

**Bristol Town Administrator**

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**From:** Steve Palmer <spalmer@vtmengineering.com>  
**Sent:** Monday, May 9, 2022 10:57 AM  
**To:** Alan Huizenga; Bristol Town Administrator; Parks, Cynthia; Roger.Bergeron@vermont.gov  
**Cc:** Galford, Amy; Young, Megan; Jill Marsano  
**Subject:** RE: Bristol Water Department Public Water System WSID 5002 Pine Street Project (DWSRF RF3 No. to be Assigned)

Good morning. To Alan’s question/comment, Roger and I had the discussion about whether an amendment to GME’s original engineering agreement would be appropriate and could actually be used to transfer GME’s legal responsibilities to VTM? Roger suggested conferring with the Town attorney on this but he thought it would be faster. After some additional thought over the weekend however, I share Alan’s skepticism and believe it will likely require a new engineering agreement. A new agreement is not the end of the world, it simply takes more time for the Town and State to review and approve a full agreement than an amendment. At this point however, it is probably simpler and less costly to start with a new agreement rather than taking the time to have attorney(s) try and sort out whether we even could legally do this with an amendment, never mind writing the new amendment language. A new engineering agreement would be essentially identical to what the Town originally entered into with GME.

Update.....I just had a telephone call from Cindy Parks as I was writing this. She concurred that a new engineering agreement will be required.

Thank you

Steve

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**From:** Alan Huizenga <ahuizenga@gmeinc.biz>  
**Sent:** Friday, May 6, 2022 5:25 PM  
**To:** Steve Palmer <spalmer@vtmengineering.com>; Bristol Town Administrator <townadmin@bristolvt.org>; Parks, Cynthia <Cynthia.Parks@vermont.gov>; Roger.Bergeron@vermont.gov  
**Cc:** Galford, Amy <Amy.Galford@vermont.gov>; Young, Megan <Megan.Young@vermont.gov>; Jill Marsano <jill@vtums.com>  
**Subject:** RE: Bristol Water Department Public Water System WSID 5002 Pine Street Project (DWSRF RF3 No. to be Assigned)

Hi All-  
No objections from me, obviously, I just don’t think VTM (...and the Town) can amend an agreement between GME and the Town. A new agreement will likely need to be created.  
Best,  
Alan

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**From:** Steve Palmer <[spalmer@vtmengineering.com](mailto:spalmer@vtmengineering.com)>  
**Sent:** Friday, May 6, 2022 1:17 PM  
**To:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>; Parks, Cynthia <[Cynthia.Parks@vermont.gov](mailto:Cynthia.Parks@vermont.gov)>; [Roger.Bergeron@vermont.gov](mailto:Roger.Bergeron@vermont.gov)  
**Cc:** Galford, Amy <[Amy.Galford@vermont.gov](mailto:Amy.Galford@vermont.gov)>; Young, Megan <[Megan.Young@vermont.gov](mailto:Megan.Young@vermont.gov)>; Jill Marsano

<jill@vtums.com>; Alan Huizenga <ahuizenga@gmeinc.biz>

**Subject:** RE: Bristol Water Department Public Water System WSID 5002 Pine Street Project (DWSRF RF3 No. to be Assigned)

Good afternoon all. I spoke briefly with Alan Huizenga this week (included). During our conversation, Alan re-affirmed his committed to providing whatever information GME currently has that may assist in this process. Alan is fully committed to the town and to ensuring that this project is successful. I also spoke with Alan about GME's current Step 2 budget. The original Step 2 Design budget with GME was \$33,256.00. Alan indicated that as of today, GME's current budget has approximately \$12,000 remaining (round numbers).

I also spoke with Roger Bergeron, Chief Construction Engineer for the State. Roger has been through this previously with the closure of other engineering firms. I thought it would be helpful to obtain his insight on a path forward. Roger had some of the background on the Bristol project already and I explained in a nutshell where the Bristol project stands today from the Town's perspective. After some discussion, Roger stated that he believes a new Step 2 Amendment between the Town and a new consultant would be appropriate and likely the easiest path forward. Roger felt that this would be faster than starting from scratch with a brand-new Engineering Agreement. He suggested that the new Step 2 Amendment be worded so that it was clear that the new consultant was taking over the responsibilities that GME originally contracted to do. Roger also suggested including a separate letter of explanation to ensure that the intent of the amendment is clear. Roger asked me to remind everyone that the Engineering Agreement (and all Amendments to the original agreement) are between the Town and the consultant however (not the State). That said, he suggested that the Town make sure that the Town attorney reviews and is comfortable with the Amendment and the Amendment language. Roger also stated that WID clearly understands that this is a very unusual circumstance and concurs that any new consultant is going to have redundant services with GME at this point. He stated due to the unusual circumstances, these services would be considered eligible for reimbursement by DWSRF. This approach honestly sounds like the simplest path forward to me assuming the Town attorney and consultant are comfortable with the Amendment language and costs (note that the State will also want to review the Draft Amendment before execution).

As for the budget, if the Town elects to contract with VTM to complete the remaining Step 2 work, VTM will commit to completing the remaining Step 2 work for the budget amount remaining in the Step 2 budget plus any redundant services that are necessary at this point. As discussed, some level of redundant services will be required at this point. Switching consultants will require a new Amendment (at a minimum) as well as changes to the Design Drawings and Bid Specifications as well as resubmittal for review. I personally oversaw the design of the water system while I was at GME. As such, I'm comfortable with the design itself as well as the 90% design plans that were prepared and submitted to the State for review last fall. Clearly the title blocks and other things will need to be changed. At this point however, I would suggest we also bring the drawings from the 90% mark to as close to 100% as possible prior to re-submittal to the State.

As far as the Bid Specifications, I did not personally prepare the material take offs or Bid Specifications that were submitted for review. Although I have complete faith in every engineer that worked at GME, as I'm sure everyone understands, I cannot blindly put my PE stamp on someone else's work. Additionally, Cindy and I have recently completed several DWSRF projects together and have a framework and organization for the bid specifications that I believe we are both fairly comfortable with. It will be faster for me to simply re-write the bid specifications at this point. This is a substantial 4"-5" document when complete.

If the Town would like to pursue this approach, I'll be glad to assemble a budget proposal and draft a new Step 2 Amendment between the Town and VTM for review.

If anyone feels I have mischaracterized anything, or if anything new has arisen, please feel free to add to this thread.

Thank you and have a great weekend everyone!

Steve

**Steven L. Palmer, P.E.**

President, VTM Engineering, PLC  
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(802) 233-7531

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**From:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>  
**Sent:** Wednesday, April 27, 2022 5:50 PM  
**To:** Parks, Cynthia <[Cynthia.Parks@vermont.gov](mailto:Cynthia.Parks@vermont.gov)>  
**Cc:** Galford, Amy <[Amy.Galford@vermont.gov](mailto:Amy.Galford@vermont.gov)>; Young, Megan <[Megan.Young@vermont.gov](mailto:Megan.Young@vermont.gov)>; Jill Marsano <[jill@vtums.com](mailto:jill@vtums.com)>; Alan Huizenga <[ahuizenga@gmeinc.biz](mailto:ahuizenga@gmeinc.biz)>; Steve Palmer <[spalmer@vtengineering.com](mailto:spalmer@vtengineering.com)>  
**Subject:** RE: Bristol Water Department Public Water System WSID 5002 Pine Street Project (DWSRF RF3 No. to be Assigned)  
**Importance:** High

Thank you, Cindy. And thank you for your follow-up phone call today.

Although GME has closed its office doors, Alan Huizenga has assured the Town of Bristol that the company is still intact and is committed to following through on its Bristol commitments. GME will be subcontracting with Steve Palmer, PE, of VTM Engineering of Hinesburg—a former colleague at GME who was involved with the Step I PER. I am in the home stretch of completing the Step II loan application.

By copy of this note to Alan and Steve, I want to draw attention to the documentation you have requested below (though I am not sure how item #b is relevant to the water system project at hand). We will follow up by separate e-mail to respond.

We look forward to moving ahead with this important project.

Thank you,

--Valerie

Valerie Capels, Town Administrator  
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Tw: @BristolTownAdm

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**From:** Parks, Cynthia <[Cynthia.Parks@vermont.gov](mailto:Cynthia.Parks@vermont.gov)>

**Sent:** Wednesday, April 27, 2022 12:00 AM

**To:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>

**Cc:** Galford, Amy <[Amy.Galford@vermont.gov](mailto:Amy.Galford@vermont.gov)>; Young, Megan <[Megan.Young@vermont.gov](mailto:Megan.Young@vermont.gov)>

**Subject:** Bristol Water Department Public Water System WSID 5002 Pine Street Project (DWSRF RF3 No. to be Assigned)

**Importance:** High

Hi Valerie-

Finally, on behalf of the SRF Program and the Drinking Water & Groundwater Protection Division (DWGWPD), I am contacting all Public Water System (PWS) Owners, who have received SRF funding for a project where Green Mountain Engineering (GME) was serving as the Consultant *i.e.* DWSRF Pine Street Project (Step I (Planning) Phase). It is the DWSRF Program's understanding that the Step I (Planning) Phase of this project has been completed and the resultant Preliminary Engineering Report (PER) approved by the DWGWPD. A Draft Engineering Services Agreement (ESA) for the Step II (Design) Phase was submitted to DEC by GME in January along with 90% Design Drawings and Specifications. Unfortunately, these documents were submitted to an incorrect site, held by another Division other than the Water Investment Division, which runs the DWSRF Program. This error was not discovered until AFTER GME closed it's doors so the ESA is now null and void and will not be reviewed at this time. Furthermore, the design drawings will not be reviewed either. If the Town does choose to move forward with the Pine Street Project, the options for doing so are described below.

### **Request of the Town of Bristol Public Water System**

The SRF Program needs you as the Project Owner to obtain a written statement from GME documenting:

- a. That GME has closed as of February 18<sup>th</sup>, 2022;
- b. A list of the projects GME was working on for the Town and the detailed status of these project(s);
- c. If applicable, confirmation that GME will not be completing any additional work on these projects;
- d. If GME will NOT continue working on these projects, when will they provide to you as the Owner, all of the information obtained to date in the preparation of the PER and 90% Design Documents? Requested information to be provided to the Owner may include notes, calculations, photos, field measurements including the survey data, drawings, and any other engineering documentation not explicitly named, used in the preparation of the PER and 90% design and any other project work products prepared for the PWS by GME. All associated electronic files should also be provided to you. Please push to get a firm date commitment from GME as to when these project documents will be provided.

Please contact Alan Huizenga, President/Owner of GME, to provide an email to the Public Water System with this information. Alan's email address is [ahuizenga@gmeinc.biz](mailto:ahuizenga@gmeinc.biz) and his phone number is (802) 862-5590. **Also, please provide a copy of these work products to the SRF Program.**

### **Selecting a New Engineering Consultant**

If GME will not be completing your projects and you want to move forward with the projects, a new VT-licensed professional engineering consultant will need to be selected by you. The existing ESAs with GME are now null and void. A new ESA will need to be developed with the new consultant. While DEC cannot recommend a specific consultant, WID can provide the names and contact information of consultants with demonstrated experience on SRF projects, who have the capacity to perform projects of the type and size needed for your PWS. Following are the names of three consultants, who have the experience and technical capacity to complete the project started by GME:

1. Jason Booth, PE

Vice President  
Aldrich + Elliott, PC, Essex Junction VT  
[jbooth@aeengineers.com](mailto:jbooth@aeengineers.com)  
(802) 363-1689

2. Tyler Billingsley, PE  
Owner – East Engineering, Hinesburg VT  
[tyler@eastengineeringplc.com](mailto:tyler@eastengineeringplc.com)  
(802) 989-6686
3. Robert Clark, PE  
Senior Project Engineer/Principal  
Otter Creek Engineers, Rutland, VT Office  
[Clark@ottercrk.com](mailto:Clark@ottercrk.com)  
(802) 989-6347

Attached is a guidance document from the Washington State Dept. of Health for small public water systems, on how to hire an engineer. You might find this document helpful.

**SRF Will Reimburse for Needed Duplicate Engineering Tasks due to a Change in Consultant**

Typically, the DWSRF Program will not reimburse for duplicate services. Given the unique situation that you as an Owner, find yourself in due to the closure of GME, the management of the DWSRF Program will make an exception to this practice. A new Consultant will want and need to make revisions to the 90% Design Documents so that they can assume professional liability for them, to complete the project. DWSRF will cover these associated costs at the typical usual and customary charges.

Please contact me as soon as possible so we can discuss how the Town will be moving forward. My contact information is below. To move forward with the project, the next step will be to select a new Consultant, which I can advise you on.

I look forward to speaking with you soon. Thanks for your patience, Valerie.

Sincerely,

Cindy P



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**Cynthia A Parks, PE**  
*Construction Engineer*  
*Water Investment Division*  
*VT Department of Environmental Conservation*  
*1 National Life Drive, Davis 3*  
*Montpelier, VT 05620*  
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**Attachment**