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| X | Business Agenda |
| | Second Reading |
| | Consent Agenda |
| | Info Only/Possible Action |
| | Info Only |

COMMISSION MEETING AGENDA ITEM

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|---------------------------------|--|--------------------------------|
| Subject: | Contract Award Recommendation, Aluminum 336-19 Str. AAC, Tulip Conductor, Bid Package #22-21-130 | |
| Agenda Item No: | | |
| Meeting Date: | June 28, 2022 | |
| Presented by: | Evan Edwards | <i>Staff Presenting Item</i> |
| Approved by (dept): | Stephen B. Hunter | <i>Director/Manager</i> |
| Approved for Commission review: | Rick Dunn | <i>General Manager/Asst GM</i> |

Motion for Commission Consideration

Motion to award the contract for Aluminum 336-19 Str. AAC, Tulip Conductor, Bid Package #22-21-130 to Border States of Fargo, ND, for the total amount of \$138,234.88 plus Washington State sales tax in accordance with RCW 54.04.080.

Background

Bids were opened Monday, June 27, 2022 at 3:00 PM for Bid Aluminum 336-19 Str. AAC, Tulip Conductor. Bids were received as follows:

| Vendor/Mfr | Unit Pricing (\$/1000') | Engineer's Estimate (\$/1000') | Exceptions to BPUD spec | Delivery | for this bid Total Price |
|---|-------------------------|--------------------------------|-------------------------|--------------|--------------------------|
| Border States / Priority Wire and Cable | \$1,420.10 | \$1,476.00 | No | 20-22 Weeks | \$138,234.88 |
| American Wire Group | \$2,100.00 | No | Weeks 18 | \$204,288.00 | |
| Anixter / Prysmian | \$2,391.00 | No | Weeks 28-30 | \$232,596.48 | |

Anixter / Prysmian & American Wire Group both exceeded the engineer's estimate + 15% (\$1,697.40). Priority Wire and Cable / Border States were within the limit of the engineer's estimate.

Priority Wire and Cable / Border States submitted metals adjusted pricing over firm and took exception to the District's indemnification clause in the Terms and Conditions to hold them harmless in the event their delivery schedule shifts. As the District did not require a specific delivery date on this Bid, both exceptions were granted.

Summary

Acquiring this conductor will replenish the District's warehouse inventory for anticipated and unexpected customer requested primary line extensions.

Fiscal Impact

Over the past four years, the District has had enough on-hand inventory to meet planned and unplanned needs of Aluminum 336-19 Strand AAC Tulip Conductor from its last purchase. In order to meet anticipated system growth and scheduled system improvements another purchase is necessary. Costs for this conductor will impact the District's 2023 capital planning and base growth budget as projects are completed throughout the year.



CONTRACT
Contract #22-21-130

This agreement is made and entered into on the 28th day of June, 2022, by and between:

PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY, hereinafter referred to as "the District",

AND

BORDER STATES, hereinafter referred to as "the Contractor"

WITNESSETH:

That the Contractor, for the consideration hereinafter fully set out, and the District, for the consideration of material furnished, agrees that:

1. SCOPE OF WORK: Furnish Aluminum 336-19 Str. AAC, Tulip Conductor per specifications in Bid Pkg. #22-21-130.

2. DELIVERY & ACCEPTANCE:

The Contractor shall deliver the Aluminum 336-19 Str. AAC, Tulip Conductor F.O.B. destination to Benton PUD by November 2022; failure to do so may result in damage to the District.

Testing and Acceptance of conforming items by Benton PUD shall occur within the number of days after delivery as specified in the bid specification (if applicable). Items that fail to meet acceptance criteria as specified in the bid specifications shall be rejected. Acceptance or rejection by the District to the Contractor shall be in writing.

3. PAYMENT:

Payment will be made within thirty days of Acceptance by the District or receipt of a valid invoice from the Contractor, whichever occurs later.

The District agrees to pay the Contractor for the material/equipment the sum of One Hundred Thirty Eight Thousand Two Hundred Thirty Four Dollars and 88/100 (\$138,234.88), plus applicable Washington State Sales Tax.

4. GUARANTEE:

The Contractor guarantees the Aluminum 336-19 Str. AAC, Tulip Conductor against all defects in workmanship, materials, and in design as stated on the warranty provided by Priority

Wire & Cable.

5. PERFORMANCE BOND:

The Contractor shall furnish, in favor of the District, a Performance Bond as required by the Contract Documents, and this Contract shall not obligate the District until such Performance Bond has been tendered.

The District is a public entity subject to the disclosure requirements of the Washington Public Records Act of RCW 42.56. The vendor expressly acknowledges and agrees that its proposal and any information vendor submits with its proposal or which vendor submits to the District in its performance of any contract with the District is subject to public disclosure pursuant to the Public Records Act or other applicable law and the District may disclose vendor's proposal and/or accompanying information at its sole discretion in accordance with its obligations under applicable law.

The District must comply with the Preservation and Destruction of Public Records RCW 40.14. The vendor expressly acknowledges and agrees that it will maintain all records and documentation related to the contract in accordance with its obligations under applicable law.

In the event that the District receives a request pursuant to the Washington Public Records Act, or other legal process requesting or mandating disclosure of any information or documents submitted to the District by vendor, the District's sole obligation shall be to notify the vendor promptly, so that the vendor at vendor's expense and cost, may seek court protection of any of the requested information vendor deems confidential.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

**PUBLIC UTILITY DISTRICT NO. 1
OF BENTON COUNTY**

NAME

BY: _____

BY: _____

PRINT: Rick Dunn

PRINT: _____

TITLE: General Manager

TITLE: _____

DATE: June 28, 2022

DATE: _____

UBI NO. _____