

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

REGULAR COMMISSION MEETING

AUGUST 3, 2020

Public participation will be by phone only

Dial: 509-661-8872

Conference ID: 578916#

****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 HPI Minute – Tracy Yount
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. Customer Satisfaction Survey Results
4. Quarterly District Performance Plan Status Update
5. Quarterly Financial Review and Investment Report
6. Quarterly Fish and Wildlife Update
7. Fiber Expansion Acceleration Evaluation
8. Infrastructure Cost Recovery Approach

BUSINESS SESSION

1:00 PM

Consent Agenda

9. Minutes of the July 20, 2020 Regular Meeting

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10. Vouchers: Accounts Payable Summary Report dated July 29, 2020:

- a. Vouchers totaling \$14,514,873.20;
- b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period July 15, 2020 through July 28, 2020 in the amount of \$40,384.50;
- c. Approval of the net Payroll, Warrant Nos. 237116 through 237133 and Advice Nos. 697980 through 698766 for the pay period ending 07/19/2020 in the amount of \$2,083,274.37;
- d. Approval of Warrant Nos. 26784 through 26798 totaling \$3,811.60 for claim payments from the workers' compensation self-insurance fund for the period ending July 27, 2020.

11. A RESOLUTION RATIFYING FIELD WORK ORDER NOS. 1 AND 2, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-18 WITH PURCELL P & C, LLC DBA PURCELL PAINTING & COATINGS OF TUKWILA, WASHINGTON FOR THE ROCKY REACH CAISSON UPPER CHAMBER PAINT AND AUTHORIZING RELEASE OF THE BOND IN LIEU OF RETAINAGE

12. A RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF PERFORMANCE UNDER BID NO. 19-20 WITH NORTH CASCADES HEATING & AIR CONDITIONING, INC. OF ENTIAT, WASHINGTON FOR THE NETWORK NODE BUILDINGS HVAC UPGRADES AND AUTHORIZING PAYMENT OF RETAINAGE

Regular Agenda

13. A RESOLUTION AUTHORIZING THE ISSUANCE OF A GUARANTEED MAXIMUM PRICE AMENDMENT (GMP AMENDMENT) TO ABSHER CONSTRUCTION COMPANY OF PUYALLUP, WA TO PROVIDE SITEWORK CONSTRUCTION TO THE GENERAL CONTRACTOR CONSTRUCTION MANAGER (GC/CM) SERVICES FOR THE SERVICE CENTER PROJECT

14. Manager Items

15. Commission Items

16. Commission Travel

17. Follow-up on Delegation of Action Items from Previous Board Meeting

18. Delegation of Action Items

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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 RATIFYING FIELD WORK ORDER NOS. 1 AND 2, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 19-18 WITH PURCELL P & C, LLC DBA PURCELL PAINTING & COATINGS OF TUKWILA, WASHINGTON FOR THE ROCKY REACH CAISSON UPPER CHAMBER PAINT 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 October 15, 2019 the District entered into a contract (Bid No. 19-18) with Purcell P & C, LLC dba Purcell Painting & Coatings (Contractor) of Tukwila, Washington for the Rocky Reach Caisson Upper Chamber Paint project, in the amount of \$514,599.00. 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. Extend Completion Schedule	\$0
2. Negotiated Price Reduction and Additional Work	\$44,819.62
Total	\$44,819.62

Field Work Order Nos. 1 and 2 result in a net increase in the contract price for a new revised total price of \$559,418.62 (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 July 22, 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, 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. 19-18 with Purcell P & C, LLC dba Purcell Painting & Coatings for the work specified above, which will result in a net increase in the purchase price of \$44,519.62, for a total revised contract price of \$559,418.62, plus Washington State sales tax, are hereby ratified.

Section 2. All the contract work required under Bid No. 19-18 was completed on July 22, 2020 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 3rd day of August 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF PERFORMANCE UNDER BID NO. 19-20 WITH NORTH CASCADES HEATING & AIR CONDITIONING, INC. OF ENTIAT, WASHINGTON FOR THE NETWORK NODE BUILDINGS HVAC UPGRADES 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.

On October 18, 2019, the District entered into a contract (Bid No. 19-20) with North Cascades Heating & Air Conditioning, Inc. (Contractor) of Entiat, Washington for the Network Node Buildings HVAC Upgrades, in the amount of \$413,058.00. 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 June 30, 2020. 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 and recommends the District 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. All the contract work required under Bid No. 19-20 was completed on June 30, 2020, and the same is hereby accepted, subject to Section 2 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 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 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 August, 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF A GUARANTEED MAXIMUM PRICE AMENDMENT (GMP AMENDMENT) TO ABSHER CONSTRUCTION COMPANY OF PUYALLUP, WA TO PROVIDE SITEWORK CONSTRUCTION TO THE GENERAL CONTRACTOR CONSTRUCTION MANAGER (GC/CM) SERVICES FOR THE SERVICE CENTER PROJECT

FACTUAL BACKGROUND AND REASONS FOR ACTION

On March 19, 2019, by Resolution No. 19-14327, the Commission of the District authorized the General Manager to invite sealed proposals to provide General Contractor Construction Manager (GC/CM) services to the District in support of the planned Service Center Project.

On April 15, 2019, by Resolution No. 19-14334, the Commission of the District approved the Service Center Project and adopted the project capital budget.

On July 1, 2019, by Resolution No. 19-14356, the Commission of the District authorized the General Manager to enter into Contract No. 18-91 in the form of an AIA A133 document with Absher Construction Company. In addition to the general terms and conditions, the Contract authorized \$500,000 for preconstruction services.

The District and Absher Construction have determined it is in the best interest of the Project to perform sitework construction prior to completing the overall design. This early phase of work has been sufficiently defined for contracting purposes. In accordance with the terms of the Contract and RCW 39.10, parties have negotiated a Guaranteed Maximum Price Amendment (GMP Amendment) which details the scope of the sitework construction and includes the guaranteed maximum price.

District staff recommends execution of the GMP Amendment with Absher Construction Company in the amount of \$8,960,518 for sitework construction on the Service Center Project. The revised overall contract amount after execution of the GMP Amendment will be \$9,460,518. 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, as follows:

Section 1. The General Manager of the District is hereby authorized to enter into a Guaranteed Maximum Price Amendment with Absher Construction Company in the amount of \$8,960,518, for a total revised contract amount of \$9,460,518, excluding sales tax. A copy of the contract will be on file in the offices of the District.

DATED this 3rd day of August 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal