

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

REGULAR COMMISSION MEETING

JUNE 1, 2021

Public participation will be by phone only

Dial: 253-999-5697

Meeting ID: 572-010-221#

****Please remember to mute your phone to reduce background noise****

Please contact PUD staff at 509-661-4212 to let us know if you intend to participate by phone

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety/HPI Minute – Payne Brannon
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. Public Power Benefit Program
4. Summer Reservoir Readiness

BUSINESS SESSION

Consent Agenda

5. Minutes of the May 17, 2021 Regular Meeting
6. Vouchers: Accounts Payable Summary Report dated May 26, 2021:
 - a. Vouchers totaling \$37,987,551.31;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period May 12, 2021 through May 25, 2021 in the amount of \$32,367.80.
 - c. Approval of the net Payroll, Warrant Nos. 237481 through 237495 and Advice Nos. 714251 through 715059 for the pay period ending May 9, 2021 in the amount of \$2,206,987.16.

REGULAR COMMISSION MEETING AGENDA

June 1, 2021

Page 2

- d. Approval of Warrant Nos. 27533 through 27584 totaling \$4,464.52 for claim payments from the workers' compensation self-insurance fund for the period ending May 24, 2021.
 - e. Approval of Parks Reservation System customer refunds for the period May 7, 2021 through May 19, 2021 in the amount of \$1,092.01.
 - f. Approval of debt service paid with reserve account interest earnings of \$1,617.21 for the period May 1, 2021 through May 31, 2021.
7. A RESOLUTION RATIFYING FIELD WORK ORDERS NOS. 1, 2, 3, 4, 5 AND 6, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-85 WITH POTELCO, INC. OF WASHINGTON AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE
8. A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-87 WITH KNIGHT CONST. & SUPPLY, INC. OF DEER PARK, WA AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

Regular Agenda

9. Manager Items
10. Commission Items
11. Commission Travel
12. Follow-up on Delegation of Action Items from Previous Board Meeting
13. Delegation of Action Items
14. 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.
15. Matters of general business as may necessarily come before the Commission
16. 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 evaluate the qualifications of an applicant for public employment and to review the performance of a public employee, as authorized by RCW 42.30.110(1)(g)

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

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDERS NOS. 1, 2, 3, 4, 5 AND 6, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-85 WITH POTELCO, INC. OF WASHINGTON AND AUTHORIZING RELEASE OF THE BOND IN LIEU 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 March 24, 2020, the District entered into a contract (Bid No. 19-85) with Potelco, Inc. (Contractor) of Washington for Andrew York - Anderson Canyon 1 & 2 Rebuild - Construction, in the amount of \$662,727.91. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080.

The work in Field Work Orders Nos. 1, 2, 3, 4, 5 and 6 consist 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 Orders Nos. 1, 2, 3, 4, 5 and 6, which are on file in the offices of the District and summarized as follows:

Field Work Order No.	Amount
1. Changes Associated with Final Plan Revisions	\$42,738.47
2. Contract Time Extension	\$0.00
3. Contract Time Revision	\$0.00
4. Contract Time Extension	\$0.00
5. Contract Time Extension	\$0.00
6. Work Scope Changes during Construction and Reconciliation for Unit Price Contract Item and Orchard Tree Trimming and Removal Allowance	(\$4,405.75)
Total	\$38,332.72

Field Work Orders Nos. 1, 2, 3, 4, 5 and 6 results in a net increase in the contract price for a new revised total price of \$701,060.63 (excluding sales tax), which the District's Engineers recommend be ratified. Resolution No. 17-14215 provides that this type of field work orders 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 April 23, 2021. 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 Orders Nos. 1, 2, 3, 4, 5 and 6 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 Orders Nos. 1, 2, 3, 4, 5 and 6 to Bid No. 19-85 with Potelco, Inc. for the work specified above, which will result in a net increase in the purchase price of \$38,332.72, for a total revised contract price of \$701,060.63, plus Washington State sales tax, are hereby ratified.

Section 2. All the contract work required under Bid No. 19-85 was completed on April 23, 2021 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 1st day of June 2021.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-87 WITH KNIGHT CONST. & SUPPLY, INC. OF DEER PARK, WA AND AUTHORIZING RELEASE OF THE BOND IN LIEU 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 March 3, the District entered into a contract (Bid No. 19-87) with Knight Const. & Supply, Inc. (Contractor) of Deer Park, WA for Tumwater Fishway Entrance Structure Foundation Maintenance, in the amount of \$368,230. 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 No. 1 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 No. 1, which are on file in the offices of the District and summarized as follows:

Field Work Order No.	Amount
1. Reconciliation of unused Bid items and addition of scope.	-\$33,825.58
Total	-\$33,825.58

Field Work Order No. 1 results in a net decrease in the contract price of \$33,825.58 for a new revised total price of \$334,404.42 (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 May 5, 2021. 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 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 to Bid No. 19-87 with Knight Const. & Supply, Inc. for the work specified above, which will result in a net decrease in the contract price of \$33,825.58 for a new revised total price of \$334,404.42, plus Washington State sales tax, is hereby ratified.

Section 2. All the contract work required under Bid No. 19-87 was completed on May 5, 2021 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 1st day of June 2021.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal