



## RESOLUTION NO. U-11455

1 A RESOLUTION related to the purchase of materials, supplies, equipment and  
2 the furnishing of services; authorizing the City officials to enter into  
3 contracts and, where specified, waive competitive bidding requirements,  
4 authorize sale of surplus property, or increase or extend existing  
5 agreements.

6 WHEREAS the City of Tacoma, Department of Public Utilities, requested  
7 bids or proposals for the purchase of certain materials, supplies, equipment or  
8 the furnishing of certain services, or proposes to purchase off an agreement  
9 previously competitively bid and entered into by another governmental entity or  
10 a purchasing cooperative, or for the sales of surplus, or desires to increase or  
11 extend an existing agreement, all as explained by the attached Exhibit "A,"  
12 which by this reference is incorporated herein, and

13 WHEREAS in response thereto, bids or proposals (or prices from  
14 another governmental or cooperative agreement) were received, all as  
15 evidenced by Exhibit "A," and

16 WHEREAS the Board of Contracts and Awards or the requesting division  
17 have heretofore made their recommendations, which may include waiver of the  
18 formal competitive bid process because it was not practicable to follow said  
19 process, or because the purchase is from a single source, or there is an  
20 emergency that requires such waiver, or because a directly negotiated contract  
21 was determined to be in the best interest of the City, or waiver of minor  
22 deviations, and in the case of sale of surplus, a declaration of surplus has been  
23 made certifying that said items are no longer essential for continued effective  
24 utility service, as explained in Exhibit "A," Now, therefore,  
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BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

That the Public Utility Board of the City of Tacoma hereby concurs and approves the recommendations of the Board of Contracts and Awards or the requesting division, and approves, as appropriate: (1) the purchase or furnishing of those materials, supplies, equipment or services recommended for acceptance; (2) the sale of surplus materials, supplies or equipment recommended for acceptance; (3) the purchase from a cooperative or another governmental entity contract; and (4) the increase or extension of an existing agreement, and said matters may include waiver of the formal competitive bid process or waiver of minor deviations, all as set forth on Exhibit "A," and authorizes the execution, delivery and implementation of appropriate notices, contracts and documents by the proper officers of the City for said transactions.

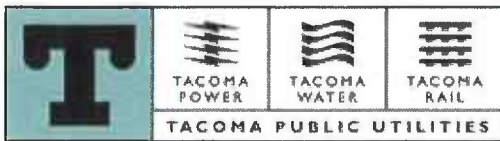
Approved as to form:

\_\_\_\_\_  
/s/  
Chief Deputy City Attorney

\_\_\_\_\_  
Chair  
\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk

Adopted \_\_\_\_\_



Resolution No.: U-11455

Item No.: /

Meeting Date: MAY 8, 2024

**TO:** Board of Contracts and Awards  
**FROM:** Scott Dewhirst, Superintendent, Tacoma Water  
Jessica Knickerbocker, Division Manager, Tacoma Water  
Gary Fox, Professional Engineer, Tacoma Water  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Brandon Snow, Senior Buyer, Finance/Purchasing  
**SUBJECT:** Water Treatment Solids Disposal  
Waiver – Not Practicable to Bid SR2794094904 – CW2243141– May 8, 2024  
Public Utility Board  
**DATE:** April 20, 2024

**RECOMMENDATION SUMMARY:** Tacoma Water requests approval to increase and extend contract CW2243141, to Regional Disposal dba Republic Services, Seattle, WA, by \$340,000, plus applicable taxes, budgeted from the Tacoma Water Fund 4600, for disposal of water treatment solids. This increase will bring the contract to a cumulative total of \$826,000, plus applicable taxes, and extends the contract through December 31, 2025.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Assure outstanding stewardship of the natural and built environment.

The services provided by this contract are necessary to maintain operations of the Green River Filtration Facility (GRFF), which provides clean, reliable drinking water to all Tacoma residents and Tacoma Water customers.

**BACKGROUND:**

The GRFF water treatment operations require the removal and disposal of materials generated as a byproduct of filtration of the drinking water supply (water treatment solids). The filtered materials consist of silts, clays and organics that are filtered out of the river water as well as coagulants and polymers added during the treatment process. The material produced has been tested and identified as non-hazardous, but there are limited locations where it may be disposed of within close proximity to the GRFF.

Materials are transported from the GRFF to Tacoma Water's contracted disposal site, which is operated by Republic Services.

**ISSUE:** The water treatment solids produced at the GRFF must be disposed of at an approved solid waste disposal facility that is permitted to accept such waste.

**ALTERNATIVES:** In order to provide flexibility and ensure the continuity of water treatment operations, the disposal facility or drop-off site must be located no farther than 50 miles away from the GRFF in King County. Based on screening efforts, another potential disposal site in Pierce County was considered; however, their policy is to not accept waste generated outside of Pierce County. Other facilities, known as inert waste landfills, have been considered in the



past and, though GRFF solids are classified non-hazardous, they do not meet the inert criteria specific to these landfills.

**COMPETITIVE ANALYSIS:**

The current vendor is the only vendor that provided a submittal when this project was competitively bid in the past. Tacoma Water is constantly seeking alternative disposal sites and methods to change operations to meet the inert waste landfill criteria. To date, there is one alternate landfill site in King County (Cedar Hills Regional Landfill), but it is almost triple the cost of the Regional Disposal site. Tacoma Water has reviewed and determined GRFF water treatment solids do not meet the criteria for other landfills in the area based on the current solids composition.

If solids cannot be disposed of from the GRFF in a timely manner, water treatment operations may be affected.

**CONTRACT HISTORY:**

Tacoma Water first entered into a one-year contract with Republic Services from December 15, 2014 to December 15, 2015 (Specification No. WQ14-0500N, Contract 4600010114). Tacoma Water then entered into a one-year contract with Republic Services from December 15, 2015 to December 31, 2016 (Specification No. WQ15-0556N, Contract 4600011184). Tacoma Water requested Public Utility Board approval in 2016 to increase the contract with the option to extend three additional one-year terms (Resolution No. U-10884, Contract 4600011184). Contract 4600011184 ended on December 31, 2020 but was extended to March 31, 2021.

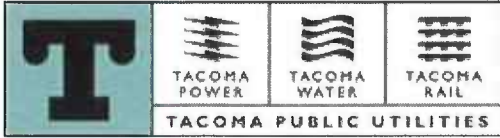
In late 2020 and early 2021, the disposal contract was competitively bid, but there were no responses. At that time, a Not Practicable to Bid waiver was approved for a new contract with Republic Services with an effective date of June 1, 2021 and a termination date of May 31, 2023. Amendment No. 1 to the Contract became effective June 1, 2023, for the purposes of extending the termination date from May 31, 2023 to May 31, 2024, and increasing the compensation under the Contract by \$150,000 for a new not-to-exceed amount of \$486,000. Amendment No. 2 increased the unit price per ton in January 2024.

Amendment No. 3 will further extend the contract through December 31, 2025, aligning the contract renewal period with the calendar year. Amendment No. 3 will also increase the cumulative total to \$826,000 for the period between June 1, 2021 and December 31, 2025.

**SUSTAINABILITY:** Tacoma Water actively seeks opportunities to reduce the amount of water treatment solids generated from the GRFF. For example, it can be more cost-effective to run the North Fork Wells located in the Green River Watershed and blend the cleaner well water with Green River water at certain times of the year, producing fewer water treatment solids.

Tacoma Water is also actively working with The City of Tacoma Environmental Services in a study to co-mingle the GRFF solids with the TAGRO product.

In addition, the Republic Services drop-off site is located in King County, limiting truck traffic from the GRFF to within King County.



EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not applicable - EIC Exception: Not Practicable to Bid Waiver

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: Not applicable to this contract.

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4600 Tacoma Water System Operating Fund	583612/588363	5330120	\$340,000
<b>TOTAL</b>			<b>Up to \$340,000</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4600 Tacoma Water System Operating Fund	581100	Various	(\$340,000)
<b>TOTAL</b>			<b>Up to (\$340,000)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** \$105,000

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes, disposal of water treatment solids is required for GRFF operation and is a routine budget item.

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.** N/A



City of Tacoma

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**Date:** January 26, 2021

**To:** Patsy Best, Procurement and Payables Division Manager

**From:** Celine Mina  
Tacoma Water, Planning and Engineering  
(supporting Source Water Treatment and Operations)

**Subject:** Waiver of Competitive Solicitation Request – SR 2794094904  
 Sole Source Purchase – TMC 1.06.257.A  
 Not Practicable to Bid – TMC 1.06.257.B  
Disposal of Water Treatment Solids for the Green River Filtration Facility

Tacoma Water, Source Water Treatment and Operations requests a waiver of the competitive solicitation process for the disposal services of the material generated as a byproduct of the water treatment operations (hereinafter referred to as solids) at the Green River Filtration Facility located at 36525 SE Green River Headworks Road, Ravensdale, WA 98051 in an appropriately permitted solid waste landfill. The supplier is Republic Services, Seattle, WA. This is for disposal only. Transportation of the solids is performed by an outside contractor through a separate contract.

Approval of this request constitutes a waiver of further competitive solicitation for amendments to the subject contract provided that any such amendment(s) shall be signed by personnel as authorized in the Delegation of Procurement Signature and Approval Authority memorandum. Contract totals shall not exceed \$500,000 without City Council or Public Utility Board approval as appropriate.

**“Follow-on” Contracts:**

Provide any historical contract information, specification number, etc., and explain the relationship of this request to any previous contracts:

Tacoma Water first entered into a one year contract with Republic Services (Regional Disposal Co.) from December 15, 2014 to December 15, 2015 (WQ14-0500N, 4600010114). Tacoma Water then entered into a one year contract with Republic Services (Regional Disposal Co.) from December 15, 2015 to December 31, 2016 (WQ15-0556N, 4600011184). Tacoma Water requested PUB approval in 2016 to increase the contract and the option to extend three additional one-year terms (U-10884, 4600011184). Contract 4600011184 ended in December 31, 2020 but has been extended to March 31, 2021.

**Waiver Criteria:**

1. Per Purchasing Policy Manual Section XXI., this purchase is justified as a Sole Source or Not Practicable to Bid for the following reason(s):

**Sole Source:**

- Supplies or services that only one supplier is capable of providing or authorized to provide.

- Items required in order to function with existing equipment, systems, programs, or services.
- Products, systems, information, or services that are subject to patent or other proprietary use rights.
- Security requirements or information mandates that limit procurement from only a single supplier.

**Not Practicable to Bid:**

- An immediate and important need for proposed construction, installation, repair, materials, supplies, equipment, or services where the delay that would result from following the requirements of the competitive solicitation process would cause financial loss to the City or an interruption of vital services to the public.
  - Special facilities or market conditions (see RCW 39.26.125).
  - Specially tailored or performance criteria-based products such as computer systems or equipment.
  - Supplier selection is not controlled by the City.
2. Support your contention that it would be futile to advertise and competitively solicit the product/service. Include any technical or unique product/service attributes that prevent drafting specifications for a competitive solicitation to which more than one supplier could successfully respond.

This service was previously competitively bid. An RFB process was conducted twice in 2020 (TW20-0315F, TW20-0379F). No submittals were received. Due to the type of solids, location of the water filtration facility, and to the best of our knowledge, there are only two facilities that could accept the solids. These vendors were listed in the RFB vendor list and notified of the contracting opportunity. When the request for this service was competitively bid in 2014 and 2015, only one vendor submittal was received; it was from Regional Disposal Co./Republic Services. This service is vital to the drinking water treatment process.

3. Describe the screening efforts made to identify potential suppliers.

In order to provide flexibility and ensure the continuity of water treatment operations, the disposal facility or drop-off site must be located no farther than 50 miles away from the water filtration facility in King County. Based on our screening efforts, another potential disposal site was considered however, their policy outlines waste generated outside of Pierce County would not be accepted. There are other facilities that were reviewed located in both King and Pierce counties but due to the analytical results that outline the type of solids generated as part of the water treatment process, these facilities are not able to accept this type of waste. These facilities are considered inert landfills and though our solids are classified as non-hazardous, they do not meet the inert criteria specific to these landfills.

4. Describe the efforts made to assure that the City is receiving the lowest or best price possible.

The current and requested supplier is the only vendor that has provided submittals when this project was previously competitively bid and provided the lowest unit cost.

5. Is this a one-time or on-going purchase?

One-time. Estimated one-time cost, including shipping: \$, plus applicable sales tax.

Ongoing. Estimated total cost, including shipping, for projected contract term of 2 years: \$336,000.00, plus applicable sales tax.

**Note: Sole Source requests are limited to three years unless an exception is approved.**

**Funding:** Funds for this purchase are available in Water Fund 4600.

**SBE Compliance:** Department/Division checked the City of Tacoma Small Business Enterprise (SBE) website for opportunities to contract with SBE firms on January 26, 2021. There are no qualified SBE vendors at this time.

**Project Coordinator:** Celine Mina, Tacoma Water, 253-502-8937





Resolution No.: U-11455

Item No.: 2

Meeting Date: MAY 8, 2024

**TO:** Board of Contracts and Awards  
**FROM:** Dale W. King, Superintendent, Tacoma Rail  
 Kyle Kellem, Roadmaster, Tacoma Rail  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP Coordinator, and Sara Bird, Senior Buyer, Finance/Purchasing  
**SUBJECT:** Railroad Signal Maintenance and Inspection  
 Request for Bid Specification No. TR23-0300F, Contract No. CW2264969 – May 8, 2024  
**DATE:** April 18, 2024

**RECOMMENDATION SUMMARY:** Tacoma Rail recommends a contract be awarded to Liberty Electric, Inc., Tukwila, WA, in the amount of \$534,700 (\$267,350 per year), plus applicable taxes, budgeted from the Tacoma Rail Fund 4500, for an initial contract term of two years with the option to renew for three additional one-year term renewals, for a projected contract amount of \$1,336,750, plus applicable taxes, for railroad signal inspections and repairs.

**BACKGROUND:**

This contract is for federally mandated railroad grade crossing signal system inspections and maintenance as prescribed by Title 49 CFR Part 234, covering nine signalized crossings.

The determination as to which crossings are signalized is made by the Washington Utilities and Transportation Commission (WUTC), based on statistical analysis of data using a complex matrix. Typically signal system installation costs are covered by federal Section 130 funding. However, once a signal system is installed, the railroad has inspection and maintenance responsibility in perpetuity until such time that the WUTC would approve a formal petition filed by the railroad requesting the removal of an existing grade crossing signal system.

**ISSUE:** Federal Railroad Administration (FRA) regulations require inspection and maintenance of highway railroad grade crossing signals.

**ALTERNATIVES:** There are no practical alternatives for this contract, as Tacoma Rail does not currently employ staff with the technical expertise necessary to inspect and effectively maintain the grade crossing signal systems, and a substantial investment in training, vehicles, tools, and materials would be necessary in order to internalize this activity.

**COMPETITIVE SOLICITATION:**

Request for Bid Specification No. TR23-0300F was opened March 26, 2024. Three companies were invited to bid in addition to normal advertising of the project. Three submittals were received.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u>
<b>Liberty Electric, Inc.</b>	<b>Tukwila, WA</b>	<b>\$267,350</b>
CDL Electric Co. Inc.*	<u>Pittsburgh, KS</u>	\$258,545
RailWorks Track Systems, LLC	<u>Chehalis, WA</u>	\$352,550



\*Low bidder, CDL Electric Co., Inc., is considered non-responsive as their Washington State contractor license was expired at the time of submittal.

Pre-bid Estimate: \$408,000 for the initial term  
 The recommended award is 22 percent above the pre-bid estimate.

CONTRACT HISTORY: New contract.

SUSTAINABILITY: This Service contract will help ensure ongoing compliance with existing federal regulations and contribute to public safety. All replaced or antiquated materials are routinely recycled.

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not applicable - Service contract - EIC Regulations are not yet established

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: Not applicable to this contract.

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4500 Tacoma Rail	592302	5320100	\$1,336,750
<b>TOTAL</b>			<b>Up to \$1,336,750</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4500 Tacoma Rail	592302	5320100	(\$1,336,750)
<b>TOTAL</b>			<b>Up to (\$1,336,750)</b>

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$ 155,955

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED

N/A



Resolution No.: U-11455

Item No.: 3

Meeting Date: MAY 8, 2024

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**TO:** Board of Contracts and Awards  
**FROM:** Dale W. King, Superintendent, Rail  
Alan Matheson, Assistant Superintendent, Rail  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Brandon Snow, Finance/Purchasing  
**SUBJECT:** Preg O'Donnell & Gilbert PLLC Legal Services Contract  
Direct Negotiation Waiver Contract No. CW2239461/C3019 – May 8, 2024,  
Public Utility Board  
**DATE:** April 22, 2024

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**RECOMMENDATION SUMMARY:**

Tacoma Rail requests approval to increase Contract No. CW2239461/C3019, to Preg O'Donnell & Gilbert PLLC, Seattle, WA, by \$250,000, plus applicable taxes, budgeted from the TPU-Rail 4500 Fund, for outside legal services necessary to assist in the defense of a lawsuit filed against Rail. This increase will bring the contract to a cumulative total of \$750,000, plus applicable taxes.

**BACKGROUND:**

Preg O'Donnell & Gilbert PLLC is lead counsel in defense of a lawsuit filed against Rail that is now proceeding to trial for resolution, given that mediation efforts were unsuccessful.

ISSUE: Outside legal counsel is required for on-going lawsuits filed against Tacoma Rail to support TPU Legal staff engaged in the on-going matter.

ALTERNATIVES: There are no reasonable or cost-effective alternatives at this time.

CONTRACT HISTORY: The contract with Preg O'Donnell & Gilbert PLLC was directly negotiated and executed on June 5, 2018, to provide counsel on the railroad workplace injury Federal Employers Liability Act (FELA) claims processes with an original contract value of \$200,000.

Amendment No. 1, dated November 5, 2020, expanded the scope to allow for representation in the matter of The Estate of Wesley A. Evans and increased the contract not to exceed (NTE) amount by \$200,000 for a new NTE of \$400,000.

Amendment No. 2, dated January 1, 2024, increased the contract NTE amount by an additional \$100,000 for a new NTE of \$500,000.

With Amendment No. 3, Tacoma Rail seeks to increase the contract NTE amount by an additional \$250,000 for a new NTE of \$750,000 to provide on-going support as the matter proceeds to trial.

SUSTAINABILITY: Not applicable

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not applicable - Service contract - EIC Regulations are not yet established



LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP)  
 COMPLIANCE: Not applicable to this contract.

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
TPU-Rail Fund 4500			\$250,000
<b>TOTAL</b>			<b>Up to \$250,000</b>

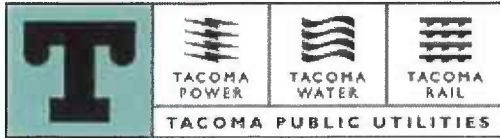
**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
TPU-Rail Fund 4500			(\$250,000)
<b>TOTAL</b>			<b>Up to (\$250,000)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$250,000**

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes, these funds are budgeted.

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.** N/A



Resolution No.: U-11455

Item No.: 4

Meeting Date: MAY 8, 2024

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**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Superintendent, Power  
Ray Johnson, Section Manager, Power Management  
Lis Saunders (interim), Assistant Section Manager, Power Management  
**COPY:** Brittany Broyles, Customer Energy Solutions Operations Manager, Power  
Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Sara Bird, Senior Buyer, Finance/Purchasing  
**SUBJECT:** Demand Side Management Central Software Platform  
Request for Proposals Specification No. PE14-0624F – Contract No. C2377 –  
CW2263927 – May 8, 2024 Public Utility Board  
**DATE:** April 17, 2024

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**RECOMMENDATION SUMMARY:**

Power Management requests approval to increase and extend contract C2377/4600011068 to Resource Innovations Inc., Half Moon Bay, California, by \$289,278, plus applicable taxes, budgeted from the Customer Energy Solution's License and Maintenance Fund, extending termination date from June 30, 2024 to June 30, 2026, for the renewal of the Demand Side Management Central (DSMC) contract for managing data for Tacoma Power's Energy Programs. This increase will bring the contract to a cumulative total of \$1,456,078, plus applicable taxes.

**STRATEGIC POLICY PRIORITY:**

- Assure outstanding stewardship of the natural and built environment.

Renewing the contract for managing data related to utility energy conservation, electric vehicles (EV), renewables, and demand response programs is essential for effective environmental stewardship. This data helps the City of Tacoma meet regulatory energy conservation targets, refine the City's programs for greater efficiency, and sustain a range of energy solutions that significantly benefit the environment.

**BACKGROUND:**

Historically, Tacoma Power's Customer Energy Solutions team relied on a decentralized system to manage their data and documentation for customer energy programs. This system included various SAP software reporting tools, Excel spreadsheets, and two large Access databases, which were not interconnected, complicating the management, reporting, and maintenance of datasets and project documents.

In 2015, Tacoma Power issued a Request for Proposal (RFP) for a single relational database and ultimately selected Resource Innovations Inc. to provide software solutions for managing energy conservation, EV, and renewable energy programs. The initial contract, established on June 30, 2015, has since undergone multiple amendments to adapt to evolving needs and term extensions.

This latest amendment for July 1, 2024, extends the contract until June 30, 2026. It also increases the total contract value to \$1,456,078 to cover additional licensing, maintenance, and support for the DSMC. This amendment also introduces a care package to support Tacoma



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Power with new enhancements and advisory services, ensuring continued and effective implementation of the Tacoma Power's energy programs.

**ISSUE:**

Tacoma Power is seeking to renew the DSMC software solution contract because it enables them to effectively manage their conservation projects and other energy solutions. This comprehensive system tracks project leads, enforces contract deadlines, stores project paperwork, and facilitates project management, ultimately enhancing customer service and streamlining workflows for improved efficiency and effectiveness. Additionally, this system is their system of record and is essential for meeting their regulatory reporting obligations under the Energy Independence Act and Clean Energy Transformation Act.

**ALTERNATIVES:**

If Tacoma Power is unable to renew their contract for the existing Demand Side Management (DSM) software, they will have to issue an RFP to find a new software solution. Their current DSM software, which is crucial for managing energy savings and regulatory compliance, is proprietary to their current vendor. Switching to a different software would not only require them to draft and release a new RFP but also involve substantial costs for Tacoma Power to develop, implement, and transition to the new system. From recent experiences of similar software deployments at their partner utilities, the costs for such transitions are about \$1.2 million, excluding the internal labor required for their team to learn the new system. Without a current DSM system, Tacoma Power would also fail to meet the requirements of the Energy Independence Act, the Clean Energy Transformation Act, and Bonneville Power Administration regulations.

**CONTRACT HISTORY:** This contract was originally awarded to iEnergy as a result of RFP Specification No. PE14-0624F in June 30, 2015.

- Amendment No. 1 (Effective September 10, 2015) - Modified the Milestones/Deliverables in Scope of Work.
- Amendment No. 2 (Effective December 10, 2015) - Extended the term for Phase 2 and further modified the Milestones/Deliverables in Scope of Work "Price Structure".
- Amendment No. 3 (Effective September 30, 2016) - Modified Section 2 "Term" and Scope of Work "Price Structure" to provide a mutually agreed timeframe to complete the iEnergy system.
- Amendment No. 4 (Effective April 25, 2019) - Incorporated iEnergy, Inc. Order Form – SAAS SERVICES -Change Order and iEnergy, Inc. Trade Ally Contact – Salesforce Terms for the iEnergy Trade Ally module.
- Amendment No. 5 (Effective October 25, 2019) - Renewed licensing, maintenance, and support for iEnergy Trade Ally Connect and DSM Central through June 30, 2022, increased the contract amount by \$210,000 to \$900,000, and included "Renewal Scope of Work".
- Vendor changed to Resource Innovations Inc. due to company purchasing iEnergy.
- Amendment No. 6 (Effective March 8, 2022) - Renewed licensing, maintenance, and support for Resource Innovations Trade Ally Connect and DSM Central through June 30, 2024, increased the contract amount by \$266,800 to \$1,166,800, and incorporated "Renewal Scope of Work".



- Amendment No. 7 (Current Proposed Amendment) - Seeks to renew Resource Innovations DSM Central and Trade Ally Connect licensing, software maintenance, and support through June 30, 2026; extend the performance/termination date; add a care package for City of Tacoma support from July 1, 2024, to June 30, 2026; and increase the compensation by \$289,278 to a new total of \$1,456,078.

**SUSTAINABILITY:**

This software contract is directly related to Tacoma Power’s ability to manage the data and services for their customer energy programs. This aligns with sustainability goals by enabling continued management, reporting, and administration of the city’s conservation and renewable activities. With this contract renewal, this would ensure the continuous improvement and delivery of services that serve to Tacoma Power’s evolving sustainability needs effectively, such as electric vehicle and demand response programs.

**EQUITY IN CONTRACTING (EIC) COMPLIANCE:** Not applicable - Service contract - EIC Regulations are not yet established

**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE:** Not applicable to this contract.

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 & Power	562500 Power Conservation Operations	5412170 Lic & Maint	\$289,278
<b>TOTAL</b>			<b>Up to \$289,278</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 & Power	562500 Power Conservation Operations	5412170 Lic & Maint	(\$289,278)
<b>TOTAL</b>			<b>Up to (\$289,278)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** \$289,278

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.** N/A



Resolution No.: U-11455

Item No.: 5

Meeting Date: MAY 8, 2024

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**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Superintendent, Power  
Chris Mattson, Section Manager, Generation, Power  
Ozan Ferrin, Engineering Manager, Generation, Power  
Jason Henry, PE Power Systems Engineer, Generation, Power  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Ryan Foster, Finance/Purchasing  
**SUBJECT:** Mayfield Cove Lane Culvert & Bank Remediation  
Request for Bids Specification No. PG24-0011F, Contract No. CW2265407 –  
May 8, 2024 Public Utility Board  
**DATE:** April 1, 2024

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**RECOMMENDATION SUMMARY:** Tacoma Power recommends a contract be awarded to Mike McClung Construction Co., Buckley, WA, in the amount of \$693,910.00, plus applicable taxes, budgeted from the Power Fund – 4700, for the supply and construction of a bank remediation and fish-passable culvert replacement on Cove Lane Road.

**BACKGROUND:**

Cove Lane Road was originally constructed in 1963 using construction methods available at the time and provides access to a service boat launch and residences for the Cowlitz Hydro Project management staff. The road does not meet current established standards or levels of service for road construction and the compacted 'fill' side of the road has progressively eroded and sloughed away requiring numerous unplanned repairs. The originally installed domestic water pipes that run beneath the road, which provide water to the residences and fire hydrants, is also in need of replacement.

**ISSUE:** The east embankment of the cove, which supports Cove Lane Road, has been eroding and sloughing away for several years requiring the Cowlitz staff to periodically repair the road with 'cold-patch' asphalt material. Cove Lane Road also has a sharp turn situated over four (4) 18-inch culverts that are inadequately sized and impound water beside the road. The embankment slope will be stabilized with concrete ecology blocks and buttressed by a Aluminum Box Culvert structure. The Aluminum Box Culvert structure will allow sufficient water flow, promote fish passage in compliance with Washington State Department of Fish & Wildlife (WDFW) culvert standards, and relieve the constraint of the existing sharp turn to make it easier for driving and maneuvering large equipment and emergency vehicles. The 8-inch domestic water pipes beneath the road are also deteriorating and will be replaced as part of this contract to avoid road excavations necessary to perform repairs.

**ALTERNATIVES:** The "Do Nothing" alternative considered, but would result in repeated unplanned repair projects and would not address problems associated with the culverts and sharp turns.

**COMPETITIVE SOLICITATION:**

Request for Bids Specification No. PG24-0011F was opened March 19, 2024. Twenty-two (22) companies were invited to bid in addition to normal advertising of the project. Eleven (11) submittals were received.





The lowest bidder was deemed non-responsive resulting from their lack of Equity in Contracting (EIC) utilization which is a requirement per Tacoma Municipal Code Chapter 1.07. The second lowest bidder was also deemed non-responsive because they failed to include required documentation with their bid. The third lowest bidder, Mike McClung Construction Co., met or exceeded the EIC goals and submitted all required documentation and is therefore recommended for contract award.

<u>Respondent</u>	<u>Location</u>	<u>Submittal Amount</u>
<b>Mike McClung Construction Co.</b>	<b>Buckley, WA</b>	<b>\$693,910.00</b>
Steele Trucking, Inc.*	Chehalis, WA	\$637,201.23
CCT Construction, LLC.*	Puyallup, WA	\$671,070.00
Midway Underground, LLC.	Toledo, WA	\$706,230.00
Barcott Construction, LLC.	Chehalis, WA	\$710,682.00
Confederated Construction Co.	Oakville, WA	\$718,823.00
Brumfield Construction Co.	Aberdeen, WA	\$734,660.00
Boettcher & Sons, Inc.	Eatonville, WA	\$752,854.00
Lee Contractors, LLC.	Battleground, WA	\$796,950.00
Quigg Bros., Inc.*	Aberdeen, WA	\$872,142.00
Northwest Cascade, Inc.	Puyallup, WA	\$896,480.00

\*Bidders deemed non-responsive due to lack of utilization of EIC program and/or omission of submittals required by Section 01300 of the specification.

Pre-bid Estimate: \$635,000.00

The recommended award is nine (9) percent above the pre-bid estimate.

CONTRACT HISTORY: New contract.

SUSTAINABILITY: This project supports Resolution No. 38188 to “Life-Cycle Assessments” by stabilizing road embankment and improving road subgrade to mitigate ongoing maintenance time and costs.

EQUITY IN CONTRACTING (EIC) COMPLIANCE: The recommended contractor is in compliance with the EIC requirements per memorandum dated January 22, 2024. The EIC requirements for this project are zero percent MBE, one percent WBE and nine percent SBE. The EIC utilization levels of the recommended contractor, Mike McClung Construction Co. are 72 percent MBE, 2.33 percent WBE, and 72 percent SBE.

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: The LEAP Requirement for this project is 15 percent of the project labor hours must be completed by Apprentices, per TMC 1.90.040.



**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 – Power	PWR-001130	6311221	\$693,910.00
<b>TOTAL</b>			<b>Up to \$693,910.00</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 – Power	PWR-001130	6311221	(\$693,910.00)
<b>TOTAL</b>			<b>Up to (\$693,910.00)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$693,910.00**

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes**

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. N/A**