

## EWEB Board Consent Calendar Request

*For Contract Awards, Renewals, and Increases*

The Board is being asked to approve a sole source personal services contract with **Cyganiewicz Geotechnical** for **Board of Consultants services for the Carmen-Smith Hydroelectric Project**.

Board Meeting Date: 11/2/2021  
Project Name/Contract #: Board of Consultants Services / 21-214-PSC  
Primary Contact: Karen Kelley Ext. 7153

### Contract Amount:

Original Contract Amount: \$180,000  
Additional \$ Previously Approved: \$0  
Invoices over last approval: \$0  
Percentage over last approval: %0  
Amount this Request: \$180,000  
Resulting Cumulative Total: **\$180,000**

### Contracting Method:

Method of Solicitation: Direct Negotiation  
If applicable, basis for exemption: EWEB Rule 3-0275 Sole Source Procurements  
Term of Agreement: Five 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

### Narrative:

#### Operational Requirement and Alignment with Strategic Plan

On May 17, 2019, the Federal Energy Regulatory Commission (FERC) issued to the Eugene Water & Electric Board (EWEB) an Order Issuing New License (167 FERC ¶ 61,152) for the Carmen-Smith Hydroelectric Project, Project No. 2242 (Project).

On July 1, 2021 the Division of Dam Safety and Inspection of FERC notified EWEB that it had determined that the complexities of routing the probable maximum flood (PMF) flows through the Carmen Smith Project warranted the formation of an independent Board of Consultants (BOC). In addition, the July 1 letter stated that the BOC is also to review the impacts of project modifications related to the fish passage at Trail Bridge Dam on the project's ability to pass the PMF safely, and that the BOC should be convened as soon as practicable. The letter also noted that ongoing assessment of sinkholes at the Trail Bridge Reservoir "may affect the scope of any remediation/construction at the dams and could warrant inclusion in this BOC process".

Three areas of specific expertise were called out in the letter, to include the following:

1. Hydrologic Engineering, specifically in routing of the PMF flows through multi-development reservoirs and spillways,
2. Hydraulic Engineering, specifically in the design and construction of concrete and Articulated Concrete Block (ACB) spillways,
3. Geotechnical Engineering, specifically in the performance of ACB spillways and erodibility evaluations of embankments and foundations.

FERC has authorized four individuals with specific expertise in hydropower hydrologic engineering, hydraulic engineering, and geotechnical engineering to participate on the BOC. Future, additional members may be required.

These prospective BOC Members have the required technical expertise and experience, making them ideal candidates for this contract. In addition, the compilation of the 4 prospective BOC Members provides EWEB with overall breadth and depth related to FERC required topics. Assembling a BOC via sole source enables EWEB to react quickly to FERC's requirement for a BOC, allowing us to address FERC Dam Safety concerns in a timely manner, thus enabling EWEB to also continue to attempt to meet the FERC license and SA requirements as soon as is feasible and protect resources impacted by the Carmen-Smith Hydroelectric Project.

To effectively participate on a BOC, members are required to have relevant engineering qualifications and/or prior BOC experience. Mr. John Cyganiewicz of Cyganiewicz Geotechnical has previous BOC Member experience. He is an expert in geotechnical engineering, internal erosion, seepage through embankments, sinkhole investigation in the Trail Bridge Reservoir, and seepage blanket at the auxiliary spillway. Mr. Cyganiewicz meets the geotechnical engineering qualifications requirements and has been approved by FERC to participate on this BOC.

#### Contracted Goods or Services

Each BOC member has a designated area of technical expertise/experience and as such will participate with other BOC members as a coherent group responsible to review and provide comments as deemed necessary on the analysis, evaluation, design and construction documents produced by EWEB or its consultants, and as required by FERC.

#### Purchasing Process

EWEB has initiated a sole source process due to the unique expertise required by FERC for the BOC Members. Per EWEB policy, Board approval is required for individually negotiated contracts over \$150,000, and for associated Amendments.

#### Prior Contract Activities

N/A

#### **ACTION REQUESTED:**

Management requests the Board approve Personal Services Contract 21-214-PSC with Cyganiewicz Geotechnical, one of four similar contracts presented for approval. The 2021 Carmen Smith License Deployment capital budget is \$19.6 million. This work was not included in the budget as it is a mid-year FERC requirement. Variances will be managed within the budget process and Board policy.