstrated that, upon learning it was the lowest bidder on the project, Buckeye reviewed the papers it has used to prepare its bid. In the course of the review, Buckeye determined that it had calculated the cost of equipment for the project at \$2,105.00 per day. That figure did not carry over properly to the bid sheet; however, it was reflected on the bid sheet as \$1,002.50. The difference of \$1,103 per day times the contract period of 138 days resulted in an error of \$162,000.00. Buckeye Construction submitted the request to withdraw its bid within 72 hours. Mr. Herbert testified that Buckeye Construction had been doing work for MSD for twenty years and that this was the first time Buckeye had asked to withdraw a bid. Mr. Kelly asked Mr. Windle if, in his experience, he had seen two contractors request withdrawal of their bids on the same project. Mr. Windle said that up until the last few years, he had not experienced this, but he had seen it a number of times in recent years. Mr. Kelly asked Mr. Clarke that if the Board allowed Buckeye and T&K to withdraw their bids, would MSD be required to take the remaining lowest bidder. Mr. Clarke said that MSD was not required to, but could take the remaining lowest bidder. MSD could also reject all the bids and readvertise. If MSD were to reject all bids and readvertise, Buckeye and T&K would not be allowed to bid.

Mr. Clarke then reviewed the requirements of North Carolina General Statute 143-129.1. Following discussion Mr. Kelly moved that the Board find that Buckeye Construction Company submitted a request to withdraw its bid on the Lake Julian Interceptor Project, Phase III within 72 hours of the opening of the bid; that the reason for the withdrawal was a mistake constituting a substantial error, that the bid was submitted in good faith and that the mistake was clerical in nature and due to an unintentional omission of a substantial quantity of equipment and that the mistake could be shown from work papers used to prepare the bid. Based on these findings, Mr. Kelly moved the Board allow Buckeye Construction to withdraw its bid and MSD forfeit any right to claim the bid security. Mr. Stanley seconded the motion. Roll call vote in favor of the motion was 10 Ayes; 0 Nays. Mayor Bellamy was excused by the Chair, upon her request, from the consideration and the vote as she came into the meeting after the public hearing had begun.

At 2:33 PM, Mr. Aceto declared the hearing on the matter of Buckeye Construction Company, Inc. closed.

7. Hearing to Consider Withdrawal of Bid: Lake Julian Interceptor Phase III Sewer Rehabilitation Project – T&K Utilities:

At 2:34 PM, Mr. Aceto declared the hearing on the withdrawal of the bid of T&K Utilities, Inc. open.

Mr. Wendell Howard, the president of T&K Utilities, first being duly sworn, testified on behalf of T&K. Mr. Howard offered evidence tending to show that he looked at his bid papers after being informed that Buckeye Construction had withdrawn its bid. Upon reviewing the work papers used to prepare his bid, he realized he had omitted certain items of work. Mr. Howard testified he submitted a request to withdraw the bid within 72 hours of the bid opening, that he had done work for MSD and the City of Asheville and others for 24 years, and this was the first time he had asked to withdraw a bid. Based on the work papers, Mr. Howard showed he omitted approximately 80 tons

of stone bedding valued at about \$12,104.00 and rock excavation valued at approximately \$462,000.00 resulting in a total mistake of approximately \$474,000.00. In response to a question from Mr. Kelly, Mr. Howard testified that his expected profit margin on the job would have been in the range of 6%. Mr. Howard submitted a copy of his letter requesting withdrawal of his bid and his bid papers in support of his request.

Mr. Stanley then moved that the Board find that T&K Utilities had made a timely request to withdraw its bid on the Lake Julian Interceptor, Phase III Project, that the reason for the withdrawal was a mistake constituting a substantial error, that the bid was submitted in good faith, that the mistake was clerical in nature and due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work and that the mistake could be shown from the work papers used to prepare the bid. Based on these findings, Mr. Stanley moved that T&K Utilities be allowed to withdraw its bid and that MSD forfeit any right to claim the bid security. Mr. Watts seconded the motion. Roll call vote in favor of the motion was 11 Ayes; 0 Nays.

At 2:56 PM, Mr. Aceto declared the hearing on the matter of T&K Utilities, Inc. closed.

8. Report of General Manager:

Mr. Hartye reported that the former MSD Administration Building has been leased to Smart Start of Buncombe County effective October 1, 2010. He stated that Smart Start is a non-profit which coordinates plans, and funds programs for children aged birth through five and their families, and contracts with local organizations to implement these programs. The lease has a 5-year term with two renewal periods of 3 years each. The building has 5,798 SF and was leased for \$8.85/SF which is \$4,348.50/month or \$52,182/year. He further reported that MSD had tentative plans to collaborate with the City of Asheville to put a learning center for drinking water, storm water, and wastewater in this building, but due to the economy, plans have been put off indefinitely.

Mr. Hartye presented a copy of the Asheville Citizen Times article on MSD's sewer rehabilitation program and the resulting reduction in Sanitary Sewer Overflows. He stated that everyone at MSD, from the Board on down, is a part of this success. Also, he presented a copy of the response from the French Broad River Keeper on the same issue.

With regard to billing investigations of existing customers, Mr. Hartye reported that MSD has been leveraging its GIS system and detailed billing information from the City of Asheville to further investigate potential customers who may be tied onto the system, but are not being billed. He stated that staff has been through all commercial and large meter customers and is currently working on domestic customers. The number of commercial entities found is 17 with 14 resolved, multi-family is 6 with 4 resolved. This will increase annual user charge revenue by about \$100,000 annually, or 0.5%. Staff has recently begun the single family homes with 105 found and 65 resolved. He further stated that this effort will continue to completion over the next few months. All future water connections can now be cross referenced to assure proper billing. He expressed his thanks to Scott Powell who has spearheaded this effort of continual improvement. Ms. Bellamy asked if the 105 single family homes are located in the City of Asheville. Mr. Powell said both the City of Asheville as well as customers that are served by the City of Asheville Water Department. Ms. Bellamy asked if there is anything the City can do as far as permitting. Mr. Hartye said now that MSD has the detailed billing this can be cross referenced with development information on MSD's GIS System.

Regarding rehab work in the Lake Julian area, Mr. Hartye reported that Ed Bradford will give a presentation regarding the substantial rehabilitation effort in the area surrounding Lake Julian. He stated that MSD has already constructed approximately \$4

million worth of sewer rehab in the area over the last 10 years and plans to complete another \$6.6 million over the next 5 years, including the Lake Julian Phase III project.

Mr. Bradford presented an aerial photo of the Lake Julian project. He stated that under consideration is Phase III of the four-phase project that runs around the lake. Phases I and II are complete, totaling 12,977 LF. Phase I, on the north side of the lake was done several years ago and Phase II, MSD partnered with the NCDOT during the widening of Long Shoals Road. Phase III consist of approximately 8,181 LF and Phase IV will consist of approximately 1,652 LF; totaling 22,810 LF. Mr. Bradford presented a map showing those areas that are complete and areas that are proposed. He stated that there were smaller projects in the same basin and MSD's stimulus projects were located in this area, totaling about \$700,000. Ms. Bellamy asked how many people were employed as a result of the stimulus projects. Mr. Bradford said about 25.

Mr. Bradford reported that the existing line is constructed of Clay, PVC, Iron and Plastic, which is not a concern in itself, but indicates how often the line has been repaired. Other concerns include multiple flat grade areas around the lake with not enough velocity causing solids deposition and the line runs through Progress Energy's main plant facility under their coal piles, resulting in coal in the line over the years. Mr. Aceto asked if MSD has a deeded right of way through Progress Energy's property. Mr. Bradford said yes; 16 feet. Mr. Bradford further reported that another problem is brick manholes that are severely deteriorated; particularly below the dam. As a result, a durable temporary by-pass was constructed around several sections.

As previously mentioned, some of the design issues with Phase III include flat grades, and severe deterioration of the line below the dam. Mr. Bradford stated that MSD met with Progress Energy staff several times to consider various alignments due to power lines to account for future growth of the power plant. He pointed out that MSD rights-of-way around Lake Julian (for all phases, about 16,300 LF) were acquired without compensation. He reported that Phase III consist of replacement of 7,826 LF of 20-inch DIP and 355 LF of 8-inch DIP. The project begins at the main interceptor along the French Broad, then runs under 1-26 and along the southwest side of Lake Julian. He explained that large projects like this are bid unclassified as far as rock goes, therefore, the burden of finding rock is placed on the contractor. In this case, Ruby-Collins drilled the whole project themselves. On smaller projects, there is a line item for rock, which helps to keep MSD's bid prices lower, since contractors do not have to assume the risk for rock.

Mr. Bradford stated that as a result of Buckeye Construction and T&K Utilities withdrawal of bids, Ruby-Collins is the next lowest responsive bidder at \$2,905,408.50. Because the construction budget for this project is \$2.4 million, staff negotiated with Ruby-Collins and they reduced their price to \$2,710,661.93. He further stated that after meeting with Mr. Clarke, Mr. McGill and staff, it is believed that re-advertisement will not benefit the District, and based on the market value of this project, (\$3 million) staff recommends the Board award this contract to Ruby-Collins, Inc. in the amount of \$2,710,661.93 subject to review and approval by District Counsel. Mr. Root asked if MSD has done business with Ruby-Collins in the past. Mr. Bradford said yes; that they did Phase I of this project. Mr. Haner asked if MSD is required by the General Statute to award a contract to the lowest bidder. Mr. Bradford said no, that the bids can be rejected. Mr. Clarke stated that if a bid is awarded, it must be awarded to the lowest responsible, responsive bidder; however, all bids can be rejected.

Mr. Hartye continued his report. He stated that a Planning Committee meeting will be held immediately following the Board meeting. The next regular Board meeting will be held November 17th at 2PM. The next Right of Way Committee meeting is scheduled for December 1st at 9AM.

In other business, Mr. Hartye reported that the new intermediate pumps have arrived at the plant, which will save over \$75,000 per year in electrical costs; will reduce the noise level significantly and eliminate the hydraulic fluid that was driving the other pumps, which can also be a pollutant.

9. Consolidated Motion Agenda:

a. Consideration of Bids for Sanitary Sewer Rehabilitation Project – Lake Julian Interceptor Phase III:

Mr. Hartye reported that the project was re-estimated because of a change in the bore under I-26, which added another \$100,000, but the District has saved \$280,000 on previous jobs. He stated that the following bids were received and opened on September 7, 2010: BC&D Associates, Inc. with a total bid of \$3,911,370.00; Mendon Pipe Line Co., with a total bid of \$3,776,014.00; Terry Brothers Const. Co., with a total bid of \$3,303,391.00; Moorhead Const., with a total bid of \$3,150,307.00; Huntley Const. Co., with a total bid of \$2,908,786.32; Ruby-Collins, Inc., with a total bid of \$2,905,408.50; T&K Utilities, Inc. with a total bid of \$2,251,903.00 and Buckeye Const. Co., with a total bid of \$2,251,903.00. He further reported because of the withdrawal of bids by Buckeye Construction Company and T&K Utilities, Inc. and re-negotiation of the bid of Ruby-Collins, staff recommends award of the contract to Ruby-Collins in the amount of \$2,710,661.93, subject to review and approval of District Counsel.

b. Consideration of Bids for Final Microscreen Replacement Project – Construction/Installation Contract:

Mr. Hartye reported that the procurement of the equipment for the Microscreen Replacement Project was approved by the Board at its regular meeting on September 15, 2010. A competitively-bid construction/installation contract was advertised and the following bids were received on September 21, 2010: Ruby-Collins, Inc. with a total bid of \$10,183,942.56; Crowder Const. Co. with a total bid of \$9,708,742.56; State Utility Contractors with a total bid of \$9,446,000.00 and Hickory Const. Co. with a total bid of \$8,937,108.20. Mr. Hartye further reported that the combined construction budget for this project totals \$10,311,000.00 and staff recommends award of this contract to Hickory Construction Co. in the amount of \$8,937,108.20, subject to review and approval by District Counsel. Mr. Haner asked since this company is already on site is there an option to re-negotiate this bid. Mr. Clarke said no.

c. Consideration of acceptance of Developer Constructed Sewer System for the CVS Pharmacy Sewer Extension Project:

Mr. Hartye reported that staff recommends acceptance of the developer constructed sewer system. All MSD requirements have been met.

d. Cash Commitment/Investment Report – Month Ended August 30, 2010:

Mr. Powell reported there is no significant change in the investment portfolio from the prior month and all of the expenditures and revenues are at acceptable tolerance levels at it pertains to historical trends. He further reported that both the 2008 A&B Series Bonds are continuing to perform better than budgeted expectations, and as of the end of September, both issues have saved the District rate payers approximately \$3 million dollars in debt service.

e. Consideration of Reimbursement Resolution for Bond Projects:

Mr. Powell reported that when the District issues tax-exempt debt, a majority of that debt is reimbursable in nature to meet the business model. As of this year there are approximately \$17 million in projects and staff request the Board adopt a Reimbursement Resolution so when the District issues debt in FY 13, it can use these projects to free-up reserves from the debt issue.

Mr. Bissette moved that the Board adopt the Consolidated Motion Agenda as presented. Mr. Stanley seconded the motion. Mr. Russell asked if there is a remedy in the District's bid process should a minor mathematical error be found after a bid is awarded. Also, can a contractor make an amendment and still be awarded the contract or do they have to withdraw their bid? Mr. Clarke stated that if a contractor is the low bidder and is awarded the contract, they have to do it. If they decide to withdraw the bid, it must be a substantial error. He further stated that there is no statutory process that addresses this issue and except for rock, the unit prices, etc. are clearly laid out. Mr. Bradford stated that most projects come in at 90 to 95% of the contract price. Mr. Clarke stated that MSD staff review quantities and unit prices to make sure contractors add and multiply correctly. With no further discussion, roll call vote was as follows: 11 Ayes; 0 Nays.

10. Old Business:

None

11. New Business:

None

12. Adjournment:

With no further business, Mr. Aceto called for adjournment at 3:23PM.

Jackie W. Bryson, Secretary/Treasurer

MSD

Regular Board Meeting

Metropolitan Sewerage District
of Buncombe County, NC

AGENDA FOR 10/20/10

✓	Agenda Item	Presenter	Time	
	Call to Order and Roll Call	Aceto	2:00	
	01. Inquiry as to Conflict of Interest	Aceto	2:05	
	02. Approval of Minutes of the September 15, 2010 Board Meeting.	Aceto	2:10	
	03. Discussion and Adjustment of Agenda	Aceto	2:15	
	04. Informal Discussion and Public Comment	Aceto	2:20	
	05. Hearing to Consider Withdrawal of Bid: Lake Julian Interceptor Phase III Sewer Rehabilitation Project – Buckeye Construction.	Aceto	2:25	
	06. Hearing to Consider Withdrawal of Bid: Lake Julian Interceptor Phase III Sewer Rehabilitation Project – T&K Utilities.	Aceto	2:40	
	07. Report of General Manager	Hartye	2:55	
	08. Consolidated Motion Agenda		3:05	
	a. Consideration of Bids: Lake Julian Interceptor Phase III Sewer Rehabilitation Project.	Hartye		
	b. Consideration of Bids: Final Microscreen Replacement Project: Construction/Installation Contract.	Hartye		
	c. Consideration of Developer Constructed Sewer System: CVS on Weaverville Highway.	Hartye		
	d. Cash Commitment/Investment Report – Month Ended August 31, 2010.	Hartye		
	e. Consideration of Reimbursement Resolution for Bond Projects.	Hartye		
	09. Old Business:	Aceto	3:30	
	10. New Business:	Aceto	3:35	
	11. Adjournment (Next Meeting November 17, 2010)	Aceto	3:40	

APPROVAL OF MINUTES

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
SEPTEMBER 15, 2010**

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 P.M., Wednesday, September 15, 2010. Chairman Aceto presided with the following members present: Bellamy, Bissette, Bryson, Creighton, Haner, Kelly, Root, Russell, VeHaun and Watts. Mr. Stanley was absent

Others present were: Thomas E. Hartye, General Manager, William Clarke, General Counsel, Gary McGill with McGill Associates, Inc., Marcus Jones with Henderson County, Kent Lackey with Black & Veatch, Stan Boyd, Ed Bradford, John Kiviniemi, Scott Powell, Jim Hemphill, Peter Weed, Lisa Tolley, Angel Banks, Julie Willingham and Sondra Honeycutt, MSD.

2. Inquiry as to Conflict of Interest:

Mr. Aceto asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

3. Approval of Minutes of the August 18, 2010 Meeting:

Mr. Aceto asked if there were any changes to the Minutes of the August 18, 2010 Board Meeting. With no changes, the Minutes were approved as presented.

4. Discussion and Adjustment of Agenda:

None

5. Informal Discussion and Public Comment:

Mr. Aceto welcomed Mr. Lackey and Mr. Jones.

6. Report of the General Manager:

Mr. Hartye reported that calls were received from both Gayle Childress and Sarah Larson of South Lexington Avenue, praising the MSD crew for its professionalism in accomplishing their work and keeping the construction site clean so that access and traffic from the neighborhood could be maintained. In addition, the crew has been very polite and thoughtful with assisting the residential and commercial tenants on the block. Mr. Hartye expressed his thanks to Ben Reeves, Gilbert Karn, Randy Norton, Jason Brigmon, Marvin Felder, Tommy Brooks and Robert Denny. He further reported that a letter was received from Nancy Boyce of Asheville showing appreciation for the assistance provided by James Beaver, Marcus Bynum, John Crowe, Keith Gass, Jason Price and Eric Sams. Also, a call was received from Kate Horbaugh of Asheville who praised Jodi Germaine for helping her with a sewer adjustment. She said Jodi was very helpful, kind, and represented MSD very well.

Mr. Hartye presented a copy of a bill stuffer concerning MSD's System Performance Annual Report (SPAR) along with a press release which summarizes the report and refers to the MSD web site for accessing the complete report.

Mr. Hartye presented a copy of the Asheville Citizen Times article and photos of MSD employees helping out with the United Way Day of Caring. He stated that MSD has participated in the annual event for quite some time. In addition to those mentioned in the article concerning the Irene Wortham Center, MSD's Building Trades folks helped out at the 4H club building. He expressed his thanks to those mentioned in the article as well as Scott Monroe, Keith Lewis, Prichard Hensley, Calvin Nolan and David Vicary, Darin Processer, Tommy Brooks, Randy Norton and Brenda Parker.

Mr. Hartye announced that the next Right of Way Committee meeting is scheduled for October 27th at 9AM. The next regular Board Meeting will be held October 20th at 2PM. The next Planning Committee meeting will be held immediately following the October Board Meeting.

Mr. Kelly asked if the Board is informed about complaints from the public. Mr. Hartye stated that typically if there is a complaint about MSD it goes through the political route instead of calling MSD directly. Rarely, does MSD receive letters or calls regarding the actions of particular employees. When this does occur, an investigation is made and disciplinary action is taken if necessary. He further stated that the intent of his report is to recognize employees. Ms. Bellamy stated that in many cases, MSD is confused with other utilities.

7. Report of Committees:

Right of Way Committee

Mr. Kelly reported the Right of Way Committee met August 25, 2010 to consider the Compensation Budget for the Hickory Court Sanitary Sewer Improvements, and Condemnations and Declaratory Judgements on Short Coxe @ Southside Avenue GSR project. In addition, Mr. Clarke presented information concerning the Northfolk Southern Railway agreements.

8. Consolidated Motion Agenda:

a. Consideration of Compensation Budget – Hickory Court Sanitary Sewer Improvements:

Mr. Hartye reported that the Right of Way Committee recommends approval of the Compensation Budget.

b. Consideration of Condemnations – Short Coxe @ Southside Avenue GSR:

Mr. Hartye reported that the Right of Way Committee recommends authority to obtain appraisals and proceed with condemnations.

c. Consideration of Declaratory Judgments on Short Coxe @ Southside Avenue GSR:

Mr. Hartye reported that the Right of Way Committee recommends authority to file Actions for Declaratory Judgements to have the easements judicially declared.

d. Consideration of Sole-Source Procurement Bid for Disk Filter Equipment from Aqua Aerobics Systems, Inc. (AASI) for the Final Microscreen Replacement Project:

Mr. Hartye reported that on September 17, 2008 the Board awarded the sole-source procurement of the AquaDisk system from Aqua Aerobics Systems, Inc.(AASI) for the final microscreen replacement. However, the award was later rescinded at the November 19, 2008 meeting because of a severe downturn in the economy. Since that time, Black & Veatch (B&V) has completed the construction plans and a bid was again solicited from AASI and received on August 2, 2010. It is the recommendation of staff that the District sole-source procure the specified AASI AquaDisk System for the replacement of its final microscreen process based upon the fact that performance and price competition are not available among other disk-filter suppliers, and the bulk of this equipment is available from only one source of supply.

The total purchase amount will be \$5,216,442.56, including \$368,251.56 in refundable state tax. Mr. Hartye called on Mr. Lackey of B&V for an update.

Mr. Lackey reported the goal of the project is to replace the existing Secondary Microscreen units with disk filters. He stated that finding microscreen replacement parts was very difficult, so the level of treatment they were providing declined rapidly and they were slowly taken out of service. He said the Disk Filters will provide more effective treatment with a higher level of reliability. Mr. Lackey further stated that another goal of the project is to enhance disinfection contact time.

He further reported that the bid from AASI in the amount of \$5,216,442.56 will be considered at today's meeting and that this amount includes the disk filters, pumps, electrical control panel and valves. The construction contract for the installation of the equipment as well as retrofitting the existing facility is currently advertised and bids will be opened September 21, 2010. Also, all permits are in place. He stated that once the procurement contract with AASI is awarded and executed by MSD, this contract will be assigned to the construction contractor and will be a part of the construction contract amount.

Mr. Lackey reported that MSD performed on-site pilot testing of both the Krueger and Aqua Aerobics Systems and the Aqua System outperformed Krueger dramatically. As a result, it was determined it was in MSD's best interest to procure this equipment; allowing for the best equipment at the lowest cost. Mr. Lackey stated that B&V worked with AASI to customize the design and look for areas where they could optimize the overall design and reduce costs, so they took into account a Consolidated Control System and Consolidated Backwash System. Mr. Lackey presented a slide showing the existing facility, and 3-D slides showing the final Microscreen building and process. He said there is a new electrical room, which will combine the electrical components of the Intermediate Pump Project and the Microscreen Project into one.

With past concerns about Chlorine being in the atmosphere, Mr. Haner asked if the building will be properly ventilated. Mr. Lackey said yes. He explained that a new mechanical system will be added along with new doors and window replacements. Also, the disk filters are made of chlorine tolerant cloth. Mr. Bellamy asked if the existing electrical transformers can handle the new system. Mr. Lackey said yes. Mr. Aceto asked what warranty is being given for the system and who is giving it. Mr. Lackey stated that at the end of construction, the general contractor will have a one-year warranty on the entire project and that there is a separate warranty from AASI on the disk filter system, which is for one-year with an option to extend. Mr. Aceto asked whether this is a defects warranty or performance warranty. Mr. Lackey stated that prior to placing the system in service, performance testing is done to demonstrate the equipment performs as specified in the bid, and there are penalties associated with an inability to meet that performance. Mr. Aceto said there were situations in the past where innovative technology did not perform as advertised. He asked Mr. McGill to address this. Mr. McGill stated that the AASI technology is proven and does not carry the same level of risks on MSD's part. He further stated that this technology is in plants around the country and is proven; unlike what MSD has had in the past. Mr. Kelly asked why there is only one bidder on a \$5.2 million purchase, unless the specifications are such that only AASI could qualify. Mr. Lackey stated there are a limited number of manufacturers that make this equipment. In the pilot testing of this equipment, the Aqua system used less backwash water, provided consistent effluent quality and clearer process advantages over the other manufacturer. He further stated that this could have been openly bid, but MSD would not have gotten the process advantages this system proved during open performance testing. Mr. McGill stated if MSD had not selected this equipment based on performance testing, it would be considering sole-source procurement from Krueger.

He further stated that a great deal of time was spent with AASI in evaluating their pricing. Mr. Lackey stated that on the high flow rate and high solids test that was done, Krueger was having difficulty meeting the limits needed; AASI did not. Mr. Bradford said MSD's cost was compared to the Lubbock, Texas facility and was found to be consistent. Mr. Haner asked what kind of flow the post disinfection system can handle. Mr. Lackey said it can handle the full plant flow of 40mgd. The real question is how much contact time there is at the specified flow rate. He stated that on average flow, all the criteria are being met. On maximum flow, the contact time has increased 50-60%. Mr. McGill stated the chlorine atmosphere in the Microscreen building was very corrosive and this equipment is not exposed in the same way because there are not as many corrosive pieces to it, but there would still be some level of chlorine in the atmosphere. Mr. Lackey explained how the process works. Ms. Bellamy asked if the new process will improve water quality. Mr. Hartye stated that we currently chlorinate, then de-chlorinate before it goes in the river; the only difference is the contact time. Mr. Kiviniemi said the filters will greatly reduce the amount of solids released; enhancing water quality from a solids standpoint. Mr. Hartye stated that this process will take the solids out and some of the BOD, which is critical for water quality. The chlorination is done at the end of the process. Mr. Haner asked if this system was designed to take the intermediate clarifiers off-line. Mr. Lackey said the purpose of the clarifiers is to reduce the loading coming to the disk filters. The design was not meant to remove the clarifiers. Mr. Haner asked if Mr. Kiviniemi had input into the design. Mr. Kiviniemi said yes.

e. Consideration of Revision to the Sewer Billing & Procedures Policy:

Mr. Powell reported that on August 14, 2004, the Board adopted a resolution establishing the District's Sewer Billing Policy and Procedures. He stated that in connection with last year's audit engagement, the Finance Department implemented steps to validate that all sewer connections were being billed. Staff leveraged the District's GIS flex system with existing P&D application and member agency billing databases to help determine connections. Because of the increased effort and volume of discoveries, staff developed a program to help resolve back balances while billing all usage going forward. The program has been successful and staff wishes to incorporate this program into the District's existing Sewer Billing Policy and Procedures.

Mr. Powell further reported that on pages 8 and 9 of the Policy the program for newly discovered customers is outlined as follows: Customers will be billed for service for the previous 36 months (based on the customer's water consumption), or for the period the customer has been receiving sewer service, if the period is less than 36 months. In an effort to expedite resolution and reduce administrative burden the following credits may be allowed: All meter maintenance fees will be waived; a one-time credit based on meter size; credit equal to the first year's treatment cost for immediate payment, and the customer must enter into a written payment agreement.

Ms. Bellamy asked how smoke testing works. Mr. Hartye said smoke is blown through the sewer system, and if homes are connected, the smoke will come out of the sewer vent stacks. Smoke testing is typically used to identify if there are rainwater facilities connected to the sewer. You would see smoke coming out of a gutter if the house gutter drain is connected to the sewer. Another method is dye testing. Ms. Bellamy asked how residents are notified. Mr. Hartye stated the fire department is notified and door-hangers are placed on homes where testing will take place.

f. Cash Commitment/Investment Report – Month Ended July 31, 2010:

Mr. Powell reported that Page 2 presents the makeup of the District's Investment Portfolio. He stated that the District Portfolio decreased by approximately \$7 million dollars, which is attributed to the annual July 1 debt payment. Page 3 is the MSD

Investment Manager Report as of the month of July. The weighted average maturity of the investment portfolio is 108 days and the yield to maturity is 1.24% which is exceeding the bench marks of the 6-month T-Bill and NCCMT cash portfolio. Pages 4 & 5 are an analysis of the District's Cash Receipts and Expenditures which are considered reasonable based on historic trends. Page 6 is MSD Variable Debt Service Report. Both the 2008 A&B Series are performing better than budgeted expectations. As of August, both issues have saved District rate payers approximately \$3 million dollars in debt service.

Mr. Kelly moved that the Board adopt the Consolidated Motion Agenda as presented. Ms. Bellamy seconded the motion. With no discussion, roll call vote was as follows: 11 Ayes; 0 Nays.

9. Consideration of MSD Travel Policy Revisions:

Mr. Hartye stated that Mr. Clarke revised the existing Travel Policy for employees and added wording for the Board. Mr. Clarke reported that Item 7 was amended to read as follows: "The General Manager shall provide information to Board members about seminars, conferences and educational opportunities which might be useful to Board members. Board travel shall be approved by the General Manager. Board members will let other members know which conferences, seminars and educational opportunities they plan to attend so as to avoid unnecessary duplication of attendance. Board members shall report back to the full board and staff about conferences, seminars and educational opportunities they attend." Mr. Clarke stated that at the Retreat, the Board recommended amending the existing policy to include the aforementioned items. Mr. Aceto asked if staff and the Board are reimbursed on a per diem basis or on expenditures. Mr. Clarke stated Board members are reimbursed for actual expenses and they would be reimbursed for actual expenses up to an amount for meals. Mr. Russell said he thinks the policy regarding Board members is good and moved that the Board adopt the Travel Policy as amended. Mr. Bisette seconded the motion. Ms. Bellamy asked if there are other conferences, not provided by the General Manager, will be considered. Mr. Hartye said yes. Mr. Clarke stated that in the preamble to the policy, he included the reasons for board travel. With no further discussion, voice vote in favor of the motion was unanimous.

10. Old Business:

None

11. New Business:

None

12. Adjournment:

With no further business, Mr. Aceto called for adjournment at 3PM.

Jackie W. Bryson, Secretary/Treasurer

HEARINGS

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: 10/20/10

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Billy Clarke - District Counsel

PREPARED BY: Ed Bradford, P.E. - Director of CIP
Roger Watson, P.E. - Project Engineer

SUBJECT: Hearing to Consider Withdrawal of Bid - Lake Julian Phase III Interceptor Rehabilitation Project - Buckeye Construction Co., Inc.

BACKGROUND: Eight bids were received and opened on September 7, 2010 for this contract in the following amounts:

1. BC & D Associates, Inc.	\$ 3,911,370.00
2. Mendon Pipe Line Co.	\$ 3,776,014.00
3. Terry Brothers Construction Co.	\$ 3,303,391.00
4. Moorhead Construction	\$ 3,150,307.00
5. Huntley Construction Co.	\$ 2,908,786.32
6. Ruby-Collins	\$ 2,905,408.50
7. T & K Utilities, Inc.	\$ 2,251,903.00
8. Buckeye Construction Co.	\$ 1,917,190.00

Buckeye notified staff on September 8, 2010 that they made a mathematical error computing their bid, and wish to withdraw. Their letter, and the District's response, is attached for reference.

A bidder who is bidding on a public project in North Carolina may withdraw their bid, without forfeiture of their bid security, provided that they meet all requirements of *NCGS 143-129.1* (attached). Once a bidder has withdrawn their bid, they can no longer be considered for the project. The only remaining issue is their bid security.

NCGS 143-129.1 requires that a hearing be held in order that the contractor may formally present documentation showing their alleged error(s). Based upon the evidence presented at the hearing, the Board may or may not require forfeiture of Buckeye's Bid Security.

Please refer to the attached documentation for further details.

FISCAL IMPACT: Buckeye's bid security is 5% of their bid amount, or \$95,859.50.

STAFF RECOMMENDATION: Staff recommends that the Board hold a hearing at its regular meeting on October 20, 2010 to consider Buckeye's request to withdraw its bid for this project.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**


**LAKE JULIAN INTERCEPTOR PHASE III
PROJECT NO. 2006015**

**BID TABULATION
September 7, 2010**

BIDDER	Bid Bond	MBE Form	Bid Forms (Proposal)	Total Bid Amount
B C & D Associates Cullowhee, NC	5%	1	Yes	\$3,911,370.00
Mendon Pipeline Ghent, WV	5%	2	Yes	\$3,776,014.00
Terry Brothers Construction Co. Leicester, NC	5%	1	Yes	\$3,303,391.00
Don Moorhead Construction Co. Belton, SC	5%	2	Yes	\$3,150,307.00
Huntley Construction Company Asheville, NC	5%	1	Yes	(*) \$2,908,786.32
Ruby-Collins, Inc. Smyrna, GA	5%	1	Yes	\$2,905,408.50
T & K Utilities, Inc. Asheville, NC	5%	1	Yes	\$2,251,903.00
Buckeye Construction Company Canton, NC	5%	2	Yes	\$1,917,190.00

APPARENT LOW BIDDER

(*) Indicates correction in Contractor's bid amount.


F. Roger Wasson, P.E.
Project Engineer
Metropolitan Sewerage District of
Buncombe County, North Carolina
9/8/10

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 7th day of September, 2010, in the W.H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.



Received
1:20 PM
Wed. Sept. 8, 2010
F. Watson



September 8, 2010

Metropolitan Sewerage District of Buncombe Co.
Engineering Department
2028 Riverside Drive
Asheville, NC 28804

Attn: Fred Roger Watson

Re: Bid for MSD-Sanitary Sewer Replacement - Lake Julian Sewer Interceptor Phase
III

Dear Mr. Watson:

Buckeye Construction Co., Inc. has reviewed our Bid submitted on September 7, 2010 on the above referenced project. Buckeye is formally requesting to withdraw its bid for consideration on the grounds that we have found a mathematical error in computing the unit price contract.

We have found that the computation for the equipment was only including one half of the total cost for the Bid submitted.

Should you have any question or concerns please feel free to give me a call at (828) 648-4511 Ext. 310.

Sincerely,

BUCKEYE CONSTRUCTION CO., INC.

A handwritten signature in dark ink, appearing to read 'Shane W. Herbert', is written over a horizontal line.

Shane W. Herbert
V. President

SWH/swh

654 Buckeye Cove Road • P.O. Box 1229
Canton, N.C. 28716 • Phone 828 648-4511 • FAX 828 665-9374

Shane ext 310
Blake Hyatt ext 309
Shane call - 828-421-3112



Metropolitan Sewerage District

OF BUNCOMBE COUNTY, NORTH CAROLINA

Mr. Shane W. Herbert, Vice President
Buckeye Construction Company
654 Buckeye Cove Road
Canton, NC 28716

September 17, 2010

Re: Lake Julian Interceptor Phase III Sewer Project

Dear Mr. Herbert:

The Metropolitan Sewerage District of Buncombe Co. (hereafter "MSD") is in receipt of your letter dated September 8, 2010 requesting to withdraw your Bid submitted on September 7, 2010.

Under North Carolina law, MSD may allow you to withdraw your Bid from consideration without forfeiture of your Bid security if all of the following conditions are met:

- The price bid was based upon a mistake, which constituted a substantial error.
- The bid was submitted in good faith.
- The bidder submits credible evidence that the mistake was clerical in nature as opposed to a mere error in judgment, and
- The mistake was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quality of work, labor, materials or services made directly in compilation of the bid that can be shown by objective evidence drawn from work papers, documents, or materials used to prepare the bid.

You are hereby notified that MSD has scheduled a hearing to discuss your bid withdrawal request for **Wednesday, October 20, 2010 at 2:00 p.m.** The hearing will be held at the W. H. Mull Administrative Building, 2028 Riverside Drive, Asheville, NC 28804. As the bidder, either in person or through counsel, you may appear at the hearing and present any additional facts and arguments in support of your request to withdraw.

MSD shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing. In the event of a denial of your request to withdraw, you have the right, within 20 days after receipt of the ruling, to contest the matter by filing a civil action in any North Carolina court of competent jurisdiction.

Please contact Mr. Ed Bradford, P.E., Director of Capital Improvement at MSD, at (828) 225-8261 should you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Hartye".

Thomas Hartye, P.E.
General Manager

~Protecting Our Natural Resources~

N.C. General Statute 143-129.1

§ 143-129.1. Withdrawal of bid.

A public agency may allow a bidder submitting a bid pursuant to G.S. 143-129 for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment to withdraw his bid from consideration after the bid opening without forfeiture of his bid security if the price bid was based upon a mistake, which constituted a substantial error, provided the bid was submitted in good faith, and the bidder submits credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, apparatus, supplies, materials, equipment, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents or materials used in the preparation of the bid sought to be withdrawn. A request to withdraw a bid must be made in writing to the public agency which invited the proposals for the work prior to the award of the contract, but not later than 72 hours after the opening of bids, or for a longer period as may be specified in the instructions to bidders provided prior to the opening of bids.

If a request to withdraw a bid has been made in accordance with the provisions of this section, action on the remaining bids shall be considered, in accordance with North Carolina G.S. 143-129, as though said bid had not been received. Notwithstanding the foregoing, such bid shall be deemed to have been received for the purpose of complying with the requirements of G.S. 143-132. If the work or purchase is relet for bids, under no circumstances may the bidder who has filed a request to withdraw be permitted to rebid the work or purchase.

If a bidder files a request to withdraw his bid, the agency shall promptly hold a hearing thereon. The agency shall give to the withdrawing bidder reasonable notice of the time and place of any such hearing. The bidder, either in person or through counsel, may appear at the hearing and present any additional facts and arguments in support of his request to withdraw his bid. The agency shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing. If the agency finds that the price bid was based upon a mistake of the type described in the first paragraph of this section, then the agency shall issue a ruling permitting the bidder to withdraw without forfeiture of the bidder's security. If the agency finds that the price bid was based upon a mistake not of the type described in the first paragraph of this section, then the agency shall issue a ruling denying the request to withdraw and requiring the forfeiture of the bidder's security. A denial by the agency of the request to withdraw a bid shall have the same effect as if an award had been made to the bidder and a refusal by the bidder to accept had been made, or as if there had been a refusal to enter into the contract, and the bidder's bid deposit or bid bond shall be forfeited.

In the event said ruling denies the request to withdraw the bid, the bidder shall have the right, within 20 days after receipt of said ruling, to contest the matter by the filing of a civil action in any court of competent jurisdiction of the State of North Carolina. The procedure shall be the same as in all civil actions except all issues of law and fact and every other issue shall be tried de novo by the judge without jury; provided that the matter may be referred in the instances and in the manner provided for by North Carolina G.S. 1A-1, Rule 53, as amended. Notwithstanding the foregoing, if the public agency involved is the Department of Administration, it may follow its normal rules and regulations with respect to contested matters, as opposed to following the administrative procedures set forth herein. If it is finally determined that the bidder did not have the right to withdraw his bid pursuant to the provisions of this section, the bidder's security shall be forfeited. Every bid bond or bid deposit given by a bidder to a public agency pursuant to G.S.

143-129 shall be conclusively presumed to have been given in accordance with this section, whether or not it be so drawn as to conform to this section. This section shall be conclusively presumed to have been written into every bid bond given pursuant to G.S. 143-129.

Neither the agency nor any elected or appointed official, employee, representative or agent of such agency shall incur any liability or surcharge, in the absence of fraud or collusion, by permitting the withdrawal of a bid pursuant to the provisions of this section.

No withdrawal of the bid which would result in the award of the contract on another bid of the same bidder, his partner, or to a corporation or business venture owned by or in which he has an interest shall be permitted. No bidder who is permitted to withdraw a bid shall supply any material or labor to, or perform any subcontract or work agreement for, any person to whom a contract or subcontract is awarded in the performance of the contract for which the withdrawn bid was submitted, without the prior written approval of the agency. Whoever violates the provisions of the foregoing sentence shall be guilty of a Class 1 misdemeanor. (1977, c. 617, s. 1; 1993, c. 539, s. 1008; 1994, Ex. Sess., c. 24, s. 14(c); 2001-328, s. 2.)

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: 10/20/10

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Billy Clarke - District Counsel

PREPARED BY: Ed Bradford, P.E. - Director of CIP

SUBJECT: Hearing to Consider Withdrawal of Bid - Lake Julian Phase III Interceptor Rehabilitation Project - T&K Utilities, Inc.

BACKGROUND: Eight bids were received and opened on September 7, 2010 for this contract in the following amounts:

1. BC & D Associates, Inc.	\$ 3,911,370.00
2. Mendon Pipe Line Co.	\$ 3,776,014.00
3. Terry Brothers Construction Co.	\$ 3,303,391.00
4. Moorhead Construction	\$ 3,150,307.00
5. Huntley Construction Co.	\$ 2,908,786.32
6. Ruby-Collins	\$ 2,905,408.50
7. T & K Utilities, Inc.	\$ 2,251,903.00
8. Buckeye Construction Co.	\$ 1,917,190.00

Buckeye notified staff on September 8, 2010 that they made a mathematical error computing their bid, and wish to withdraw. Buckeye's withdrawal resulted in T&K Utilities being the next apparent low bidder.

T&K notified staff on September 10, 2010 that they made a clerical error computing their bid, and wish to withdraw. Their letter, and the District's response, is attached for reference.

A bidder who is bidding on a public project in North Carolina may withdraw their bid, without forfeiture of their bid security, provided that they meet all requirements of NCGS 143-129.1 (attached). Once a bidder has withdrawn their bid, they can no longer be considered for the project. The only remaining issue is their bid security.

NCGS 143-129.1 requires that a hearing be held in order that the contractor may formally present documentation showing their alleged error(s). Based upon the evidence presented at the hearing, the Board may or may not require forfeiture of Buckeye's Bid Security.

Please refer to the attached documentation for further details.

FISCAL IMPACT: T&K's bid security is 5% of their bid amount, or \$112,595.15.

STAFF RECOMMENDATION: Staff recommends that the Board hold a hearing at its regular meeting on October 20, 2010 to consider T&K Utilities, Inc. request to withdraw its bid for this project.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**

**LAKE JULIAN INTERCEPTOR PHASE III
PROJECT NO. 2006015**

**BID TABULATION
September 7, 2010**

BIDDER	Bid Bond	MBE Form	Bid Forms (Proposal)	Total Bid Amount
B C & D Associates Cullowhee, NC	5%	1	Yes	\$3,911,370.00
Mendon Pipeline Ghent, WV	5%	2	Yes	\$3,776,014.00
Terry Brothers Construction Co. Leicester, NC	5%	1	Yes	\$3,303,391.00
Don Moorhead Construction Co. Belton, SC	5%	2	Yes	\$3,150,307.00
Huntley Construction Company Asheville, NC	5%	1	Yes	(*) \$2,908,786.32
Ruby-Collins, Inc. Smyrna, GA	5%	1	Yes	\$2,905,408.50
T & K Utilities, Inc. Asheville, NC	5%	1	Yes	\$2,251,903.00
Bluekey Construction Company Canton, NC	5%	2	Yes	\$1,917,190.00

APPARENT LOW BIDDER

(*) Indicates correction in Contractor's bid amount.


F. Roger Watson
 F. Roger Watson, P.E.
 Project Engineer
 Metropolitan Sewerage District of
 Buncombe County, North Carolina
 9/8/10

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 7th day of September, 2010, in the W.H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.



Phone: (828) 289-8205

Fax: (828) 289-8206

T & K Utilities, Inc

204 Charlotte Hwy Suite G

Asheville, NC 28803

September 10, 2010

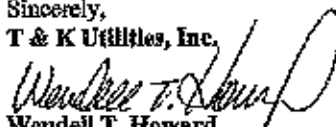
Mr. Michael Schraven
MSD of Buncombe County
2028 Riverside Drive
Asheville, NC 28804

**RE: Lake Julian Interceptor Sewer Replacement
Phase III Project No. 2006015**

Dear Mr. Schraven

This letter is to notify MSD of Buncombe County that T & K Utilities, Inc. is withdrawing our bid for the Lake Julian Interceptor Project based on North Carolina G.S. 143-129.1. We regret this decision, but based on a clerical error of our bid totals, we are unable to accept this project.

Sincerely,
T & K Utilities, Inc.


Wendell T. Howard
President



Metropolitan Sewerage District

OF BUNCOMBE COUNTY, NORTH CAROLINA

Mr. Wendell Howard, President
T & K Utilities, Inc.
204 Charlotte Hwy. Suite G
Asheville, NC 28803

September 17, 2010

Re: Lake Julian Interceptor Phase III Sewer Project

Dear Mr. Howard:

The Metropolitan Sewerage District of Buncombe Co. (hereafter "MSD") is in receipt of your letter dated September 10, 2010 requesting to withdraw your Bid submitted on September 7, 2010.

Under North Carolina law, MSD may allow you to withdraw your Bid from consideration without forfeiture of your Bid security if all of the following conditions are met:

- The price bid was based upon a mistake, which constituted a substantial error,
- The bid was submitted in good faith,
- The bidder submits credible evidence that the mistake was clerical in nature as opposed to a mere error in judgment, and
- The mistake was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quality of work, labor, materials or services made directly in compilation of the bid that can be shown by objective evidence drawn from work papers, documents, or materials used to prepare the bid.

You are hereby notified that MSD has scheduled a hearing to discuss your bid withdrawal request for **Wednesday, October 20, 2010 at 2:00 p.m.** The hearing will be held at the W. H. Mull Administrative Building, 2028 Riverside Drive, Asheville, NC 28804. As the bidder, either in person or through counsel, you may appear at the hearing and present any additional facts and arguments in support of your request to withdraw.

MSD shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing. In the event of a denial of your request to withdraw, you have the right, within 20 days after receipt of the ruling, to contest the matter by filing a civil action in any North Carolina court of competent jurisdiction.

Please contact Mr. Ed Bradford, P.E., Director of Capital Improvement at MSD, at (828) 225-8261 should you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Hartye".

Thomas Hartye, P.E.
General Manager

~Protecting Our Natural Resources~

N.C. General Statute 143-129.1

§ 143-129.1. Withdrawal of bid.

A public agency may allow a bidder submitting a bid pursuant to G.S. 143-129 for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment to withdraw his bid from consideration after the bid opening without forfeiture of his bid security if the price bid was based upon a mistake, which constituted a substantial error, provided the bid was submitted in good faith, and the bidder submits credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, apparatus, supplies, materials, equipment, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents or materials used in the preparation of the bid sought to be withdrawn. A request to withdraw a bid must be made in writing to the public agency which invited the proposals for the work prior to the award of the contract, but not later than 72 hours after the opening of bids, or for a longer period as may be specified in the instructions to bidders provided prior to the opening of bids.

If a request to withdraw a bid has been made in accordance with the provisions of this section, action on the remaining bids shall be considered, in accordance with North Carolina G.S. 143-129, as though said bid had not been received. Notwithstanding the foregoing, such bid shall be deemed to have been received for the purpose of complying with the requirements of G.S. 143-132. If the work or purchase is relet for bids, under no circumstances may the bidder who has filed a request to withdraw be permitted to rebid the work or purchase.

If a bidder files a request to withdraw his bid, the agency shall promptly hold a hearing thereon. The agency shall give to the withdrawing bidder reasonable notice of the time and place of any such hearing. The bidder, either in person or through counsel, may appear at the hearing and present any additional facts and arguments in support of his request to withdraw his bid. The agency shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing. If the agency finds that the price bid was based upon a mistake of the type described in the first paragraph of this section, then the agency shall issue a ruling permitting the bidder to withdraw without forfeiture of the bidder's security. If the agency finds that the price bid was based upon a mistake not of the type described in the first paragraph of this section, then the agency shall issue a ruling denying the request to withdraw and requiring the forfeiture of the bidder's security. A denial by the agency of the request to withdraw a bid shall have the same effect as if an award had been made to the bidder and a refusal by the bidder to accept had been made, or as if there had been a refusal to enter into the contract, and the bidder's bid deposit or bid bond shall be forfeited.

In the event said ruling denies the request to withdraw the bid, the bidder shall have the right, within 20 days after receipt of said ruling, to contest the matter by the filing of a civil action in any court of competent jurisdiction of the State of North Carolina. The procedure shall be the same as in all civil actions except all issues of law and fact and every other issue shall be tried de novo by the judge without jury; provided that the matter may be referred in the instances and in the manner provided for by North Carolina G.S. 1A-1, Rule 53, as amended. Notwithstanding the foregoing, if the public agency involved is the Department of Administration, it may follow its normal rules and regulations with respect to contested matters, as opposed to following the administrative procedures set forth herein. If it is finally determined that the bidder did not have the right to withdraw his bid pursuant to the provisions of this section, the bidder's security shall be forfeited. Every bid bond or bid deposit given by a bidder to a public agency pursuant to G.S.

143-129 shall be conclusively presumed to have been given in accordance with this section, whether or not it be so drawn as to conform to this section. This section shall be conclusively presumed to have been written into every bid bond given pursuant to G.S. 143-129.

Neither the agency nor any elected or appointed official, employee, representative or agent of such agency shall incur any liability or surcharge, in the absence of fraud or collusion, by permitting the withdrawal of a bid pursuant to the provisions of this section.

No withdrawal of the bid which would result in the award of the contract on another bid of the same bidder, his partner, or to a corporation or business venture owned by or in which he has an interest shall be permitted. No bidder who is permitted to withdraw a bid shall supply any material or labor to, or perform any subcontract or work agreement for, any person to whom a contract or subcontract is awarded in the performance of the contract for which the withdrawn bid was submitted, without the prior written approval of the agency. Whoever violates the provisions of the foregoing sentence shall be guilty of a Class 1 misdemeanor. (1977, c. 617, s. 1; 1993, c. 539, s. 1008; 1994, Ex. Sess., c. 24, s. 14(c); 2001-328, s. 2.)

REPORT OF GENERAL MANAGER

MEMORANDUM

TO: MSD Board

FROM: Thomas E. Hartye, P.E., General Manager

DATE: October 12, 2010

SUBJECT: Report from the General Manager

- Rental of Former Administration Building

The former MSD Administration Building has been leased to Smart Start of Buncombe County, effective October 1, 2010. Smart Start is a non-profit which coordinates, plans and funds programs for children aged birth through five and their families, and contracts with local organizations to implement these programs. The lease has a 5-year term with two renewal periods of 3 years each. The building has 5,798 SF and was leased for \$8.85/SF which = \$4,348.50/month or \$52,182/year.

MSD had tentative plans to corroborate with the City of Asheville to put a learning center for drinking water, storm water, and wastewater in this building but due to the economy the plans have been put off indefinitely.

- Reading

- Attached is a copy of the Asheville Citizen Times article on MSD's sewer rehabilitation program and the resulting reduction in Sanitary Sewer Overflows. Everyone at MSD, from the Board on down, is a part of this success.
- A copy of the response from French Broad River Keeper on the same issue.

- Update of Billing Investigations of Existing Connections

As mentioned in the previous reports and policy discussions, MSD has been leveraging our GIS system and detailed billing information from the City of Asheville to further investigate potential customers who may be tied onto the system but not being billed. Staff has already been through all commercial and large meter customers and is currently working on domestic customers. The number of commercial entities found was 17 where 14 have been resolved, multi-family 6 with 4 resolved. This will increase annual user

charge revenue by about \$100,000 annually or 0.5 %. Staff has recently begun the single family homes with 105 found and 65 already resolved. This effort will continue to completion over the next few months. All future water connections can now be cross referenced to assure proper billing. I would like to thank Scott Powell who has spearheaded this effort of continual improvement.

- **Presentation of Rehab Work in the Lake Julian Area**

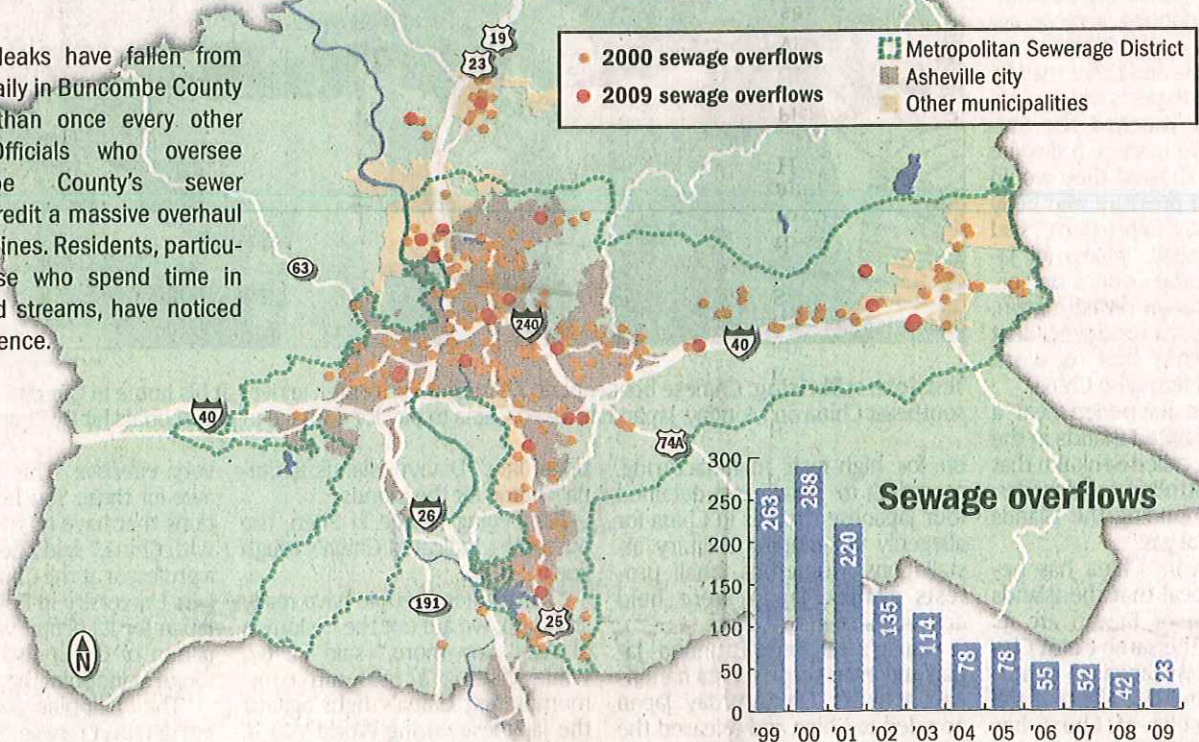
Staff will give a brief presentation regarding the substantial rehabilitation effort in the area surrounding Lake Julian. MSD has already constructed approximately \$4 million worth of sewer rehab in the area over the last 10 years and plans to complete another \$6.6 million over the next 5 years including the Lake Julian Phase III project on this month's agenda.

- **Board/Committee Meetings**

The next Planning Committee meeting will be held immediately following the October Board Meeting. The next Regular Board Meeting will be held November 17th at 2 pm. The next Right of Way Committee is scheduled for December 1st at 9am.

Sewer work pays off

Sewage leaks have fallen from almost daily in Buncombe County to less than once every other week. Officials who oversee Buncombe County's sewer system credit a massive overhaul of sewer lines. Residents, particularly those who spend time in rivers and streams, have noticed the difference.



Significant progress has diminished sewage overflows

By Joel Burgess

JBURGESS@CITIZEN-TIMES.COM

ASHEVILLE — Just a decade ago, sewer lines in many parts of Buncombe County were more rancid sieves than solid pipes.

Overflows in which untreated waste spilled onto the ground and into streams, risking human health and killing fish and other aquatic life, happened on average nearly every day.

Waterways were one of the ailing system's biggest victims, say those who spent time in them.

"I definitely was weirded out about it," said Justyn Thompson, 37, who since 1994 has paddled rafts and kayaks in the French Broad River, one of whose rapids whitewater boaters jokingly named after a type of waste carried by the sewerage pipes.

A decade later, much has changed. The French Broad no longer has the odor or look it used to, says Thompson who recalls a "smellier and dirtier" river.

That in large part is due to a massive drop in leaks from pipes controlled by the Metropolitan Sewerage District of Buncombe County, according to a new report given to Asheville City Council members.

The sewerage district recorded 263 leaks in 1999, a number that dropped to



BILL SANDERS/WSANDERS@CITIZEN-TIMES.COM

Metropolitan Sewerage District employees replace a deteriorated 4-inch sewer line with a new 8-inch line on Rock Hill Road in south Asheville.

23 in 2009, according to the district's report.

Leaks can range from thousands to millions of gallons, and the impact can vary widely depending on where and when they happen.

State reporting requirements do not mandate that the sewerage district record the size of the leaks, but some factors are more important than the number of gallons, said Tom Hartye, the district's director.

If a leak happens during a major storm that is flushing 450 million gallons an hour into the French Broad, most of that is going to be rainwater and the sewage will be heavily diluted, Hartye said.

"Whereas if you have a small overflow of a few thousand gallons into a small stream in dry weather, that can be a lot worse," he said.

Hartye credits a \$162 million overhaul of the system that serves 49,000 homes and businesses in municipalities such as Asheville and Weaverville and in some unincorporated parts of the county, including Fairview and Swannanoa.

The problem was that many parts of the system once overseen by cities, towns and resident-managed sewerage districts had fallen into disrepair, Hartye said.

Please see SEWER on A3

Visit CITIZEN-TIMES.com to see video of a search for sewer line leaks.

SEWER: MSD effort lauded

Continued from A1

"In Asheville's case, the city was busy paying off its debt. So they didn't have a lot of money to put into things that were out of sight," he said.

That meant clay pipes installed 1920s and 1930s, many of which had become cracked or deteriorated, still made up a good portion of the municipal and other systems.

The Metropolitan Sewerage District, a quasi-governmental agency governed by participating municipalities and county representatives, took control of those lines as part of an agreement in 1990 and slowly began locating and reconstructing the most troublesome pipes.

Techniques included scoping pipes with cameras to find potential leaks and installing plastic liners in older lines.

The result has been an improved safety record that far outpaces the state average said Deborah Gore, supervisor for the pretreatment emergency response and collection systems unit that tracks spills statewide for the N.C. Department of Environment and Natural Resources.

Compared with the metropolitan district's 91 percent drop, state leaks have come down only 20 percent in the same period of time, Gore said.

Much of the decrease happened because of the once-poor condition of the system, but the district still has done better than other aging sewer districts in fixing leaking pipes, the supervisor said.

"In general, MSD really has obviously done an excellent job," she said.

The Report Card issues grades A through F, and incompletes where necessary, to a variety of news items in this space. Got an idea that makes the grade? Send it to Dneal@CITIZEN-TIMES.com.

Reader grades

A to the Metropolitan Sewer District for upgrading and fixing ailing sewer lines over the last 10 years. MSD has been very proactive at searching out problems, but it is also extremely responsive when leaky pipes are found. On several occasions I have called MSD to report a leaky sewer pipe, and every time, it has immediately responded and fixed the problem. The Western North Carolina Alliance and the French Broad Riverkeeper are starting a bacteria monitoring program, in partnership with MSD and many others, to build on their success and continue to work to make our waters fishable and swimmable.

Hartwell Carson, Asheville
Carson is the French Broad Riverkeeper.

CONSOLIDATED MOTION AGENDA

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: October 20, 2010

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Billy Clarke - District Counsel
Gary McGill, P.E. - Engineer of Record

PREPARED BY: Ed Bradford, P.E. - Director of CIP
Roger Watson, P.E. - Project Manager

SUBJECT: Sanitary Sewer Rehabilitation Project: Lake Julian Interceptor Phase III, MSD Project No. 2006015

BACKGROUND: This rehabilitation project is for the replacement of an aged and undersized Vitrified Clay and PVC interceptor line. It begins at the main interceptor on the French Broad River, runs under I-26, and then along the southwestern edge of Lake Julian. This project is the third of a four-part rehabilitation around Lake Julian.

This line has suffered repeated problems over the years, resulting from its flat grade around the lake and poor structural condition – particularly in the area below the dam. Manholes along this section line have severely deteriorated to the point that a durable temporary bypass was constructed several years ago around multiple pipe sections, in anticipation of this project.

In addition, the interceptor passes directly through Progress Energy's power generation facility, and is located underneath their large coal storage piles. The manhole covers underneath these piles have been dislodged many times by heavy equipment, allowing coal to enter into the sewer line.

The project is comprised of 7,826 LF of 20-inch and 36-inch DIP, as well as 355 LF of 8-inch DIP. The contract was advertised and eight bids were received on Tuesday, September 7, 2010 as follows:

<u>Bidder</u>	<u>Bid</u>
1. BC & D Associates, Inc.	\$ 3,911,370.00
2. Mendon Pipe Line Co.	\$ 3,776,014.00
3. Terry Brothers Construction Co.	\$ 3,303,391.00
4. Moorhead Construction	\$ 3,150,307.00
5. Huntley Construction Co.	\$ 2,908,786.32
6. Ruby-Collins	\$ 2,905,408.50 (*)
7. T & K Utilities, Inc.	\$ 2,251,903.00
8. Buckeye Construction Co.	\$ 1,917,190.00

(*) Negotiated to \$2,710,661.93. See revised bid schedule (attached).

Buckeye notified staff on September 8, 2010 that they made a mathematical error computing their bid, and wish to withdraw. T&K notified staff on September 10, 2010 that they made a clerical error computing their bid, and wish to withdraw. Their letters are attached for reference.

Hearings with Buckeye and T&K are scheduled for the Board's regular meeting on October 20, 2010, in order that they may formally present documentation showing their alleged errors. Based upon the result of each hearing, the Board may or may not require forfeiture of Buckeye's and/or T&K's Bid Security.

Accordingly, Ruby-Collins is now the lowest responsible, responsive bidder that can be considered for the project. Their bid of \$2,905,408.50 is over the project budget; therefore, in accordance with NCGS 143-129 staff negotiated a new price with Ruby-Collins, resulting in a lowered bid amount of **\$2,710,661.93**.

Ruby-Collins Bid Price

After discussion among staff, Gary McGill, Engineer of Record, and Billy Clarke, District Counsel, consensus is that re-advertising the project will not benefit the District. This is due to the fact that all numbers have now been exposed, and that it will be most beneficial to accept the negotiated bid from Ruby-Collins.

In analyzing the eight bids, and disregarding the two highest and two lowest - four bids are centered around \$3 million in value. Given these amounts, consensus is that the true value of this project is this range.

It is important to note that NCDOT required an additional 100 LF of encased sewer line under I-26 (from 200 LF to 300 LF), after the CIP Budget had been adopted. This would result in a revised estimate of \$2.5 million, with all other items being equal. This budget is based upon actual bids received during the depressed economy of the 2009 calendar year - but also noteworthy is that this is a non-typical project due to its nature and size.

Given the above, staff recommends that the District award this contract to Ruby-Collins. They have extensive prior experience with large MSD rehabilitation projects, and their work quality has been excellent.

Please refer to the attached documentation for further details.

FISCAL IMPACT: The FY10-11 construction budget for this project is \$2,400,000.00.

There are three previous contracts which have come in under budget. The remaining funds on these totaled approximately \$280,000.00 as of September 15, 2010.

In addition, the apparent low bid for the District's Final Microscreen Project is \$1.4 million less than the two year construction budget.

STAFF RECOMMENDATION: Staff recommends award of this contract to Ruby-Collins, Inc., in the amount of \$2,710,661.93 subject to review and approval by District Counsel.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**

**LAKE JULIAN INTERCEPTOR PHASE III
PROJECT NO. 2006015**

**BID TABULATION
September 7, 2010**

BIDDER	Bid Bond	MBE Form	Bid Forms (Proposal)	Total Bid Amount
B C & D Associates Cullowhee, NC	5%	1	Yes	\$3,911,370.00
Mendon Pipeline Ghent, WV	5%	2	Yes	\$3,776,014.00
Terry Brothers Construction Co. Leicester, NC	5%	1	Yes	\$3,303,391.00
Don Moorhead Construction Co. Belton, SC	5%	2	Yes	\$3,150,307.00
Huntley Construction Company Asheville, NC	5%	1	Yes	(*) \$2,908,786.32
Ruby-Collins, Inc. Smyrna, GA	5%	1	Yes	\$2,905,408.50
T & K Utilities, Inc. Asheville, NC	5%	1	Yes	\$2,251,903.00
Buckeye Construction Company Canton, NC	5%	2	Yes	\$1,917,190.00

APPARENT LOW BIDDER

(*) Indicates correction in Contractor's bid amount.


 F. Roger Watson, P.E.
 Project Engineer
 Metropolitan Sewerage District of
 Buncombe County, North Carolina

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 7th day of September, 2010, in the W.H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.



Received
11:20 PM
Wed. Sept. 8, 2010
FR Watson



September 8, 2010

Metropolitan Sewerage District of Buncombe Co.
Engineering Department
2028 Riverside Drive
Asheville, NC 28804

Attn: Fred Roger Watson

Re: Bid for MSD-Sanitary Sewer Replacement - Lake Julian Sewer Interceptor Phase III

Dear Mr. Watson:


Buckeye Construction Co., Inc. has reviewed our Bid submitted on September 7, 2010 on the above referenced project. Buckeye is formally requesting to withdraw its bid for consideration on the grounds that we have found a mathematical error in computing the unit price contract.

We have found that the computation for the equipment was only including one half of the total cost for the Bid submitted.

Should you have any question or concerns please feel free to give me a call at (828) 648-4511 Ext. 310.

Sincerely,

BUCKEYE CONSTRUCTION CO., INC.


Shane W. Herbert
V. President

SWH/swh

654 Buckeye Cove Road • P.O. Box 1229
Canton, N.C. 28716 • Phone 828 648-4511 • FAX 828 665-9374

Shane ext 310
Blake Hyatt ext 309
Shane call - 828-421-3118



Phone: (828) 299-8205

Fax: (828) 299-8206

T & K Utilities, Inc

204 Charlotte Hwy Suite G

Asheville, NC 28803

September 10, 2010

Mr. Michael Schraven
MSD of Buncombe County
2028 Riverside Drive
Asheville, NC 28804

**RE: Lake Julian Interceptor Sewer Replacement
Phase III Project No. 2006015**

Dear Mr. Schraven

This letter is to notify MSD of Buncombe County that T & K Utilities, Inc. is withdrawing our bid for the Lake Julian Interceptor Project based on North Carolina G.S. 143-129.1. We regret this decision, but based on a clerical error of our bid totals, we are unable to accept this project.

Sincerely,
T & K Utilities, Inc.

A handwritten signature in dark ink, appearing to read 'Wendell T. Howard', is written over the printed name.

Wendell T. Howard
President

RUBY-COLLINS, INC.



GENERAL CONTRACTORS

Michael A. Laseter
Vice President

September 21, 2010

Metropolitan Sewerage District
of Buncombe County, NC
2028 Riverside Drive
Asheville, NC 28804

Attention: Mr. Mike Schraven

Gentlemen,

The attached pricing reflects Ruby-Collins, Inc.'s revised bid on the Lake Julian Interceptor Phase III, Project No. 200-6015.

Should you need any further assist, please do not hesitate to call.

Yours truly,

A handwritten signature in dark ink, appearing to read "Michael A. Laseter".

Michael A. Laseter
Executive Vice President

SCHEDULE OF ESTIMATED QUANTITIES AND BID PRICES

Lake Julian Interceptor, Phase III, Project No. 2006015 Sanitary Sewer Rehabilitation

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

				Ruby-Collins, Inc. Smyrna, GA	
ITEM #	DESCRIPTION	ESTIM. QUANT.	UNIT OF MEASURE	UNIT BID PRICE	TOTAL
MP-5.01	MOBILIZATION (3% MAX OF BID)	1	LS	\$75,000.00	\$75,000.00
MP-5.02.1	48-INCH DIP (CLASS 200) ALL DEPTHS	13	LF	\$721.00	\$9,373.00
MP-5.02.2	36-INCH DIP (CLASS 250) ALL DEPTHS	356	LF	\$241.00	\$85,796.00
MP-5.02.3	36-INCH DIP (CLASS 350) ALL DEPTHS	53	LF	\$379.00	\$20,087.00
MP-5.02.4	20-INCH DIP (CLASS 250) ALL DEPTHS	1,538	LF	\$208.00	\$319,904.00
MP-5.02.5	20-INCH DIP (CLASS 300) ALL DEPTHS	5,582	LF	\$214.00	\$1,194,548.00
MP-5.02.6	8-INCH DIP (CLASS 350) ALL DEPTHS	355	LF	\$146.00	\$51,830.00
MP-5.02.7	6-INCH SCH 40 PVC ALL DEPTHS	210	LF	\$46.00	\$9,660.00
MP-5.02.8	4-INCH SCH 40 PVC ALL DEPTHS	715	LF	\$44.00	\$31,460.00
MP-5.03.1	4-FOOT DIA. MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	1	EA	\$2,799.00	\$2,799.00
MP-5.03.2	5-FOOT DIA. MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	28	EA	\$3,454.00	\$96,712.00
MP-5.03.3	6-FOOT DIA. MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	3	EA	\$6,971.00	\$20,913.00
MP-5.03.4	7-FOOT DIA. MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	1	EA	\$7,837.00	\$7,837.00
MP-5.03.5	5-FOOT DIA. DROP MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	2	EA	\$5,944.00	\$11,888.00
MP-5.03.6	6-FOOT DIA. CONCRETE FILLED MANHOLE, FRAME & COVER INSTALLATION INCLUDING BEDDING	1	EA	\$6,862.00	\$6,862.00
MP-5.03.7	5-FOOT DIA. MANHOLE, FRAME & COVER FOR MONITORING SITE NO. 1	1	EA	\$5,909.00	\$5,909.00
MP-5.03.8	8-FOOT DIA. MANHOLE (STA. 0+00-EXISTING - REWORK INVERTS, BENCH, PIPE ENTRANCE & ALL WORK INCIDENTAL THERETO)	1	EA	\$8,756.00	\$8,756.00
MP-5.03.9	MANHOLE VENTS (ALL HEIGHTS)	2	EA	\$1,895.00	\$3,790.00
MP-5.04.1	4-FOOT MANHOLE ADDITIONAL DEPTH	2	VF	\$192.00	\$384.00
MP-5.04.2	5-FOOT MANHOLE ADDITIONAL DEPTH	283	VF	\$235.00	\$66,505.00
MP-5.04.3	5-FOOT DROP MANHOLE ADDITIONAL DEPTH	22	VF	\$322.00	\$7,084.00

SCHEDULE OF ESTIMATED QUANTITIES AND BID PRICES

Lake Julian Interceptor, Phase III, Project No. 2006015 Sanitary Sewer Rehabilitation

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

				Ruby-Collins, Inc. Smyrna, GA	
ITEM #	DESCRIPTION	ESTIM. QUANT.	UNIT OF MEASURE	UNIT BID PRICE	TOTAL
MP-5.04.4	6-FOOT MANHOLE ADDITIONAL DEPTH	3	VF	\$261.00	\$783.00
MP-5.04.5	7-FOOT MANHOLE ADDITIONAL DEPTH	3	VF	\$399.00	\$1,197.00
MP-5.06	4 INCH CLEANOUT ASSEMBLIES - COMPLETE	13	EA	\$2,075.00	\$26,975.00
MP-5.07	PLUG ABANDONED SEWER LINE	2	EA	\$757.00	\$1,514.00
MP-5.08	ABANDON MANHOLE INCLUDING PLUGS	37	EA	\$861.00	\$31,857.00
MP-5.11	MISCELLANEOUS CONCRETE	25	CY	\$186.00	\$4,650.00
MP-5.12.1	PIPE FOUNDATION MATERIAL	1,200	CY	\$39.00	\$46,800.00
MP-5.12.2	PIPE EMBEDMENT MATERIAL (#57 STONE)	1,680	CY	\$0.00	\$0.00
MP-5.13.1	COMPACTED AGGREGATE BASE COURSE	3,000	CY	\$1.00	\$3,000.00
MP-5.13.2	CABC DRIVES / PARKING LOTS	225	CY	\$32.00	\$7,200.00
MP-5.14	SELECT BACKFILL MATERIAL	4,500	CY	\$0.00	\$0.00
MP-5.16	RIP RAP STREAM BANK PROTECTION	50	SY	\$60.00	\$3,000.00
MP-5.17	RIP RAP CHECK DAM	9	EA	\$248.00	\$2,232.00
MP-5.18.1	BANK STABILIZATION MATTING WITH SEEDING	10	SY	\$53.00	\$530.00
MP-5.18.2	SILT FENCE	4,000	LF	\$3.00	\$12,000.00
MP-5.18.3	JUTE NETTING	2,500	SY	\$2.00	\$5,000.00
MP-5.18.4	6 INCH RR BALLAST MUD MAT PER DETAIL	450	SY	\$25.00	\$11,250.00
MP-5.20	SERVICE LINE EXPLORATORY DIG	1	EA	\$979.00	\$979.00
MP-5.21.1	BITUMINOUS PAVEMENT REPAIRS (TYPE 1-19.0B) 8 INCHES DEPTH	225	SY	\$135.00	\$30,375.00
MP-5.21.2	BITUMINOUS PAVEMENT RESURFACING (TYPE SF OR RSF) 2 INCHES DEPTH	1,050	SY	\$32.00	\$33,600.00
MP-5.23.1	CONCRETE PIERS FOR 36-INCH DIP	42	VF	\$840.00	\$35,280.00
MP-5.23.2	CONCRETE PIERS FOR 20-INCH DIP	8	VF	\$1,988.00	\$15,904.00
MP-5.24.1	REPAIR CONCRETE PAVEMENT - 8-INCH THICKNESS	360	SY	\$48.00	\$17,280.00
MP-5.24.2	CONCRETE DRIVE REPAIR	355	SY	\$48.00	\$17,040.00
MP-5.33.1	36-INCH HSSP ENCASEMENT BORE AND JACK	202	LF	\$543.00	\$109,686.00
MP-5.33.2	54-INCH HSSP ENCASEMENT BORE AND JACK	197	LF	\$639.09	\$125,900.73

SCHEDULE OF ESTIMATED QUANTITIES AND BID PRICES

**Lake Julian Interceptor, Phase III, Project No. 2006015
Sanitary Sewer Rehabilitation**

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

				Ruby-Collins, Inc. Smyrna, GA	
ITEM #	DESCRIPTION	ESTIM. QUANT.	UNIT OF MEASURE	UNIT BID PRICE	TOTAL
MP-5.33.3	54-INCH HSSP ENCASEMENT (TUNNELING & LINER PLATES)	100	LF	\$639.09	\$63,909.00
MP-5.35	CONCRETE ENCASEMENT (CLASS B)	50	LF	\$140.00	\$7,000.00
MP-5.36	REPLACEMENT OF PROPERTY CORNERS	1	EA	\$250.00	\$250.00
MP-5.38	REMOVE EXISTING SEWER STREAM CROSSING	2	EA	\$3,915.00	\$7,830.00
MP-5.45	GROUTING OLD 18-INCH LINE UNDER HWY. 1-26 AND ANNULAR SPACE BETWEEN 36-INCH DIP CARRIER PIPE AND 54-INCH HSSP ENCASEMENT PIPE WITH LIGHTWEIGHT CELLULAR CONCRETE; ALSO INCLUDES MISCELLANEOUS GROUTING	175	CY	\$161.00	\$28,175.00
MP-5.46	CONCRETE APRON FOR MH STA. 39+52.35 & STA. 42+42.10	2	EA	\$2,187.00	\$4,374.00
MP-5.47.1	FLOW MONITORING - SITE NO. 1 (INCLUDING CONC. BASE, CONDUIT, REMOVAL & RESETTING OF EXISTING CABINET AND ALL WORK INCIDENTAL THERETO)	1	LS	\$8,997.10	\$8,997.10
MP-5.47.2	FLOW MONITORING - SITE NO. 2 (INCLUDING CONC. BASE, CONDUIT, AND ALL WORK INCIDENTAL THERETO)	1	LS	\$8,997.10	\$8,997.10
REVISED TOTAL				\$	2,710,661.93
ORIGINAL BID TOTAL				\$	2,905,408.50
DEDUCT				\$	194,746.57

REVISED NUMBERS ARE SHOWN IN RED.

QUANTITIES AND PRICED REVISED PER PHONE CONVERSATION BETWEEN
MIKE SCHRAVEN AND MIKE LASETER 9/13/2010

MOBILIZATION ITEM HAS BEEN REDUCED \$15,000.00 TO REFLECT ELIMINATION
OF TIMBER PILES @ 28+30.

Interoffice Memorandum

TO: Tom Hartye, General Manager

FROM: Ed Bradford, CIP Manager
Roger Watson, Project Engineer

DATE: September 7, 2010

RE: Lake Julian Interceptor Phase III - MSD Project No. 2006015

This project is for the replacement of a portion of an existing sanitary sewer interceptor line serving the areas east and northeast of Lake Julian. The existing line is an old vitrified clay and PVC line with very poor joints and broken sections. The current line is located directly within Progress Energy's power generation plant, and is also beneath their large coal storage piles. There have been multiple problems with manhole covers being dislodged, and coal from these piles entering the sewer line and causing blockages and overflows. MSD has worked closely with Progress Energy staff to find a location that will not interfere with their future plant expansion and improvements and will provide MSD with better access to its sewer lines. The proposed alignment will allow MSD to abandon several sections of the current line which are difficult to access and maintain.

Also, the old brick manholes have severely croded over time, to the point that the manholes are a constant maintenance problem. Because of the extremely poor condition of this portion of the system, in 2008 MSD's System Services crews laid a durable, but temporary, parallel HDPE line to bypass several of these failed manholes.

During wet weather flows, several SSO's have occurred in this portion of the system, and this project has been identified by MSD's Pipe Rating Program as one of our higher priority projects. It is one of several projects proposed in this area to upgrade MSD's sewer lines. Additional information will be presented at the Board meeting giving more details on the projects completed and proposed in this portion of MSD's sewer collection system.

This project will extend from MSD's main interceptor lines along the French Broad River, thru the Progress Energy plant property. It consists of replacing the existing 12", 15" and 18" sewer mains with 7,826 LF of 20-inch and 36-inch DIP, as well as 355 LF of 8" DIP. Three roadway/railway bords will be required: one under I-26, one under a Progress Energy's railroad spur track and one under a Progress Energy above ground conduit raceway for electrical and fuel supply lines.

The contract was advertised and bids were received at 2:00 PM on Tuesday, September 7, 2010. Bids were received from eight bidders and the results of those bids are shown below:

<u>Bidder</u>	<u>Bid</u>
1. BC & D Associates, Inc. Cullowhee, NC	\$ 3,911,370.00
2. Mendon Pipe Line Co, Ghent, WV	\$ 3,776,014.00
3. Terry Brothers Construction Company, Leicester, NC	\$ 3,303,391.00
4. Moorhead Construction, Belton, SC	\$ 3,150,307.00
5. Huntley Construction Company, Asheville, NC	\$ 2,908,786.32
6. Ruby-Collins, Smyrna, GA	\$ 2,905,408.50 (*)
7. T & K Utilities, Asheville, NC	\$ 2,251,903.00
8. Buckeye Construction Company, Canton, NC	\$ 1,917,190.00

(*) Negotiated to \$2,710,661.93. See revised bid schedule (attached).

Buckeye Construction Company of Canton, NC has withdrawn their bid, based upon an alleged mathematical error. Their withdrawal letter is attached. *NCGS 143-129.1 Withdrawal of Bid* allows for this, and requires that the bids now be considered as though Buckeye's bid had not been received.

T&K Utilities of Asheville, NC has also withdrawn their bid, based upon an alleged clerical error. Their withdrawal letter is attached. *NCGS 143-129.1 Withdrawal of Bid* allows for this, and requires that the bids now be considered as though T&K's bid had not been received.

Accordingly, Ruby-Collins is now the lowest responsible, responsive bidder. Their bid of \$2,905,408.50 is over the project budget; therefore, in accordance with *NCGS 143-129* staff negotiated a new price with Ruby-Collins, resulting in a lowered bid amount of **\$2,710,661.93**.

Regarding Buckeye's and T&K's bid bonds, is the issue of their forfeiture. In accordance with said statute, hearings will be held where Buckeye and T&K can present additional information regarding the alleged errors. These hearings have been scheduled for the October 20, 2010 Board meeting.

Accordingly, staff recommends that this contract be awarded to Ruby-Collins of Smyrna, GA, for the amount of \$2,710,661.93, subject to review and approval by MSD Counsel.



Lake Julian WW Interceptor Phase 3 Project No. 2006015

NOT TO SCALE



METROPOLITAN SEWERAGE DISTRICT
OF
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2010 - 2011

PROJECT:	Leke Julian WW Interceptor Ph. 3	LOCATION:	Buncombe County	REVIEWED BY:
TYPE:	Wet Weather Int.	DATE OF REPORT:	January-10	EB
PROJECT NO.	2006015	TOTAL L.F.:	8,365	HW
PROJECT BUDGET:	\$2,486,000.00	PROJECT ORIGIN:	Line Condition & SSO's	AB

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/09	TOTAL COSTS JULY - DEC 09	EST. COST JAN - JUNE 10	EST. BUDGET FY 10-11
01 - SURVEY / EASEMENT PLATS # PLATS: [1]	\$1,500.00		\$1,500.00		
02 - LEGAL FEES	\$3,600.00	\$135.00	\$292.00	\$2,073.00	\$1,000.00
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION	\$2,500.00				\$2,600.00
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$44,000.00	\$31,345.00		\$2,600.00	
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL	\$10,000.00			\$10,000.00	
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$2,400,000.00				\$2,400,000.00
16 - PERMITS	\$2,500.00			\$2,500.00	
17 - PUBLIC MEETINGS					
18 - TESTING	\$2,000.00				\$2,000.00
TOTAL AMOUNT	\$2,468,000.00	\$31,480.00	\$1,792.00	\$17,073.00	\$2,405,500.00

ENGINEER:	MSD	ESTIMATED BUDGETS - FY '10 - '19	
CONTRACTOR:		FY 11-12	\$10,000.00
CONSTRUCTION ADMINISTRATION:	MSD	FY 12-13	\$0.00
INSPECTION:	MSD	FY 13-14	\$0.00
R.O.W. ACQUISITION:	MSD	FY 14-15	\$0.00
		FY 15-16	\$0.00
PROJECT NOTES:	Phase 2 constructed by NCDOT as part of Long Shoals Road widening project.	FY 16-17	\$0.00
	Both Phase 3 & 4 Survey Costs included in this project.	FY 17-18	\$0.00
	Additional parcel added at I-26 - in ROW.	FY 18-19	\$0.00
		FY 19-20	\$0.00

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: 10/20/10

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Billy Clarke - District Counsel
Gary McGill, P.E. - Engineer of Record
Black & Veatch - Project Engineers

PREPARED BY: Ed Bradford, P.E. - Director of CIP
John Kiviniemi - Director of WRF

SUBJECT: Final Microscreen Replacement Project, MSD Project Number 2007026: Construction/Installation Contract

BACKGROUND: The Final Microscreen System is a filtration process which was intended to remove residual solids from the treated wastewater. This system has been problematic since its construction in 1987, and has never given reliable, trouble-free performance. It is also important to note that the Intermediate Clarifier was added shortly after construction of this system, in order to offset the microscreens' lack of performance.

A primary recommendation from the District's Facilities Plan has been the abandonment of this type of filtration in favor of new proven technology, which will significantly improve effluent water quality.

The new filtration system will employ Aqua Aerobics AquaDisk™ microfilters. This system outperformed a competing system in field testing at the plant, and was ultimately selected based upon its performance. The procurement of this equipment was approved at the Board's regular meeting on September 15, 2010.

A competitively-bid construction/installation contract was advertised and bids were received on September 21, 2010, in the following amounts:

<u>Contractor</u>	<u>Bid Amount</u>
1) Ruby-Collins, Inc.	\$10,183,942.56
2) Crowder Const. Co.	\$ 9,708,742.56
3) State Utility Contractors	\$ 9,446,000.00
4) Hickory Const. Co.	\$ 8,937,108.20

NOTE: The above amounts include equipment costs.

Hickory Construction Co. is the apparent low bidder. Hickory is currently in the latter stage of completing the Intermediate Pump Replacement project at the plant. Their work quality has been excellent on that project.

The equipment procurement contract will be assigned to the successful bidder, as discussed at the September 15, 2010 Board meeting. Black & Veatch typically handle their large procurement contracts in this manner because it binds the contractor to the terms and conditions pre-established by MSD for the equipment.

Please refer to the attached documentation for more detailed information.

FISCAL IMPACT: The combined FY2011 & FY2012 construction budget for this project totals \$10,311,000.00.

It is significant to note that the equipment sales tax is \$368,251; therefore, the *net* cost of this project will be approximately \$8.57 million.

STAFF RECOMMENDATION: Staff recommends award of this contract to Hickory Construction Co. in the amount of \$8,937,108.20, subject to review and approval by District Counsel.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**

**French Broad WRF - Final Microscreen Replacement
Project No. 2007026**

**BID TABULATION
September 21, 2010**

BIDDER	Bid Bond	MBE Form	Bid Forms (Proposal)	Total Bid Amount
Ruby-Collins, Inc. Smyrna, GA	5%	1	Yes	\$10,183,942.56
Crowder Construction Company Apex, NC	5%	1	Yes	\$9,708,742.56
State Utility Contractors, Inc. Monroe, NC	5%	1	Yes	\$9,446,000.00
Hickory Construction Company Hickory, NC	5%	1	Yes	\$8,937,108.20

APPARENT LOW BIDDER

Ed Bradford, P.E.
Project Engineer
Metropolitan Sewerage District of
Buncombe County, North Carolina



This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 21st day of September, 2010, in the W.H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.



BLACK & VEATCH
Building a **world** of difference.

Metropolitan Sewerage District of Buncombe County
Secondary Microscreen Replacement Project
Construction Bid Evaluation

B&V Project 160163
B&V File: Cygnet
September 28, 2010

Mr. Ed Bradford
MSD of Buncombe County
2028 Riverside Drive
Asheville, NC 28804

Dear Ed:

B&V has received and evaluated the bid tabulation regarding the bid opening for the Secondary Microscreen Replacement Project. The bids were opened at 2:00 p.m. on Tuesday, September 21, 2010. The bid tabulation as it was received is attached for reference.

MSD received bids from four general contractors. The low bid was placed by Hickory Construction Company at \$8,937,108.20 which includes \$5,216,442.56 previously approved for the disk filter procurement to Aqua Aerobics. The low bid was approximately 5.6 percent lower than the second low bid placed by State Utility Contractor's Inc. All of the bids were below the engineer's opinion of probable construction cost (OPCC) as revised in February 2009 which was \$10,310,405.72. This is a very good bid price based on the current market and material pricing. Additionally we contacted Hickory Construction Company and they are comfortable with their bid.

B&V has worked with Hickory Construction on a number of highly successful water and wastewater construction projects. They have proven to be excellent to work with during construction and provide a professional construction team that is very client focused. Additionally, they have been completing the Intermediate Pump Replacement Project for MSD.

Based upon the bids received, our evaluation of the bids, and B&V's experience with Hickory Construction Company, we believe that MSD has received a quality bid for this project. B&V recommends MSD proceed with the approval of the Secondary Microscreen Replacement contract to the low bidder, Hickory Construction Company, pending budget review by MSD staff and board approval.



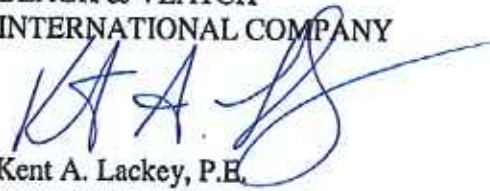
Metropolitan Sewerage District of Buncombe County
Mr. Ed Bradford

B&V Project 160163
September 28, 2010

Please feel free to contact me (704) 258-8666 if you should have any questions or would like to discuss this evaluation further.

Very truly yours,

BLACK & VEATCH
INTERNATIONAL COMPANY



Kent A. Lackey, P.E.
Project Manager

KAL/elw
Enclosure

cc: John Kiviniemi, MSD
Todd Briggeman, Black & Veatch
David Hart, Black & Veatch

ROBERTS
&
STEVENS
ATTORNEYS AT LAW

JOHN S. STEVENS
JAMES W. WILLIAMS
JOHN W. HASON
MARC RUDOW
SHERYL K. WILLIAMS
WILLIAM CLARKE
VINCENT D. CHILDRESS, JR.
MARJORIE ROWE MANN*
GREGORY D. HUTCHINS
JACKSON D. HAMILTON
WYATT S. STEVENS
MARK C. KURDYS*
JACQUELINE D. GRANT

*DRC CERTIFIED MEDIATOR

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PATSY BRISON*
DAVID L. ENGLISH
CYNTHIA S. GRADY
F. LACHICOTTE "LACH" ZEMP, JR.
KENNETH R. HUNT
DENNIS L. MARTIN, JR.
KEVIN P. KOPP
M. FRANCES DURDEN
REBECCA JOHNSTON REINHARDT
ANN-PATTON HORNTAL
STEPHEN L. CASH

LONDON ROBERTS
(1981-2007)

September 28, 2010

Ed Bradford, P. E.
Director of Capital Improvement
MSD of Buncombe County, N.C.
W. H. Mull Buildig
2028 Riverside Drive
Asheville, NC 28804

Via Electronic Mail to Bradford@msdbc.org

Re: Final Microscreen Replacement / Project No. 2007026

Dear Mr. Bradford:

We have reviewed proposals for the above referenced project from the following contractors in the following amounts:

1)	Hickory Construction Company	\$ 8,937,108.20
2)	Crowder Construction Company	\$ 9,708,742.56
3)	State Utility Contractors	\$ 9,446,000.00
4)	Ruby-Collins	\$10,183,942.56

All of the Proposals are satisfactory in form and content and accompanied by bid security in accordance with the requirements of North Carolina General Statute 143-129. The District may award the contract for this Project to the lowest responsive, responsible bidder. Please let me know if you have questions.

Sincerely,

ROBERTS & STEVENS, PA



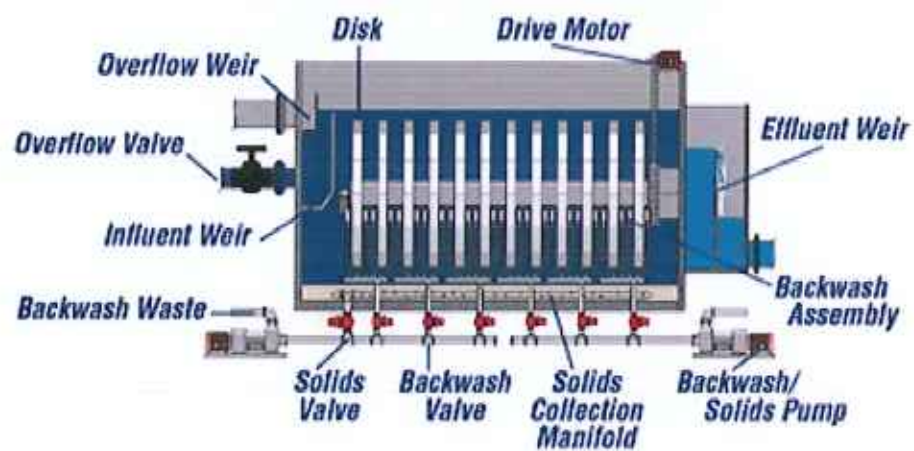
William Clarke

WC:cm



© 2006 Aqua-Aerobic Systems, Inc.

Closeup View of an AquaDisk



Cutaway View of an AquaDisk



Final Microscreen Replacement Project No. 2007026

NOT TO SCALE



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2010 - 2011

PROJECT:	Final Microscreen Replacement	LOCATION:	MSD-WRF	REVIEWED BY:
TYPE:	WRF	DATE OF REPORT:	January-10	
PROJECT NO.	2007026	TOTAL L.F.:	0	
PROJECT BUDGET:	\$11,152,000.00	PROJECT ORIGIN:	Facilities Plan	

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/09	TOTAL COSTS JULY - DEC 09	EST. COST JAN - JUNE 10	EST. BUDGET FY 10-11
01 - SURVEY / EASEMENT PLATS # PLATS: []					
02 - LEGAL FEES					
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION					
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.	\$208,000.00	\$207,465.00			
10 - DESIGN / SURVEY	\$493,000.00	\$440,855.00	\$11,750.00	\$20,000.00	\$20,000.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.	\$85,000.00			\$10,000.00	\$50,000.00
15 - CONSTRUCTION	\$10,330,000.00			\$25,000.00	\$5,185,500.00
16 - PERMITS					
17 - PUBLIC MEETINGS					
18 - TESTING	\$30,000.00		\$19,250.00		\$5,000.00
TOTAL AMOUNT	\$11,152,000.00	\$448,320.00	\$31,000.00	\$55,000.00	\$5,230,500.00

ENGINEER:	Black & Veatch, Inc.	ESTIMATED BUDGETS - FY '10 - '19	
CONTRACTOR:		FY 11-12	\$5,185,500.00
CONSTRUCTION ADMINISTRATION:	MSD	FY 12-13	\$0.00
INSPECTION:	MSD / Black & Veatch	FY 13-14	\$0.00
R.O.W. ACQUISITION:		FY 14-15	\$0.00
		FY 15-16	\$0.00
PROJECT NOTES:	Testing line item includes clarifier settleability testing performed during Fall 2009.	FY 16-17	\$0.00
		FY 17-18	\$0.00
		FY 18-19	\$0.00
		FY 19-20	\$0.00

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: October 20, 2010

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: David Monteith, Kevin Johnson

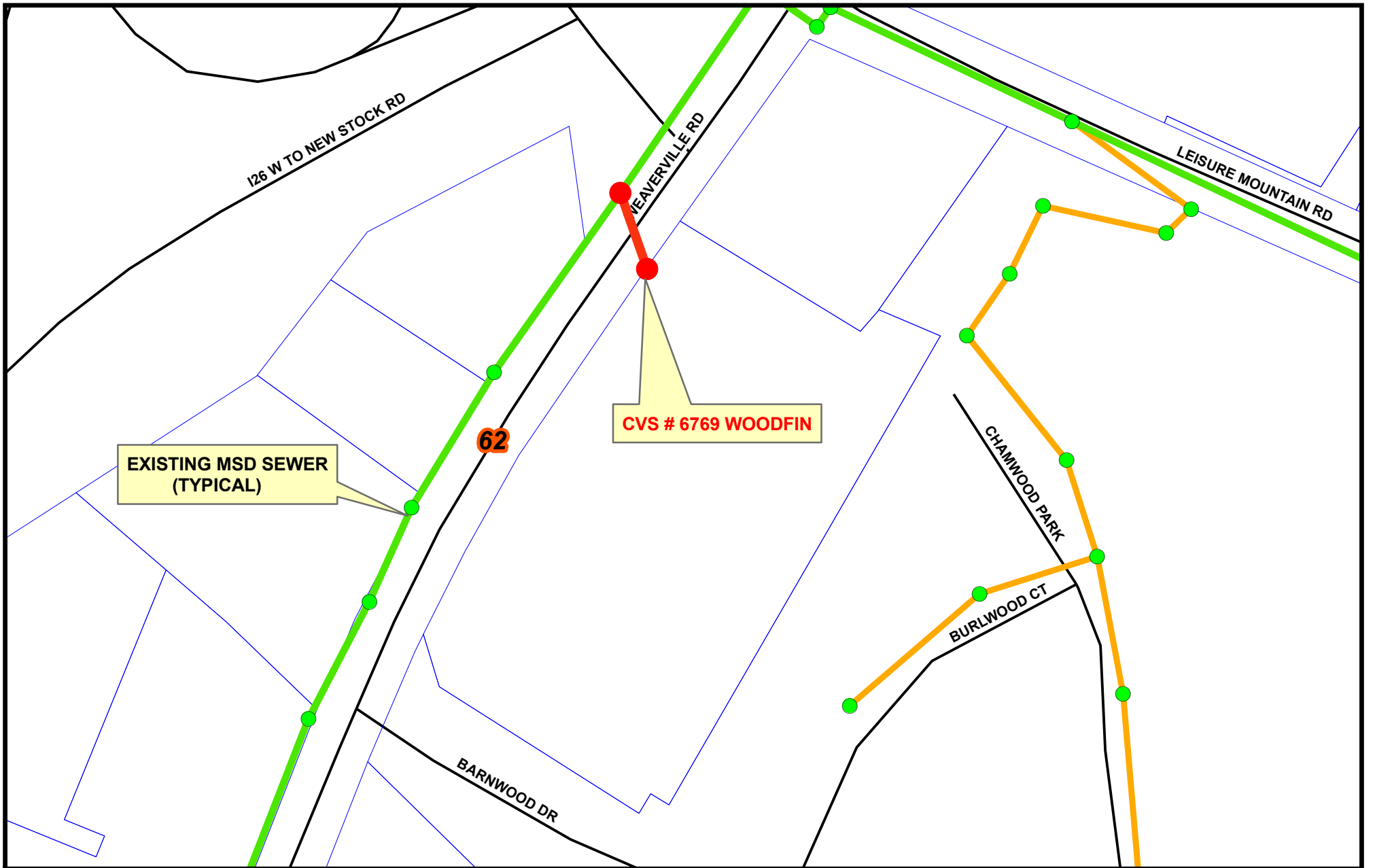
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System for the CVS Pharmacy (#6769) Sewer Extension Project.

BACKGROUND: This project is located inside the District boundary along Weaverville Road (US 19) in Buncombe County, North Carolina. The developer of the project is D&M Holdings, LLC. The project included the installation of approximately 72 linear feet of 8" gravity sewer to serve a commercial development. A wastewater allocation was issued in the amount of 200 GPD for the project. The estimated cost of the sewer extension is \$52,000.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Project # 2006301

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

CVS #6769 WOODFIN
Sewer Extension

Metropolitan Sewerage District of Buncombe County

BOARD INFORMATIONAL ITEM

Meeting Date: October 20, 2010

Submitted By: Thomas E. Hartye, PE., General Manager

Prepared By: W. Scott Powell, Director of Finance

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

Background

Each month, staff presents to the Board an investment report for all monies in bank accounts and specific investment instruments. The total investments as of August 31, 2010 were \$47,030,880. The detailed listing of accounts is available upon request. The average rate of return for all investments is 1.152%. These investments comply with North Carolina General Statutes, Board written investment policies and the District's Bond Order.

The attached investment report represents cash and cash equivalents as of August 31, 2010 does not reflect contractual commitments or encumbrances against said funds. Shown below are the total investments as of August 31, 2010 reduced by contractual commitments, bond funds, and District reserve funds. The balance available for future capital outlay is \$1,074,299.

Total Cash & Investments as of 8/31/2010		47,030,880
Less:		
Budgeted Commitments (Required to pay remaining FY11 budgeted expenditures from unrestricted cash)		
Construction Funds	(20,108,605)	
Operations & Maintenance Fund	(11,999,564)	
		(32,108,169)
Bond Restricted Funds		
Bond Service (Funds held by trustee):		
Funds in Principal & Interest Accounts	(18,788)	
Debt Service Reserve	(2,602,636)	
Remaining Principal & Interest Due	(7,859,744)	
		(10,481,168)
District Reserve Funds		
Fleet Replacement	(529,529)	
WWTP Replacement	(885,178)	
Maintenance Reserve	(813,642)	
		(2,228,349)
Post-Retirement Benefit		(477,186)
Self-Funded Employee Medical		(661,709)
Designated for Capital Outlay		<u><u>1,074,299</u></u>

Staff Recommendation

None. Information Only.

Action Taken

Motion by:	to	Approve	Disapprove
Second by:		Table	Send to Committee
Other:			
Follow-up required:			
Person responsible:			Deadline:

Board Meeting

October 20, 2010

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

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Metropolitan Sewerage District of Buncombe County Investment Portfolio

	Cash in Operating Checking Accounts	Bank of America Gov't Advantage	NCCMT (Money Market)	Certificate of Deposit	Commercial Paper	Municipal Bonds	Cash Reserve	Gov't Agencies & Treasuries	Total
Held with Bond Trustee	\$	-	\$	1,500,424			\$	1,120,030	\$ 2,621,424
Held by MSD	5,089,530	10,536,828	4,649,327	24,133,771	-	-	-	-	44,409,456
	\$	5,089,530	\$	6,149,751	\$	-	\$	970	\$ 47,030,880

Investment Policy Asset Allocation

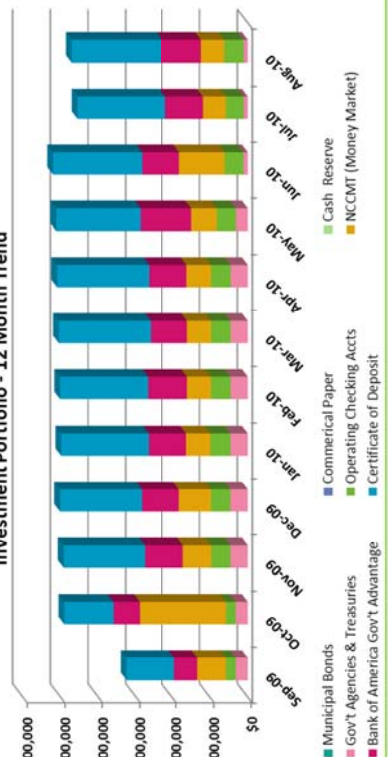
	Maximum Percent	Actual Percent
U.S. Government Treasuries, Agencies and Instrumentalities	100.00%	2.38%
Bankers' Acceptances	20.00%	0.00%
Certificates of Deposit	100.00%	51.31%
Commercial Paper	20.00%	0.00%
North Carolina Capital Management Trust	100.00%	13.08%
Checking Accounts	100.00%	33.23%

No significant changes in the investment portfolio as to makeup or total amount.

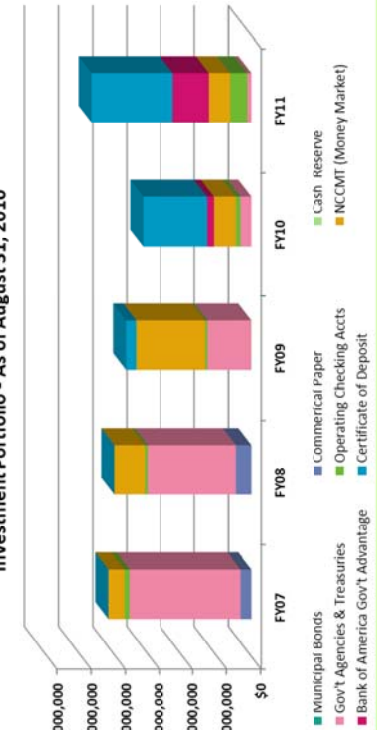
The District's YTM of 1.24% is exceeding the YTM benchmarks of the 6 month T-Bill and NCCMT Cash Portfolio.

All funds invest in CD's, operating checking accounts, BOA government advantage are fully collateralized with the State Treasurer.

MSD of Buncombe County
Investment Portfolio - 12 Month Trend



MSD of Buncombe County
Investment Portfolio - As of August 31, 2010



Board Meeting

October 20, 2010

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

Page -3-

**METROPOLITAN SEWERAGE DISTRICT
INVESTMENT MANAGERS' REPORT
AT AUGUST 31, 2010**

Summary of Asset Transactions

	Original Cost	Market	Interest Receivable
Beginning Balance	\$ 37,566,678	\$ 37,566,678	\$ 179,460
Capital Contributed (Withdrawn)	1,346,839	1,346,839	
Realized Income	95,807	95,807	(90,744)
Unrealized/Accrued Income	-	-	21,870
Ending Balance	<u>\$ 39,009,324</u>	<u>\$ 39,009,324</u>	<u>\$ 110,586</u>

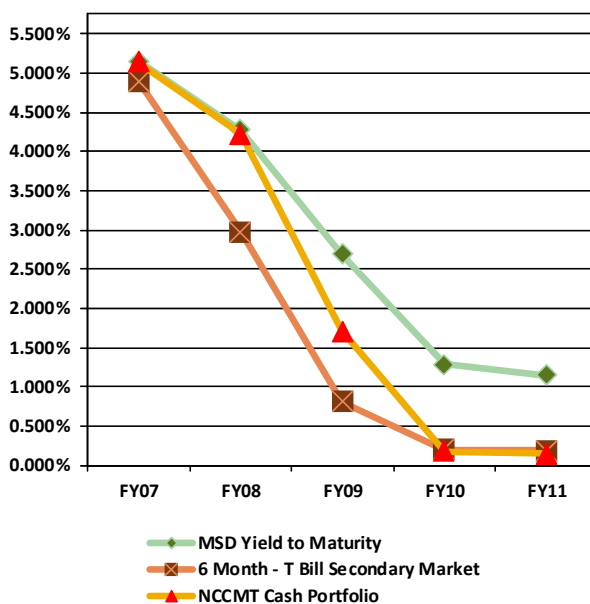
Value and Income by Maturity

	Original Cost	Income
Cash Equivalents <91 Days	\$ 14,875,553	\$ 10,270
Securities/CD's 91 to 365 Days	24,133,771	\$ 16,663
Securities/CD's > 1 Year	-	-
	<u>\$ 39,009,324</u>	<u>\$ 26,933</u>

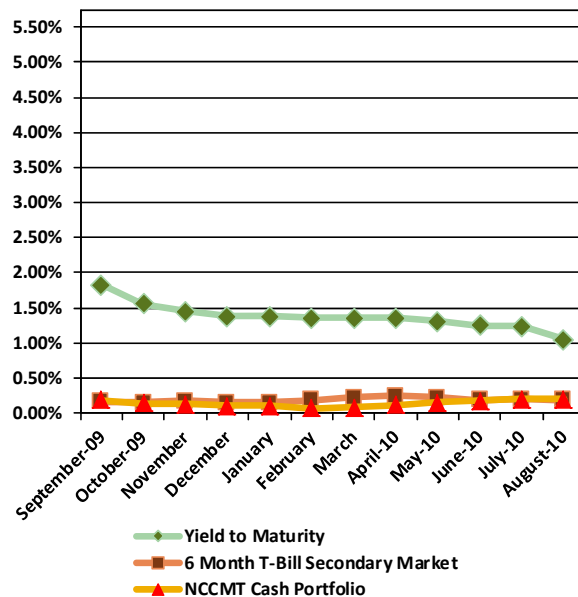
Month End Portfolio Information

Weighted Average Maturity	148 Days
Yield to Maturity	1.05%
6 Month T-Bill Secondary Market	0.19%
NCCMT Cash Portfolio	0.20%

**Metropolitan Sewerage District
Annual Yield Comparison**



**Metropolitan Sewerage District
Yield Comparison - August 31, 2010**



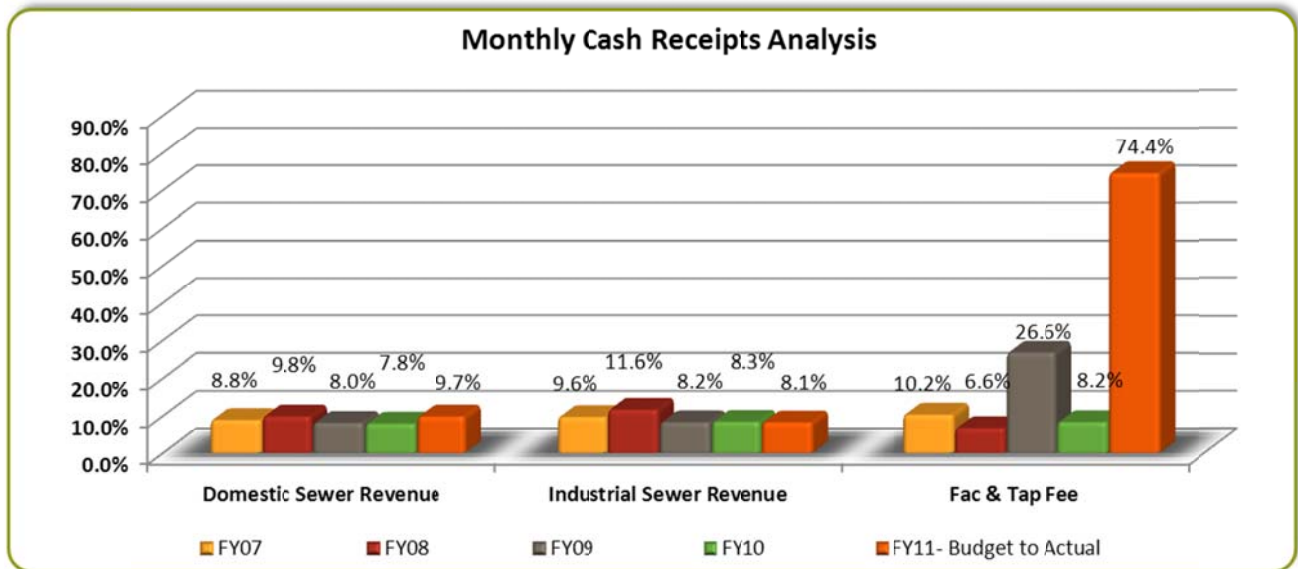
Board Meeting

October 20, 2010

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

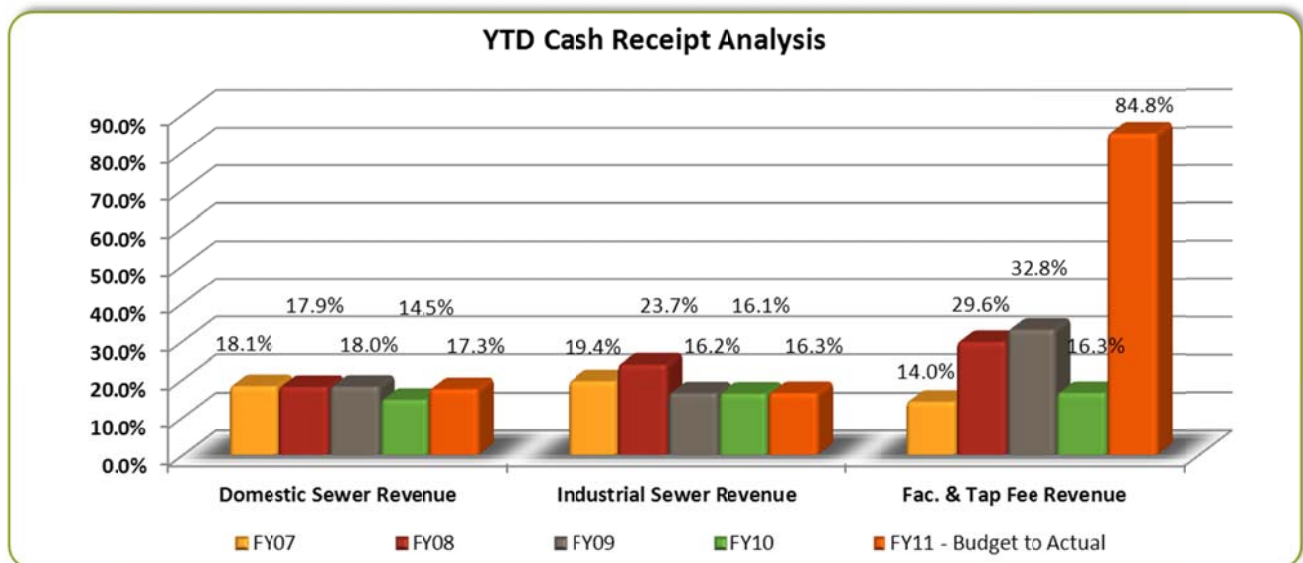
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METROPOLITAN SEWERAGE DISTRICT ANALYSIS OF CASH RECEIPTS AS OF AUGUST 31, 2010



Monthly Cash Receipts Analysis:

- ▲ Monthly domestic sewer revenue is higher due to the timing of one cash receipt.
- ▲ Monthly industrial sewer revenue is considered reasonable based on historical trends.
- ▲ Monthly facility and tap fee is usually high due to a cash receipt of \$609,000.



YTD Actual Revenue Analysis:

- ▲ YTD domestic sewer revenue is considered reasonable based on historical trends.
- ▲ YTD industrial sewer revenue is considered reasonable based on historical trends.
- ▲ YTD facility and tap fee is higher due to time of one cash receipt of \$609,000.

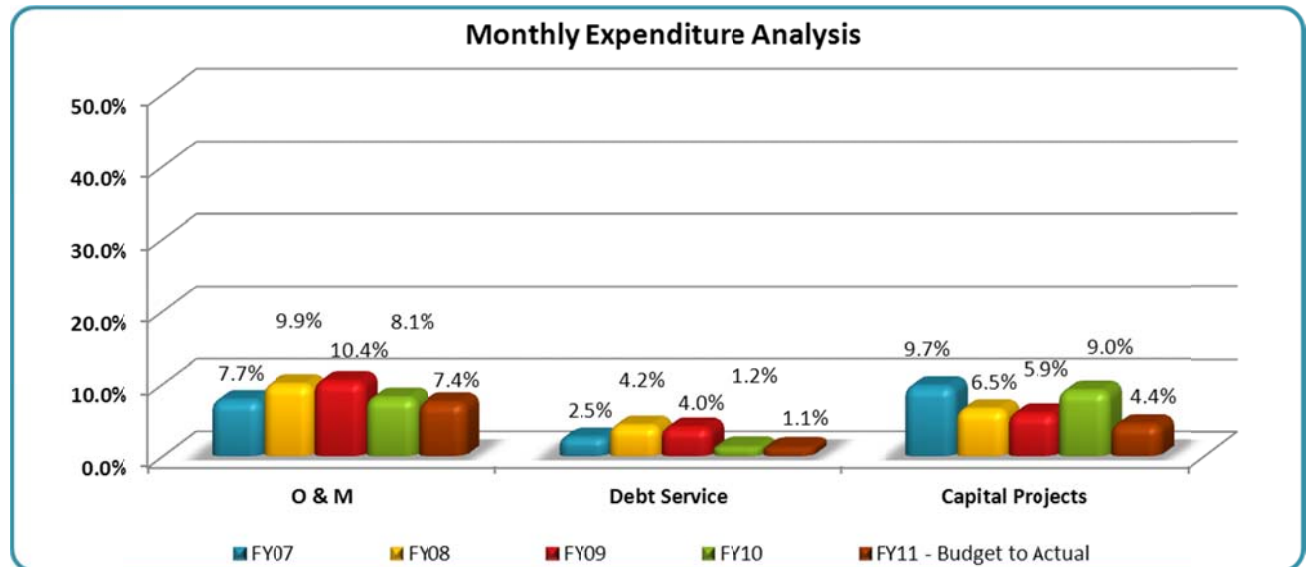
Board Meeting

October 20, 2010

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

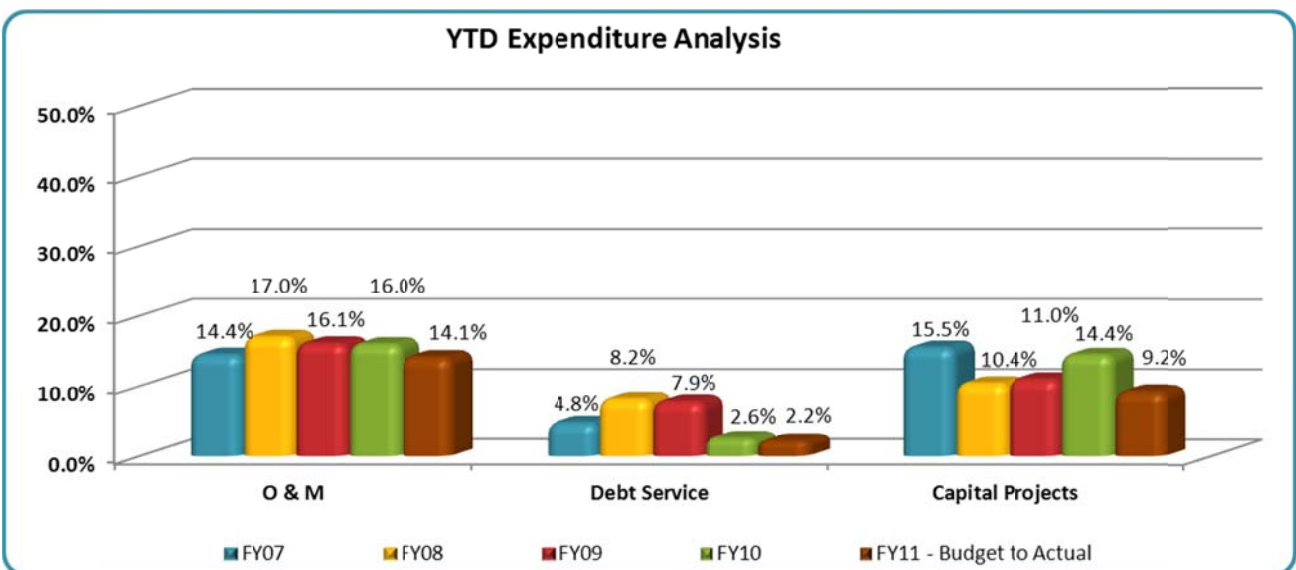
Page -5-

METROPOLITAN SEWERAGE DISTRICT ANALYSIS OF EXPENDITURES AS OF AUGUST 31, 2010



Monthly Expenditure Analysis:

- ★ Monthly O&M expenditures are considered reasonable based on historical trends.
- ★ Due to the nature of the variable rate bond market, monthly expenditures can vary year to year. Based on current variable interest rates, monthly debt service expenditures are considered reasonable.
- ★ Due to nature and timing of capital projects, monthly expenditures can vary from year to year. Based on the current outstanding capital projects, monthly capital project expenditures are considered reasonable.



YTD Expenditure Analysis:

- ★ YTD O&M expenditures are considered reasonable based on historical trends.
- ★ Due to the nature of the variable rate bond market, YTD expenditures can vary year to year. Based on current variable interest rates, YTD debt service expenditures are considered reasonable.
- ★ Due to nature and timing of capital projects, YTD expenditures can vary from year to year. Based on the current outstanding capital projects, YTD capital project expenditures are considered reasonable.

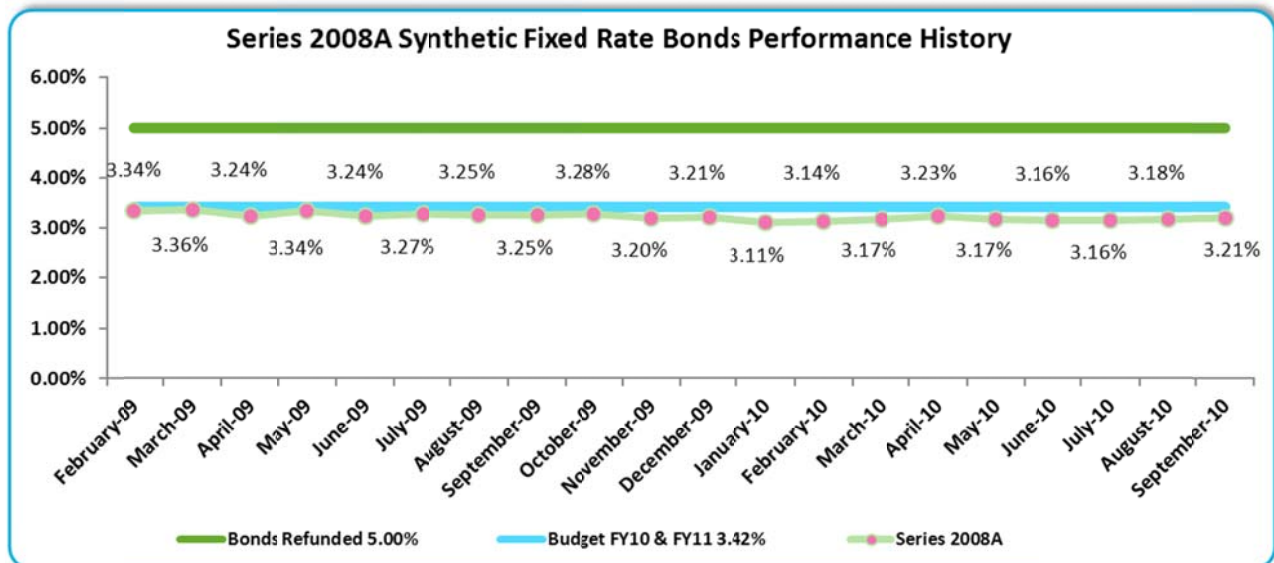
Board Meeting

October 20, 2010

Subject: Cash Commitment/Investment Report-Month Ended August 31, 2010

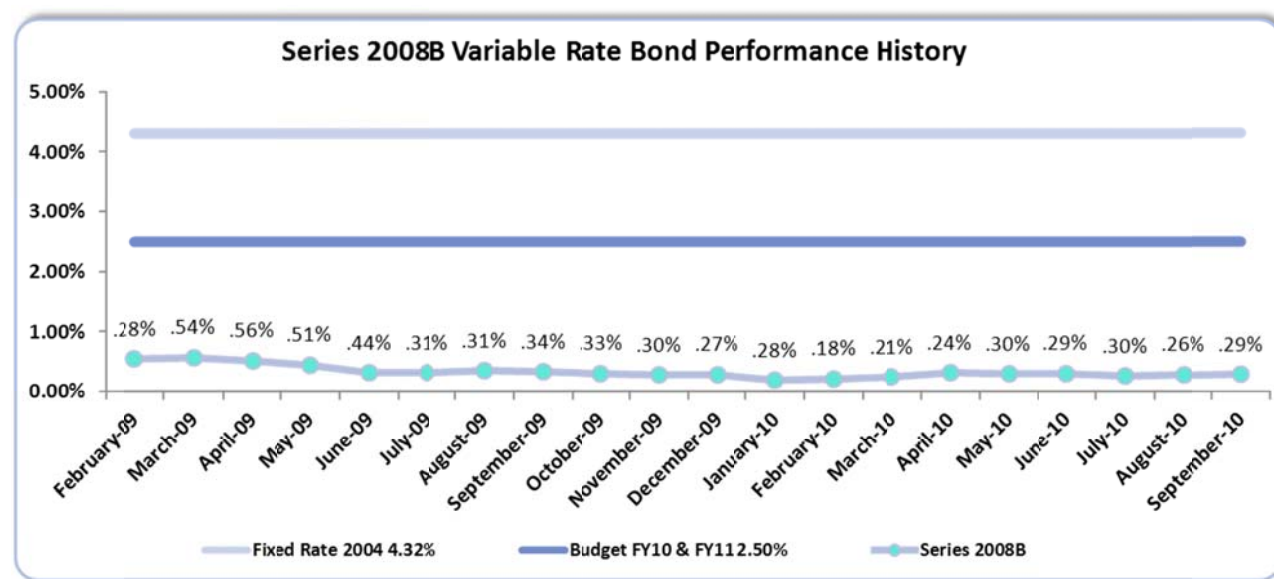
Page -6-

METROPOLITAN SEWERAGE DISTRICT Variable Debt Service Report As of September 30, 2010



Series 2008A:

- ◆ Savings to date on the Series 2008A Synthetic Fixed Rate Bonds is \$1,256,440 as compared to 4/1 fixed rate of 4.83%.
- ◆ Assuming that the rate on the Series 2008A Bonds continues at the current all-in rate of 4.1675%, MSD will achieve cash savings of \$3,503,702 over the life of the bonds.
- ◆ MSD would pay \$5,272,000 to terminate the existing Bank of America Swap Agreement.



Series 2008B:

- ◆ Savings to date on the 2008B Variable Rate Bonds is \$1,803,303 as compared to 5/1 fixed rate of 4.32%.
- ◆ Since May 1, 2008, the Series 2008B Bonds average variable rate has been 0.82%.
- ◆ MSD will achieve \$8,270,000 in cash savings over the life of the bonds at the current average variable rate.

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

Meeting Date: October 20, 2010

Submitted By: Thomas E. Hartye, PE., General Manager

Prepared By: W. Scott Powell, Director of Finance

Subject: Reimbursement Resolution for Bond Projects

Background

To be in compliance with IRS regulations concerning tax-exempt financing, all expenditures made with non-MSD bonds funds and to be reimbursed from MSD bond funds must be properly identified and authorized. The proposed reimbursement resolution identifies a major project intended to be solely or substantially financed by bonds anticipated to be issued in Fiscal Year 12-13. Board approval is required to obtain the tax-exemption of interest paid on MSD bonds by authorizing reimbursement from bond proceeds of the expenditures for this project.

However, this resolution does not take the place of an annual budget or capital projects ordinance as mandated by North Carolina General Statutes required to authorize any expenditures irrespective of source of the funds. The project has been or will be included in the District's annual budget process.

In addition to this current reimbursement resolution, additional resolutions may be submitted for other projects when their anticipated costs may be more accurately projected.

Discussion

\$24 million of bonds are planned to be issued in FY 12-13, and this reimbursement resolution is intended to preserve for the District the ability to issue the bonds as tax-exempt bonds and to reimburse itself from their proceeds for the temporary cash outlay made for the projects identified in the reimbursement resolutions.

Engineering Staff have identified several upcoming projects detailed on the attached exhibit, which could be reimbursed from the upcoming revenue bonds. Estimated reimbursable expenditures for these projects total \$16,990,000.

Fiscal Impact

This reimbursement resolution does not obligate the District to use bond proceeds for these projects, nor does it create an obligation for expenditure of the funds for the identified projects, however allows for reimbursement of project expenses with bond proceeds. Authorization for these project expenditures is provided by the annual budget ordinance or capital projects ordinance.

Staff Recommendation

Approval.

Action Taken

Motion by:

Second by:

Other:

Follow-up required:

Person responsible:

to

Approve
Table

Disapprove
Send to Committee

Deadline:



Metropolitan Sewerage District

OF BUNCOMBE COUNTY, NORTH CAROLINA

REIMBURSEMENT RESOLUTION

RESOLUTION OF THE DISTRICT BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina (the "Issuer") is a body politic and corporate organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid, beginning August 21, 2010, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, design and construction of the projects on the attached Exhibit (the "Projects"); and

WHEREAS, the District Board of the Issuer (the "Board") has determined that those monies previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after August 21st, 2010 which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Projects is \$16,990,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 20th day of October, 2010

Steven Aceto
Chairman of the Board

Attested to:

Jackie Bryson, Secretary/Treasurer

Metropolitan Sewerage District of Buncombe County
Attachment to Reimbursement Resolution
October 20, 2010

Project	Project #	Estimated Expenditures on and after August 21, 2010
Charland Forest	2006130	\$ 128,000
TC Pump Station Removal	2010074	133,000
Weaverville Force Main Relocation	2010072	292,000
Heywood Road Interceptor Phase 2	2004251	323,000
Lake Juilian Wet Weather Interceptor Phase 3	2006015	2,711,000
Martel Lane at Penley Ave	2008177	161,000
Morris Street @ Talmadge	2009106	594,000
U. S. 70 at Parkway	2004035	807,000
Old Home Road	2004261	506,000
Rockdale Avenue	2006312	687,000
Wellington Drive	2007325	232,000
Final Microscreen Replacement	2007026	10,416,000
		\$ 16,990,000

Note: Amounts rounded to nearest thousand

STATUS REPORTS

CAPITAL IMPROVEMENT PROGRAM

STATUS REPORT SUMMARY

October 12, 2010

PROJECT	CONTRACTOR	AWARD DATE	NOTICE TO PROCEED	ESTIMATED COMPLETION DATE	*CONTRACT AMOUNT	*COMPLETION STATUS (WORK)	COMMENTS
CHARLAND FOREST	T & K Utilities	8/18/2010	TBA	TBA	\$127,170.00	0%	Informal Project was awarded to T & K Utilities, Inc. No work has begun yet.
FOREST HILL DRIVE #1 (PRP 11006)	T & K Utilities	2/17/2010	3/29/2010	10/30/2010	\$147,653.00	98%	Formal Project is complete and awaiting punchlist
FOREST HILL DRIVE #2 (PRP 11005)	T & K Utilities	2/17/2010	3/29/2010	10/30/2010	\$68,590.00	98%	Formal Project is complete and awaiting punchlist
LAKE JULIAN INTERCEPTOR PHASE III	TBA	TBA	TBA	TBA	TBA	0%	Formal Two lowest bidders have withdrawn. Ruby Collins is next apparent low. Contract price has been negotiated down approximately \$200,000 and will be presented at the October Board meeting.
MARTEL LANE @ PENLEY AVENUE	Huntley Construction	6/9/2010	9/7/2010	1/5/2011	\$106,300.00	0%	Informal Contractor has mobilized on site.
MIDDLE BEAVERDAM CREEK INTERCEPTOR	Moore & Son	7/15/2009	8/31/2009	10/30/2010	\$854,118.91	95%	Formal All services are complete. Asphalt restoration is all that remains.
MORRIS STREET @ TALMADGE STREET	Terry Brothers	6/9/2010	7/21/2010	11/15/2010	\$368,972.50	90%	Formal Mainline is complete except for the additional 120 feet that was added, running along Brevard Road.
REEMS CREEK MASTER PLAN EXTENSION PHASE II	Dillard Excavating Co.	N/A	N/A	11/30/2010	\$198,621.99	90%	Construction by developer. MSD cost participation is \$198,621.99. Mainline construction is in progress. Rock excavation is making progress extremely slow. Pipeline construction is 90% complete.
TOWN BRANCH INTERCEPTOR	BC&D Associates	8/19/2009	9/21/2009	11/30/2010	\$726,875.00	75%	Formal 30-inch mainline is being installed in Depot Street. Paving yet to be done over bore pit area in railroad.
TC BUILDING PUMP STATION REMOVAL	Carolina Specialties	TBA	TBA	TBA	TBA	0%	Informal Bids were opened on September 30th. Apparent low bidder is Carolina Specialties. Exploratory work will begin soon.
U.S. HWY. 70 @ PARKWAY	TBA	TBA	TBA	TBA	TBA	0%	Formal Bids were opened on October 7th. Terry Brothers Construction Company is the apparent low bidder. Project will be presented at the November Board meeting.
WRF - FINAL MICROSCREEN REPLACEMENT	TBA	TBA	TBA	TBA	TBA	0%	Formal Bids were opened on September 21st. Hickory Construction Company is the apparent low. Project will be presented at the October Board meeting.
WRF - INTERMEDIATE PUMPING REPLACEMENT	Hickory Construction	7/15/2009	8/19/2009	10/31/2010	\$1,754,675.22	85%	Formal Pumps have been delivered to MSD. Pump number one is installed and going through electrical evaluation. Pump is expected to start by October 14th. If all goes well, all three pumps will be up and running by October 22nd.

*Updated to reflect approved Change Orders and Time Extensions

Planning and Development Projects
Status Report September 15, 2010

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments
	Gene Bradley Subdivision	2004022	Fletcher	9	420	3/3/2005	Complete-Waiting on final documents
	Davidson Road Sewer Extension	2004154	Asheville	3	109	12/15/2004	Complete-Waiting on final documents
	Riverbend Urban Village	2004206	Asheville	260	1250	8/29/2006	Complete-Waiting on final documents
	N. Bear Creek Road Subdivision	2005137	Asheville	20	127	7/11/2006	Complete - Waiting on final documents
	Willowcreek Village Ph.3	2003110	Asheville	26	597	4/21/2006	Complete - Waiting on final documents
	Rock Hill Road Subdivision	2005153	Asheville	2	277	8/7/2006	Complete - Waiting on final documents
	Byrd Street Condos	2007085	Asheville	14	300	7/31/2007	Complete - Waiting on final documents
	MWB Sewer Extension	2008046	Asheville	Comm.	285	5/12/2008	Complete - Waiting on final documents
	The Cottages on Liberty Green	2007297	Asheville	7	124	5/30/2008	Complete - Waiting on final documents
	Haw Creek Tract	2006267	Asheville	49	1,817	10/16/2007	Complete - Waiting on final documents
	Haywood Village	2007172	Asheville	55	749	7/15/2008	Complete - Waiting on final documents
	Oak Crest Place	2004056	West Asheville	27	791	12/3/2004	Complete - Waiting on final documents
	Buncombe County Animal Shelter	2007216	Asheville	Comm.	78	5/1/2008	Complete - Waiting on final documents
	Lodging at Farm (Gottfried)	2008169	Candler	20	45	6/2/2009	Complete - Waiting on final documents
	Camp Dorothy Walls - Ph. 1	2007294	Black Mtn.	Comm.	593	6/16/2009	Complete - Waiting on final documents
	Momentum Health Adventure	2008097	Asheville	Comm.	184	8/19/2009	Complete - Waiting on final documents
	Forest Manor Complex	2088050	Asheville	Comm.	96	12/4/2008	Complete - Waiting on final documents
	Honeysuckle Breeze	2007246	Asheville	5	70	9/22/2009	Complete - Waiting on final documents
	North Point Baptist Church	2008105	Weaverville	Comm.	723	5/20/2009	Complete - Waiting on final documents
	Kenilworth Cottages	2008031	Asheville	11	177	5/12/2010	Complete - Waiting on final documents
	The Villages at Crest Mountain	2009049	Asheville	63	1,364	9/9/2009	Complete - Waiting on final documents
	Crayton Creek Green	2006282	Asheville	10	482	3/15/2007	New developer & Engineer, ready for final
	Ridgefield Business Park	2004188	Asheville	18	758	2/16/2005	Complete-Waiting on final documents
	Subtotal			599	11,416		

Planning and Development Projects
Status Report September 15, 2010

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments	
	Grove Park Cove Subdivision	2004101	Asheville	14	1122	6/28/2006	Pre-con held ready for construction	
	The Settings (6 Acre Outparcel)	2004192	Black Mountain	21	623	3/15/2006	Ready for final inspection	
	Falcon Ridge	2004240	Asheville	38	3,279	10/11/2006	Ready for final inspection	
	Waightstill Mountain PH-8	2006277	Arden	66	3,387	7/26/2007	testing / in foreclosure	
	Brookside Road Relocation	2008189	Black Mtn	n/A	346	1/14/2009	Pre-con held, ready for construction	
	Scenic View	2006194	Asheville	48	534	11/15/2006	Ready for final inspection	
	Ingles	2007214	Black Mtn.	Comm.	594	3/4/2008	Ready for final inspection	
	Bartram's Walk	2007065	Asheville	100	10,077	7/28/2008	testing	
	Morgan Property	2008007	Candler	10	1,721	8/11/2008	Pre-con held, ready for construction	
	Village at Bradley Branch - Ph. III	2008076	Asheville	44	783	8/8/2008	Ready for final inspection	
	Versant Phase I	2007008	Woodfin	64	12,837	2/14/2007	Ready for final inspection	
	Canoe Landing	2007137	Woodfin	4	303	5/12/2008	Ready for construction	
	Central Valley	2006166	Black Mtn	12	472	8/8/2007	Punchlist pending	
	CVS-Acton Circle	2005163	Asheville	4	557	5/3/2006	Ready for final inspection	
	Hamburg Mountain Phase 3	2004086	Weaverville	13	844	11/10/2005	Ready for final inspection	
	Bostic Place Sewer Relocation	2005102	Asheville	3	88	8/25/2005	Ready for final inspection	
	Kyfields	2003100	Weaverville	35	1,118	5/10/2004	Ready for final inspection	
	Brotherton (Habitat)	2009079	West Asheville	23	735	1/24/2003	New engineer & developer under constr.	
	Teems Road Subdivision	2007143	Asheville	40	1,308	5/27/2008	Ready for construction	
	Thom's Estate	2006309	Asheville	40	3,422	1/24/2008	testing	
	Thom's Estate - Phase II	2008071	Asheville	40	3,701	6/10/2008	Redesign	
	Skyland Apartments	2007117	Arden	63	96	4/23/2008	Ready for final inspection	
	Berrington Village Apartments	2008164	Asheville	308	4,690	5/5/2009	Installing	
	Cottonwood Townhomes	2009110	Black Mtn.	8	580	10/20/2009	Installing	
	Mission Hospitals (Victoria Road)	2009022	Asheville	Comm.	532	2/12/2010	Installing	
	Lutheridge - Phase I	2009112	Arden	Comm.	330	3/16/2010	Ready for final inspection	
	Self Help Housing	2009024	Black Mtn.	6	152	10/7/2010	Pre-con held, ready for construction	
	AVL Technologies	2010018	Woodfin	Comm.	133	5/21/2010	Installing	
	Woodbriar Subdivision	2009004	Weaverville	72	3,888	8/2/2010	Pre-con held, ready for construction	
	Westmore	2009004	Asheville	72	675	8/3/2010	Pre-con held, ready for construction	
	Carolina Hand Surgery	2009063	Asheville	Comm.	298	10/7/2009	Testing	
	Graylyn Hills	2008108	Asheville	4	176	2/12/2010	Pre-con held, ready for construction	
	Camp Dorothy Walls - Ph. 2	2007294	Black Mtn.	Comm.	593	6/16/2009	Pre-con held, ready for construction	
	South Buncombe Intermediate Sch.	2009065	Arden	Comm.	1,656	6/7/2010	Installing	
	Black Mtn Annex: Avena Rd.	1999026	Black Mtn.	24	4,300	8/19/2010	Pre-con held, ready for construction	
	Black Mtn Annex: Blue Ridge Rd.	1992171	Black Mtn.	24	2,560	8/19/2010	Pre-con held, ready for construction	
	Black Mtn Annex: McCoy Cove	1992174	Black Mtn.	24	2,067	8/19/2010	Pre-con held, ready for construction	
	The Settings at Blk Mtn. - Ph. 3	2006297	Black Mtn.	45	3,906	4/22/2010	Testing	
				Subtotal	2147	94,535		
				Total Units:	2,746			
				Total LF:		105,951		