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## RESOLUTION

2024-09.02

### Ivy Creek Sewer Contract Increase

At a regular meeting of the Bedford Regional Water Authority (“Authority”) Board of Directors, held in the Board Meeting Room at the Authority’s Administrative Annex Building on the 17<sup>th</sup> day of September 2024, beginning at 7:00pm:

**WHEREAS**, the Bedford Regional Water Authority (the “Authority”) executed a Comprehensive Agreement dated December 18, 2020 (“Agreement”) with E.C. Pace Company, Inc. (“E.C. Pace”) for the Progressive Design-Build services selected by the Authority for the Ivy Creek Interceptor, Divisions 5 and 6, and Route 460 Booster Pump Station Projects (“Projects”) as procured in accordance with the Public Private Educational Facilities and Infrastructure Act of 2002; and,

**WHEREAS**, under the terms of the Agreement, the Authority negotiated a lump sum fixed price with E.C. Pace for the scope of services and terms for the Route 460 Booster Pump Station (“Booster Station”) as defined in Amendment No. 1 and approved by the Board of Directors on October 20, 2021 in Resolution 2021-10.01; and,

**WHEREAS**, under the terms of the Agreement, the Authority negotiated a lump sum fixed price with E.C. Pace for the scope of services and terms for the Ivy Creek Interceptor Division 5 and 6 (“Ivy Creek”) as defined in Amendment No. 2 (“Amendment”) and approved by the Board of Directors on August 16, 2022 in Resolution 2022-08.02 for a total project cost of \$15,471,092.30; and,

**WHEREAS**, Ivy Creek is funded through \$1,500,000 from the County of Bedford and through the Virginia Clean Water Revolving Loan Fund (“Fund”), as administered by Virginia Resources Authority, in the amount of \$13,971,093, including \$632,636 in principal forgiveness as approved by the Board of Directors on August 16, 2022 in Resolution 2022-08.01; and,

**WHEREAS**, E.C. Pace has submitted Change Order requests to increase the Amendment cost (“Change Order”) for Ivy Creek related to redesign and realignment necessary due to a blasting incident (“Incident”) that occurred on May 24, 2023; and,

**WHEREAS**, the Authority and legal counsel reviewed the Change Order and determined it in conformance with the Agreement and thus is eligible for payment under the agreement; and,

**WHEREAS**, the Department of Environmental Quality (“DEQ”) and Virginia Resources Authority (“VRA”) are processing the request for an increase to the Fund up to the amount of the Change Order; and,

**WHEREAS**, the City of Lynchburg contributed \$200,000 (“City Contribution”) towards Ivy Creek related to the replacement of their existing sanitary sewer after the Incident; and,

**WHEREAS**, the Authority has funding available in cash due to capital recovery fees received in Fiscal Year 2023-2024 above the budgeted amount in the amount of \$529,000; and,

**WHEREAS**, the Change Order would be funded by the City Contribution and the cash surplus initially; and,

**WHEREAS**, the cash surplus may be reimbursed if the loan is obtained with DEQ and VRA for the Fund increase; now,

**THEREFORE, BE IT RESOLVED**, that the Deputy Director of the Authority is hereby authorized to execute Change Orders with E.C. Pace for Ivy Creek in an amount up to \$713,518.

Member Gray made a motion to approve this Resolution.

Member Moldenhauer made a Second to approve.

Board Member Votes:   7   Aye   0   Nay   0   Abstain. The motion carried.

#### **CERTIFICATION**

The undersigned secretary of the Bedford Regional Water Authority does hereby certify that the foregoing is a true, complete, and correct Resolution adopted by a vote of a majority of the Directors of the Bedford Regional Water Authority, present at a regular meeting of the Board of Directors of the Bedford Regional Water Authority duly called and held **September 17, 2024** at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of the above mentioned meeting.

(SEAL)

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Brian M. Key, Secretary,  
Bedford Regional Water Authority