

PO # 2022-1028

Master Agreement No.: 2019-0025

TASK ORDER No.

**UNDER
MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES**

This Task Order ("Task Order"), made as of the 22ND day of APRIL, 2022, by and between the Town of Apex (hereafter, "Town") and CDM Smith, Inc. ("Professional").

WITNESSETH

WHEREAS, Town and Professional entered into a Master Agreement for On-Call Professional Services dated September 4, 2018 ("Master Agreement"); and

WHEREAS, Town has determined it is in need of Services for On-Call Water Resources Professional Engineering, Surveying, Geotechnical, and/or Environmental Engineering Services ("Project"), and Professional desires to provide such Services; and

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is acknowledged, the parties agree as follows.

1. Recitals, Purpose and Effective Date. The Recitals and the Master Agreement are incorporated into this Task Order. Each party represents and warrants that it has in its possession and is familiar with the Master Agreement, and agrees that such does not need to be attached to this Task Order. The purpose of this Task Order is to set forth specific terms and conditions pursuant to which Professional shall provide Services for the Project. The Project is **Lead and Copper Rule Revisions** and is further identified on Attachment 1 Scope of Work attached hereto and incorporated herein by reference. The Effective Date of this Task Order is the date on which it is executed by the last to execute this Task Order.
2. Commencement and Termination.
 - A. Professional's services on Project shall commence upon a Notice to Proceed issued by Town or as otherwise provided in Attachment 1.
 - B. If the Master Agreement terminates before the Services provided hereunder are completed, then and in that event the Master Agreement shall continue as to Project until such time as Project is satisfactorily completed.
3. Schedule, Milestone Dates. Project schedule, including date by which Services shall be completed, and all deliverables to be delivered is provided in Attachment 1.
4. Fee for Services.
 - A. The fixed fee total compensation for Basic Services is provided in Attachment 1.
 - B. The fee for Additional Services, if any, shall be determined as provided in Attachment 1, or, if not so provided, as provided in Agreement.

5. Key Personnel and Use of Subcontractors.

- A. Professional's key personnel are provided in Attachment 1.
- B. If Professional is to use subcontractors for a portion of its Services, then the following applies to such subcontractor(s):

No changes in Professional's key personnel or subcontractors designated in this Task Order as those who will provide Services shall be permitted except with the prior written consent of Town, which consent shall not be unreasonably withheld.

- 6. Insurance. Professional represents and warrants that all insurance requirements set forth in Agreement continue to be met.
- 7. Amendment. This Task Order may be amended only by written amendment of the parties.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this 22nd day of April, 2022.

Professional

Name: KEVIN C. IRBY
Name of Professional (type or print)

By: [Signature]
(Signature)

Title: VICE PRESIDENT

Attest: Paul Milligan
(Secretary, if a corporation)



Town of Apex
[Signature]
Catherine Crosby, Town Manager

Attest: [Signature]
Town Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]
Finance Director

**ATTACHMENT 1
TO AGREEMENT BETWEEN OWNER AND ENGINEER
April 2022**

This is an exhibit attached to and made a part of and incorporated by reference into the Original Agreement, dated September 4, 2018 between CDM Smith Inc. (ENGINEER) and Town of Apex (OWNER) for professional services.

1.0 ENGINEER'S SERVICES

The Lead and Copper Rule Revisions (LCRR) require planning, submittals and modified procedures for water utilities prior to the compliance date of October 16, 2024. ENGINEER will assist with the OWNER with development of a program to address requirements for compliance with the LCRR.

This Scope of Services is the first phase of the multi-phase Program. The first phase will focus on data review, initial steps to develop a service line material (SLM) inventory, identify any lead service lines (LSL) and development of standard operating procedures (SOPs) and public notification materials. These activities are necessary before proceeding with the remainder of the program.

Upon completion of the first phase of work, subsequent phases may be amended to this agreement.

2.0 SCOPE OF WORK

ENGINEER will provide the following services under this Scope or Work:

Task 1 – Project Management & Quality Control

Task 2 –SLM Inventory

Task 3 –LSL Replacement SOPs

Task 4 – Review of Lead and Copper Sampling Data

Task 5 – Review of Corrosion Control Treatment

Task 6 – Public Education and Outreach

A description of each of the tasks from the first phase is provided below. At the conclusion of this Phase 1, ENGINEER's contract will be amended for subsequent phases of LCRR compliance needs. Additional services may be provided by the ENGINEER upon separate written authorization from the OWNER for a mutually agreed upon scope and budget.

Task 1 – Project Management & Quality Control

ENGINEER will perform activities involved with the planning and subsequent monitoring and control of the Project. ENGINEER will undertake quality control activities in accordance with the ENGINEER's Quality Management System (QMS) that includes monthly project status reporting, communication plans, and independent specialist reviews. ENGINEER will provide monthly invoices with progress reports.

ENGINEER will conduct a kickoff workshop with OWNER staff to discuss the approach for Phase 1. ENGINEER will maintain regular contact with the OWNER's project manager throughout the Project via emails and phone calls. Additional task-specific meetings are included in Tasks 2 through 6.

Task 1 Deliverables

- Kickoff meeting minutes
- Monthly progress reports and invoices

Task 2 – SLM Inventory

ENGINEER will assist the OWNER in the development of a SLM inventory, including development of methodology to document areas without LSLs. The following tasks are included in the first phase of work.

Task 2.1 – Develop Data Management Solution

ENGINEER will coordinate with OWNER staff to determine the format of SLM inventory data to be compiled under Task 2.2. ENGINEER will assist the OWNER with identifying a suitable software platform for the SLM inventory and validation. The process will identify the OWNER's requirements, including integration with existing software, and compare available options and associated costs. This task includes two (2) meetings (in-person/ virtual). The first meeting with OWNER staff is to discuss data management requirements and options. ENGINEER will recommend a data management solution software with cost information in the second meeting.

The selection and implementation of the software platform will begin after the data compilation in Task 2.2.

Task 2.2 – Data Compilation

It is estimated that none of the nearly 25,000 service laterals and connections are in GIS. The initial basis of the inventory will use the Wake County parcels and billing meters information to establish the customer connections. ENGINEER will compile available digital data for both the utility side (public) material and customer (private) side material. Available digital data sources will include GIS, the OWNER's work order system, meter management system, water main installation dates and county assessor's database. These sources will be used to develop the inventory and identify the material for the unknowns on the utility and private side. Although none are currently known within the system, lead goosenecks will also be included in the inventory where identified in the data and will be assumed wherever galvanized is found.

ENGINEER will research plumbing codes, ordinances, meter replacement program data, and purchasing records, as available, to determine materials historically used in the distribution system. ENGINEER will estimate the material using agreed upon assumptions between ENGINEER and OWNER such as install date and diameter. The oldest buildings in Apex date back to the late 1800s with approximately 1,300 properties constructed prior to 1986 when lead was banned.

ENGINEER will combine the service line information into one inventory database that is consistent with the data management requirements identified in Task 2.1. The database will include fields identifying the utility material, customer material, and data sources that can be pulled into the OWNER's GIS system.

This task includes one meeting with OWNER staff to discuss available data sources. The meeting will be coordinated with one of the meetings planned under Task 2.1.

This task assumes the OWNER will provide the following data:

- Water system GIS database with existing lateral lines and meter locations.
- Management system (CMMS) extract with lateral repairs will be provided by the OWNER in a database format with a foreign key to the asset identifier.
- CMMS extract with meter replacement workorders noting material and associated images of the meter box will be provided by the OWNER
- Recent AMI meter replacement program installations

Task 2.3 – Develop Material Validation Strategies

Based on discussion with the OWNER, it appears that the OWNER’s system does not have any known LSL; however there may be some galvanized service lines. Based on the LCRR, the total number of LSL in the system will be the sum of:

- LSL
- Galvanized service lines that are currently or formerly downstream of a lead pipe (referred to as “galvanized requiring replacement” in the LCRR)
- Unknown service lines installed prior to a lead ban (either local or federal) that could potentially be lead (referred to as “lead status unknown” in the LCRR)

It is also a possibility that the LCRR will be revised to include galvanized service lines downstream of a lead gooseneck. This may be addressed through the Lead and Copper Revision Improvements (LCRI) which is expected to come out before October 2024.

ENGINEER will meet with the North Carolina Department of Environmental Quality (NCDEQ) LCRR Compliance Specialist to discuss approved verification methods for non-lead service lines.

After completing Task 2.2, ENGINEER will develop a strategy to reduce the number of “lead status unknown” service lines before October 2024. ENGINEER anticipates several strategies will be considered. ENGINEER will conduct one meeting, either virtual or in-person, with OWNER staff to present and discuss potential material validation strategies. Implementation of the validation strategies are not included in this Scope of Work; however, implementation may be included in a subsequent phase of the Project.

ENGINEER will develop an initial inventory based on the assumptions and provide an estimation of which unknown service lines are likely lead and likely not lead with a strategy for verifying the unknown service lines. The sources, assumptions, and methods used for the initial inventory will be documented in a TM along with recommendations and schedule for next steps to validate and refine the LSL inventory. TM will include a summary of feedback from NCDEQ. The TM will include next steps and estimated budget for the Phase 2 tasks related to developing the LSL inventory. ENGINEER will address OWNER’s comments and issue a final TM.

Task 2 Deliverables

- Presentation materials and minutes from meetings (3 total meetings included in Task 2)
- Initial SLM Inventory in Excel and GIS
- Draft and Final Material Validation Strategy TM (electronic format)

Task 3 – LSL Replacement SOPs

Although not required for compliance until October 16, 2024, it is recommended that the OWNER implement procedures for on-going capital improvements and maintenance work that impacts LSLs, galvanized lines, lead goosenecks, or lead status unknown service lines. ENGINEER will meet with OWNER to discuss which procedures they will implement prior to the LCRR becoming effective. ENGINEER will prepare SOPs for on-going activities including lead service line replacements (LSLRs), disturbances, or removing goosenecks. SOPs will address:

- Procedures for disturbances to lead, galvanized or unknown service lines
- Communication to homeowners and renters
- Allowing contractors into the home for a materials inspection and replacement
- Flushing procedures and flyers
- Communication regarding partial LSLRs if applicable
- Follow-up sampling if applicable
- Updating the service line material inventory database

ENGINEER will prepare written SOPs in the OWNER's preferred format. Task 3 includes one meeting with OWNER's staff to discuss and receive feedback on draft SOPs. ENGINEER will incorporate OWNER comments and issue final SOPs.

Task 3 Deliverables

- Presentation materials/minutes from meeting (1 meeting included in Task 3)
- Draft and Final SOPs (electronic format)

Task 4 – Review of Lead and Copper Sampling Data

The LCRR requires changes to the compliance sampling for lead and copper and also requires sampling in schools and licensed childcare facilities. As a first phase to prepare the OWNER for the sampling changes, ENGINEER will compile and review existing data. Activities include:

- Review OWNER's historical lead and copper sampling addresses and compare the current sampling pool with service line inventory information from Task 2. Current sampling sites that may qualify as Tier 1, 2, or 3 under the new rule will be identified for the current triannual sampling and sampling under the LCRR.

- Prepare a list of all elementary schools, licensed daycares and secondary schools that receive the OWNER's water. OWNER does not currently sample in schools, but the Wake County Health Department performs sampling in schools and childcare facilities report sampling to the Health Department. ENGINEER will work with OWNER to obtain school and childcare sampling data from the Health Department and ENGINEER will summarize the results.
- Discuss LCRR requirements for childcare center testing with NCDEQ to determine if existing required testing would qualify as a substitute for additional testing.
- Preparation of an approach to implement the school and daycare sampling.

Task 4 includes one (1) meeting with the OWNER to discuss the data and school sampling approach and one (1) meeting with select school and/or childcare representatives and Health Department to introduce and discuss the upcoming changes to lead and copper sampling.

ENGINEER will prepare a draft TM describing the proposed approach for sampling in schools and daycares with a roadmap to prepare for January 2025 when the school sampling is required to commence. This may include a recommendation to sample ahead of 2025. The TM will include next steps and estimated budget for the Phase 2 tasks related to LCRR compliance sampling and school/ daycare sampling. ENGINEER will address OWNER's comments and issue a final TM.

Task 4 Deliverables

- Presentation materials/minutes from meetings (2 meetings included in Task 4)
- A list of current sampling sites that will need to be removed from the sampling pool based on the results of Task 2 and a list of sites that can remain in the pool (electronic format)
- A list of all schools and daycares served by the OWNER with comments indicating which fall under the LCRR (electronic format)
- Draft and Final Compliance and School Sampling TM (electronic format)

Task 5 – Review of Corrosion Control Treatment

ENGINEER will review OWNER's current corrosion control treatment (CCT) in light of the new LCRR to confirm continued compliance with the Rule. The OWNER recently completed a Corrosion Control Study and submitted to NCDEQ. Activities under this task focus on reviewing for completion and providing recommendations for additional analysis. This task includes:

- Review the previous CCT study reports, provided by the OWNER, for compliance with the LCRR
- Provide any recommendations for additional analysis or studies

This Scope of Work does not include a CCT study, any sample collection or laboratory analysis. However, if recommended, these may be included in a subsequent phase of the Project.

ENGINEER will prepare a TM with recommendations indicating if any additional analysis or studies are recommended for the OWNER's CCT to comply with the LCRR. The TM will include next steps and estimated budget for the Phase 2 tasks related to CCT compliance. ENGINEER will address OWNER's comments and issue a final TM.

Task 5 Deliverables

- Draft and Final CCT TM (electronic format)

Task 6 – Public Education and Outreach

ENGINEER will assist OWNER in public education and outreach efforts for the LCRR. Activities include:

- Develop notifications for procedures implemented pre-2024 including a verification effort of private-side service lines.
- Develop a communication strategy for public education.

ENGINEER will facilitate a meeting with representatives of OWNER's staff to present and discuss strategies and materials that may need to be developed to communicate with the public about the LCRR and upcoming requirements. ENGINEER will prepare a TM with a communication strategy for the public. The TM will include next steps and estimated budget for the Phase 2 tasks related to public education and outreach. ENGINEER will address OWNER's comments and issue a final TM.

Preparation of educational or outreach materials for the public is not included in this Scope of Work, other than what is listed below, but will be included in a subsequent phase of the Project.

Task 6 Deliverables

- Presentation materials/minutes from meeting (1 meeting included in Task 6)
- A notification to customers on changed procedures implemented under Task 3 (electronic format)
- Draft and Final Communication Strategy TM (electronic format)

3.0 ASSUMPTIONS

The following assumptions were made during development of this Scope of Work. Changes to these assumptions can be included as an Amendment to this Agreement.

- In addition to the assumptions stated within 2.0 Scope of Work, OWNER will provide meeting space for all in-person meetings.

4.0 OWNER'S RESPONSIBILITIES

The responsibilities of OWNER in addition to those in the main agreement are as follows:

- Provide ENGINEER with all requested data. OWNER shall be responsible for, and ENGINEER may rely upon, the accuracy and completeness of all reports, data, and other information furnished pursuant to this paragraph.
- OWNER shall provide review comments on submittals within two (2) weeks of receipt of deliverable.

5.0 SCHEDULE

It is anticipated that the project will take 6 months to complete, starting within two weeks of receipt of a formal notice to proceed (NTP). ENGINEER will prepare a project schedule within the first twenty (20) calendar days after NTP.

6.0 PAYMENT AND COMPENSATION

Total compensation to the ENGINEER for the work described above shall be a lump sum fee not to exceed of \$94,000, unless changed by a duly authorized amendment. Invoices will be submitted monthly based on estimated project percent complete, with a final invoice submitted once all project deliverables are completed. Additional services, if applicable and approved by the OWNER, will be compensated at an agreed upon lump sum fee.