

## **EWEB Board Consent Calendar Request**

*For Contract Awards, Renewals, and Increases*

The Board is being asked to approve a new contract with **Armorcast Products Company** for **Voltek Vault Replacement Systems**.

Board Meeting Date: May 3, 2022  
Project Name/Contract #: Voltek Vault Replacement Systems / 22-057-G  
Primary Contact: Karen Kelley Ext.7153

### **Contract Amount:**

Original Contract Amount: \$605,000  
Additional \$ Previously Approved: \$0  
Invoices over last approval: \$0  
Amount this Request: \$605,000  
Percentage over last approval: NA  
Resulting Cumulative Total: **\$605,000 (over five years)**

### **Contracting Method:**

Method of Solicitation: Direct Negotiation  
If applicable, basis for exemption: EWEB Rule 3-0275 Sole Source Procurements  
Term of Agreement: 5 years  
Option to Renew? No  
Approval for purchases "*as needed*"  
for the life of the Contract: Yes  No   
Proposals/Bids Received (Range): N/A  
Selection Basis: Sole Source Supplier

### **Narrative:**

#### Operational Requirement and Alignment with Strategic Plan

EWEB has six vaults in the downtown network in a deteriorated condition. The vaults are in the roadway and pose a risk to public safety. A full replacement of the vaults would be extremely expensive and greatly impact the community due to prolonged lane shutdowns. The vaults cannot be replaced outright since the cables in the vaults would need to be removed which would result in an unacceptable extended outage of the downtown core. Armorcast Products Company has a proprietary solution called Voltek Vault Replacement system, to reinforce the vaults in place effectively restoring them to original strength. This system would be installed without excavation, duct bank installation, cable removal or rerouting which would minimize overall project duration and costs. The Voltek solution also minimizes lane closures and disruption to traffic downtown.

#### Contracted Goods or Services

This contract will be for the purchase of six (6) Voltek Vault Replacement systems.

#### Purchasing Process

There are currently no other alternate suppliers for vault reinforcement systems that would offer the same

structural integrity while not impacting vault access space. For these reasons, Staff has deemed Armorcast Products Company to be a sole source provider for vault replacement systems.

Bids or Proposals Received

NA

Competitive Fair Price (If less than 3 responses received)

In 2018, full replacement of one downtown vault cost EWEB \$1.07 million. It is estimated to be at least twice this cost to replace each of the vaults identified for replacement in this contract. The Voltek solution is estimated to cost \$54,000-\$160,000 per vault for design and materials, depending on the extent of the damage.

Prior Contract Activities

EWEB has previously purchased and continues to use the Armorcast brand of water meter boxes and lids and found their products to be satisfactory and meet EWEB's product quality requirements.

**ACTION REQUESTED:**

Management requests the Board approve a new contract with Armorcast Products Company for Voltek Vault Assemblies. Approximately \$290,000 was planned for these goods in the 2022 Electric Capital budget of \$55 million. Variances will be managed within the budget process and Board policy.

## **EWEB Board Consent Calendar Request**

*For Contract Awards, Renewals, and Increases*

The Board is being asked to approve a new contract with **Fire Protection Specialists, LLC** for **Fire Detection Systems**.

Board Meeting Date: May 3, 2022  
Project Name/Contract #: Fire Detection Systems at Carmen-Smith / 22-046-PW  
Primary Contact: Karen Kelley Ext. 7153

### **Contract Amount:**

Original Contract Amount: \$200,000  
Additional \$ Previously Approved: \$0  
Invoices over last approval: \$0  
Amount this Request: \$200,000  
Percentage over last approval: NA  
Resulting Cumulative Total: **\$200,000**

### **Contracting Method:**

Method of Solicitation: Formal Invitation to Bid  
If applicable, basis for exemption: NA  
Term of Agreement: Through April 2023  
Option to Renew? Yes  
Approval for purchases "as needed"  
for the life of the Contract: Yes  No   
Proposals/Bids Received (Range): 2 (\$198,894 to \$305,275)  
Selection Basis: Lowest Responsive and Responsible Bidder  
Narrative:

### Operational Requirement and Alignment with Strategic Plan

The Carmen Power Plant has always relied on a carbon dioxide (CO<sub>2</sub>) fire suppression system to mitigate the potential for damage to the generators in the event of fire. The generators are currently being rewound with a fire-resistant insulation that is much more difficult to ignite and sustain a flame, allowing EWEB to replace the CO<sub>2</sub> suppression system with a Very Early Warning Fire Detection (VEWFD) system. Removal of the potentially hazardous CO<sub>2</sub> suppression system will greatly reduce engulfment risks for our operating staff. The VEWFD system will be integrated with plant control systems to automatically shut down a unit if a fire is detected and sound plant alarms. In addition to covering the generators, the fire detection system will also monitor three additional areas within the powerhouse using photoelectric smoke detection.

### Contracted Goods or Services

The proposed contract with Fire Protection Systems includes detailed design, procurement, and installation of a fire detection system at the Carmen Power Plant. The VEWFD system will be monitoring two zones, one for each generator, while photoelectric smoke detectors will be installed in three other zones in the powerhouse. These

three zones include the Control Room, Switchgear Room, and the Hydraulic Power Unit (HPU) Room. Pull-stations will also be installed near each exit in the powerhouse to allow operations staff to manually activate alarms when leaving these areas.

Purchasing Process

In February 2022, staff issued a Formal Invitation to Bid (ITB) for fire detection systems. The solicitation was advertised on the State of Oregon’s public procurement site, OregonBuys, as well as the Portland Daily Journal of Commerce. Three companies participated in the mandatory pre-bid meeting and two bids were received. Both bids were deemed responsive and responsible. Fire Protection Specialists’ bid was the lowest bid and will be awarded the contract if approved.

Bids Received

Vendor Name	City, State	Offered Price	Ranking (for RFPs)
Fire Protection Specialists, LLC	Portland, OR	\$198,894	NA
Arock Technologies, LLC	Milwaukie, OR	\$305,275	NA

Competitive Fair Price (If less than 3 responses received)

This is the second time EWEB has posted this bid, which initially produced either no response at all or bids that were significantly over the planned budget. The Fire Protection Specialists bid is \$100,000 less than the other bid and is within budget. The company meets all Minimum Qualifications and has the experience to perform the work needed.

Prior Contract Activities

None. Fire Protection Specialists listed three references in their bid response package. During reference checks, two of these references provided positive reviews of FPS and the third reference has not yet responded.

**ACTION REQUESTED:**

Management requests the Board approve a contract with Fire Protection Specialists, LLC for fire detection systems. Approximately \$250,000 was planned for these services in the Generation Department 2022 Capital budget of \$29.2 million. Variances will be managed within the budget process and Board policy.

## **EWEB Board Consent Calendar Request**

*For Contract Awards, Renewals, and Increases*

The Board is being asked to authorize the General Manager to approve a contract with **Larson Electronics** after completion of contract negotiations for **the purchase of Single Phase Padmounted Transformers**.

Board Meeting Date: May 3, 2022  
Project Name/Contract #: Single Phase Padmounted Transformers Contract / 22-090-G  
Primary Contact: Karen Kelley Ext. 7153

### **Contract Amount:**

Original Contract Amount: \$3,500,000  
Additional \$ Previously Approved: NA  
Invoices over last approval: NA  
Amount this Request: \$3,500,000  
Percentage over last approval: NA  
Resulting Cumulative Total: **\$3,500,000**

### **Contracting Method:**

Method of Solicitation: Direct Negotiation  
If applicable, basis for exemption: EWEB Rule 3-0275 Sole Source Procurements  
Term of Agreement: One time purchase  
Option to Renew? No  
Approval for purchases *"as needed"*  
for the life of the Contract: Yes  No   
Proposals/Bids Received (Range): NA  
Selection Basis: Sole Source Supplier

### **Narrative:**

#### Operational Requirement and Alignment with Strategic Plan

This Contract is for the purchase of a select number of single phase padmounted transformers for use in our electric distribution system. This contract will serve to fill the gap where EWEB's current Contract holder for these transformers is unable to supply in a timely manner due to severe supply chain and labor issues. Current production slots under the existing Contract are limited and pushed out until October of 2022.

Staff developed a list of transformers to purchase based upon forecasted project needs, current inventory and where open orders will fall short of project schedules. This will allow EWEB to continue to meet the need of new connections and installation and maintain critical inventory for outages and emergencies through 2023 and meet EWEB's obligation to serve.

#### Contracted Goods or Services

The transformers to be purchased under this contract include varying quantities of five (5) different classes of single phase padmounted transformers to be stocked and stored in our Transformer shop for as-needed use in our electric distribution system. Transformers must be delivered no later than 28 weeks of final contract award. The total

quantity is 221 units of various sizes and will include those used for reliability & replacement, new customer connections, and emergent and storm restorations.

A portion of the funding for these transformers is reimbursable through customer work.

Purchasing Process

In a continued effort to source single phase padmounted transformers, Staff found a vendor, Larson Electronics, who can supply these transformers with a lead time of 22-28 weeks, with the last bid returning 60+ weeks of lead time with other vendors. Placing an order will allow EWEB to limit anticipated Customer and Developer project delays by approximately 6 months. Staff developed a list of transformers to purchase based upon forecasted project needs, current inventory, emergency inventory, and where open orders will fall short of project schedules in 2022 and 2023. Staff is working with the vendor to determine at what capacity they can fulfill without affecting lead times. The transformers to be purchased meet EWEB's current specification. Final Contract negotiations and a thorough review of references of this supplier will be conducted by staff and final order quantities will be defined to limit affect to supplier's lead time. EWEB is working to finalize the Contract and order no later than May 14<sup>th</sup> when the Contractor's quote will expire.

Considering the shortage of vendors able to supply these transformers earlier than 52 weeks, EWEB will need to move forward quickly with this purchase to secure these transformers at the rates and lead times currently offered. If not, it will be likely that most customer work associated with electric distribution service upgrades and new services requiring new transformers will be halted until early 2023 starting in Q2. This would have a severe impact on the building community and community housing inventory and industrial growth. To mitigate this risk quickly and efficiently, Staff are recommending award of this contract on an ASAP basis to help mitigate these impacts and ensure continued customer workflow can continue through the 2022 year and into 2023, while maintaining storm and emergent failure contingency stock.

Bids Received

NA

Competitive Fair Price

Direct outreach was made to several manufacturers and distributors. Pricing received, while high, is at current market value compared to various transformer manufacturers Staff have contacted.

Prior Contract Activities

NA

**ACTION REQUESTED:**

Management requests the Board authorize the General Manager to approve a Contractor after completion of contract negotiations with Larson Electronics for the purchase of single phase padmounted transformers. Approximately \$470,000 was planned for these goods in the 2022 Electric Capital Budget of \$55 million. Some of these units will also be planned and budgeted for use in 2023 and 2024. Variances will be managed within the budget process and Board policy.

## EWEB Board Consent Calendar Request

*For Contract Awards, Renewals, and Increases*

The Board is being asked to approve a new contract with **Schnabel Engineering, LLC** for **Safety Inspection Services**.

Board Meeting Date: May 3, 2022  
Project Name/Contract #: Part 12D Safety Inspection for Leaburg-Waltermville Project / 21-269-Q  
Primary Contact: Karen Kelley Ext. 7153

### Contract Amount:

Original Contract Amount: \$200,000  
Additional \$ Previously Approved: \$0  
Invoices over last approval: \$0  
Amount this Request: \$200,000  
Percentage over last approval: NA  
Resulting Cumulative Total: **\$200,000**

### Contracting Method:

Method of Solicitation: Formal Request for Proposals  
If applicable, basis for exemption: NA  
Term of Agreement: 8 months  
Option to Renew? No  
Approval for purchases "as needed"  
for the life of the Contract: Yes  No   
Proposals/Bids Received (Range): 2 (\$175,000 to \$243,100)  
Selection Basis: Highest Ranked Proposer

### Narrative:

#### Operational Requirement and Alignment with Strategic Plan

The services being purchased are required by EWEB's Federal Energy Regulatory Commission (FERC) license for the Leaburg-Waltermville Hydro Project. These services also align with EWEB's priority to ensure safe and reliable operation of our hydroelectric facilities in conformance with the Owners Dam Safety Program (ODSP). In addition to meeting regulatory and internal requirements, the resulting information from the inspection report will be valuable in terms of guiding our ongoing operation & maintenance activities, as potential issues will be identified before they become a larger concern. Recommendations for dam safety program efficiency improvements will be provided as well.

#### Contracted Goods or Services

The services being purchased provide a dam safety inspection conducted by an Independent Consultant (IC), which is required by FERC every 5 years. The services will include a review of all relevant past documentation and design information, as well as field inspection of the Project facilities. A major component of this work is a review of the current Potential Failure Mode Analysis (PFMA) and the identification of any additional potential failure modes warranting analysis as required by FERC.

Purchasing Process

In January 2022, staff issued a Formal Request for Proposals (RFP) for a safety inspection. The solicitation was advertised on the State of Oregon’s public procurement site, OregonBuys. Proposals were received from GEI Consultants and Schnabel Engineering and were deemed responsive and responsible.

The proposals were evaluated by an EWEB evaluation team. The maximum number of possible points for written responses was 115, using the following criteria: Minimum Qualifications (Pass/No Pass – Not scored), Corporate Project Experience (15 points), Project Understanding/Approach (20 points), Staff Resources/Project Mgt (15 points), Key Staff Qualifications/Experience (35 points), and Quality Project On-Time/On-Budget (30 points).

Both firms were invited to meet with the evaluation team to present further information and respond to clarification questions. Written scores were finalized and the Proposers were tied with 103 points each out of a possible 115 points. Proposers sealed pricing offers were opened and reviewed at this point. The maximum points possible for pricing was 35, for a total of 150 possible points. Schnabel Engineering’s pricing proposal was lower, for a total of 138 points of 150, compared to GEI’s 128 points. Schnabel was deemed the highest scoring Proposer, consistent with Qualification Based Selection (QBS) criteria.

During scope of work negotiations with Schnabel, both parties decided that it would be beneficial to increase the planned level of effort for the PFMA analysis and associated review which resulted in an increase in price from \$175,338 to \$199,198. The revised pricing proposal is still considerably lower than GEI’s, due to the fact that Schnabel’s aggregated billing rates are considerably lower than GEI’s.

Proposals Received

Vendor Name	City, State	Offered Price	Ranking
Schnabel Engineering	Seattle, WA	\$199,198	1
GEI Consultants	Portland, OR	243,185	2

Competitive Fair Price (If less than 3 responses received)

The two firms that submitted a proposal are both highly qualified. The negotiated fees with Schnabel Engineering are generally commensurate with their competitors in the same field and are deemed to offer a fair price for this work.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approved Date	Project Duration (Start to Close)	Original Amount	Final Amount	Reason Code
21-157-Q	Sinkhole Investigation at Trail Bridge	Emergency Declaration	7/21/21-12/31/23	\$70,420	\$750,175	SD/EW*
18-2701-Q	Investigation of Sinkholes at Carmen Diversion	11/15/19	11/15/19 – 12/31/22	\$169,616	\$425,425	SD/EW
Q2660	Part 12D Safety Inspection for Carmen-Smith	4/2/18	11/30/18 – 12/31/22	\$194,849	\$194,849	

Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other

\* Time sensitive emergency with potential risk to the public and EWEB. Immediate continued investigations were required of the current contractor. The risk of delaying further investigations to allow a formal solicitation process was deemed unacceptable.



**ACTION REQUESTED:**

Management requests the Board approve a contract with Schnabel Engineering for the Leaburg-Waterville Hydroelectric Project Part 12D Safety Inspection Services. Approximately \$275,000 was planned for these consulting services in the Generation Department's 2022 O&M budget of \$12 million. Variances will be managed within the budget process and Board policy.

## **EWEB Board Consent Calendar Request**

*For Contract Awards, Renewals, and Increases*

The Board is being asked to authorize the General Manager to approve a contract for **Switchgear Equipment**.

Board Meeting Date: May 3, 2022  
Project Name/Contract #: Switchgear for IP Power Plant 4 / 22-098-G  
Primary Contact: Karen Kelley Ext. 7153

### **Contract Amount:**

Original Contract Amount: \$550,000  
Additional \$ Previously Approved: \$0  
Invoices over last approval: \$0  
Amount this Request: \$550,000  
Percentage over last approval: %0  
Resulting Cumulative Total: **\$550,000**

### **Contracting Method:**

Method of Solicitation: Formal Invitation to Bid  
If applicable, basis for exemption: NA  
Term of Agreement: 1 year  
Option to Renew? Yes  
Approval for purchases "*as needed*"  
for the life of the Contract: Yes  No   
Proposals/Bids Received (Range):  
Selection Basis: Lowest Responsive and Responsible Bidder

Narrative:

#### Operational Requirement and Alignment with Strategic Plan

This capital improvement project is critical to ensuring safe and reliable operation of EWEB's steam turbine generator (TG4) at the International Paper (IP) paper mill in Springfield. The existing switchgear for TG4 was originally installed in 1975 and has reached the end of its expected useful life. The relays and breakers contained within the switchgear are no longer supported by manufacturers such that spare parts must be sourced from refurbished equipment vendors and these parts have become increasingly scarce.

Modern switchgear will be safer for operation and maintenance staff, incorporating arc flash monitoring, remote racking capabilities, and high-speed digital relays. Maintenance costs will be reduced as digital relay testing is faster and less frequent. Troubleshooting will also be more efficient and effective as digital relays record detailed event data that can be quickly accessed remotely.

#### Contracted Goods or Services

This contract provides for the supply of metal enclosed switchgear including associated vacuum breakers, protective relays, connecting bus work and other ancillary equipment.

### Purchasing Process

In March 2022, staff issued a Formal Invitation to Bid (ITB) for switchgear for IP TG4. The solicitation was advertised on the State of Oregon's public procurement site, OregonBuys. Three bids were received and all three submitted offers with various degrees of errors, failing to submit as required by the bid document. The original solicitation was cancelled, but a new solicitation will be posted on April 26, 2022 with a closing date of May 10, 2022 and will be in compliance with all the requirements of a formal solicitation process. EWEB expects all 3 bidders to re-bid, as well as a fourth bidder who was unable to respond in time for the original bid. If the Board allows the General Manager to approve a contract resulting from the next solicitation by approximately May 12, 2022, the 3 week savings in time will significantly impact all bidders' ability to deliver by the needed delivery date of February 1, 2023. The delivery date is critical to the project because the work must be coordinated with the mill's scheduled shut down.

The 3 original bids (after corrections were made) ranged from \$450,000 to \$650,000. Staff estimates that the low bid from the next solicitation will be approximately \$500,000, a slight increase over the original low bid to reflect expediting costs.

### Prior Contract Activities

None

### **ACTION REQUESTED:**

Management requests the Board authorize the General Manager to approve a contract, not to exceed \$550,000 for the purchase of switchgear equipment upon completion of a formal bid process. Due to long lead times, EWEB will not receive this equipment until 2023. Approximately \$550,000 will be budgeted for these goods in the Generation Department's 2023 capital budget which is expected to be approximately \$30 million. Variances will be managed within the budget process and Board policy.



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

*Rely on us.*

TO: Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg  
FROM: Karen Kelley, Chief Operations Officer, Jaime Breckenridge, Utility Joint Use Specialist  
DATE: April 18, 2022  
SUBJECT: Rate Adjustment for Joint Use Fees and Charges  
OBJECTIVE: Board Action: Resolution No. 2212

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## **Issue**

In accordance with Board Resolution 1906, wherein Joint Use Fees and Charges were added to the Customer Service Policy, the Pole Attachment Rate for wireline attachment is re-calculated annually using the Oregon Public Utility Commission (OPUC) rate formula cited in OAR 860-028-0110(2). Schedules are reviewed annually and updated with new labor and equipment rates. Resolution No. 2103 was the 2021 rate adjustment.

## **Background**

Per the Pole Attachment Agreement, the Pole Attachment Rate is effective June 1 – May 31. Current Pole Attachment Rates for 2021-2022 are \$14.69 Compliance Rate and \$16.33 Non-Compliance Rate. Pole Attachment Rates may increase or decrease yearly based on several accounting elements such as pole costs and carrying charges. EWEB charges the permittee the Compliance Rate as required in the OAR 860-028-0230. If the permitting entity does not comply with the Pole Attachment Agreement, OPUC Safety Rules or causes a loss to the utility, EWEB can charge the Non-Compliance Rate.

## **Discussion**

Pursuant to Board action, the re-calculated Pole Attachment Rate will be adjusted on June 1, 2022 for the period of June 1, 2022 through May 31, 2023, to \$13.89 Compliance Rate and \$15.43 Non-Compliance Rate.

There were no changes made to the Fee Schedule for Non-Recurring Charges (from Appendix C of the Pole Attachment Agreement) or to the Wireless Fee Schedule. Current fees are still in alignment with associated costs.

Schedule I – Unit Cost of Transferring Facilities and Average Costs of Various Pole Operations has been updated to reflect updated labor and equipment rates (see attachment).

## **Recommendation**

Management recommends the Board approve Resolution No. 2212 to update Joint Use Fees and Charges found in the following attachment: Customer Service Policy, Appendix B – Electric Service Charges and Prices, Subsection W; Joint Use Fees and Charges.

## **Requested Board Action**

Approve Resolution No. 2212 to update Joint Use Fees and Charges in the Customer Service Policy.

Please contact Jaime Breckenridge at 541-685-7388 or e-mail at [jaime.breckenridge@eweb.org](mailto:jaime.breckenridge@eweb.org) with questions.

Attachments:

1. Revised Customer Service Policy, Appendix B – Electric Service Charges and Prices, Subsection W; Joint Use Fees and Charges



**W. Joint Use Fees and Charges**

(Resolution No. ~~2212-2407~~)

The following are fees and charges for joint use wireline, equipment related to wireline, antennae and equipment related to antenna attachments. This information is excerpted from the Pole Attachment Agreement.

**For wireline and related equipment, the following are applicable:**

1. Terms and Conditions (#13 and #14 from Appendix A of the Pole Attachment Agreement)

13. As compensation for the use of space on Permitter’s Poles on each Structure, Permittee shall pay to Permitter, at the beginning of each Contract Year of the Agreement, the following amounts for Permittee’s attachments to Permitter’s Poles:

Rate per Cable attachment x number of Cable attachments  
 Rate per Equipment attachment x number of Equipment attachments

14. The rates for attachments will be recomputed annually using the formula that follows:

- 14.1. Cable Attached to Permitter’s Poles:

$$\text{Pole Rate} = \frac{\text{Space Occupied by Cable} \times \text{Net Investment in Poles} \times \text{Carrying Charge}}{\text{Total Usable Space} \times \text{Number of Poles}}$$

- 14.2. Equipment Attached to Permitter’s Poles:

$$\text{Equipment Rate} = 2 \times \text{Pole Rate}$$

June 1, 202~~1~~ – May 31, 202~~3~~ Pole Rate:

Noncompliance Rate	\$ <del>156.433</del>
Compliance Rate	\$ <del>134.869</del>

2. Fee Schedule for Non-Recurring Charges (from Appendix C of the Pole Attachment Agreement)

- a. Application Processing Fee



(Electronically or Written)

\$25.00 first pole; + \$2.00 per pole thereafter

b. Inspections

In instances where Permittor has sufficient electronic Pole Attachment data existing in its system of record, Permittor may elect to perform a desktop Inspection, which is defined as an Inspection performed using only existing electronic data, maps and pictures. There are no Inspection fees associated with a desktop Inspection.

In instances where Permittor does not have sufficient electronic data to perform a desktop Inspection or the desktop Inspection results in findings that require a field visit, the following Inspection fees apply:

- i. Pre-Construction Inspection Fees – these fees are based upon Applications by various entities that wish to attach a cable, or other device, to Permittor’s Facilities and also occurs prior to when a Permittee wishes to place new cables and/or additional equipment. All Pre-Construction and Post-Construction Inspections are broken into three levels of time usage and complexity.

Level 1 (Visual Inspection)

\$40.00 first pole; \$5.00 each pole thereafter

Level 1 Inspections are defined as a “drive by” that does not require the inspector to exit the vehicle and are intended to identify that clearances and strength of the structure are visibly verifiable. These Inspections are typically performed when the Permittee has provided all required information given the type of request on the Application form.

Level 2 (Measured Inspection)

\$50.00 first pole; \$10.00 each pole thereafter

Level 2 Inspections are most commonly performed when the poles do not appear to have proper clearance to accommodate the newly proposed Attachment or when the Permittee has failed to provide all required information given the type of request on the Application



form. Under these conditions the Permittor deems it prudent to obtain measurements and other data at the Structure or along the line.

### Level 3 (Pole Analysis Inspection)

\$175.00 first pole; \$30.00 each pole thereafter

Level 3 Inspections are most commonly performed when the poles do not appear to have proper strength to accommodate the newly proposed Attachment or when the Permittee has failed to provide all required information given the type of request on the Application form.

Permittor will not charge Pre-Construction Inspection Fees for an Application to remove Attachments.

- ii. Post-Construction Inspection Fees – these Inspections are completed after a Pre-Construction Inspection has been approved, and the installation by the original requesting company has been completed.

### Level 4 (Visual Inspection)

\$40.00 first pole; \$5.00 each pole thereafter

Level 4 Inspections are defined as a “drive by” that does not require the inspector to exit the vehicle and are intended to identify that the Permittee has complied with the engineering data provided in the Application form. This level of Inspection will be used for all removals of Attachments, unless the removal has resulted in damage to the pole in which case additional fees to assess the damage may apply.

### Level 5 (Measured Inspection)

\$50.00 first pole; \$10.00 each pole thereafter

Level 5 Inspections are most commonly performed when it appears that the Permittee has failed to perform construction in accordance with the specifications on their Application form, has created a NESC violation or has attached to the pole prior to receiving approval from Permittor.

### Level 6 (Pole Analysis Inspection)





\$175.00 first pole; \$30.00 each pole thereafter

Level 6 Inspections are most commonly performed when it appears that the Permittee has attached to a pole prior to receiving approval from Permitter and appears to have compromised the integrity of the existing structure.

- c. Unauthorized Attachment Fee - 5 x annual rental fee\*

\*Over 60 days without permit application - Additional \$100.00 + 5 x annual rental fee (recurring every 60 days)

- d. Anchor Attachment Fee - \$145.00

- e. Failure to Timely Transfer, Abandon or Remove Facilities Fee

First 30 days - 1/5 Annual Attachment Fee per day, per pole

Second 30 days and thereafter - Annual Attachment Fee per day, per pole

- f. Topping Pole – Refer to Schedule I

- g. Transfers – Refer to Schedule I

### 3. Schedule I – Unit Cost of Transferring Facilities and Average Costs of Various Pole Operations

	Crossarms, all types	\$ <del>2019</del> 1.00
	Anchor Strand or Overhead Guy	\$ <del>2019</del> 1.00
	Sidewalk Anchor Guy and Pipe	\$ <del>3977</del> 6.00
	*Drop wire (No Splicing)	\$ <del>640</del> .00
	*Service Conduit	\$ <del>13325</del> .00
	*Messenger and Cable Bolted to Pole or Cable Arm (No Splicing)	\$ <del>24936</del> .00
	*Messenger Deadends	\$ <del>18576</del> .00
	*Cable Riser (Including Pipe and Moulding – No Splicing)	\$ <del>49772</del> .00
	*Cable Terminations (No Splicing)	\$ <del>26551</del> .00



Lowering Pole to Ground	\$ <del>42302</del> .00
Hauling Pole to Yard	\$ <del>505484</del> .00
Topping Pole	\$ <del>15346</del> .00

\*Cost for temporary transfers shall be billed at 50% of the above rate.

NOTE: Costs for transferring Facilities not covered by this Schedule will be negotiated in each instance.

**For antennae and related equipment, the following are applicable:**

A. Wireless Fee Schedule  
06/27/2018\*

Macro Application Fee - \$2,000.00.

This fee covers the pre-site review, review of all required documents (antenna specs & build, pole load analysis, RF analysis, etc.), pre-construction meeting, post construction inspection, and project management associated to the site(s). It does not include the cost of design and the make-ready work. That is in addition to the application fee.

Small Cell or DAS (Distributed Antenna System) Application Fee - \$1,000.00.

This fee covers the pre-site review, review of all required documents (antenna specs & build, pole load analysis, RF analysis, etc.), pre-construction meeting, post construction inspection, and project management associated to the site(s). It does not include the cost of design and the make-ready work. That is in addition to the application fee.

Small Cell or DAS Pole Lease Fee -

Pole Top - \$1,800.00 per year.

This is for the antenna and a small amount of equipment (per standard) to be mounted on pole.

Mid-Pole – rate is determined by the pole attachment rental rate (OAR 860-028-0110[2]) multiplied by the Lessee’s authorized attachment space. These costs are recalculated annually. See SLA (Site Lease Agreement) for billing schedules.

**RESOLUTION NO. 2212  
MAY 2022**

**EUGENE WATER & ELECTRIC BOARD  
ANNUAL PRICE ADJUSTMENT FOR JOINT USE CHARGES AND FEES**

**WHEREAS**, the Eugene Water & Electric Board (EWEB) is obligated, as much as practical, to allow any entity requiring pole attachments to serve customers, use of utility poles based on Oregon Administrative Rules (860-028-0050) and City ordinances; and

**WHEREAS**, EWEB has Pole Attachment Agreements, Master Lease Agreements and Site Lease Agreements executed with attaching entities that ensure attachments comply with EWEB operational need and standards, State and Local Jurisdictions rules and ordinances; and

**WHEREAS**, EWEB has Joint Use Charges and Fees for attachment to EWEB facilities and related activities; and

**WHEREAS**, the Board of Commissioners has reviewed the updated Joint Use charges and fees.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby authorizes the General Manager to adjust joint use charges and fees, effective June 1, 2022, and reflect those prices in updated Customer Service Policy as recommended and approved at the May 3, 2022 board meeting.

DATED this 3<sup>rd</sup> day of May 2022.

THE CITY OF EUGENE, OREGON  
Acting by and through the  
Eugene Water & Electric Board

\_\_\_\_\_  
President

I, ANNE M. KAH the duly appointed, qualified, and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Board at its May 3, 2022 Board Meeting.

\_\_\_\_\_  
Assistant Secretary



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

*Rely on us.*

TO: Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg  
FROM: Frank Lawson, General Manager; Anne Kah, Administrative Services Manager  
DATE: April 27, 2022 (May 3, 2022 Board Meeting)  
SUBJECT: Amendment to Request for Proposals for EWEB's HQ Riverfront Property  
OBJECTIVE: Action

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## **Issue**

The Request for Proposals (RFP) and RFP process as currently written may limit the Board's decision making in some situations, therefore a revision has been made to allow the Board greater flexibility in awarding to a Proposer within the Competitive Range.

## **Background**

On April 5, 2022, Commissioners approved the RFP; Section 4.6 Competitive Range, and 4.7.1 Selection, state "If the Board elects to request presentations, the Proposer with the highest total score as a result of written proposal scoring AND presentation scoring will be awarded the contract."

## **Discussion**

As presently written, the overall scoring of proposals equals the cumulative points awarded for written proposals (scored by the Evaluation Team) and the points awarded for presentations (scored by the Board). The RFP does not specifically include a provision for the Board to rank or score written proposals.

Due to the subjective nature of some evaluation criteria, we recognize the collective Board and the Evaluation Team may value some criteria differently.

In some scenarios, the RFP's current language could restrict the Board's decision making. For example, if the Board did not wish to request presentations or best and final offers, there is no stated provision for the Board to rank proposals in another way. Therefore, the proposal scored highest by the Evaluation Team could appear to be the successful proposal. Should the Board wish to make an award to another Proposer in the Competitive Range, there is no mechanism to articulate the basis for their decision which could draw extra scrutiny in the event of an award protest.

The RFP has been amended to allow the collective Board to rank written proposals of the Proposers selected in the Competitive Range. The Board may reach a consensus on the ranking, or the Board may consider individual ratings, or the group average of ratings to reach a final decision on the ranking of proposals. By the nature of the Competitive Range, any proposal on the "short list" has a reasonable chance of being selected. Points awarded by the Evaluation Team will be used to determine the

Competitive Range but will not carry over to the next step of the competitive process. As such, proposals within the Competitive Range will have an equal chance of being selected by the Board.

**Recommendation/ Requested Board Action**

The proposed revisions are reflected in Sections 3, 4.6, 4.6.1, 4.7, 4.7.1, and 4.9 of the RFP; the relevant excerpts and the amended solicitation process are provided for the Board's consideration. Management recommends approval of the RFP and solicitation process as amended.

Furthermore Management requests the Board's authorization to make any additional non-substantive administrative or process edits that are necessary to finalize the RFP without further Board approval.

**Reference Documents:**

Amended RFP

Amended EWEB Headquarters Property – Request for Proposals Solicitation Process

## **EWEB Headquarters Property – Request for Proposals Solicitation Process, Amended May 3, 2022**

The process will be managed through the Project Team, Evaluation Team, General Manager, and Board. Tim O’Dell, EWEB’s resident Right-of-Way Agent, will fill the role of EWEB’s real estate broker and will be supported by the counsel of EWEB’s attorneys, Gretchen Barnes of Cable Huston LLC, and Eric DeFreest of Luvaas Cobb.

Questions or requests for changes from Proposers and addressing unforeseen circumstances not covered by the process will be handled via Addenda by the Purchasing Coordinator. Depending on the nature of the situation, the Purchasing Coordinator will use their professional judgment whether to escalate the issue to the Project Team, and/or the Board.

EWEB will dispose of the property in accordance with applicable ordinances, statutes, laws, Board policies (in particular SD14 and Board-Staff Linkage policies), and EWEB Property Management Procedures. A [summary of statutes applicable to the sale of the property](#) was provided to the Board in the backgrounder for the November 2, 2021 board meeting.

### Project Team, Evaluation Team and Board Liaison Roles and Responsibilities

Two distinct staff managed teams will work on separate activities that support the eventual sale of the property. Board Liaisons will participate fully as Team members in all facets of their respective Team’s responsibilities, subject to any restriction under the Oregon Government Ethics laws. The Board Liaisons will act as individual Commissioners, with no authority to act on behalf of the Board at large.

The Project Team and Evaluation Team members will take care to avoid communications and sharing of information between Teams that could appear to create a quorum of Commissioners or give appearance of serial communication among a quorum. In the same vein, Board Liaisons will not communicate with each other, or with other Board members, outside the staff project meetings and Board meetings to discuss their thoughts and opinions on this matter as this could be perceived as a meeting of the Board.

The Project Team is tasked with responsibilities related, but not limited to, the development and issuance of the RFP, PSA template, and solicitation processes. Examples include creating drafts and recommendations for the following:

- priorities, goals, and acceptable parameters for disposal of the property,
- selection process and schedule,
- Purchase and Sale Agreement template,
- RFP content,
- evaluation criteria and scoring that will be used by the Evaluation Team to assess proposals,
- non-disclosure agreement,
- public engagement strategies.

The Project Team is comprised of two Board Liaisons and members from EWEB’s Property,

Purchasing, Facilities, Communications & Marketing, Management, and GM Office. The term of the Project Team Board Liaison assignment will expire when the RFP has closed. Assigned staff will remain active members on the Project Team to carry out administrative and managerial duties, provide guidance related to processes, and may perform an advisory role to the Evaluation Team and Board through the duration of the RFP process. During the Evaluation Team and Board's consideration of proposals, the expertise of staff Project Team members may be used to provide an unbiased explanation of complexities of property transactions and potential outcomes of the options presented by proposers.

Separately, the Evaluation Team will be composed of two Board Liaisons and an additional three to seven members appointed by the General Manager. This Team will adhere to rules which are intended to provide fair and equitable evaluation of proposals and avoidance of conflicts of interest.

The Evaluation Team will be tasked with:

- comprehensive evaluation and scoring of proposals,
- recommendation for Competitive Range to the General Manager and the full Board.

The term of the Evaluation Team Board Liaison assignment will expire after a recommendation has been submitted to the full Board, and the Board has had an opportunity to resolve all questions or clarifications with the Evaluation Team.

#### RFP Development

##### *Acquisition Options (RFP Section 2.3)*

The intent of the solicitation is to encourage the broadest range of proposals from both public and private entities. The Board indicated that sale/divestiture of the property is preferred, however, creative options that will facilitate financing should remain open. Offers may include purchase or lease-to-own. Property trades and long-term lease without the intent to purchase are not acceptable forms of offers for the purpose of the RFP.

##### *Evaluation Criteria (RFP Section 3)*

"Section 3.0 Triangle Lot Impact to Future Intended Use" is intended to obtain information from Proposers to help the Board with their future decision on the postponed Resolution No. 2207. This section is for informational purposes only and no points will be rewarded.

Proposals will be evaluated according to the following set of criteria and associated points, using a 100-point scoring system.

- 3.1 Future Intended Use/Community Benefit (20 points possible)
- 3.2 Economic Benefit to Community (i.e. property tax, job creation, tourism, etc.) (20 points possible)
- 3.3 Economic Benefit to EWEB's Customer-Owners/Sale Price (40 points possible)
- 3.4 Terms and Conditions/Contingencies (10 points possible)
- 3.5 Qualifications and Experience with Similar Developments/Endeavors (10 possible points)

A Purchase and Sale Agreement (PSA) template will be incorporated in the RFP documents

with the intent to establish general expectations for the associated terms and conditions. Included in the RFP evaluation criteria 3.4 Terms and Conditions/Contingencies, proposers will have the opportunity to provide a list of requested exceptions to the sample PSA. Specific terms and conditions, and other details such as proposal follow-through assurance and potential deed restrictions will be negotiated with the successful Proposer.

When the building is sold, included in the terms and conditions of the sale, EWEB may require a negotiated lease agreement to meet its interim/transitory space requirements for the 4th floor backup Dispatch Center potentially through Q2 2023.

Prior to RFP closing and before any review of proposals, the Project Team will submit the Evaluation Team instructions to the Board for consideration and feedback. The instructions will provide guidance to the Evaluation Team around things to consider when allocating points within each category of criteria.

*Confidentiality and Disclosure of Proposal or Contents (RFP Section 1.14 and 1.15)*

Proposals are not automatically exempt from public records disclosure but may qualify under certain circumstances described in ORS 192.355(4). Additionally, the Evaluation Team's assessment and competitive range recommendation may be an Internal Advisory Communication protected by ORS 192.355(1).

Proposers may provide certain sensitive information under a uniform Non-Disclosure Agreement (NDA), so that certain proposal information may be considered a Confidential Submission under ORS 192.355(4). For the protection of all proposers during the competitive process, EWEB will not disclose the contents of proposals publicly. While the solicitation is underway, EWEB will only disclose the name of the proposers, a descriptive title of the proposal, and indicate which proposals are within the competitive range (notwithstanding Oregon Public Records Law (ORS 192.344 to 192.478)).

Furthermore, for proposals which qualify for the competitive range, EWEB reserves the right to make known the proposer's identity, a summary of the intended use, and purchase price of proposals, except for any information that is exempt from disclosure according to the terms of the solicitation and applicable Non-Disclosure Agreement. All proposals may be made available for public inspection after Intent to Award is issued, except for any information that is exempt from disclosure according to the terms of the solicitation and applicable Non-Disclosure Agreement.

It is noteworthy that the scope of information considered confidential under ORS 192.355(4) and ORS 192.355(1) is also relevant to what the Board may discuss in executive session.



### RFP Issuance/Open for Responses

EWEB plans to issue the RFP in the second quarter of 2022.

A public hearing on the procedure for the sale of EWEB's Riverfront/Headquarters Property was held during the April 5, 2022 Board Meeting. Following the public hearing and Board approval, notification of the property's availability and Request for Proposals will be posted on the State's procurement website [OregonBuys.gov](https://OregonBuys.gov) and [EWEB.org](https://EWEB.org), and advertisements will be placed in the newspaper(s) of record. Entities who have already expressed interest in the property will receive an email directing them to these websites.

While the solicitation is open, a non-mandatory property site inspection will be offered to all Proposers at a scheduled date and time. Additional tours may be scheduled upon request. Interested parties will be encouraged to ask questions, responses related to the substance of the RFP that EWEB believes will be of value to other proposers will be shared equitably. Proposers will be responsible for understanding how and if responses apply to their specific situation.

Concurrent to the RFP open period, the Project Team will finalize instructions to be used by the Evaluation Team, these guidelines will be submitted to the collective Board for consideration and feedback prior to the RFP closing date.

A Closing Date will be established 90 days after the RFP issuance. EWEB reserves the right to extend the RFP Closing Date via Addenda at the discretion of the Purchasing Coordinator.

The RFP will request that Proposers express an "Intent to Propose" within 60 days of RFP issuance (RFP Section 1.3 Letter of Intent to Propose).

### Review and Evaluation of Proposals – to commence late Q3 or early Q4 2022

After the Closing Date, the Project Team Liaisons term will end, and the Evaluation Team will commence with comprehensive scoring.

### *Competitive Range (RFP Section 4.6)*

Based on the allocation of points established in the RFP, a range of proposals which are deemed to have a reasonable chance of being selected for award (the "Competitive Range"), will be determined by the Evaluation Team. The range will be dictated by a "natural break" in scoring (as opposed to a predetermined number of proposals). For example, suppose there are seven proposals and four clearly score higher than the others and their scores are not significantly different from one another. In this example the top four proposals would be considered in the Competitive Range.

All submitted proposals, ratings, and a recommendation for the Competitive Range will be forwarded to the General Manager. Following the General Manager's examination and confidence in the process, he will provide all proposals to the Board with a recommendation for the Competitive Range based on the recommendation and scoring of Evaluation Team. The aforementioned information will be contained in a confidential memorandum in accordance with ORS 192.355(1) and Confidential Submissions in accordance with ORS 192.355(4).

The materials will be provided to all Commissioners for independent review in advance of the Board Meeting.

The Board may ask questions and discuss the recommendation with the Evaluation Team in executive session pursuant to ORS 192.355(1) which exempts communications within a public body of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of action. Because some proposals may be eliminated during this critical phase of the process, it is important for the Board to have a clear understanding of the reasoning behind the recommendation, and, if needed, an opportunity to discuss the General Manager's and Evaluation Team's perspectives openly to assure the Board that the appropriate proposals advance to the next step.

Commissioners also have discretion to hold an executive session for a Board discussion of confidential proposal content as designated through the Non-Disclosure agreement within the scope of ORS 192.355(4). Pursuant to ORS 192.660(2)(f) the Board may meet in executive session to discuss "exempt public records".

In public session, the Board will deliberate and take action to either expand the Competitive Range to include the next highest scored proposal(s), eliminate proposal(s) from the Competitive Range, or affirm the "short list" for further evaluation.

Once the Competitive Range is determined by the Board, only that range will be considered for award.

EWEB will notify all Proposers whether they have been selected for the Competitive Range (or "short list").

Optionally, the Board may ask Competitive Range Proposers to deliver a live presentation in a public Board Meeting for the purpose of providing supplemental information and answering clarifying questions about their proposal. It is the Board's discretion whether this step is necessary to assist them in arriving at a decision to ultimately award a contract. Once all presentations (if any) are complete, the Board will make an assessment in executive session. The collective Board will rank written proposals of the Proposers selected in the Competitive Range. The Board may reach a consensus on the ranking, or the Board may consider individual ratings, or the group average of ratings to reach a final decision on the ranking of proposals.

#### *Best and Final Offers (RFP Section 4.6 Competitive Range)*

EWEB reserves the right to request Best and Final Offers to provide flexibility to negotiate with multiple parties in the event a single proposal does not distinctly rise above the others. There is no known statutory requirement directing the Board to seek Best and Final Offers in this circumstance, nor is there unilateral right of the proposers to supplement their submitted proposals. Reserving this right does not require the Board to exercise the option, it merely leaves the possibility open for the Board's discretion should the situation call for it.

Any Best and Final Offers may be submitted under a uniform Non-Disclosure Agreement (NDA), so that sensitive information may be considered a Confidential Submission under ORS 192.355 (4).

EWEB reserves the right to make Best and Final Offers publicly available at the conclusion of the award process, except to the extent that Proposer has appropriately marked discrete information as Confidential Information or Trade Secret Information subject to the Non-Disclosure Agreement.

Following Board discussion of proposals (and/or presentations if any) in executive session, Commissioners will enter public session to decide whether to request Best and Final Offers from any Proposers. If the Board exercises its option to request Best and Final Offers, then selected Proposers will be permitted to amend their proposals, if desired, according to a predefined process developed by the Project Team.

Selection and Award – to commence Q4 2022 (RFP Section 4.7-4.9)

An executive session will be held pursuant to ORS 192.660(2)(f) – to discuss exempt public records, and pursuant to ORS 192.660(2)(e) - to deliberate with persons designated by the governing body to negotiate the real property transaction with the selected proposer. During the non-public meeting, the Board will discuss any Best and Final Offers (submitted according to ORS 192.355 (4)) as well as provide the General Manager with negotiation criteria and limits for the property transaction.

Following executive session, the Board will convene in public session to conduct final deliberations and take formal action to announce its Intent to Award. At this time the Board will also direct the General Manager to negotiate and execute a Purchase & Sale Agreement, and all other documents necessary to complete the transaction(s), with the successful Proposer within the guidelines established in executive session.

At the subsequent Board Meeting, a resolution will be presented for the Board's formal action.

*Protest Process (RFP Sections 1.5 Solicitation Protest and 4.10 Award Protest)*

EWEB has the discretion to allow protests or to reconsider decisions. Although protests are unlikely, the RFP includes instructions for submitting protests and the associated timeframe for doing so. A pre-defined process for Award Protest has been developed to establish guidelines that each side can rely upon in the event of an objection.

*Negotiations and Execution of Agreement*

Following Award, EWEB's Property representative, and legal counsel will provide counsel and assistance throughout the final negotiations and execution of the Purchase and Sale Agreement.

### Communications Plan

A communications framework was provided to the Board as correspondence for the February 1, 2022 meeting. Later that month, EWEB issued a press release announcing the upcoming sale of the Riverfront/Headquarters Property. Three local television stations, the Register-Guard newspaper, and Eugene Chamber of Commerce shared our story, generating significant community discussion. The press release and a one-minute video announcement were published in EWEB's newsroom and shared on EWEB's social media channels. A listing of these media announcements, with clickable links for viewing, are included on the project website [eweb.org/riverfront](http://eweb.org/riverfront).

The public will be able to access information about EWEB's Riverfront/Headquarters Property, the RFP, and associated process by visiting the project website. Timely updates and additional information will be provided as the RFP process unfolds.

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