



Chatham County, NC

Legislation Text

File #: 17-2188, **Version:** 1

Vote to Approve Sanford Wastewater Contract and authorize the county manager to sign the agreement and authorize the county manager and county attorney to make minor changes to the agreement before it is finalized.

1. **Background.** The Parties are interested in jointly providing needed infrastructure to the Moncure area of Chatham County (the "Moncure Area"), including a proposed industrial site to be located therein (the "Moncure Megasite, or the "Site") to aid the owners and developers of the Site in attracting a significant industrial facility to the Site. In order to attract a significant industrial facility to the Moncure Megasite, the Site will, inter alia, need access to an adequate wastewater treatment facility. Sanford has sufficient capacity in its wastewater treatment facility to reserve and allocate 1,000,000 gallons per day for the Moncure Area and the Moncure Megasite (the "Moncure Allocation"). The Parties have agreed that not less than 250,000 gallons per day (250K GPD) of the Moncure Allocation shall be allocated to Chatham, and Chatham, in its discretion, may designate its 250K GPD allocation for residential, commercial, or industrial customers in the Moncure area. The Parties have agreed to cooperate in investigating the cost to design, permit, and construct the needed infrastructure. Sanford has received a \$4,000,000 grant from the Golden LEAF Foundation ("Golden Leaf") for the construction of such infrastructure with a deadline of thirty (30) months (from the date of award, or as otherwise agreed between the Golden Leaf and Sanford) to complete construction of the needed infrastructure.
2. **Purpose of MOU.** The purpose of this MOU is to set forth the terms and conditions of the agreement between Sanford and Chatham to jointly fund the cost of the project from preliminary engineering through completion of the construction of the needed wastewater infrastructure as outlined above (the "Project").
3. **Contract with Freese and Nichols, Inc.** Sanford has entered into a contract with Freese and Nichols, Inc., for all engineering services needed to provide the infrastructure to transmit wastewater from the Moncure Area and the Site to Sanford's Wastewater Collection System as set forth in the Agreement for Professional Services, dated the 21st day of March, 2017, for a fee not to exceed \$1,260,290.
4. **Contract for Construction for Infrastructure.** The Parties shall jointly review all plans and specifications prepared for the Three Phases, including the bid documents (collectively the "Construction Documents") prepared by FNI for the construction of the infrastructure to serve the Moncure Area and the Moncure Megasite including the 250K GPD to be reserved for and allocated to Chatham. Once both Parties have approved the Construction Documents Sanford shall proceed to bid the Project following all applicable statutory bidding requirements. The bids shall be jointly evaluated by the Parties and shall be approved by the designated representative of each Party. The governing body of each Party shall then review and approve the bids for the Project, following which Sanford shall enter into a construction contract (the

“Construction Contract”) for the Project with the lowest responsible, responsive bidder or bidders (the “Construction Contractor”).

5. **Joint Administration of the FNI and Construction Contracts.** The Parties shall jointly administer the FNI Contract and the Construction Contract, notwithstanding the fact that Sanford is the contracting party with FNI, and will be the contracting party with the Construction Contractor, and Sanford shall cooperate with Chatham and involve Chatham through its designated representative in all decisions of any consequence, including without limitation change orders and directives with respect to both the FNI Contract and the Construction Contract.

Recommendation:

Vote to Approve Sanford Wastewater Contract and authorize the county manager to sign the agreement and authorize the county manager and county attorney to make minor changes to the agreement before it is finalized.