

Preliminary Remarks Before the Education, Energy and Environment Committee

SB 654 - Washington Suburban Sanitary Commission –

Raw Water Pipeline Project – Audit

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WSSC CONTRACT NO. BF1582E91

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Thank you Sen. Rosapepe and members of the committee as I speak in in favor of Senate Bill 654 WSSC Raw Water Pipeline Project - Audit

WSSC and Alan Meyer Construction Company are now going into its fifth year of construction of this project along Brooklyn Bridge and Bond Mill Road in West Laurel, Maryland. This project is the largest public works project in West Laurel and feel that WSSC has let down the community. This project has been marred by several incidents, cost overruns – (5 different change orders), at least two- years of delays in implementation and the project is lacking in business process- {financial contractual), technical – (surveying-engineering), resource, and change management-(relating to business, customer, or environmental changes) and general mismanagement. I have filed such a complaint with legislators only after extensive discussions with WSSC's executives.

This project has been a "dumpster fire" of mismanagement and lack of accountability with the WSSC and the contractor Alan Meyer. Below are some of the "low lights" of this project.

- This five-year project is more than two years over due and the repairs have left Bond Mill Road a virtual mess affecting residents' lives and property. Having received the 800-page contract, I do not believe the contract has been adhered to and had parts of this contract reviewed by an independent water company contract manager that found it lacking in many respects and that is why I filed a complaint with the State's Legislative Audit Department. The audit will requires an independent auditor to go over the contract, change orders and monthly reports from the contractor to see if its legally sufficient and to see that funding has been properly accounted for. Monthly reports by the contractor enumerate these delays as well as issues regarding the securing of permits in a timely manner.
- This lack of performance and poor engineering has resulted in many change orders that have substantially increased the amount of the contract. The original contract was for \$8.4 million and am told by WSSC staff that the real cost is closer to \$20 million. There is a clause in the contract for liquidated damages to the tune of \$575

per day (which is ridiculously small amount and not in keeping with industry standards) but nevertheless should be reprogrammed back into the community to heal the scars that this contractor has inflicted upon the residents. I have asked for "popcorn asphaltting" of Bond Mill Road, traffic calming and storm water management of the area, repair and cleaning of the sidewalks, replanting of trees and reclamation of the park that has been the contractor's rock and fill supply/staging areas. WLCA has also asked for free permits, additional sidewalk repairs and the inclusion of a walking path. But there are institutional issues with WSSC that need to be addressed.

- I should have known this was a much bigger problem when I had difficulty first contacting WSSC. During the first part of the contract, it was difficult to reach WSSC because the sign giving notice had a contact name that was no longer the project manager and the phone number was never answered that was provided. For at least six-months, the posting on the sign for public notice had an erroneous posting. I had to contact the Chief Counsel's office to remedy this problem and to identify the present project director and his phone number.
- During the construction, in front of my house there were several notices that water would be turned. These notices expired. Then, without notice, the contractor turned off the water to several residence on our street and WSSC was not prepared for this emergency turn off and again I had to call the Chief Attorney to have water delivered to residents in the middle of the night. WSSC was unaware of the assisted living facility across the street from me and left them without water and without notice.
- The contractor broke the gas line and the fire department was summoned until repairs could be made
- The contractor broke a sewer line to a resident that went undiscovered for three-months until the sewage back-up into their house.
- The contractor broke a water main causing additional time and cost to the project.
- An accident occurred between a contractor truck and a West Laurel resident due to poor traffic control.
- The contractor or WSSC failed to properly test the soil in areas between Diplomat and Orem Roads when the contractor ran into rock that delayed the project for six-months. When they ran into the rock, the contractor temporarily abandoned the project and moved the crew to a project in Sandy Spring for two months.

- The contractor (or WSSC), failed to properly test the soil again and found sentiment that had to be removed because it would not support the 48"-inch pipe. This three-month disruption made the intersection at Sherwood and Bond Mill Road intolerable. Children had to negotiate the equipment, holes and uneven surfaces, and changed the school crossing station at Bond Mill Elementary
- It should be noted that under intense scrutiny from me that WSSC finally forced the contractor to fix nine different places where temporary patches were made and permanent patches were ultimately made. These initial temporary patches were not made to the specifications of the contract where you could not go the 30mph speed limit for fear of ruining your car. The road has been graded in the last months with the permanent patches now properly installed after months of complaining. I have talked to many Bond Mill Road residents, local postal carriers, delivery personnel who ride these roads every day and they complained about the road and environmental conditions due to this construction project also affecting the interior neighborhoods.
- Again as a result of relentless pressure from me, a June 2024 public hearing was held where the public was informed that the project now would conservatively be finished by Aug. 1, 2024 (mind you the project was supposed to be completed in 2023). After the meeting the project began to slip and then we are told it will be at least three-weeks later because the contractor (or WSSC) failed to engineer the sewer line to one of our residents that was in the way of connecting the line to the line that was dug near the BGE right-of-way lines. Fast forward to a December public meeting WSSC said that the project was 98% completed. Two weeks ago in the beginning of this month, week the temporary lines on the permanent patches were finally painted. *(It should be noted that the final paving of Bond Mill Road will be under a separate contract and will not happen until Spring 2025 because they cannot lay asphalt during the winter, traffic calming has been discussed but not promised, state and county regulations exempt WSSC for performing a storm water management plan and the road contract warranty is only good for one year.)*
- The contractor has been in our neighborhood for so long that it left equipment for years by the side of the road and people thought this was a dumping area and began to dump their large items. Uncovered truckloads of debris daily went by my window that caused spills on the roads and posed a risk to the neighborhood. These small but consequential actions showed how little respect and utter disregard for the community.

- Recently, a new, small, related project emerged. I talked to the foreman and he said that parts just came in after three years and the contractor had to tear up the streets again and metal plate the street. I then asked the WSSC chief engineer and said that this work was part of the testing phase. Two very different stories and I do not know who to believe. This was the last straw and my calling for the audit. BTW-The contractor had to spend an extra 1 ½ days due to a sloppy street/site repair

As you can see there has been poor oversight by WSSC, poor oversight from state and local governments to this disaster of a project. Until recently, WSSC did not know the meaning of citizen participation in their projects. Even at the public meeting, I had to insist that the meeting be recorded under the public information statutes. Until I directly contacted the principal attorney and engineer, the current project manager would not give me any information or verbally answer any of my hard questions. He has now been told he can speak to me.

I think the case of many of these problems are institutional. I shall enumerate just a few.

1. WSSC actions do not mirror their words. WSSC initially provide some consoling disinformation or no information and then does not come clean until the issue is exposed. The continuing lies about when the project will be finished is point in fact. It is over two years late.
2. WSSC then hides behind their bureaucracy or other governmental bodies. True we need money and input from agencies like DPWT but they fail to take the overall responsibility as to what triggered all our concerns and want to move on too quickly to "lessons learned", not take full responsibility for their irresponsible actions, and go the extra mile.
3. They change their procedures and processes when it suits them. The road warranty vacillated between one to two year and then back to one year. After five years of construction the community would think that the warranty would be longer. In addition, their policies that caused cost overruns and delays in the project keep their interpretation of the contract in question and therefore the need to have a complete audit.
4. Departments within WSSC do not communicate well with one another. WSSC communication, engineering and legal departments have processes but each cannot articulate to any community how each process works and then fail to show how they work together.. The 6-month lag in their notice of who was the project manager and what number to call is just one of those striking examples.
5. WSSC are not trained in community relations and generally do not work well with residents. Both the former and current managers of the project failed to keep the community involved and continue to this day to fail to give updated information and that is the reason we continue to go to senior managers with complaints and concerns. The fallacious WSSC pronouncement at the meeting that the project was 98% completed and would be finished by the end of the year is one example; They do not consider the community a partner but rather a necessary bother that must be placated instead to be reasoned with or have a dialogue.

6. The WSSC staff are not really skilled in the roles that they have been selected and lack the engineering and people skills required to interact with contractors and residents alike. The big failure here is the project's staff failure to stand up to the contractor over delays is the most critical issue.

The WSSC will say that this project had been marred by unforeseen delays, weather, COVID, and other excuses. The audit should show whether these are mitigating factors

You will note that these are the activities that I know about. As a result of this audit , I am sure more issues and abuses will be revealed. As I said, this is the largest project in West Laurel since I lived here that have disrupted the lives of everyone, mangled the tires and front ends of our vehicles, and dirtied and cluttered our streets.

The purpose of an audit will not be to point finger or cast blame but to rework the organization and processes that need to be changed so this does not happen to another community. These purposes include:

- Improve internal/external processes
- Improve financial management
- Foster better community relations during a project
- Revise contract language
- Improve contracting oversight
- Improve the quality of construction
- Change state and local statutes

The state has given the power to the WSSC to have these right-of-way powers and the WSSC has abused and disregarded community concerns and used this power as a cudgel to get this job completed, regardless of the impact upon the community. The water for this project is a second source of water in addition to the Potomac pumping site. I have been told over and over that this is a critical project and that this project has national security implications as this is a source of water . The question becomes if this was such a critical project why were there so few resources to correct the many deficiencies in the project?

I know there have been other concerns in College Park and in the southern part of the county that have experienced WSSC's lack of oversight and indifference. WSSC has 5900 miles of pipe it is responsible for and can ruin any community with little if any government interference or oversight. This audit is the first step to arrest this seemingly omnipotent control.

It has been personally very difficult for me to battle WSSC, Allan Meyers the contractor, local and state politicians, my local civic association who is acting as the “good cop” and

even the local paper about bringing these issues to light. The reason may be that the WSSC Water is a state-created bi-county agency uniquely governed by Prince George's and Montgomery County. I think the community has been very patient and accommodating of the mess this project has created in the West Laurel community. It is time for accountability and repairing the scars that this project has wrought and so it does not ever happen to another community.

I am calling on the WSSC's Audit Committee and Inspector General to work cooperatively with the State selected independent auditors so we can completely see the missed opportunities and lessons learned in this project and as we begin to repair the West Laurel community and look towards rebuilding a better bi-county infrastructure.

To be balance, while things have gotten much better with the new engineering leadership, our community deserves and demands much better service reflective of the high rates that we pay.

I thank the committee for their time and will take any questions that they may have.