

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a new contract with **capSpire, Inc.** for **Commodity Transaction and Risk Management (CTRM) Support Services.**

Board Meeting Date: January 9, 2024
Project Name/Contract #: CTRM Support Services / 23-251-PSC
Manager: Bruce Debysingh Ext. 7196
Executive Officer: Travis Knabe Ext. 7770

Contract Amount:

Original Contract Amount: \$500,000
Additional \$ Previously Approved: NA
Spend over last approval: NA
Amount this Request: \$500,000
% Increase over last approval: NA
Resulting Cumulative Total: **\$500,000**

Contracting Method:

Method of Solicitation: Direct Negotiation
If applicable, basis for exemption: EWEB Rule 3-0275 Sole Source Procurement
Term of Agreement: Initial term is 1 year
Option to Renew? Yes, annually up to 5 years total
Approval for purchases "as needed": Yes No
Proposals/Bids Received (Range): NA
Selection Basis: Sole Source

Narrative:

Operational Requirement and Alignment with Strategic Plan

EWEB requires technical services in support of the newly upgraded Allegro Horizon system used by EWEB's Energy Division. These services will supplement EWEB's internal IS resources in the support and maintenance of the upgraded system, which will meet the business needs and requirements of the Energy Division by helping troubleshoot Allegro product issues and assisting with resolving functional and technical issues that arise. These services will also facilitate the transfer of knowledge to EWEB teams in both operational and strategic capabilities, which is needed as we integrate the Allegro platform with EES (Financial) to achieve a holistic view of Energy-Financial data. The additional resources will assist with the daily support and maintenance needs of the system, allowing the IS Division's Business Application Services team to continue to focus on the implementation of Season 1 of the EES project.

Contracted Goods or Services

capSpire has extensive knowledge of EWEB's infrastructure and Allegro configurations, which is needed for the consulting service EWEB requires. This knowledge of our existing infrastructure and Allegro configurations would take significant time and cost for another consulting group to gain. Our current need for these services is immediate

and capSpire can provide these resources without consuming additional time and cost to perform the requisite discovery to gain the foundational information needed to perform the needed services.

Purchasing Process

EWEB has initiated a sole source process due to the expertise required for these services. Per EWEB policy, Board approval is required for individually negotiated contracts over \$150,000, and for associated amendments.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approved	Project Duration (Start to Close)	Original Amount	Approved/Amended Amount to Date (Total)	Reason Code
21-151	Horizon Upgrade	3-1-22	March 2021 – March 2024	\$1,460,000	\$1,735,551	AW
Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other						

ACTION REQUESTED:

Management requests the Board approve a contract with capSpire, Inc. for commodity transaction and risk management (CTRM) support services. Approximately \$200,000 was planned for these services in the Energy Division 2024 budget of \$3.3 million and the balance will be paid through the IS Division 2024 budget of \$5.7 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 **Cascade Water Works LLC** for construction services for the **Amazon Park Well Improvement Site Work**.

Board Meeting Date:	January 9, 2024	
Project Name/Contract #:	Amazon Park Well Improvement-Site Work / 23-236-PW	
Manager:	Mike Masters	Ext.7549
Executive Officer:	Karen Kelley	Ext.7153

Contract Amount:

Original Contract Amount:	\$250,000
Additional \$ Previously Approved:	NA
Spend over last approval:	NA
Amount this Request:	\$250,000
% Increase over last approval:	NA
Resulting Cumulative Total:	\$250,000

Contracting Method:

Method of Solicitation:	Formal Invitation to Bid
If applicable, basis for exemption:	NA
Term of Agreement:	Completion by April 2024
Option to Renew?	No
Approval for purchases "as needed":	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposals/Bids Received (Range):	2 (\$249,753-\$284,000)
Selection Basis:	Lowest Responsive and Responsible Bidder

Narrative:

Operational Requirement and Alignment with Strategic Plan

EWEB has been developing an emergency water supply (EWS) program since 2012. The goal of this program is to continue to serve the community with drinking water should events occur that disrupt EWEB's ability to deliver water from its water treatment plant or through its distribution system. There are two remaining well improvement sites that require site work: Amazon Park (this contract) and Kennedy Middle School. The Kennedy Middle School EWS is currently in design.

The intent of the contract is to develop and commission an existing well that was drilled under a separate contract. The well improvements will include installing a drop pipe and pump, completing all site work, and installing a treatment system enclosure to ready the well for system operation. The site work includes a structural slab and footing, underground water piping and electrical conduit, a sanitary sewer line, and completing the site restoration. EWEB partnered with the YMCA and the City of Eugene Parks Department to complete the project and benefit the community with emergency water utilizing their parking lots and facilities.

Contracted Goods or Services

If approved, Cascade Water Works LLC will develop the well, install new piping and treatment system, and complete all required site work within Amazon Park, adjacent to the new YMCA facility.

Purchasing Process

In November 2023, EWEB purchasing staff initiated a Formal Invitation to Bid (ITB) process for the Amazon Park Well Improvement – Site Work. The ITB was advertised in the State of Oregon’s procurement site, OregonBuys, and in the Portland Business Tribune. Two (2) bids were received, and Cascade Water Works LLC was the lowest responsive and responsible bid.

Bids Received

Vendor Name	City, State	Offered Price
Cascade Water Works	Salem, OR	\$249,753
Pacific Excavation	Eugene, OR	\$284,000

Competitive Fair Price

The solicitation was formally advertised on the State of Oregon’s bid site, OregonBuys, and the Portland Business Tribune. Two (2) bids were received and were within a reasonable range of the engineers estimate.

Prior Contract Activities

We do not have prior contract activities with this Contractor, but the references submitted confirmed satisfactory performance on past projects.

ACTION REQUESTED:

Management requests the Board approve a contract with Cascade Water Works for construction services for the Amazon Park well improvement site work. This work will be completed as a Type III project under the 2024 Water Capital Budget of approximately \$31 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 an increase to the contract with **McKenzie Watershed Alliance (MWA)** for **Instream Large Wood Restoration Projects and a Tribal Liaison** as part of Holiday Farm Fire restoration efforts.

Board Meeting Date: January 9, 2024
Project Name/Contract #: Instream Large Wood Restoration Projects and Tribal Liaison / 22-023-S
Manager: Mike Masters Ext. 7549
Executive Officer: Karen Kelley Ext. 7153

Contract Amount:

Original Contract Amount: \$800,000 (March 1, 2022)
Additional \$ Previously Approved: \$700,000 (December 6, 2022)
Spend over last approval: NA
Amount this Request: \$772,000
% Increase over last approval: 51.5%
Resulting Cumulative Total: **\$2,272,000**

Contracting Method:

Method of Solicitation: Direct Negotiation
If applicable, basis for exemption: Sole Source
Term of Agreement: 5 Years (March 9, 2022 – March 15, 2027)
Option to Renew? No
Approval for purchases “as needed”: Yes No
Proposals/Bids Received (Range): NA
Selection Basis: Sole Source
Narrative:

Operational Requirement and Alignment with Strategic Plan

In 2018, EWEB’s Board of Commissioners approved a 10-year strategic plan to protect the McKenzie Watershed as EWEB’s sole source of drinking water for nearly 200,000 people. As indicated in the strategic plan, EWEB and the partners have established a program to protect and improve riparian conditions on private lands, known as the Pure Water Partners (PWP) Program. In September 2020, the Holiday Farm Fire burned over 170,000 acres (over 20%) of the McKenzie River Watershed and destroyed over 500 homes. In coordination with the PWP (McKenzie River Trust, McKenzie Watershed Alliance, and Upper Willamette Soil & Water Conservation District), USFS, BLM and other state and local entities, EWEB is working on designing and implementing large scale restoration projects in key tributaries to the McKenzie River to mitigate and buffer the impacts of upstream fire impacted landscapes on water quality and fish habitat.

On December 3, 2023, a significant rain-on-snow event occurred in the McKenzie sub-basin, which resulted in the largest flood event since the HFF (2-5 year recurrence interval). All of the Stage 0 projects, including Finn Rock

Reach completed in the summer of 2023, in the sub-basin functioned very well at buffering flood flows, capturing and retaining large woody material and sediment, and providing high flow refugia for fish and wildlife.

The goal of the Quartz Creek floodplain restoration project is to mitigate post-fire hazards that include the increased likelihood of flooding, landslides, and future wildfires that are exacerbated by climate change. The project will also be beneficial for mitigating fire impacts to water quality and creating fish and aquatic habitat that was degraded by pre-fire human activities and significantly altered post-fire.

The Board is being asked to approve an increase to the contract with the McKenzie Watershed Alliance (the 501(c)3 entity of the McKenzie Watershed Council) for providing design, project management and coordination, and subcontractor selection and oversight to implement sourcing large wood with root wads (if feasible) for instream large wood restoration projects in key tributaries. This is to incorporate the large floodplain restoration work of the Quartz Creek ecosystem and the first decommissioning phase of the Delta Campground. These services are expected to be reimbursed in the amount of 75-100% by the Oregon Watershed Enhancement Board (OWEB) wildfire recovery grant.

Contracted Goods or Services

The McKenzie Watershed Alliance (MWA) is working with the BLM and USFS on sourcing hazard trees within the McKenzie corridor for continued flood plain restoration projects as part of the larger efforts to rehabilitate the McKenzie River from the devastation of the 2020 wildfire.

The total increase is estimated at \$772,000, which provides design, sourcing, and placement of large wood for the Delta Campground Decommissioning Project and the Quartz Creek Ecosystem Resiliency Project, a large-scale restoration project in the lower 2-miles of Quartz Creek, plus the hiring of a Tribal Liaison. The tribal liaison position was established to assist in the communications with the tribes to inform and better serve tribal priorities in the restoration work that we are doing and to get tribal input on environmental impacts of their ancestral lands. The Quartz Creek project will re-establish multi-threaded channels, promote depositional river environments, and maximize connectivity across 181 acres of floodplain in Quartz Creek through the removal of streamside berms, redistribution of approximately 190,000 cubic yards of sediment within incised channels, placement of 8,800 pieces of large wood, and has already completed the replacement of a 49-foot bridge with a 116-foot span bridge. Large wood will be sourced from public sites. The anticipated completion date for phase one of the wood-sourcing activities associated with the Quartz Creek Ecosystem Resiliency Project is September 15, 2025. Additional task orders will be assigned on an as-needed basis and are part of the OWEB grant budget and scope of work. EWEB and MWA will negotiate each Scope of Work, staffing plan, delivery schedule, and compensation for each Task Order prior to the work being performed.

Purchasing Process

Sole Source

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approved Date	Project Duration (Start to Close)	Original Amount	Final Amount	Reason Code
22-102	Deer Creek Phase 4 Floodplain Restoration	6/7/22	6/2022-12/2022	\$425,000	\$445,000	AW
21-071	Upper Willamette Education Initiative	NA	3/2020-3/2025	\$20,400	\$20,400	
20-184	Deer Creek Enhancement	NA	8/2020-8/2025	\$65,000	\$65,000	
Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other						

ACTION REQUESTED:

Management requests the Board approve an increase to the contract with McKenzie Watershed Alliance for instream large wood restoration projects required due to the Holiday Farm Fire. Approximately \$772,000 was planned for these services in the Holiday Farm Fire Restoration 2024 budget of \$2.3 million. Variances will be managed within the budget process and Board policy.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Carlson, Barofsky, McRae, Schlossberg, and Brown
FROM: Deborah Hart, Chief Financial Officer; Quentin Furrow, Purchasing and Warehouse Supervisor
DATE: January 9, 2024
SUBJECT: Board Appointed Consultants
OBJECTIVE: Board Action - Ratification of Board Appointed Consultants

Issue

At the first meeting of the year, the Board is presented with the opportunity to appoint and ratify professional consultants retained outside the competitive selection process.

Background

Consultants are exempt from the competitive selection process when the Board appoints or retains the consultant. The Board Appointed Consultants independently advise and provide professional direction and assessments to the Board without regard to Management’s position or interpretation. Consultants are selected based on technical knowledge, areas of expertise, and historical knowledge and perspective of EWEB and its work.

BOARD CONSULTANTS REQUIRING RATIFICATION

Consultant	Service	Tenure	Last Contracted	2023 Spend (to date)	2022 Spend
Luvaas Cobb Eric DeFreest/ Primary	General Counsel	Since 2011 with Luvaas Cobb ¹	Contract 1 for Board (23-208), awarded October 2023 Contract 2 for Staff (22-157), awarded January 2023	\$996 Board Spend \$95,127 Staff Spend	\$350 Board Spend \$82,796 Staff Spend

Consultant	Service	Tenure	Last Contracted	2023 Spend (to date)	2022 Spend
Harrang Long Gary Rudnick P.C.	Supplemental General Counsel	Since 1992	Contract 1 for Board (20-026-PSC), awarded February 2020 Contract 2 for Workforce Services (030-2019), awarded July 2019, retained in 1992	\$0 Board Spend \$68,384 Staff Spend	\$0 Board Spend \$80,488 HR staff Spend

Additional contracts have been occasionally used by the Board. They were awarded using a competitive process and with Board approval and do not require ratification.

Discussion

These contracts have minimal usage in 2023. A previous contractor declined our request to provide services through a formal contract due to prior contracts expiring without any activity for the period. If services are requested in the future, they have indicated willingness to provide services on a case-by-case basis. In December, the Board was requested to review the contracts and to provide performance feedback. The feedback suggested continuing with these contracts is appropriate.

Requested Board Action

Management requests ratification of consultants Luvaas Cobb, and Harrang Long Gary Rudnick P.C. as Board Appointed Consultants for 2024.

¹ Eric DeFreest provided General Counsel to EWEB at Calkins & Calkins prior to 2011 when the contract was assigned to Luvaas Cobb. Calkins & Calkins was retained by EWEB from the 1940’s-2011.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Carlson, Barofsky, McRae, Schlossberg, and Brown
FROM: Deborah Hart, Chief Financial Officer
DATE: December 27, 2023
SUBJECT: Annual Appointment of the Supplemental Retirement Committee
OBJECTIVE: Approval of Resolution #2401

Issue

EWEB maintains a Supplemental Retirement Plan (SRP) that requires the annual appointment of a committee to make certain decisions.

Background

The EWEB SRP was created in 1968 and closed to new participants in 1988. The objective of the plan is to provide a benefit on retirement which, together with the benefit from PERS, will provide 1.67% of the highest 36-month average salary for each year of service. Independent actuaries determine employer contributions. The plan currently has 11 participants or beneficiaries to whom payments are made. In 2023 EWEB funded \$48,000 in supplemental retirement benefits, \$108,000 in 2022, and \$108,000 in 2021. There have been no recent changes in the design or terms of the plan, and none are anticipated in the future.

Discussion

EWEB funds the plan on a “pay as you go” basis, and the SRP committee monitors and administers the plan. A contracted payroll service prepares monthly checks and tax documentation for plan participants. The terms of the plan include a cost-of-living adjustment (COLA) based upon the rate used by the Oregon PERS plan. The plan requires committee members to be appointed by the Board of Commissioners.

Recommendation

Management requests that the Board approve the appointment of Deborah Hart, Chief Financial Officer; Jeremy Whittlesey, Payroll Administrator; and Bridget Otto, Benefits Program Manager, to the Supplemental Retirement Committee.

Requested Board Action

Approval of Resolution No. 2401

**RESOLUTION No. 2401
JANUARY 2024**

**EUGENE WATER & ELECTRIC BOARD
ANNUAL APPOINTMENT OF SUPPLEMENTAL RETIREMENT PLAN COMMITTEE**

WHEREAS, the Eugene Water & Electric Board maintains a Supplemental Retirement Plan in effect since January 1, 1968, which was last amended and restated in July 1988, with an objective to provide a benefit on retirement which supplements Oregon PERS benefits;

WHEREAS, the Supplemental Retirement Plan is a single-employer plan providing retirement, death and disability benefits to a closed group of EWEB retirees and their beneficiaries;

WHEREAS, a Trust was created in accordance with the Pension Trust Agreement effective May 16, 1975, for the benefit of funding the Supplemental Retirement Plan;

WHEREAS, funding of the plan since is provided by Board contributions, deposited to the existing trust account as needed to meet obligations to retirees, together with earnings on plan assets;

WHEREAS, the Supplemental Retirement Plan provides for annual appointment and reappointment by the Board of a Retirement Committee of three to seven members charged with the general administration of the Plan, subject to the consent and approval of the Board of Commissioners;

WHEREAS, Management recommends the Board appoint Deborah Hart (Chief Financial Officer), Bridget Otto (Benefits Program Manager), and Jeremy Whittlesey (EWEB Payroll Administrator), as EWEB personnel without rights in or to the Supplemental Retirement Plan funds, be appointed to the Retirement Committee;

NOW, THEREFORE, BE IT RESOLVED by the Eugene Water & Electric Board that:

The Board continues the Supplemental Retirement Plan without amendment, and hereby reappoints the Retirement Committee to be comprised of Deborah Hart, Bridget Otto, and Jeremy Whittlesey.

The Retirement Committee shall continue to administer the Supplemental Retirement Plan in accordance with its terms and remain as trustee fulfilling applicable duties under the 1975 Pension Trust Agreement. The trust account may be maintained at a zero or minimal balance within the discretion of the Retirement Committee. Based upon the closed membership in the Supplemental Retirement Plan and the anticipated budget requirements to cover benefit payments in the future, the Board does not require the Supplemental Retirement Plan to be pre-funded. The Board will continue to fund the Supplemental Retirement Plan contributions as a budgetary item on a prospective basis.

Dated this 9th day of January 2024.

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 January 9, 2024 Board Meeting.

Assistant Secretary