

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

**REGULAR COMMISSION MEETING**

**AUGUST 7, 2023**

**STUDY SESSION**

**10:00 AM**

1. Pledge of Allegiance and Safety/HPI Minute – Kristin Lodge
2. Approval of the Agenda
3. CPO Winner Recognition
4. 30 Under 35 Recognition
5. Quarterly District Performance Plan Update
6. Energy Efficiency Incentives Update  
Proposed motion: To increase the 2023 total budget for regulatory asset project 00109080, Residential Energy Programs, in the amount of \$1,000,000 for a revised total 2023 regulatory asset budget amount of \$2,250,000; and to increase the 2023 total budget for regulatory asset project 00109085, Commercial Energy Programs, in the amount of \$2,000,000 for a revised total 2023 regulatory asset budget amount of \$4,000,000; and to increase the total 2023 Distribution system regulatory asset budget by \$3,000,000 for a revised total amount of \$7,670,000.
7. Local Utility District in Lieu of Connection Charge
8. Public Comment  
*Time reserved for public comments or questions related to matters not covered by the agenda*

**BUSINESS SESSION**

**1:00 PM**

9. Public Hearing – Rate 36

**Consent Agenda**

10. Minutes of the July 24, 2023 Regular Meeting
11. Vouchers: Accounts Payable Summary Report dated August 01, 2023:

- a. Vouchers totaling \$18,834,427.54;
- b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period July 18, 2023 through July 31, 2023 in the amount of \$99,578.54.
- c. Approval of the net Payroll, Warrant Nos. 238220 through 238230 and Advice Nos. 759944 through 760786 for the pay period ending July 16, 2023 in the amount of \$2,604,313.69.
- d. Approval of Warrant Nos. 29862 through 29914 totaling \$31,422.26 for claim payments from the workers' compensation self-insurance fund for the period ending July 31, 2023.

**Regular Agenda**

12. A RESOLUTION DECLARING TPC WIRE & CABLE CORP. OF MACEDONIA, OHIO AS THE SOLE SOURCE SUPPLIER OF SUPER-TREX TYPE SH MEDIUM VOLTAGE POWER CABLE FOR MOBILE SUBSTATION (CONTRACT NO. 23-12951)
13. A RESOLUTION APPROVING BID ADVERTISEMENT, AWARD AND CONTRACT SIGNATURE FOR UNLEADED AND DIESEL FUEL SUPPLY (BID NO. 23-12796)
14. A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 31 AND FURTHER APPROVING FIELD WORK ORDER/CHANGE ORDER NO. 32 FOR THE SERVICE CENTER PROJECT WITH ABSHER CONSTRUCTION COMPANY OF PUYALLUP, WA FOR CONSTRUCTION OF THE SERVICE CENTER PROJECT PURSUANT TO GENERAL CONTRACTOR/CONSTRUCTION MANAGER (GC/CM) CONTRACT NO. 18-91
15. Manager Items
16. Commissioner Travel
17. Commission Items
  - a. Board Workshop  
Proposed motion: To set a special meeting on Wednesday, October 4, 2023 @ 9:00am at Confluence Technology Center, 285 Technology Center Way, Wenatchee, for the purpose of holding a Board workshop
18. Follow-up on Delegation of Action Items from Previous Board Meeting
19. Delegation of Action Items
20. Additional Public Comment

REGULAR COMMISSION MEETING AGENDA

August 7, 2023

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21. Matters of general business as may necessarily come before the Commission
22. 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) and to review the performance of a public employee, as authorized by RCW 42.30.110(1)(g) for \_\_\_\_ minutes

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

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

A RESOLUTION DECLARING TPC WIRE & CABLE CORP. OF MACEDONIA, OHIO AS THE SOLE SOURCE SUPPLIER OF SUPER-TREX TYPE SH MEDIUM VOLTAGE POWER CABLE FOR MOBILE SUBSTATION (CONTRACT NO. 23-12951)

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

TPC Wire & Cable Corp. brand Super-Trex Type SH Medium Voltage Power Cable is currently utilized for the District's Mobile Substations at Hawley Street. The TPC Wire & Cable Corp. cable are proprietary to TPC Wire & Cable Corp. and are not available from any other manufacturer or supplier.

The District's Distribution staff has determined the need for additional cable and the associated custom trailer. TPC Wire & Cable Corp. cable and the associated custom trailer are necessary to ensure continued efficient operation of the Mobile Substations.

TPC Wire & Cable Corp. has provided certification that they are the sole source supplier of brand Super-Trex Type SH Medium Voltage Power Cable and that the District is receiving the lowest price available for the brand Super-Trex Type SH Medium Voltage Power Cable.

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 must come before the Commission for action.

District staff has determined that it would be in the best interest of the District to designate TPC Wire & Cable Corp. as the sole source supplier for Super-Trex Type SH Medium Voltage Power Cables, and to enter into a contract with TPC Wire & Cable Corp. for the purchase of the Super-Trex Type SH Medium Voltage Power Cable and the associated custom trailer in an amount not to exceed \$280,000.00 (excluding taxes). Staff also recommends that the competitive bidding requirements of RCW 54.04.070 be waived.

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 declares TPC Wire & Cable Corp. to be the sole source supplier for Super-Trex Type SH Medium Voltage Power Cable.

Section 2. In accordance with RCW 39.04.280 the competitive bidding requirements of RCW 54.04.070 are hereby waived, due to the designation of TPC Wire & Cable Corp. as the sole source supplier for Super-Trex Type SH Medium Voltage Power Cable.

Section 3. The General Manager or his designee is authorized to enter into a purchase contract with TPC Wire & Cable Corp. for the purchase of Super-Trex Type SH Medium Voltage Power Cable and the associated custom trailer at a cost not to exceed \$280,000.00 (excluding WA State sales tax) without prior Commission approval. A copy of the contract will be on file in the offices of the District.

Dated this 7th day of August 2023.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Seal

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

A RESOLUTION APPROVING BID  
ADVERTISEMENT, AWARD AND CONTRACT  
SIGNATURE FOR UNLEADED AND DIESEL FUEL  
SUPPLY (BID NO. 23-12796)

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

Bid 23-12796, Unleaded and Diesel Fuel Supply, calls for supply and delivery of unleaded and diesel fuel to various District locations for an initial three-year term beginning September 16, 2023 with an optional one-year renewal which would allow extension of the contract to September 15, 2027. The District's estimated cost for this bid is \$4,400,000.

Resolution No. 17-14215 requires Commission approval of bids and Authorization to invite bids that are estimated to exceed \$3,000,000. Solicitation documents for Bid No. 23-12796, including specifications, are being prepared by the District and will be on file in the offices of the District.

Resolution No. 17-14215 requires Commission approval to award bids estimated to exceed \$3,000,000. Bid No. 23-12796 has an estimated cost that exceeds \$3,000,000. Should all Bids exceed the District's estimated cost by more than 15%, excluding sales tax, an award will not be issued pursuant to RCW 54.04.080.

District staff is of the opinion that issuing Bid No. 23-12796 is in the best interest of the District and that said documents be approved and invitation for bid be published.

District staff also recommends it is in the District's best interest to authorize staff to Award Bid No. 23-12796 in an amount not to exceed 15% above the District's estimated cost thereof, excluding sales tax, and to authorize the General Manager to enter into a contract with the lowest responsive and responsible bidders with a legally compliant bid that meets the District's terms and conditions.

The General Manager of the District 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, as follows:

Section 1. The bidding documents (Bid No. 23-12796) for the Unleaded and Diesel Fuel Supply are hereby approved and the General Manager of the District is hereby authorized to invite sealed proposals for furnishing said materials.

Section 2. The Commission hereby authorizes staff to award Bid No. 23-12796 for the Unleaded and Diesel Fuel Supply to the lowest responsive and responsible bidders in an amount not greater than 15% above the District’s estimated cost thereof, excluding sales tax. Furthermore, the General Manager of the District is hereby authorized to enter into a contract with the lowest responsive and responsible bidder with a legally compliant bid that meets the District’s terms and conditions. A copy of the contract will be on file in the offices of the District.

DATED this 7th day of August 2023.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Vice President

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Secretary

\_\_\_\_\_  
Commissioner

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Commissioner

Seal

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

A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 31 AND FURTHER APPROVING FIELD WORK ORDER/CHANGE ORDER NO. 32 FOR THE SERVICE CENTER PROJECT WITH ABSHER CONSTRUCTION COMPANY OF PUYALLUP, WA FOR CONSTRUCTION OF THE SERVICE CENTER PROJECT PURSUANT TO GENERAL CONTRACTOR/CONSTRUCTION MANAGER (GC/CM) CONTRACT NO. 18-91

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

On March 4, 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 Service Center Contract No. 18-91 with Absher Construction Company. In addition to the general terms and conditions, the Contract authorized \$500,000 for preconstruction services.

On August 3, 2020, by Resolution No. 20-14477, the Commission of the District authorized the General Manager to enter into Guaranteed Maximum Price (GMP) Amendment No. 1 to Contract No. 18-91 with Absher Construction Company for site work construction in the amount of \$8,960,518, for a total revised contract amount of \$9,460,518, excluding sales tax.

On February 1, 2021, by Resolution No. 21-14524, the Commission of the District authorized the General Manager to enter into GMP Amendment No. 2 for construction of the Service Center in the amount of \$95,132,983, in addition to ratifying Field Work Order/Change Order Nos. 1-2 in the amount of \$206,005, for a total revised contract amount of \$104,799,506, excluding sales tax.

On July 19, 2021, by Resolution 21-14576, the Commission of the District ratified Field Work Order/Change Order Nos. 3-6 for construction of the Service Center in the amount of \$343,619, for a total revised contract amount of \$105,143,125, excluding sales tax. In addition, Resolution 21-14576 authorized the General Manager to execute Field Work Order/Change Orders (FWO/CO) up to a cumulative value of



\$1,000,000 and further authorized the General Manager to re-delegate project specific authority pursuant to Section 8 of Attachment No. 1 of Resolution 17-14215.

On June 6, 2022, by Resolution 22-14667, the Commission of the District ratified Field Work Order/Change Order Nos. 7-12 for construction of the Service Center in the amount of \$821,355, for a total revised contract amount of \$105,964,480, excluding sales tax.

On November 7, 2022, by Resolution 22-14709, the Commission of the District ratified Field Work Order/Change Order Nos. 13-17 for construction of the Service Center in the amount of \$930,729 for a total revised contract amount of \$106,895,209, excluding sales tax.

On February 21, 2023, by Resolution 23-14739, the Commission of the District ratified Field Work Order/Change Order Nos. 18-21 and further approved Field Work Order/Change Order No. 22 for construction of the Service Center in the amount of \$2,945,587 for a total revised contract amount of \$109,840,796, excluding sales tax.

On March 20, 2023, by Resolution 23-14747, the Commission of the District ratified Field Work Order/Change Order No. 23 and further approved Field Work Order/Change Order No. 24 for construction of the Service Center in the amount of \$5,232,532 for a total revised contract amount of \$115,073,328, excluding sales tax.

On April 17, 2023, by Resolution 23-14756, the Commission of the District ratified Field Work Order/Change Order No. 25 and further approved Field Work Order/Change Order No. 26 for construction of the Service Center in the amount of \$4,208,386 for a total revised contract amount of \$119,281,714, excluding sales tax.

On June 26, 2023, by Resolution 23-14779, the Commission of the District ratified Field Work Order/Change Order Nos. 27-29 and further approved Field Work Order/Change Order No. 30 for construction of the Service Center in the amount of \$2,176,333 for a total revised contract amount of \$121,458,047, excluding sales tax.

The District Commission by Resolution Nos. 17-14215 and 21-14576 delegated limited authority to the General Manager and the staff to execute field work orders under certain circumstances.

The work in FWO/CO No. 31 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/Change Order No. 31, which is on file in the offices of the District and summarized as follows:

<b>FWO/CO No.</b>	<b>Description</b>	<b>Amount</b>
31	Systems Support Integration, Condensate Drains, Lobby Stair Modifications, Sawtooth Excavation and other revisions	\$231,025
<b>Total</b>		\$231,025

\*Note: Attachment "A" to this Resolution contains additional details of Change Order No. 31.

Field Work Order/Change Order No. 31 results in a net increase in the contract price of \$231,025 for a revised total price of \$121,689,072, (excluding sales tax), which the District's Engineers recommend be ratified.

Additionally, District Staff recommends execution of Field Work Order/Change Order No. 32 to increase the contract price by \$1,459,408 for a revised total price of \$123,148,480 (excluding sales tax). Field Work Order/Change Order No. 32 addresses delay impacts, resulting from District direction to stop work, for the following trade packages: Concrete Reinforcing, Roofing & Siding, Glazing, Ceilings, and HVAC Controls.

The General Manager of the District concurs with staff's recommendation that Field Work Order No. 31 be ratified and further approve Field Work Order/Change Order No. 32.

### **ACTION**

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

Section 1. The Commission finds that Field Work Order/Change Order No. 27-31 was properly executed pursuant to the authority delegated by Resolution No. 17-14215 and 21-14576 and said Field Work Order is hereby formally acknowledged and ratified.

Section 2. The General Manager of the District is hereby authorized to execute Field Work Order/Change Order No. 32. A copy of the Field Work Order/Change Order shall be on file in the offices of the District.

DATED this 7th day of August 2023.

\_\_\_\_\_  
President

ATTEST:

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Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Seal

**Attachment "A"**  
**Field Work Order/Change Order Detailed Descriptions**

Description	Amount
<b>Change Order 31</b>	
PR 105.1 PUD Systems Support	\$121,021
ASI 48 Building A Guardrail Toe Kick Infill	\$10,450
RFI 1037 Stair Landing at Slab Edge	\$14,127
RFI 1067 Bldg C FC Condensate Drains	\$42,669
RFI 1089 A174 Receptacle Move	\$2,085
PR 126 Bldg A Lobby Stair Mods	\$28,807
RFI-1090 Ops Bldg Rated Mezz Walls and Ceilings at Ext Walls	\$9,536
PR 129 Updated Service Saddle Location	\$1,916
RFI 1196/1196.1 Bldg E Drinking Fountain Clarification	\$414
<b>Change Order 31 Total</b>	<b>\$231,025</b>
<b>Change Order 32</b>	
PR 115.1r1 Ops Bldgs IMP Deflection Joints Revisions - Flynn Only	\$173,708
Cultural Delay - BPK 23 - Standard Plumbing & Heating	\$144,479
Cultural Delay - BPK 03 - Pacific Steel Group	\$251,997
Cultural Delay - BPK 07.10 - Flynn	\$630,032
Cultural Delay - BPK 08 - Skaug Brothers Glass	\$217,858
Cultural Delay BPK 09.20 - Acoustical Design Inc.	\$41,334
<b>Change Order 32 Total</b>	<b>\$1,459,408</b>