



WARWICK SEWER AUTHORITY

125 ARTHUR W. DEVINE BLVD.
WARWICK, RHODE ISLAND 02886

TEL (401)-739-4949

September 1, 2016

SENT VIA EMAIL TO: gja.law@verizon.net

Attorney Gregory J. Acciaro
130 Dorrance Street
Providence, RI 02903

Dear Attorney Acciaro:

This correspondence is sent in response to your request for additional public records filed during an examination of WSA files on August 18, 2016. Specifically, Mr. Rocchio asked for:

- Any and all internal memos and emails from the day of bid opening (4-22-16) to the actual award of bid (Contract 91A, construction of Levee Phase III) (5-19-16).

You were notified on August 19th that the public files for Contract 91A contain no internal memos. I have researched our electronic mail files and will copy to a CD the public records responsive to your request. A full hour of research time was spent on this request. A portion of the records you have requested do not constitute public records, as they are exempt from public disclosure pursuant to RIGL 38-2-2 (4)(A)(I)(a) client/attorney relationship, and RIGL 38-2-2 (4)(K) preliminary drafts, notes, impressions, working papers and work products.

Fees for your recent requests for public information include:

- (1) CD PARE Corp. Bid No. 2015-271 submittal, provided 8/18/16.....\$5.00 fee (due)
- 14 copies of miscellaneous public records, provided 8/18/16.....\$2.10 fee (due)
- (1) CD with jewel case: WSA emails.....\$5.00 fee

Please contact me at your earliest convenience to let me know if you want the emails placed on a CD (at a \$5.00 fee). You must come to the WSA to pick up the CD and deliver a check for \$12.00 made payable to the City of Warwick.

This correspondence completes the WSA response to your request for public information. In accordance with Rhode Island General Law 38-2-8, you may wish to appeal this decision to Mayor Scott Avedisian (3275 Post Road, Warwick, RI 02886). You may also wish to file a complaint with the Department of the Attorney General (150 South Main Street, Providence, RI 02903) or the Rhode Island Superior Court of the county where the records(s) are maintained. It is also my understanding that additional information concerning the Access to Public Records Act may be available through the Attorney General's website at www.riag.ri.gov.

Access to Public Records Request
Attorney Gregory J. Acciardo/Rocchio
September 1, 2016

WARWICK SEWER AUTHORITY



Lynn F. Owens
Administrative Coordinator

Encl. APRA request

Cc Janine Burke-Wells, WSA Executive Director
Judy Wild, City Clerk
John Revens, WSA Legal Counsel

THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

Name: JOHN ROCCHIO / GREGORY J. ACCIARDO, ESQ,

Address: _____

City: 233-9797 State: _____ Zip Code: _____

Phone: (optional) _____ E-mail address: (optional) _____

Date: 8/18/16

Record (s) Requested:

Any and all internal memos and emails
from the day of bid opening to the actual award
of bid (CONTRACT 91A - construction of Phase III LEVEE)
(additional request stemming from review of records @ WSA
Record(s) Request for Real Property – Please list address along with Assessor's Plat and Lot:

Time period request covers:

Please Note: Per section 38-2-3 (d) the policy of the City of Warwick is that this form be filed with the office of the City Clerk. The Clerk's office will then forward the request to the appropriate department for response. Per section 38-2-4 of the Rhode Island General Laws, the City will charge a fee of .15 per page for copies of public documents, unless such documents have a fee structure which is prescribed by state statute. Additionally, if the requested information requires research on the part of City personnel, the City will charge a research fee of \$15.00 per hour and/or the cost of retrieving records from storage where the public body is assessed a retrieval fee. The first hour (1 hour) of research, however, will be provided at no charge. Multiple request from the same entity within (30) day period will be considered as a single request for the total calculation of allowable charges.

**Prior to submitting, please visit our Web Site for: Public Request Procedure and Frequently asked Questions at our Web Site, your answer may already be there.

Appeals are in accordance with RIGL 38-2-8.

(FOR CITY USE ONLY) Request taken by: KADwen

BID OPENING
4/22/16

Date: 9:45 am Time: 8/18/16

Costs: 75.00 for copies _____ for search and retrieval

AWARD OF CONTRACT
5/19/16

CDO public records

add'l request due 9/2/16



WARWICK SEWER AUTHORITY

125 ARTHUR W. DEVINE BLVD.
WARWICK, RHODE ISLAND 02886

TEL (401)-739-4949

August 19, 2016

SENT VIA EMAIL TO: gja.law@verizon.net

Attorney Gregory J. Acciardo
130 Dorrance Street
Providence, RI 02903

Dear Attorney Acciardo:

This correspondence is sent in response to your public records request received at the Warwick Sewer Authority (WSA) on August 16, 2016. You ask for "all contracts and/or documents with the WSA and PARE Corp. with regard to a bid for Warwick Wastewater Treatment Facility (Phase III) Contract #91A". As our files are extensive, I asked that you come to the WSA to inspect the files and identify which documents you want copied.

Yesterday I met with you and your client, John Rocchio, to review the WSA files associated with your request. You clarified that you are looking for records on the re-design and engineering of Phase III of the levee (Bid No. 2015-271), and Contract #91A (construction of Phase III of the levee) files. You were provided with copies of the following public records:

- April 2015 WSA listing of engineers' email addresses (Bid No. 2015-271 announcement)
- April 20, 2015 Bid No. 2015-271 Addendum #1
- April 29, 2015 Bid No. 2015-271 Record of bids received
- May 27, 2015 Bid No. 2015-271 Recommendation Memo
- June 5, 2015 WSA/PARE contract for design of levee

As duplicate copies of these public records were in the file, they were provided at no charge.

The following additional public records were provided yesterday:

- (1) CD with jewel case: PARE Corp. Bid No. 2015-271 submittal.....\$5.00 fee (due)
- 14 copies of miscellaneous public records.....\$2.10 fee (due)

While reviewing the files at WSA, you expanded your request for public records to include:

- Any and all FEMA/funding agent documents specifying contract/job requirements

Attached to this email correspondence is a copy of the Certificate of Approval for Contract 91A dated 6/29/16, as well as the State Revolving Loan Fund (SRF) Program conditions of award. There are no other public records responsive to your request.

Access to Public Records Request
Attorney Gregory J. Acciardo/Rocchio
August 19, 2016

You also expanded your request for public records to include:

- Any and all internal memos and emails from the day of bid opening (4-22-16) to the actual award of bid (Contract 91A, construction of Levee Phase III) (5-19-16).

At this time, I am reviewing WSA emails to determine the volume of emails responsive to your request. I plan to record research time needed to retrieve the information, and will advise you of the estimated cost as soon as I have gathered all the public records available, but prior to making any copies. The public files for Contract 91A contain no internal memos.

While your request for information does not include a request for electronic copies, the APRA does provide for the sharing of public information electronically. Please let me know if you would accept electronic copies, where available. There would be no charge for the electronic records.

Sincerely,

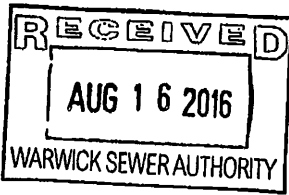
WARWICK SEWER AUTHORITY



Lynn F. Owens
Administrative Coordinator

Encl. APRA request(s)
June 29, 2016 RIDEM to WSA on C of A Contract No. 91A

Cc Janine Burke-Wells, WSA Executive Director
Judy Wild, City Clerk
Pat Peshka, Purchasing Agent
John Revens, WSA Legal Counsel



THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

Name: Gregory J. Acciardo Esq.

Address: 130 Dorrance Street

City: Providence State: RI Zip Code: 02903

Phone: (optional) 233-9797 E-mail address: (optional) gja.law@verizon.net

Date: 8-15-16

Record (s) Requested: All contracts and/or documents with the
Warwick Sewer Authority and PARE Corp. with regard
to a bid for Warwick Wastewater Treatment Facility (Phase III)
Contract # 91A

Record(s) Request for Real Property - Please list address along with Assessor's Plat and Lot:

Time period request covers:

Please Note: Per section 38-2-3 (d) the policy of the City of Warwick is that this form be filed with the office of the City Clerk. The Clerk's office will then forward the request to the appropriate department for response. Per section 38-2-4 of the Rhode Island General Laws, the City will charge a fee of .15 per page for copies of public documents, unless such documents have a fee structure which is prescribed by state statute. Additionally, if the requested information requires research on the part of City personnel, the City will charge a research fee of \$15.00 per hour and/or the cost of retrieving records from storage where the public body is assessed a retrieval fee. The first hour (1 hour) of research, however, will be provided at no charge. If after review of your request the department determines that the requested records are exempt from disclosure for a reason set forth in RIGL 38-2-2(4)(I)(A) through (Y), the City reserves its right to claim such exemption.

Will come to WSA to inspect our records.

(FOR CITY USE ONLY) Request taken by: RFD 8/16/16
Date: 8/18/16 Time: 8:32am - 9:45am

Costs: 7.10 ^{due} for copies _____ for search and retrieval

provided days of inspection (see correspondence)

THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

Name: GREGORY J. ACCIARDO ESQ.

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (optional) 233-9797 E-mail address: (optional) _____

Date: 8/18/16

Record (s) Requested: Any and all FEMA documents re: utilizing
(LEVEE PHASE III)
contract / job requirements - i.e. low bidder

(additional request stemming from review of records @ WSA
to more clearly identify which records he wanted to copy.

Record(s) Request for Real Property – Please list address along with Assessor's Plat and Lot:

Time period request covers:

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****Prior to submitting, please visit our Web Site for: Public Request Procedure and Frequently asked Questions at our Web Site, your answer may already be there.**
Appeals are in accordance with RIGL 38-2-8.

=====

(FOR CITY USE ONLY) Request taken by: KJD wend

Date: 8/18/16 Time: 9:45 am

Costs: N/C for copies _____ for search and retrieval
provided 8/19/16 via email (see correspondence)

THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

Name: JOHN ROCCHIO / GREGORY J. ACCIARDO, ESQ,
Address: _____
City: 233-9797 State: _____ Zip Code: _____
Phone: (optional) _____ E-mail address: (optional) _____
Date: 8/18/16

Record (s) Requested:
Any and all internal memos and emails
from the day of bid opening to the actual award
of bid (CONTRACT 91A - construction of Phase III LEVEE)
(additional request stemming from review of records @ WSA
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Appeals are in accordance with RIGL 38-2-8.**

=====

(FOR CITY USE ONLY)

Request taken by: KADWEN

BID OPENING
4/22/16

Date: 9:45 am Time: 8/18/16

Costs: _____ for copies _____ for search and retrieval

AWARD OF CONTRACT
5/19/16



**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 29, 2016

Janine L. Burke-Wells, Executive Director
Warwick Sewer Authority
125 Arthur W. Devine Blvd.
Warwick, RI 02886

RE: Certificate of Approval for Contract 91A

Dear Ms. Burke-Wells:

The Office of Water Resources is pleased to issue a Certificate of Approval to the Warwick Sewer Authority for Contract 91A: Phase 3 Levee Improvement. The WSA is now eligible to fund this project through a State Revolving Fund loan with the RI Infrastructure Bank.

The Certificate of Approval is issued in accordance with Chapter 46-12.2 of the General Laws of the State of Rhode Island, as amended. This approval does not relieve the WSA of any responsibility to obtain any other necessary permits or approvals from any other state or federal agency with authority over the project or project area.

If you have any questions, please call me at 222-3961, Extension 7254.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Manning".

Jay Manning, P.E.
Principal Sanitary Engineer

JM/jm

Attachment

Cc: Jeffrey Diehl, RI Infrastructure Bank



R.I. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Water Resources
STATE REVOLVING FUND (SRF) PROGRAM



CERTIFICATE OF APPROVAL

The Warwick Sewer Authority ("WSA") has met the program requirements of the SRF for Contract 91A: Phase 3 Levee Improvement, comprised of drawings and specifications as prepared by Pare Corporation for the WSA, and is eligible to apply for an SRF loan from the Rhode Island Infrastructure Bank for construction and related engineering costs. The project consists of reconstructing sections of the levee in order to protect the Warwick Wastewater Treatment Facility from flooding of the Pawtuxet River up to the 500-year flood elevation. Material installed as part of previous levee improvements will be removed and replaced, and existing erosion control will be replaced or maintained. Additional work that is necessary to complete this project includes demolishing a parking lot and roadway pavement, and moving light poles from existing to new locations. The levee will be excavated to allow for the installation of retaining walls, and to reset/replace toe drains, which need to be connected to existing yard drainage structures. A new security perimeter fencing will be installed and areas will be loamed and seeded, or paved as indicated on the plans. The estimated project cost is \$2,741,170.00. The WSA has certified it will comply with the requirements of applicable state and federal laws in its application package. The following conditions detail certain specific requirements for projects involving construction:

1. The WSA is responsible for obtaining any other necessary permits or approvals from any federal or state agency with authority over the project or project area.
2. All construction-related costs incurred prior to the signature date of this Certificate of Approval are ineligible for SRF Program participation.
3. Short-term construction related impacts shall be mitigated by utilizing standard sedimentation and erosion control methods during construction, including soil stabilization and re-vegetation following construction.



Angelo S. Liberty, P.E., Chief
Office of Water Resources

June 29, 2016
DATE

Contract 91A: Phase 3 Levee Improvement
Project Name

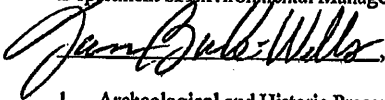
16-WK-02-16/4
SRF Program Number

STATE REVOLVING LOAN FUND (SRF) PROGRAM

R.I.D.E.M., Office of Water Resources
Certificate of Approval Process

Appendix 4: Requirements for Applicants for SRF Loans with Federal Funds

As the Chief Executive Officer of the WARWICK SEWER AUTHORITY, I hereby certify this local governmental unit will comply with the applicable statutory requirements of the federal laws cited below as a condition of award of a loan from the Rhode Island State Revolving Loan Fund (SRF) Program jointly administered by the Rhode Island Clean Water Finance Agency and the Rhode Island Department of Environmental Management. This certification is executed on the 21st day of JUNE, 2016.

 CEO, _____ of _____

1. Archeological and Historic Preservation Act of 1974, P.L. 86-523, as amended
2. Clean Air Act, 42 U.S.C. 7506(c)
3. Coastal Barrier Resources Act, 16 U.S.C. 3501 et. seq.
4. Coastal Zone Management Act Pub. L. 92-583, as amended
5. Endangered Species Act, 16 U.S.C. 1531, et. seq.
6. Federal Executive Order 11988, as amended by Executive Order 12148, Floodplain Management
7. Federal Executive Order 11990, Protection of Wetlands
8. Farmland Protection Policy Act, 7 U.S.C. 4201, et. seq.
9. Fish and Wildlife Coordination Act, P.L. 85-624, as amended
10. National Historic Preservation Act of 1966, P.L. 89-665, as amended
11. Safe Drinking Water Act, P.L. 92-523, as amended
12. Wild and Scenic Rivers Act, P.L. 90-542, as amended
13. Demonstration Cities and Metropolitan Development Act of 1966, P.L. 89-754, as amended Executive Order 12372
14. Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Federal Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans
15. Age Discrimination Act, P.L. 94-135, as amended
16. Civil Rights Act of 1964, P.L. 88-352, as amended
17. Section 13 of P.L. 92-500; prohibition against sex discrimination under the federal Clean Water Act
18. Federal Executive Order 11246, Equal Employment Opportunity
19. Federal Executive Orders 11625, 12138, and 12432 Women's and Minority Business Enterprise
20. Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, including Federal Executive Orders 11914 and 11250
21. Uniform Relocation and Real Property Acquisition Act of 1970, P.L. 91-646, as amended
22. Executive Order 12549, Debarment and Suspension
23. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590
24. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Contractor's Labor Relations ...

THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

#286
due 8/29/16

Name: Gregory J. Acciardo Esq.

Address: 130 Dorrance Street

City: Providence State: RI Zip Code: 02903

Phone: (optional) 233-9797 E-mail address: (optional) gja.law@verizon.net

Date: 8-15-16

Record (s) Requested: All contracts and/or documents with the
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Contract # 91A

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(FOR CITY USE ONLY) Request taken by: _____

Date: _____ Time: _____

Costs: _____ for copies _____ for search and retrieval