

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

REGULAR COMMISSION MEETING

NOVEMBER 7, 2022

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety/HPI Minute – Alan Eastridge
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. Quarterly District Performance Plan Update
4. Quarterly Financial Review and Investment Report
5. 2023 Plan of Finance
6. Service Center Project Update
7. Confluence Parkway Due Diligence
8. Public Comment

BUSINESS SESSION

1:00 PM

9. Malaga Park Update

1:30 PM

10. Public Hearing: 2023 Preliminary Budget Presentation

Consent Agenda

11. Minutes of the October 17, 2022 Regular Meeting
12. Vouchers: Accounts Payable Summary Report dated November 2, 2022:

REGULAR COMMISSION MEETING AGENDA

November 7, 2022

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- a. Vouchers totaling \$24,521,686.61;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period October 12, 2022 through November 1, 2022 in the amount of \$112,173.41.
 - c. Approval of the net Payroll, Warrant Nos. 237965 through 237973 and Advice Nos. 743887 through 744711 for the pay period ending October 9, 2022 in the amount of \$ 2,448,145.26.
 - d. Approval of the net Payroll, Warrant Nos. 237974 through 237985 and Advice Nos. 744712 through 745516 for the pay period ending October 23, 2022 in the amount of \$ 2,383,547.96.
 - e. Approval of Warrant Nos. 28890 through 28942 totaling \$35,033.47 for claim payments from the workers' compensation self-insurance fund for the period ending October 31, 2022.
 - f. Approval of Parks Reservation System customer refunds for the period October 12, 2022 through November 1, 2022 in the amount of \$35.00.
13. A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 21-11 WITH RIDGELINE CUSTOM BUILDERS, LLC OF EAST WENATCHEE AND AUTHORIZING PAYMENT OF RETAINAGE

Regular Agenda

14. A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NOS. 3-07, 3-08, 3-09, 3-10, AND 3-11, AND APPROVING EXECUTION OF FIELD WORK ORDER/CHANGE ORDER NO. 3-12, FOR THE THIRD AND FOURTH UNITS UNDER CONTRACT NO. 14-22 WITH VOITH HYDRO, INC. OF YORK, PA FOR ROCKY REACH UNITS C-8 THROUGH C-11 TURBINE REPAIRS
15. A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NOS. 13 THROUGH 17 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
16. Manager Items
17. Commissioner Travel

18. Commission Items

a. Board Workshop and Tri-Commission Meetings

Proposed motion: To set the following special meetings at Confluence Technology Center, 285 Technology Center Way, Wenatchee:

- On Monday, December 12, 2022 @ 9:00am for the purpose of holding a Board workshop
- On Tuesday, December 13, 2022 @ 1:00pm for the purpose of holding a Tri-Commission Meeting

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

20. Delegation of Action Items

21. 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.

22. Matters of general business as may necessarily come before the Commission

23. 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 consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, as authorized by RCW 42.30.110(1)(b), to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause the likelihood of decreased price, as authorized by RCW 42.30.110(1)(c), 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 RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 21-11 WITH RIDGELINE CUSTOM BUILDERS, LLC OF EAST WENATCHEE 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 order/change orders under certain circumstances.

On July 27, 2021, the District entered into a contract (Bid No. 21-11) with Ridgeline Custom Builders, LLC (Contractor) of East Wenatchee for the Rocky Reach Car Wash Closed Loop Wastewater Treatment System, in the amount of \$113,495. 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/Change 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/Change Order No. 1, which is on file in the offices of the District and summarized as follows:

Field Work Order / Change Order #	Description	Amount
1	Change in Contract Time	\$0
	Total	\$0

Field Work Order/Change Order No. 1 extended the completion time, which the District's Engineers recommend be ratified. Resolution No. 17-14215 provides that this type of field work order/change 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 October 7, 2022. 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/Change Order No. 1 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/Change Order No. 1 to Bid No. 21-11 with Ridgeline Custom Builders, LLC for the work specified above, is hereby ratified.

Section 2. All the contract work required under Bid No. 21-11 was completed on October 7, 2022 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 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 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 7th day of November 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NOS. 3-07, 3-08, 3-09, 3-10, AND 3-11, AND APPROVING EXECUTION OF FIELD WORK ORDER/CHANGE ORDER NO. 3-12, FOR THE THIRD AND FOURTH UNITS UNDER CONTRACT NO. 14-22 WITH VOITH HYDRO, INC. OF YORK, PA FOR ROCKY REACH UNITS C-8 THROUGH C-11 TURBINE REPAIRS

FACTUAL BACKGROUND AND REASONS FOR ACTION

Public Utility District No. 1 of Chelan County (District) adopted Resolution No. 14-13899 on September 2, 2014, which authorized the District to enter into a sole source contract (No. 14-22) with Voith Hydro, Inc. (Contractor) of York, PA for Rocky Reach Units C-8 through C-11 Turbine Repairs, in the amount not to exceed \$21,777,239.

Previously Approved Field Work Orders

On May 15, 2017, the Commission by Resolution No. 17-14139 ratified Field Work Order/Change Orders 1-01 through 1-18, 2-01 through 2-03 and approved 2-04 totaling a net reduction of \$1,168,107.10, which were executed under the delegated authority of Resolution No. 08-13325 and resulted in a revised total not to exceed contract price of \$20,609,131.90.

On December 17, 2018, the Commission by Resolution 18-14294 ratified Field Work Order/Change Order 1-19 for a net reduction of \$518,144.10, resulting in a revised total not to exceed contract price of \$20,090,987.80.

On January 21, 2019, the Commission by Resolution 19-14313 ratified Field Work Order/Change Order No. 2-05 through 2-12 and approved 3-01 and 4-01 totaling a net increase of \$188,700.05 and resulted in a revised total not to exceed contract price of \$20,279,687.85.

On September 16, 2019, the Commission by Resolution 19-14383 ratified Field Work Order/Change Order No. 2-13, 3-02, 4-02 and approved 3-03 totaling a net increase of \$1,944,015.60 and resulted in a revised total not to exceed contract price of \$22,223,703.45.

On September 21, 2020, the Commission by Resolution 20-14488 ratified Field Work Order/Change Order No. 2-14, 2-15 and approved 3-04 totaling a net increase of \$2,326,894.14 and resulted in a revised total not to exceed contract price of \$24,550,597.59.

On February 22, 2022, the Commission by Resolution 22-14631 ratified Field Work Order/Change Order Nos. 3-05 and 3-06 totaling \$144,182 which resulted in a revised total not to exceed contract price of \$24,694,860.78.

Executed Field Work Orders to be Ratified

Field Work Order/Change Order No. 3-07 addressed a contingency for unit disassembly/reassembly by the contractor and did not change the contract price.

Field Work Order/Change Order No. 3-08 revised the milestone dates for C-11 and resulted in a \$68,849.68 increase in the contract price. District staff executed Field Work Order/Change Order No. 3-05 on May 6, 2022, and it is on file in the offices of the District.

Field Work Order/Change Order No. 3-09 added FEA analysis of blades, static balancing of reassembled hub, and conceptual design of leakage collection system for water filled hub for C-10 and C-11 and resulted in a \$230,306 increase to the contract price. District staff executed Field Work Order/Change Order No. 3-09 on June 30, 2022, and it is on file in the offices of the District.

Field Work Order/Change Order No. 3-10 added blade link bushing honing and deflector machining in the amount of \$90,548. District staff executed Field Work Order/Change Order No. 3-10 on August 11, 2022, and it is on file in the offices of the District.

Field Work Order/Change Order No. 3-11 revised the schedule for C-10 but did not change the contract price.

Proposed Field Work Orders for Approval

District staff desires to execute Field Work Order/Change Order No. 3-12 which provides additional engineering hours for oil collection and low level water sensors for C-10 and C-11. Field Work Order/Change Order No. 3-12 will result in an increase to the total contract price in the amount of \$113,050.

The General Manager of the District concurs with staff's recommendation that approval for future work be granted.

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 Field Work Order/Change Order Nos. 3-07, 3-08, 3-09, 3-10, and 3-11 were properly executed pursuant to the authority delegated by Resolution No. 17-14215 and said Field Work Order/Change Orders in

the amount of \$389,703.68 are hereby formally acknowledged and ratified resulting in a total contract price of \$25,084,564.46.

Section 2. The General Manager of the District is hereby authorized to execute Field Work Order/Change Order No. 3-12 in the amount of \$113,050, resulting in a total contract price of \$25,197,614.46. A copy of the Field Work Order/Change Orders shall be on file in the offices of the District.

DATED this 7th day of November 2022

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NOS. 13 THROUGH 17 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 in the form of an American Institute of Architects (AIA) A133 document 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.

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 Nos. 13 through 17 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 Order/Change Order Nos. 13 through 17, which are on file in the offices of the District and summarized as follows:

FWO/CO No.	Description	Amount
13	Fire Rated Soffit, Roof Drain Revisions, HVAC Changes	\$91,172
14	Lobby wall finish, Antenna Support Structure	\$61,257
15	Building A Cultural Find Delay	\$394,574
16	Replant Landscape Plantings due to delay, Fire Smoke Damper Access	\$152,953
17	Architectural and Electrical Changes	\$230,773
Total		\$930,729

*Note: Attachment "A" to this Resolution contains additional details of Change Order Nos. 13 through 17.

Field Work Order/Change Order Nos. 13 through 17 result in a net increase in the contract price of \$930,729 for a revised total price of \$106,895,209 (excluding sales tax), which the District's Engineers recommend be ratified.

The General Manager of the District concurs with staff's recommendation that Field Work Order Nos. 13 through 17 be ratified.

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 Nos. 13 through 17 were properly executed pursuant to the authority delegated by Resolution No. 17-14215 and 21-14576 and said Field Work Orders are hereby formally acknowledged and ratified.

DATED this 7th day of November 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

Attachment “A”
Field Work Order/Change Order Detailed Descriptions

Description	Amount
Change Order No. 13	
Future EV Conduits	-\$38,360
Fire Rated Stair Soffit	\$50,130
Building F ATS/Storm Switch	-\$1,915
Hardware Revisions Request	\$373
Conductor Box and Roof Drains	\$25,442
Lighting Changes	\$1,461
Lobby Monitors	\$305
Add Door at A491	\$8,031
Delete Chain Hoists	-\$10,165
Room Identification	-\$473
Building A Diffusers	\$20,948
Exhaust Fan	\$19,147
Added Furring	\$444
Frame Down Hood Opening	\$503
Glazing Revisions	\$11,763
Building E Lift Coordination	\$3,538
Change Order No. 13 Total	\$91,172
Change Order No. 14	
Electrical and Technology Revisions	\$2,142
Move Vault	\$0
Lobby Feature Wall	\$30,885
Floor Box Clarification	\$0
Patio Changes	\$11,032
Electrical Changes to Vacuum Ex System	\$5,549
Casework Revisions	\$0
Building E Flooring	\$982
Bldg C Antenna Support	\$10,667
Change Order No. 14 Total	\$61,257
Change Order No. 15	
Building A Cultural Find Delay	\$394,574
Change Order No. 15 Total	\$394,574
Change Order No. 16	
Replanting of Landscape Plantings-Cultural Delay	\$102,294
Monitor Boxes in Control Room	\$8,560
Move Valves for Roof Hydrant	\$7,587
Shower Benches	\$3,279
Elevator Machine Room Smoke Damper Access	\$14,572

Maintenance of Plant Material-Cultural Delay	\$16,293
Previous CO Fee Adjustment	\$368
Change Order No. 16 Total	\$152,953
Change Order No. 17	
AS1 Stair Revisions	\$6,064
MEP, Arch, and Struct Revisions	\$38,117
Floor Box Revisions	\$18,071
Architectural revisions	\$89,325
Heat Trace, Canopy Changes	\$55,830
Added Framing	\$430
Topo of Existing Soils Pile-Cultural Delay	\$1,043
Starline Buss Changes	\$18,489
Transfer Duct Grilles	\$3,404
Change Order No. 17 Total	\$230,773