

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY
203 OLDS STATION ROAD
WENATCHEE WA 98801**

REGULAR COMMISSION MEETING

AUGUST 19, 2024

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety/H&OP Minute – Maggie Bravo
2. Approval of the Agenda
3. Beebe Bridge Park & Campground Operations
4. Fees and Charges Update
5. Preview of Rate Proposals
Proposed motion: To approve the proposed public engagement plan and to set a public rate hearing on September 16, 2024 at 10:15 a.m. at the PUD Service Center
6. Strategic Vision, Business, and Budget Planning
7. Public Comment
For public comments or questions related to matters not covered by the agenda

BUSINESS SESSION

1:00PM

Consent Agenda

8. Minutes of the August 5, 2024 Regular Meeting and August 14, 2024 Special Meeting
9. Vouchers: Accounts Payable Summary Report dated August 13, 2024:
 - a. Vouchers totaling \$9,297,356.75;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period July 30, 2024 through August 12, 2024 in the amount of \$77,149.50.
 - c. Approval of the net Payroll, Warrant Nos. 238533 through 238546 and Advice Nos. 782396 through 783245 for the pay period ending July 28, 2024 in the amount of \$2,707,051.94.
 - d. Approval of Warrant Nos. 31820 through 31909 totaling \$53,588.90 for claim payments from the workers' compensation self-insurance fund for the period ending August 12, 2024.

- e. Approval of Parks Reservation System customer refunds for the period July 30, 2024 through August 12, 2024 in the amount of \$4,305.00.

10. A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1 THROUGH 12, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 21-06 WITH PIPE OF WASHINGTON, INC. DBA POW CONTRACTING OF PASCO, WA AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

Regular Agenda

11. A RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO SERVICES AGREEMENT (SA NO. 20-11280) WITH THOMPSON CONSULTING GROUP, INC. TO PROVIDE FEDERAL AND STATE GOVERNMENT RELATIONS SERVICES FOR THE DISTRICT
12. A RESOLUTION REJECTING THE BID OF GREENBERRY INDUSTRIAL, LLC OF VANCOUVER, WASHINGTON AND ACCEPTING THE BID OF BENDER CCP, INC. OF KENT, WASHINGTON (BID 24-13715) FOR ROCK ISLAND POWERHOUSE 1 – DISCHARGE RING CONTAINMENT & ACCESS PLATFORM SUPPLY AND MANUFACTURE
13. Manager Items
14. Commission Items
 - a. Board Workshops
Proposed motion: To set the following special meetings on Friday, September 13, 2024 and Friday, October 18, 2024 @ 9:00am at the Confluence Technology Center, 285 Technology Center Way, Wenatchee, for the purpose of holding Board Workshops
15. Follow-up on Delegation of Action Items from Previous Board Meeting
16. Delegation of Action Items
17. Additional Public Comment
18. Matters of general business as may necessarily come before the Commission

REGULAR COMMISSION MEETING AGENDA

August 19, 2024

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19. Executive Session: To discuss with legal counsel agency enforcement actions, litigation, potential litigation to which the District or its board is, or is likely to become, a party, and/or legal risks, as authorized by RCW 42.30.110(1)(i), to plan the strategy or position to be taken during the course of collective bargaining, as authorized by RCW 42.30.140(4)(b) and to consider information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities pursuant to RCW 42.30.110(1)(a)(ii) for ___ minutes

This agenda and resolutions (if any) may be revised by the Commission as appropriate.

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1 THROUGH 12, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 21-06 WITH PIPE OF WASHINGTON, INC. DBA POW CONTRACTING OF PASCO, WA AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

Public Utility District No. 1 of Chelan County (District) adopted Resolution No. 22-14666 on May 16, 2022 which authorized the rejection of all bids, declared that no bids were received, and waived the competitive bidding requirements of RCW 54.04.070, and authorized the District to obtain the Eastbank Hatcher Pump Station Rehabilitation via negotiation. After negotiation, the District entered into a contract (Bid No. 21-06) on May 27, 2022, with Pipe of Washington, Inc. dba POW Contracting (Contractor) of Pasco, Washington for the Eastbank Hatcher Pump Station Rehabilitation in the amount of \$1,532,500.00.

The work in Field Work Order Nos. 1-12 consists of conditions and work not anticipated or included in the original contract but within the scope of the contract. The District's staff has executed Field Work Order Nos. 1-12, which are on file in the offices of the District and summarized as follows:

Field Work Order No.	Field Work Order Description	Amount
1	Underground Electrical Revisions and 4" Domestic Waterline Installation	\$191,139.62
2	Reconciliation of CORs (Change Order Request) 4,5, and 6	\$23,914.13
3	Addition of Permanent Bypass Electrical and reconciliation of CORs (Change Order Request) 7 and 8	\$8,157.20
4	4-inch Domestic Water Line Extension and Additional Meter Vault	\$168,000.00
5	Concrete Ramp to Pump Building Entrance and Chemical Feed Pump Model Replacement	\$11,886.04
6	Revise Contract completion date	\$0
7	Reconciliation of Change Order Requests 12 and 13	\$11,309.73
8	Revise Contract Completion date	\$0
9	Revise Contract Completion date	\$0
10	Cost reconciliation for concrete pads	\$11,750.31

11	Revise Contract Completion date	\$0
12	Revise Contract Completion date	\$0
Total		\$426,157.03

Field Work Order Nos. 1 through 12 results in a net increase in the contract price of \$426,157.03, which resulted in a revised total price of \$1,958,657.03 (excluding sales tax), which the District's Engineers recommend be ratified. Resolution No. 17-14215 provides that this type of field work order shall be presented to the Commission for approval as part of the final acceptance resolution.

District staff has determined that the completion of all contract work occurred on January 31, 2024. In accordance with the terms of the contract, the Contractor has provided a bond in lieu of retainage equal to 5% of the contract price.

The General Manager of the District concurs with staff's recommendations that the District accept the work performed by the Contractor, ratify Field Work Order No. 1 through 12 and authorize the release of the related bond in lieu of retainage, subject to the requirements of the contract and state law.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY
DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. Field Work Order No. 1 through 12 to Bid No. 21-06 with Pipe of Washington, Inc. dba POW Contracting for the work specified above, which will result in a net increase in the purchase price of \$426,157.03, for a total revised contract price of \$1,958,657.03, plus Washington State sales tax, is hereby ratified.

Section 2. All the contract work required under Bid No. 21-06 was completed on January 1, 2024 and the same is hereby accepted, subject to Section 3 hereof. Release of the Contractor's bond in lieu of retainage is authorized subject to Section 3 and Section 4 hereof, and subject to the provisions and limitations of Chapter 39.12 RCW (Prevailing Wages on Public Works) and 60.28 (Liens for Labor, Materials and Taxes on Public Works).

Section 3. This resolution shall not constitute an acceptance by the District of any work performed or goods supplied pursuant to the aforementioned contract, which are not in strict compliance with the contract terms and conditions.

Section 4. After the expiration of the forty-five (45) day period for giving the District notice of lien and after receipt of the Department of Revenue's certification of the Contractor's payment of taxes, the Employment Security Department's Certificate of Payment of Contributions, Penalties and Interest on Public Works Contracts, and the Department of Labor & Industries' Certificate of Release of the State's Lien on Public Works Contracts and the District being satisfied that taxes certified as due or

to become due are discharged and the filed claims of materialmen and laborers, if any, together with a sum sufficient to pay costs of foreclosing the liens and attorney's fees, have been paid, the District's General Manager is authorized and directed to release the bond in lieu of retainage. In the event said taxes, claims, expenses and fees have not been paid, the General Manager is authorized and directed to file a claim against the bond in lieu of retainage in an amount equal to unpaid taxes and unpaid claims, together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and following payment of such claim, release the bond in lieu of retainage.

DATED this 19th day of August 2024.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AMENDMENT
NO. 5 TO SERVICES AGREEMENT (SA NO. 20-
11280) WITH THOMPSON CONSULTING GROUP,
INC. TO PROVIDE FEDERAL AND STATE
GOVERNMENT RELATIONS SERVICES FOR THE
DISTRICT

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District entered into a Services Agreement (SA No 20-11280) on December 22, 2020 with Thompson Consulting Group, Inc. to provide Federal and State government relations services, in an amount not to exceed \$149,500.00.

Amendment No. 1 to the Services Agreement, executed on December 15, 2021, added \$157,255.00, for a revised not-to exceed contract amount of \$306,755.00.

Amendment No. 2 to the Services Agreement, executed on November 14, 2022, added \$157,255.00, for a revised not to exceed contract amount of \$464,010.00.

Amendment No. 3 to the Services Agreement, executed on December 27, 2023, extended the completion date to December 31, 2024.

Amendment No. 4 to the Services Agreement, executed on April 23, 2024, added \$35,990.00 for a revised not to exceed contract amount of \$500,000.00.

District staff has identified the need for additional Federal and State government services. Resolution No. 17-14215 requires that the Commission, by resolution, authorize Amendments to Service Agreements when the Amendment increases the total contract price to over \$500,000.

District staff recommends that it is in the best interest of the District to amend Services Agreement No. 20-11280 with Thompson Consulting Group, Inc. in the amount of \$50,000.00, for a total revised contract price not to exceed \$550,000.00 through December 31, 2024.

The General Manager has reviewed District staff's recommendation and concurs in the same.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY
DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON as follows:

Section 1. The General Manager is hereby authorized to execute Amendment No. 5 to Services Agreement (SA No. 20-11280) with Thompson Consulting Group, Inc. to provide the additional services identified above. The revised contract price will not exceed \$550,000.00 without prior Commission approval. A copy of the Amendment is on file in the offices of the District.

DATED this 19th day of August 2024.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION REJECTING THE BID OF GREENBERRY INDUSTRIAL, LLC OF VANCOUVER, WASHINGTON AND ACCEPTING THE BID OF BENDER CCP, INC. OF KENT, WASHINGTON (BID 24-13715) FOR ROCK ISLAND POWERHOUSE 1 – DISCHARGE RING CONTAINMENT & ACCESS PLATFORM SUPPLY AND MANUFACTURE

FACTUAL BACKGROUND AND REASONS FOR ACTION

On July 24, 2024, an invitation for sealed bids was published in accordance with RCW 54.04.070, RCWs 39.04.151 through 39.04.154, and Resolution No. 17-14185 for the Rock Island Powerhouse 1 – Discharge Ring Containment & Access Platform Supply and Manufacture (Bid 24-13715). Bid proposals were opened on August 6, 2024, at 2:00 PM, in the offices of the District. Two bids were received (excluding sales tax) as tabulated on Exhibit A, attached.

The low bid by Greenberry Industrial, LLC, of Vancouver, Washington, did not meet the bid requirements and included substantive exceptions and material changes to the terms and conditions of the bid documents. As such, said bid was determined by District staff to be non-responsive.

District staff has determined that the bid of Bender CCP, Inc. of Kent, Washington, in the amount of \$229,894.00 (excluding sales tax) is the lowest responsible and responsive bid in compliance with the plans and specifications for Bid No. 24-13715. Resolution No. 17-14215 requires that the rejection of the apparent low bidder must come before the Commission for action.

District staff recommend awarding Bid No. 24-13715 to Bender CCP, Inc., of Kent, Washington, as the lowest responsive bid in the amount of \$229,894.00

The General Manager of the District concurs with District staff's recommendation.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. The bid submitted by Greenberry Industrial, LLC of Vancouver, Washington did not meet the minimum requirements specified in the bid documents for Bid 24-13715 and is hereby rejected as non-responsive.

Section 2. The bid submitted by Bender CCP, Inc. of Kent, Washington, is the lowest responsible and responsive bid in compliance with the plans and specifications for Bid 24-13715. The General Manager of the District is hereby authorized to award and enter into a contract with Bender CCP, Inc., in the amount of \$229,894.00, excluding sales tax. A copy of the contract will be on file in the offices of the District.

Dated this 19th day of August 2024.

ATTEST: _____
President

Vice President Secretary

Commissioner Commissioner

Seal

