

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY  
1024 E WOODIN AVE  
CHELAN WA 98816**

**REGULAR COMMISSION MEETING**

**MARCH 3, 2025**

**STUDY SESSION**

**10:00 AM**

1. Pledge of Allegiance and Safety/H&OP Minute – Kassie Bertilson
2. Approval of the Agenda
3. Chelan Area Updates
4. Annual Report of Safety Concern Reports Received
5. Public Comment  
*Time for public comments or questions related to matters not covered by the agenda*

**BUSINESS SESSION**

**Consent Agenda**

6. Minutes of the February 18, 2025 Regular Meeting and February 21, 2025 Special Meeting
7. Vouchers: Accounts Payable Summary Report dated February 25, 2025:
  - a. Vouchers totaling \$35,658,760.08;
  - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period February 11, 2025 through February 24, 2025 in the amount of \$4,834.05.
  - c. Approval of the net Payroll, Warrant Nos. 238711 through 238717 and Advice Nos. 794204 through 795034 for the pay period ending February 09, 2025 in the amount of \$2,709,986.52.
  - d. Approval of Warrant Nos. 32808 through 32876 totaling \$37,911.88 for claim payments from the workers' compensation self-insurance fund for the period ending February 24, 2025.
  - e. Approval of Parks Reservation System customer refunds for the period February 14, 2025 through February 20, 2025 in the amount of \$2,380.00.

8. A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1-5, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER CONTRACT NO. 23-13198 WITH BLACKWATER INDUSTRIES PLLC OF TOLEDO, WA AND AUTHORIZING PAYMENT OF RETAINAGE

**Regular Agenda**

9. A RESOLUTION WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR THE MCKITTRICK/MILLER STREET UTILITY RELOCATION BASED ON SPECIAL FACILITIES OR MARKET CONDITIONS AND SOLE SOURCE OF SUPPLY AND AUTHORIZING A CONTRACT WITH KRAEMER-SCARSELLA JOINT VENTURE OF PLAIN, WI ON TERMS AND CONDITIONS ACCEPTABLE TO THE GENERAL MANAGER
10. A RESOLUTION DECLARING BIOMARK, INC. OF BOISE, ID AS THE SOLE SOURCE SUPPLIER OF PASSIVE INTEGRATED TRANSPONDER TAGS FOR EVALUATION OF THE DISTRICT'S HATCHERY PROGRAMS OPERATED AS PART OF THE HABITAT CONSERVATION PLANS AND TO CONDUCT ROCK ISLAND RELICENSING STUDIES, AUTHORIZING THE WAIVER OF BIDDING REQUIREMENTS AND AUTHORIZING THE DISTRICT'S GENERAL MANAGER TO ENTER INTO A CONTRACT WITH BIOMARK, INC.
11. Manager Items
12. Commissioner Travel
13. Commission Items
14. Follow-up on Delegation of Action Items from Previous Board Meeting
15. Delegation of Action Items
16. Additional Public Comment
17. Matters of general business as may necessarily come before the Commission
18. 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) 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. 1-5, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER CONTRACT NO. 23-13198 WITH BLACKWATER INDUSTRIES PLLC OF TOLEDO, WA AND AUTHORIZING PAYMENT OF RETAINAGE

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

The District Commission by Resolution No. 17-14215 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 January 16, 2024, the District entered into a contract (Bid No. 23-13198) with Blackwater Industries PLLC (Contractor) of Toledo, WA for the supply of Steel Structures for Bavarian Substation, in the amount of \$257,432.68. 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. 1-5 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. 1-5, which are on file in the offices of the District and summarized as follows:

<b>Field Work Order No.</b>	<b>Amount</b>
1. Extension of Contract Time for anchor bolts and associated hardware	\$0.00
2. Supply of additional BS-1 structure with anchor bolts and associated hardware and extension of Contract Time	\$2,504.27
3. Supply of anchor bolt templates for SF1 and SF2 foundations	\$2,715.52
4. Supply of anchor bolt templates for Bavarian substation circuit switcher structure	\$764.92
5. Extension of Contract Time	\$0.00
<b>Total</b>	<b>\$5,984.71</b>

Field Work Order Nos. 1-5 result in a net increase in the contract price of \$5,984.71 for a total revised contract price of \$263,417.39 (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 27, 2025. In accordance with the terms of the contract, retainage in an amount not exceeding 5% of the contract price has been withheld from the Contractor.

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. 1-5 and authorize the payment of retainage due the Contractor, 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. 1-5 to Contract No. 23-13198 with Blackwater Industries PLLC for the work specified above, which will result in a net increase in the contract price of \$5,984.71, for a total revised contract price of \$263,417.39, plus Washington State sales tax, are hereby ratified.

Section 2. All the contract work required under Contract No. 23-13198 was completed on January 27, 2025 and the same is hereby accepted, subject to Section 3 hereof. Payment of retainage to the Contractor in the amount determined by the District's auditor to be due is authorized to be paid to the Contractor 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 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 withhold from the remaining retained amounts for claims the District may have against the Contractor, and the balance shall be paid to the Contractor. In the event said taxes, claims, expenses and fees have not been paid, the General Manager is authorized and directed to withhold 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 the balance shall be paid to the Contractor.

DATED this 3rd day of March 2025.

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President

ATTEST:

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Vice President

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Secretary

\_\_\_\_\_  
Commissioner

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Commissioner

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## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR THE MCKITTRICK/MILLER STREET UTILITY RELOCATION BASED ON SPECIAL FACILITIES OR MARKET CONDITIONS AND SOLE SOURCE OF SUPPLY AND AUTHORIZING A CONTRACT WITH KRAEMER-SCARSELLA JOINT VENTURE OF PLAIN, WI ON TERMS AND CONDITIONS ACCEPTABLE TO THE GENERAL MANAGER

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

The City of Wenatchee's (City) Confluence Parkway (Phase 1) Project (Project) requires District facilities to be relocated. The City has engaged Kraemer-Scarsella Joint Venture under a Progressive Design-Build contract to construct the Project on behalf of the City. Project funding requirements prevent a more traditional cost-sharing agreement with the City to relocate District facilities located in the Project road prism. The District will separately contract for utility relocation necessary to accommodate the Project but located outside of the Project road prism.

Kraemer-Scarsella Joint Venture controls scope and schedule under a Progressive Design-Build agreement with the City of Wenatchee. The relocation of the District's facilities located in the road prism is directly integrated into the City's overall Project delivery. The relocation work cannot be reasonably separated from the City's Project delivery and must be accommodated in real-time as the Project work progresses. The real-time nature of the relocation work cannot be separately scoped in advance for competitive procurement purposes. Therefore, a separate competitive bidding process and resulting contractor for the District's work in the road prism is impractical. Kraemer-Scarsella Joint Venture's role in the City's Confluence Parkway Project is well suited to relocating the utilities on behalf of the District, as well as manage project risks, including unforeseen site conditions, design modifications, and construction phasing challenges all in real time.

District staff has determined that contracting directly with Kraemer-Scarsella Joint Venture is in the District's best interest, ensuring timely, cost-effective utility relocations, regulatory compliance, risk minimization, and efficient project execution. Given the real-time nature of the work and the Project delivery method selected by the City special facilities or market conditions are such that Kraemer-Scarsella Joint Venture is uniquely situated to conduct the work.

Pursuant to RCW 54.04.070 and 39.04.280(1)(a) and (b), the District may waive the statutory competitive bidding requirements when special facilities or market conditions are present and/or when there is a single source of supply. Resolution No. 17-14215 requires that these determinations come before the Commission for action.

District staff has determined that it would be in the best interest of the District to waive the competitive bidding requirements as authorized and enter into a contract with Kraemer-Scarsella Joint Venture for McKittrick/Miller Street Utility Relocation in an amount of \$780,000.

The General Manager has reviewed staff's recommendations 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 Commission finds that special facilities or market conditions exist and declares that Kraemer-Scarsella Joint Venture is uniquely situated to complete the McKittrick/Miller Street Utility Relocation.

Section 2. The competitive bidding requirements are waived pursuant to RCW 54.04.070 and RCW 39.04.280(1)(a) and (b).

Section 3. The General Manager or his designee is authorized to enter into a contract with Kraemer-Scarsella Joint Venture for McKittrick/Miller Street Utility Relocation at a contract price of \$780,000. A copy of the contract will be on file in the offices of the District.

Dated this 3rd day of March 2025

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President

ATTEST:

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Vice President

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Secretary

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Commissioner

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Commissioner

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## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING BIOMARK, INC. OF BOISE, ID AS THE SOLE SOURCE SUPPLIER OF PASSIVE INTEGRATED TRANSPONDER TAGS, AUTHORIZING THE WAIVER OF BIDDING REQUIREMENTS AND AUTHORIZING THE DISTRICT'S GENERAL MANAGER TO ENTER INTO A CONTRACT WITH BIOMARK, INC.

## FACTUAL BACKGROUND AND REASONS FOR ACTION

As part of the Rocky Reach and Rock Island Habitat Conservation Plans (HCP), the District has an obligation to evaluate the success of its hatchery programs and is committed to implementing a long-term monitoring and evaluation plan that has been approved by the HCP Hatchery Committees (Committees). The monitoring and evaluation plan is designed to provide the District and Committees with information to ensure the hatchery programs are successful and that the program goals are being met in an efficient and biologically prudent manner. Additionally, the data gathered from the monitoring and evaluation plan is used to satisfy FERC required studies for Rock Island Relicensing.

For the District to utilize downstream hydroelectric facilities as tag interrogation sites, its own upstream adult detection sites, and numerous tributary antennae locations, the Passive Integrated Transponder (PIT) tags need to be International Standards Organization (ISO) compatible and operate at a frequency of 134.2 kHz. District staff and the Committees recommend using PIT tags to offer varied methods and location of detection and the most accurate life history and survival estimates for salmon and steelhead. The Bio12.B.04V2PLT EU tag has been specifically developed to provide maximum detection at custom antennae locations such as the sites the District and other entities utilize. This tag has been developed for high performance fisheries applications where water speed is high and a long read range is necessary. The Bio12.B.04V2PLT EU tag provides superior detection and is the highest performing tag of its kind available. The District has been effectively using these tags since 2003.

Biomark, Inc. is the sole distributor of the Bio12.B.04V2PLT EU tag and has provided the District with a letter certifying that they are the sole distributor of the Bio12.B.04V2PLT EU tags and that the District has received the lowest price on the tags they offer to similarly situated customers.

Pursuant to RCW 54.04.070 and 39.04.280, the District may, when there is clearly and legitimately a sole source of supply, waive the statutory competitive bidding requirements otherwise applicable to the purchase of equipment. Resolution No. 17-14215 requires that a declaration for sole source purchases over the statutory limits (\$120,000 per month) must come before the Commission for action.



District staff has determined that it is in the best interest of the District to designate Biomark, Inc. as the sole source supplier for a minimum annual purchase of 60,000 Bio12.B.04V2PLT EU tags, for a total not to exceed amount \$1,229,250 (excluding Washington State Sales Tax) through December 31, 2029. Staff also recommends that the competitive bidding requirements of RCW 54.04.070 be waived.

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

### **ACTION**

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

Section 1. The Commission declares Biomark, Inc. to be the sole source supplier for Bio12.B.04V2PLT EU PIT tags.

Section 2. The competitive bidding requirements of RCW 54.04.070 are hereby waived due to the designation of Biomark, Inc. as the sole source supplier for Bio12.B.04V2PLT EU tags.

Section 3. The General Manager or his designee is authorized to enter into a purchase contract with Biomark, Inc. for the purchase of Bio12.B.04V2PLT EU tags, through December 31, 2029, at a cost not to exceed \$1,229,250 (excluding Washington State Sales Tax and shipping costs) without prior Commission approval. A copy of the contract will be on file in the offices of the District.

Dated this 3<sup>rd</sup> day of March 2025.

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President

ATTEST:

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Vice President

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Secretary

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Commissioner

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Commissioner

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