

MINUTES OF MEETING  
of  
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS  
CITY OF MEMPHIS  
held  
June 1, 2006

\*\*\*\*\*

A regular meeting of the Board of Light, Gas and Water Commissioners, City of Memphis, was held in the Board room of the Administration Building, 220 South Main Street, Thursday, June 1, 2006 at 1:30 p.m. The following were in attendance: Rick Masson, Chairman; V. Lynn Evans, Vice Chairman; William L. Taylor, Commissioner; James L. Russell, Commissioner; Nick Clark, Commissioner; Joseph Lee, III, President and CEO; John McCullough, Vice President, CFO and Secretary-Treasurer; Odell Horton, Jr., Vice President and General Counsel; Alonzo Weaver, Vice President, Customer Operations; Christopher Bieber, Vice President, Engineering; Armstead Ward, Vice President, Human Resources; and Linda Peppers, Vice President and Chief Technology Officer. Diana Veazey, Vice President, Construction and Maintenance was not in attendance.

Commissioner Clark moved that after personally reading and reviewing the typed minutes of the Memphis Light, Gas and Water Board meeting held May 18, 2006, that they be recorded as the official record, seconded by Vice Chairman Evans and unanimously carried.

The Secretary-Treasurer acknowledged receipt of certified copies of City Council Resolutions dated May 16, 2006, Item Nos. 9 and 51, approving items approved by the MLGW Board at meeting held April 20, 2006 (See Minute File No. 1280); and Item Nos. 10 through 27, approving items approved by the MLGW Board at meeting held May 4, 2006 (See Minute File No. 1281.)

The Secretary-Treasurer updated the Board on City Council matters.

Dr. Steve Bares, President, Memphis Bioworks Foundation, made a presentation to the Board.

1. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of Contract No. 11110, Courier Services, to Express Courier, Inc., in an estimated funded amount of \$142,783.51 with unit price

adjustment based on total courier stops and a flat fuel surcharge of 12 percent for one year.

The project scope is for the pick up and delivery of MLGW interdepartmental mail, supplies, electric meters, field instruments, utility bills and United States Postal Service mail at various MLGW locations in Memphis and Shelby County, Tennessee. If the average fuel price in Tennessee drops below \$2.00 per gallon anytime during the contract period and is between \$1.76 and \$1.99, the fuel surcharge will be a flat 8 percent.

Two bids were received on April 20, 2006 for Courier Services Contract No. 11110 with the best bid being submitted by Express Courier, Inc.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, award of Contract No. 11110 to Express Courier, Inc. in an estimated funded amount of \$142,783.51 with unit price adjustment based on total courier stops and a flat fuel surcharge of 12 percent for one year, as outlined in the foregoing preamble, is approved; and further

THAT, The President or his designated representative is authorized to execute the award.

2. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners Change No. 8 to Contract No. 10839, Temporary Personnel Services, with Omnipro Staffing and Consultants/neMarc Professional Services, Inc., to renew the contract for a fourth term of four renewals for the period June 5, 2006 to June 4, 2007 with no increase in the contract value.

The project scope has changed to renew the contract for a fourth term of four renewal terms to Omnipro Staffing and Consultants/neMarc Professional Services, Inc. to continue to provide temporary personnel services for the period of June 5, 2006 to June 4, 2007. The scope provides temporary employees for special projects ending on assignment completion date and positions until short term vacancies are filled. This change renews the contract with no increase in rates. The current contract value is \$2,350,000.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Change No. 8 to Contract No. 10839 with Omnipro Staffing and Consultants/neMarc Professional Services, Inc., with no increase in the current contract value, as outlined in the foregoing preamble, is approved; and further,

THAT, The President or his designated representative is authorized to execute the change.

3. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners Change No. 8 to Contract No. 10841, Temporary Personnel Services, with Manpower, Inc., to renew the contract for a fourth term of four renewal terms covering the period June 5, 2006 to June 4, 2007 with no increase in the contract value.

The project scope has changed to renew the contract for a fourth term of four renewal terms to Manpower, Inc. to continue to provide temporary personnel services for the period of June 5, 2006 to June 4, 2007. The scope provides temporary employees for special projects ending on assignment completion date and positions until short term vacancies are filled. This change renews the contract with no increase in rates. The current contract value is \$4,100,000.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Change No. 8 to Contract No. 10841 with Manpower, Inc., with no increase in the current contract value, as outlined in the foregoing preamble, is approved; and further,

THAT, The President or his designated representative is authorized to execute the change.

4. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners Change No. 4 to Contract No. 10924, Professional Investigating Services, with CDA, Inc., to renew the contract for the third term of four renewal terms for the period August 1, 2006 to July 31, 2007 in the funded amount of \$301,076.84.

The project scope is to provide professional investigating services as required for detecting and deterring the diversion of utility services and/or the theft of MLGW equipment throughout the MLGW service area. This renewal reflects an approximately 5 percent increase for the purpose of cost of living adjustment and cost of vehicles and their maintenance. The new contract amount is \$977,812.64.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 4 to Contract No. 10924 with CDA, Inc., in the funded amount of \$301,076.84, as outlined in the foregoing preamble, is approved; and further,

THAT, The President or his designated representative is authorized to execute the renewal.

5. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners Change No. 1 to Contract No. 11040, Surveying Services, with Ollar Surveying Company, to renew the contract for the first renewal term of four renewal terms for the period July 19, 2006 to July 18, 2007 in an estimated funded amount of \$183,786.63.

The project scope is to perform land surveying as required by the Division in Memphis and Shelby County, Tennessee, and to renew the contract for the first term beginning July 19, 2006 to July 18, 2007 with an approximately 3 percent increase in the labor and equipment rates. The new contract amount is \$362,236.63.

It was moved by Commissioner Clark, seconded by Commissioner Russell and carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 1 to Contract No. 11040 with Ollar Surveying Company in an estimated funded amount of \$183,786.63, as outlined in the foregoing preamble, is approved; and further,

THAT, The President or his designated representative is authorized to execute the renewal.

6. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners the rejection of bids received up to 4:00 p.m. on Tuesday, January 10, 2006, and publicly open and read on Wednesday, January 11, 2006 at 2:00 p.m. for Contract No. 11084, Self-Supported Microwave Towers.

The Manager, Procurement and Contracts advised the Board that although two bids were received, all bidders lacked qualifications to perform the work. It is therefore her recommendation that the bids received be rejected and re-bid at a later time.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, The bids for Contract No. 11084, Self-Supported Microwave Towers be, and are hereby rejected.

7. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners the rejection of a bid received up to 4:00 p.m. on Tuesday, May 16, 2006, and publicly open and read on Wednesday, May 17, 2006 at 2:00 p.m. for Contract No. 11115, Photovoltaic System Design and Installation.

The Manager, Procurement and Contracts advised the Board that although multiple bids were solicited, only one bid was received, that being from Arc Electric which exceeded the budget. It is therefore her recommendation that the bid received be rejected and re-bid at a later time.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, The bid for Contract No. 11115, Photovoltaic System Design and Installation be, and is hereby rejected.

8. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of the purchase of an expansion and upgrade of MLGW's telecommunications system. The SONET multiplexer is to upgrade and expand the existing microwave ring and mobile radio system infrastructure.

Bids were opened on May 17, 2006. Two bids were solicited; however, only one bid was received. The lowest and best complying bidder of one bidder was the firm of Coleman Technologies, Inc. in the amount of \$231,709.50.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, award of contract to Coleman Technologies, Inc. is approved for furnishing:

14 – Timing Communications Control Plus,  
15 – High Density Shelf Assemblies,  
13 – Optical Carriers 3,  
20-60 – Gbps of non-blocking, high order switch capacity; 5Gbps of low-order switch capacity,  
5 – Universal Backplane Interface Connectors,  
15 – Shelf Fan Tray Assemblies,  
4 – Digital Signal 1 (1:N protection card, 14 circuits),  
6-12 – Port 10/100B Ethernet Module,  
7 – Digital Signal 1 (1:N protection capability, 56 circuits)

totaling \$231,709.50; f.o.b. Memphis, TN, our dock, transportation prepaid; said prices being firm; delivery in 34-37 days.

9. The President submitted for approval of the Board the following position numbers, per the attached documents (See Minute File No. 1282):

Position No. 00148, Helper, Electric Distribution (Pre-Apprentice)  
Position No. 00341, Helper, Electric Distribution (Pre-Apprentice)  
Position No. 01715, Helper, Electric Distribution (Pre-Apprentice)  
Position No. 03486, Utility Worker I  
Position No. 05222, Machine Operator (Electric)  
Position No. 06112, Service Engineer, Level II  
Position No. 06113, Associate Information System Specialist, Level III  
Position No. 06114, Crew Leader, Electrician

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Position numbers 00148, 00341, 01715, 03486, 05222, 06112, 06113 and 06114, as listed in the foregoing preamble, are approved.

10. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Expedited Procurement Request for Change No. 1 to Contract No. 10908, Supply Contract, with Mobile Data Solutions to change the scope to add funds for support and maintenance and PCR 2399 (Street Level Routing and Mobile Mapping) in the funded amount of \$191,912.23.

The project scope has changed to add funds in the amount of \$116,912.23 for 2006 support and maintenance and \$75,000 for the balance of PCR 2399 (Street Level Routing and Mobile Mapping) for a total funded amount of \$191,912.23. Furthermore, it is requested that the support and maintenance be continued on an annual basis provided the cost does not exceed 10 percent over the cost of the prior year. The current support and maintenance annual fee is \$122,593.48. The new contract amount is \$841,912.23.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, Subject to ratification of the Council of the City of Memphis, Change No. 1 to Contract No. 10908 with Mobile Data Solutions in the funded amount of \$191,912.23, as outlined in the foregoing preamble, is approved; and further,

THAT, The President or his designated representative is authorized to execute the change.

11. The President and Vice President of Human Resources submitted for approval of the Board the following revised Memphis Light, Gas and Water Personnel Policies (See Minute File No. 1282):

Introduction to Memphis Light, Gas and Water Personnel Policies  
Policy No. 21-02 – Employment Status

The revised MLGW Personnel Policies were presented to the Chair of the Human Resources Committee of the Memphis Light, Gas and Water Board of

Commissioners. The Chair of the Human Resources Committee approved these policy revisions.

These MLGW Personnel Policies will become effective upon implementation by the President of MLGW.

It was moved by Commissioner Clark, seconded by Commissioner Russell and unanimously carried:

THAT, The Introduction to Memphis Light, Gas and Water Personnel Policies and MLGW Personnel Policy No. 21-02 Employment Status be, and are hereby approved.

12. Robert F. Stark, Jr., 7989 Highway 70, Bartlett, TN appeared before the Board to discuss various matters.

13. Chairman Masson made the following assignments to MLGW committees:

- Commissioner Taylor to the Supplier Diversity Committee
- Commissioner Clark to the Customer Advocate Committee and Contract Appeal Committee
- Vice Chairman Evans to the Audit Committee
- Commissioner Russell to the Human Resources Committee

There being no further business presented, the meeting was adjourned.

SEE MINUTE FILE NO. 1282.

Secretary-Treasurer