

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY
327 N WENATCHEE AVENUE
WENATCHEE WA 98801**

REGULAR COMMISSION MEETING

JANUARY 20, 2020

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety Minute – Greg Larsen
2. Approval of the Agenda
Any item on the Consent Agenda shall be subject to transfer to the Regular Agenda upon request of any Commission member
3. CPO Winner Recognition
4. Safety Concerns and Close Calls Survey Results
5. Quarterly Electrical Load Growth
6. Stehekin Integrated Resource Plan Update
7. Rock Island License Early Action Project Solicitation
8. Alternative Contracting Mechanisms
9. Quarterly Board Balanced Scorecard Status Update

BUSINESS SESSION

1:00 PM

10. Rates Planning

Consent Agenda

11. Minutes of the January 6, 2020 Regular Meeting
12. Vouchers: Accounts Payable Summary Report dated January 15, 2020:
 - a. Vouchers totaling \$10,625,790.52;

REGULAR COMMISSION MEETING AGENDA

January 20, 2020

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- b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period December 31, 2019 through January 14, 2020 in the amount of \$12,564.70;
 - c. Approval of the net Payroll, Warrant Nos. 236859 through 236881 and Advice Nos. 687087 through 687842 for the pay period ending 01/05/2020 in the amount of \$2,025,905.62;
 - d. Approval of Warrant Nos. 26334 through 26376 totaling \$23,121.82 for claim payments from the workers' compensation self-insurance fund for the period ending January 13, 2020.
13. A RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF PERFORMANCE UNDER BID NO. 19-44 WITH IMCO GENERAL CONSTRUCTION, INC. OF FERNDALE, WASHINGTON FOR THE ROCKY REACH TAILRACE BUOY PLACEMENT AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE
14. A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1 AND 2, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 18-51 WITH KNIGHT CONST. & SUPPLY, INC. OF DEER PARK, WASHINGTON FOR THE ROCKY REACH OIL ROOMS FIRE SUPPRESSION AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

Regular Agenda

15. Manager Items
16. Commission Items
17. Follow-up on Delegation of Action Items from Previous Board Meeting
18. Delegation of Action Items
19. Additional Public Comment
Members of the public are encouraged to ask specific questions after each item presented. This agenda item is for additional comments/questions related to matters not on the agenda.
20. Matters of general business as may necessarily come before the Commission
21. 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)

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF PERFORMANCE UNDER BID NO. 19-44 WITH IMCO GENERAL CONSTRUCTION, INC. OF FERNDALE, WASHINGTON FOR THE ROCKY REACH TAILRACE BUOY PLACEMENT AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 08-13325 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less.

On September 23, 2019 the District entered into a contract (Bid No. 19-44) with IMCO General Construction, Inc. (Contractor) of Ferndale, Washington for the Rocky Reach Tailrace Buoy Placement, in the amount of \$211,500.00. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080

District staff has determined that the work required under the contract has been performed in accordance with the terms of the contract and recommends that the District accept the work.

District staff has determined that the completion of all contract work occurred on January 6, 2020. 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 and recommends the District 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. All the contract work required under Bid No. 19-44 was completed on January 6, 2020, and the same is hereby accepted, subject to Section 2 hereof. Release of the Contractor's bond in lieu of retainage is authorized subject to Section 2 and Section 3 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 2. 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 3. 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 20th day of January 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1 AND 2, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 18-51 WITH KNIGHT CONST. & SUPPLY, INC. OF DEER PARK, WASHINGTON FOR THE ROCKY REACH OIL ROOMS FIRE SUPPRESSION AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 08-13325 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less. Authority was also granted to the General Manager and the staff to execute field work orders under certain circumstances.

On July 15, 2019, the District entered into a contract (Bid No. 18-51) with Knight Const. & Supply, Inc. (Contractor) of Deer Park, Washington for the Rocky Reach Oil Rooms Fire Suppression project, in the amount of \$245,374.00. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080.

The work in Field Work Order Nos. 1 and 2 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 and 2, which are on file in the offices of the District and summarized as follows:

| Field Work Order No. | Amount |
|-----------------------------|---------------|
| 1. Schedule Extension | \$0 |
| 2. Schedule Extension | \$0 |
| Total | \$0 |

Field Work Order Nos. 1 and 2 result in no change in the contract price of \$245,374.00 (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 December 11, 2019. 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 Nos. 1 and 2, 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 Nos. 1 and 2 to Bid No. 18-51 with Knight Const. & Supply, Inc. for the work specified above, which will result in a no change in the purchase price of \$245,374.00, plus Washington State sales tax, are hereby ratified.

Section 2. All the contract work required under Bid No. 18-51 was completed on December 11, 2019 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 20th day of January 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal