

PACTS

Portland Area Comprehensive Transportation Committee



Technical Committee Meeting

February 8, 2011 8:30 a.m.

PACTS, 68 Marginal Way, Portland

Agenda

- 1. Call to order**
- 2. Public Comment**
- 3. Approve Minutes of the October, 2010 Technical Committee Meeting**
- 4. Cumberland County Road-Stream Crossing Work Group**
- 5. The High Cost of Federally Funded Projects Update**
- 6. Pros and Cons of PACTS Administering PACTS Funded Projects (LAP's)**
- 7. Information and Other Business**
- 8. Adjourn**

The Metropolitan Planning Organization for the Portland Urbanized Area

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PACTS Technical Committee
November 9, 2010
8:30 A.M.

Present: Dan Jellis (Yarmouth), Doug Fortier (Windham), Jennifer Franceschi (Biddeford), Tom Errico (TY Lin International), Gretel Varney (Portland), Jeff McEwen (FHWA), Al Presgraves (Freeport), Jim Wendel (Scarborough), Bob Burns (Gorham), Dave Redlefsen (Metro), Darryl Belz (MaineDOT)
Guests/staff: LaRay Hamilton (MaineDOT), Brad Foley (MaineDOT), Stephanie Clark (MaineDOT), Bob Hough (MaineDOT), Peter Murfield (MTA), Paul Niehoff (PACTS), Lynne Powers (GPCOG)

- **Call to order**

Dan Jellis called the meeting to order at 8:30 A.M.

- **Public comment**

No public comment.

- **Approve minutes of the Technical Committee meeting, October 12, 2010**

Jennifer Franceschi moved to approve the minutes of the last meeting and Doug Fortier seconded. The motion passed unanimously.

- **MaineDOT and MTA 2011 Construction Project Review**

Brad Foley of MaineDOT passed out maps of upcoming road work. He said that night paving on I-295 will carry over to next year, and that there are four or five bridges remaining with temporary decks that will be replaced after the winter. The focus of this year was the southbound lanes, and next year it will be northbound; the project will likely extend until June or November 2012. Work that is being done includes paving, bridge rehabilitation, updating guardrails, and working on overhead trusses. The Veterans Bridge project will continue through 2011/2012, and there are not many other heavy projects in the greater Portland area. Brad briefly mentioned several other ongoing projects, such as Exit 15 and a short piece of Route 302 by Riverside.

Peter Murfield from the Maine Turnpike Authority gave a brief overview of the MTA's planned 2011 construction projects. Exit 48 is scheduled to be advertised in January with bids opening in February. The northbound on-ramp will be closed from April to October, and the MTA has been meeting with concerned business owners and members of the public, who would like to see a new structure built just north so that the northbound off-ramp remains active. At exit 53, the bridge will be rehabilitated and re-decked, not replaced. MTA anticipates delays for the morning commute, and has met with the fire department and the communities that will be affected. This is an 18-month project that will be out to bid in March/April.

The MTA has a number of bridges to do work on. Falmouth north and the Falmouth spur are due for pavement, but that is being held off due to the bridge work. Latent Road and Mountain Road are two bridges that run parallel to each other in Falmouth, and will become detour routes for each other. The bridge at Warren Avenue has been struck by trucks twice. The beams need to be repaired, and that will go out to bid in February or March. The MTA is exploring with the city the possibility of lowering Warren Avenue about two and a half feet. Blackstrap is an ongoing project that is almost wrapping up, but Peter didn't think that the pavement would go in before winter.

Dan asked if there are enough contractors available to do the work. Brad said that the contractors who are out there are hungry for work and have teamed up on some of it together. Peter said that the next three years will be very busy construction-wise for the MTA.

- **12/13 UTIP in total**

Paul Niehoff explained the two tables that had been sent out to meeting participants. One showed the entire program, including the holding PIN projects, and the large spreadsheet was the entire program including transit (collector roads, bicycle/pedestrian funding, etc.). Paul said that he would be sending out project ID forms soon, where the town signs on the dotted line saying that they will be able to provide the local match. Al Presgraves asked what a holding PIN project is. Paul clarified that they are projects that the Policy Committee decided to fund as ready-to-go projects, using the available funds from the holding PIN.

- **Collector Update Subcommittee Discussion for the Next Assessment**

Instead of coming up with a schedule, Paul wrote a narrative and decided to discuss it and have people volunteer for a subcommittee on collector roads. He mentioned the talk that was had earlier in the year when the pavement preservation program was put together, particularly related to numerical rankings and falling weight deflectometer values potentially skewing them. The idea is to set up a subcommittee that will study this before the next update. Paul pointed out that it is tough to go from a numerical ranking to looking at actual roads. The more detail that we can get from communities and MaineDOT as to what was done to a certain road and when it was done, the better.

Paul said that there is no rush, as the current collector roads list hasn't even been finalized yet due to discrepancies. There is still some time before Gorrill Palmer becomes involved in next fall's update. PACTS staff have started a dialogue with MaineDOT about correcting GIS data. They don't have a falling weight deflectometer program anymore; they still have the equipment but it's only used on certain projects to double-check the quality. Paul thought that there was a slim to none chance of getting MaineDOT to come into the PACTS region again to check those values; they only did it the first time because of the original study.

Dan pointed out that the falling weight deflectometer helped create two different sets of data that don't necessarily match. Paul replied that that is why having specific data from whoever did the last reconstruction on the road is vital. Jeff McEwen asked if staff have talked to MaineDOT about how they make their pavement decisions, saying that there could be a shift to an international roughness index factor. He also said that FWD is a good baseline and that any changes shouldn't make a huge difference for the level of analysis that is being done.

Dan wanted to see the committee get going relatively early to work on all of this. Bob Burns suggested asking for volunteers and setting some general topics for action items, such as is FWD necessary, does ARAN data necessarily have to be from the prior year, and should we be collecting truck data. Al suggested coordinating with MaineDOT on what their system is going to be; what they are changing and why. Paul said that there should be representatives from MaineDOT on the subcommittee, and that he wanted to see a GIS component as well. Paul, Jim Wendel, Bob Burns, and Al volunteered to be on the subcommittee. The idea is for four community members, two MaineDOT employees, one staff members, and potentially a consultant as a resource. They will try to meet for the first time in December.

- **Information and Other Business**

Paul said that orthoimagery is an ongoing discussion, with USGS and MEGIS wanting to come to a meeting to discuss. They are trying to raise funds to do a full-state flyover where communities could band together to buy up in resolution. Paul suggested that they speak at an upcoming Planning/Technical Committee joint meeting.

Bob Burns brought up the fact that municipalities are not always certain of which of their roads are classified as built vs. un-built arterials, and he requested that an update on that list is released. Bob Hough said that that list should exist and be available, and that he will call Pete Coughlin to try to track it down. There was a brief discussion of the gas tax.

Paul said to start thinking about traffic counts again. There is funding to do it, mostly to calibrate the model, but if there are areas that you feel ought to be counted where MaineDOT is not counting, let him know. Staff has been discussing doing some bicycle/pedestrian counts as well.

Committee members briefly discussed what is going on in their municipalities. Al said that Freeport is trying to finish 600 feet of the School Street extension before winter begins in earnest, but that that is unlikely. Bob Burns is wrapping up reconstruction of four and a half miles of road in Gorham, and Dan J. said that Route 88 is finished. Jim Wendel brought up the ideas of realistic growth management, how we allow development to happen, and getting rid of roads.

Paul asked that people send him ideas for topics for upcoming meetings; Bob Burns wanted to see follow-up on the built vs. un-built arterials list.

- **Adjourn**

The meeting adjourned at 10:00 A.M.

Agenda Item 4. Cumberland County Road-Stream Crossing Work Group

Elizabeth Trice and Lori Roth from Cumberland County Government and Betty Williams from Cumberland County Soil and Water District will present a new idea to partner on prioritizing culvert replacements and seek coordinated grant applications for replacement funding as explained below:

The Cumberland County Road-Stream Crossing Work Group is an initiative started in 2010 by the Cumberland County Emergency Management Agency & Executive Offices, Cumberland County Soil and Water Conservation District, the US Fish and Wildlife Service Gulf of Maine Coastal Program, and the Casco Bay Estuary Partnership. The goals of the Work Group are to assist towns and landowners; provide resources, coordination, engineering support and training to facilitate culvert replacement; to preserve infrastructure, reduce flood risk and maintenance costs, and improve fish passage. The group intends to raise funds and provide engineering and logistical support for culvert replacement projects, and to complete a database of flood risk, fish barriers, and planned road reconstruction sites. It will develop a schedule and process for coordinated grant applications, and will conduct trainings in culvert permitting, maintenance and construction.

Combined goals with the Technical committee:

Get feedback on these ideas

Find out the best way to collect data on planned road work so as to plan for grant applications.

How else can we be helpful?

A schedule of acquisition would then be published so that cities and towns and other partner organizations know when their areas of interest will be acquired 2 years in advance so they can budget funds for buy-ups.

Agenda Item 5. The High Cost of Federally Funded Projects Update

The Team consists of John Bubier, Nathan Poore, Bill Shane, Jim Gailey, Tom Gorrill, Paul Niehoff and John Duncan. Jim, Tom, Nathan, John D. and Paul met for the second time just prior to last week's Executive Committee meeting. The following is from the meeting packet:

With the new administration in Augusta and a new MaineDOT Commissioner this appears to be an excellent time for the discussion of ways to improve project development, add efficiencies and lower construction costs to more efficiently maintain and improve our transportation infrastructure with stagnant revenue sources. However we must be sensitive to the departments and individuals we conduct business with on a daily basis. We need to consider their concerns with new directions and priorities that remain unknown at this time.

We want a less cumbersome and a less process driven project development system resulting in lower project administrative costs. Not only to develop and complete projects in a timelier manner but also with the result of substantial construction cost savings.

Given this scenario PACTS staff is recommending the following steps be taken to achieve our goal:

- Recommend PACTS and others (3-MPO's?) work in concert with MaineDOT to reduce the cost of federally funded transportation projects in our region.
- Meet with MaineDOT leadership Ken Sweeney, Joyce Noel Taylor and Brad Foley to discuss suggestions on how to achieve cost reductions and improve project delivery.
- Develop a short report which will include examples and suggestions of what the issues are and recommendations for improvements.
- We realize that all solutions will require strong teamwork between MaineDOT, PACTS, other MPO's, our municipalities and others such as FHWA.
- We will emphasize to MaineDOT how important this is to our municipalities. We will consider the legislative route if necessary.
- One of our suggestions will be local project administration at PACTS. (narrative to follow)

We have received cost and comment information from South Portland, Falmouth and Cumberland. We will meet with Jennie Franceschi and others from Biddeford today about recent concerns about the Route 1 reconstruction project and their locally administered sidewalk project.

Some member submitted highlights:

South Portland: HMA cost per ton of \$58.75 vs. DOT's much higher cost of around \$90 or higher (only an estimate) for the Gorham Road paving project. The PACTS/DOT estimate for the entire project was apparently \$600,000. S. Portland's cost for the project was \$215,462.

Cumberland: The RT 88 Project using estimated DOT unit prices totaled \$6,600,000 not including design, right-of-way or inspection. Cumberland’s cost with Storey Brothers under contract is expected to be \$4,100,000 including inspection and construction management with an additional cost for survey/design/right-of-way of \$200,000 for a total expected cost of \$4,300,000.

As supporting documents we have a unit price list comparing DOT estimates with Storey Brothers’ bid prices. Under separate attachment and for the meeting the entire list of items will be available so these are only informational examples for now.

202.203	PAVEMENT BUTT JOINTS	SY	2800	\$ 18.83	\$52,724.00	\$6.00	\$ 16,800.00
203.2001	COMMON EXCAVATION - PLAN QUANTITY	CY	20100	\$ 28.88	\$580,488.00	\$5.65	\$ 113,565.00
203.21	ROCK EXCAVATION	CY	500	\$ 101.71	\$50,855.00	\$35.00	\$ 17,500.00
203.25	GRANULAR BORROW	CY	410	\$ 32.23	\$13,214.30	\$8.00	\$ 3,280.00
203.26	GRAVEL BORROW	CY	1600	\$ 23.71	\$37,936.00	\$15.00	\$ 24,000.00
203.29	CRUSHED GRAVEL	CY	550	\$ 25.00	\$13,750.00	\$28.00	\$ 15,400.00
206.061	STR EARTH BELOW GRADE STR	CY	550	\$ 32.08	\$17,644.00	\$10.00	\$ 5,500.00
206.07	STR ROCK EXC - DR & MINOR STR	CY	2000	\$ 168.32	\$336,640.00	\$55.00	\$ 110,000.00
304.1	AGGREGATE SUBBASE COURSE, GRAVEL - TYPE "D"	CY	16300	\$ 29.47	\$480,361.00	\$16.20	\$ 264,060.00
307.32	FULL DEPTH RECYCLED PAVEMENT	SY	6000	\$ 2.89	\$17,340.00	\$2.25	\$ 13,500.00

Falmouth: The Johnson Road reconstruction project in Falmouth was reviewed by the MPO/DOT/FHWA committee during the “first round” of cost discussions in 2007 and 2008. Consensus or definitive conclusions were never reached to why the costs were so disparate. However, the following general comments and observations have been made related to the project:

- a. RRI agreement with \$450,000 estimate(no sidewalks),April 2004
- b. Updated estimate, \$995,689, March 2006
- c. Revised RRI agreement for \$1,313,118, June 2007 (signed November 2007)
- d. Advertise date end of March 2008 with revised estimate of \$1,700,000
- e. Falmouth requests taking over responsibility for the project, May 2007
- f. Falmouth completes project for \$988,200, spring 2008

A direct construction cost comparison is impossible because Falmouth revised the scope (broadened it) and the DOT cost included (we think, CE during construction, \$300K?) and it was only an estimate, not actual bid prices.

Biddeford: PACTS staff will be meeting with Biddeford to discuss both the environmental impact requirements currently being placed on the Elm Street (Rt 1) project and concerns they have over an apparent \$12,000 DOT admin charge on the locally administered sidewalk charges. We will have more information on those two projects at a later date.

There are numerous other examples related to both administration and construction costs in the PACTS region if we care to expand our list of concerns.

As a result of our second meeting we will be contacting MaineDOT to schedule a meeting with the new Commissioner to open discussions and investigate all possibilities to work closer with all of our partners to more efficiently develop, administer and construct projects more cost effectively.

Agenda Item 6. Pros and Cons of PACTS Administering PACTS Projects as LAP's

Brief and open discussion of the concept of PACTS administering PACTS funded projects through the Locally Administered Project Program. The following was included in the recent Cost Comparison meeting packet:

PACTS Local Project Recommendations (1/18/2011)

Continued member concerns about project costs have resulted in the forming of a PACTS Cost Review "Team". As a result, PACTS' staff is again reviewing the potential to locally administer all PACTS funded projects under the MaineDOT Locally Administered Projects (LAP) program.

In late 2006 and for the first six months of 2007 PACTS convened a committee which included PACTS members, the other three state MPO's, MaineDOT and FHWA personnel. The committee reviewed; the LAP process, flexibility in design, the design exception process and high construction costs. Some improvements were made as a result of that process but we continue to be at a point of high project management and construction costs.

Therefore, we are reviewing and comparing project costs at a more detailed level than with the first initiative. This narrative begins, for a second time, the discussion for the potential of MPO's locally administering projects funded through the MPO process.

What is a LAP? (From MaineDOT literature)

A Locally Administered Project (LAP) is any MaineDOT project where all phases of project development, including construction are administered by the municipality.

Why Administer a LAP? (From MaineDOT literature)

Reasons why typically include one or more of the following:

- ◆ Ability to coordinate a MaineDOT transportation project with local initiatives (sewer and water projects, downtown revitalization, etc.).
- ◆ Do the project NOW (not wait until the project gets into the MaineDOT development pipeline).
- ◆ Use local forces (engineering staff, force account) to develop the project, which takes advantage of project funds to subsidize local engineering staff and/or offset municipal cost share (if any).
- ◆ Fully ensure that all local needs are addressed.

Please note the above explanations specifically relate to municipalities administering the projects. The current proposal is a review of the benefits of PACTS, or any MPO for that matter, to administer projects funded through the MPO process.

Similar to the reasons and benefits stated above, a MPO LAP project manager would bring the following (not all inclusive at this time) benefits to project development, construction management and data recording:

- Involvement and intimate knowledge of the project from the time the project is submitted to PACTS for inclusion in the work program including, EPS (involvement), cost estimates, municipal concerns and funding, etc.

- Facilitates work program development, resolves conflicts and tracks funding both proposed and obligated. Develops three party agreements.
- Improvements in communication between DOT and the municipalities including, but not limited to, consistency, improved knowledge of project at the local level, ability to combine projects and coordinate and facilitate the project development process including communication during construction.
- Less time commitment associated with the project allowing MaineDOT resources to be utilized elsewhere.
- Allows more MaineDOT projects to be designed and constructed earlier in the work plan schedule.
- Frees up and leverages more resources with personnel and/or funding especially with current workloads experienced by MaineDOT.
- Improved data collection and storage including construction methods and associated costs to improve archiving MPO project data and transferring that data to the communities and DOT.

The position would be paid for from a combination of Planning Funds and project specific funds from the PIN when the project is obligated. It is anticipated that more complex projects would be require contracting with a consultant under the management of the MPO LAP Project Manager. Details of what tasks and funding amounts will have to be determined as this proposal moves forward.

The following is a document developed in **2007** is intended as background information which relates not only to the LAP situation, but also to the project costs related discussions including design requirements.

Introduction: (From 9/07)

The PACTS LAP Subcommittee consisting of PACTS members, MaineDOT and FHWA personnel met several times during May, June and July to discuss the program, critique the issues and develop recommendations for improvement. The importance of the LAP process to FHWA and MaineDOT was underscored by the MaineDOT forming a separate and unique team to administer the program from Augusta. The importance of a successful program for Federal Highway is that 20% of federal funds are dedicated to the program, which totals more funding than larger more costly projects combined country wide.

The overall intent of the program is to complete projects on the local level in a more time and cost efficient way. Given nationwide funding constraints, increased infrastructure needs and rising construction costs, the LAP process has the potential to be an effective tool to cost effectively develop, design, contract and construct quality highway projects.

When projects are administered at the local level, more resources become available at the MaineDOT which in theory allows more projects to be completed in a similar amount of time. Generally the concept assumes projects completed by local municipalities are initiated, designed, and constructed in a more condensed time frame. However, there can be a perception at the local level that projects can be designed and completed using local or modified standards and at a lower cost than at the state level. Generally this has not been the case, resulting in lack of cost savings, misconceptions, inconsistencies and miscommunications.

During our discussions one of the underlying issues causing confusion and misunderstandings relate to construction standards and design requirements. Although not directly a LAP issue, the

understanding has been that LAP projects could be designed, contracted and constructed with fewer or less stringent standards and requirements than at the state level. Contrary to this perception is FWHA's need to minimize risk exposure and maintaining "cost effectiveness" over "cost savings"; that is, to assure a quality product using federal funds cost effectively.

Potential benefits to a municipality administering a LAP project:

- + In some situations the project can be initiated, designed and constructed in less time.*
- + The local municipality is more knowledgeable of the local, resident, political and physical landscape.*
- + Some of the project administration costs to the municipality can be offset, essentially lowering the municipal's match cost.*
- + Potential of construction cost savings with municipal contracts and project oversight (if policies and procedures are modified).*
- + Force account work with municipal forces associated with project has the potential to lower overall project costs.*

Benefits to the MaineDOT when a municipality administers a LAP:

- + Less time commitment associated with the project allowing MaineDOT resources to be utilized elsewhere.*
- + Allows more MaineDOT projects to be designed and constructed earlier in the work plan schedule.*

Issues/concerns/inconsistencies associated with the "process" of administering LAP's:

- + Inconsistencies between projects with design and construction requirements, standards and process.*
- + Conflicts/confusion between MaineDOT and municipal responsibilities.*
- + Can be a lack of consistent turnaround time at both MaineDOT and municipal level.*
- + At both MaineDOT and municipal levels priorities can shift resulting in time lag(s).*
- + QA/QC and testing requirements are excessive on some projects. Testing costs are high because of the 'one-size fits all' policy on QA/QC.*
- + No flexibility from federal requirements when project is state and locally funded (i.e. no federal funds). There doesn't appear to be any difference in process, including design standards, between Federal and State and locally funded projects.*
- + No "economy of scale" for smaller projects: Fed/State process and design & construction requirements are expensive and disproportional with small projects.*
- + Competitive/public bid process costly and time consuming.*
- + Overabundance of paperwork and documentation required.*
- + Project development cannot begin at local level until agreement is in place.*
- + The LAP process appears to be "Risk Averse" where municipalities are willing to accept some or at least more risk.*
- + Municipal projects tend to focus on addressing existing issues (pavement, utilities, etc.) and leave alone those items that are functioning adequately (narrow shoulder, clearing limits etc.) LAP process requires addressing all items based on a one or two word scope category, e.g. Rehabilitation, Restoration, and Pavement Overlay.*

Design and Construction

Many of our discussions revolved around design standards and contract requirements. It is apparent that misconceptions or misunderstandings related to the LAP process including design standards, design exemptions and contract requirements can be the cause of confusion and increase funding requirements and project costs as outlined below:

- + Design and construction requirements add complexity and cost.*
- + State/municipal standards do not match.*
- + Design exemptions are rarely or inconsistently approved.*
- + Minimal incorporation of Context Sensitive Solutions or flexible design standards.*
- + Apparently no (or minimal) flexibility of design requirements. Assumption has been state requirements were not as stringent as federal requirements.*
- + No design guidelines specific to LAP projects.*
- + MaineDOT project manager(s) have limited discretion/authority to make project specific design decisions.*

Recommendations:

Overview:

There is a commitment from all three parties (FHWA, MaineDOT and the municipalities) which is reinforced by recent administrative and program changes at MaineDOT and the organization of the PACTS LAP review subcommittee. From this effort a detailed process must be collectively developed.

Revisions to the process: state and federal requirements, contractual methods and process, design standards and design exemptions must be revisited. Innovations must be researched; and, if found to be acceptable, implemented in a timely and simplified form. Some of these innovations are currently under review and development. Examples being, the LAP manual will include design and process guidelines where only state and local funds are involved, a force account process, threshold contracts and bidding and quality assurance requirements.

The LAP process should begin at project inception with the first stage being development of work plan, then funding request, and continue to final completion and reimbursements. During the time of work plan development, thought should be given to whether or not the project will be locally administered and submitted as such. It will be especially important if new LAP guidelines are applicable. Projects must be scoped in more detail as part of the EPS process with the knowledge of state and federal standards and requirements. If a design exemption is warranted, the exemption should be requested and commented on, if possible, during the scoping phase.

Once a project appears in the work plan, both MaineDOT and the local municipality should meet to discuss the project and determine a schedule of action. Roles and responsibilities should be determined and a draft cooperative agreement developed, including a project phasing or tier process where certain tasks such as right-of-way, survey, PE could begin concurrently. The project schedule and an MOA would be developed at this time.

The following are suggestions for program improvement:

- + Clarify MaineDOT and municipal roles and responsibilities.*

- ✚ *Scope projects (including design exemptions) collaboratively.*
- ✚ *Enact provisions for allowing some local administration expenses to be incurred by the municipality and “provisionally” approved in a MOA. These expenses could include permit admin (MHPC, DEP); survey; public notice/advertisement expenses; engineering RFP; public meeting expenses and even conceptual design. This could include allowing a project to proceed into preliminary design following a signed MOA and an acceptable project expense reporting system.*
- ✚ *Potential need for dividing phase responsibilities. For example: MaineDOT surveys and designs and the municipality bids and manages the project.*
- ✚ *Revised MaineDOT standards for LAP’s with concurrence (approval) by FHWA. These standards could be identified prior to submittal for funding to the PACTS Committee.*
- ✚ *Develop (or incorporate) design guidelines into the LAP process, i.e. allow for design flexibility, design exemptions or Context Sensitive Designs.*
- ✚ *Utilize a modified Method B or Method C for QA/QC requirements. Pavement requirements should match the expected, and agreed to, life expectancy of the project.*
- ✚ *Determine thresholds for design and bidding requirements:*

- i. Book contract*
- ii. Selective Bidding*
- iii. Force Account*
- iv. Contract negotiations*
- v. QBS (Quality Based Selection) modified for construction contracts based on cost threshold, qualification and past performance.*

✚ *With requirements based on:*

- i. Funding amount*
- ii. Project type*
- iii. Municipal experience (track record)*

Agenda Item 7. List of Recently Submitted Study Applications

February 4, 2011 was the closing date for study applications for the 12/12 UPWP which begins in July. We will have a list to hand out at today’s meeting.

Agenda Item 8. Information and Other Business

Agenda Item 9. Adjourn