

Subject: Resolution #758 - Contract Award for On-Call Electrical and Civil Engineering Services

Dept. Origin: Mayor's Office
Prepared by: Jennifer Robertson, City Attorney's Office
For Agenda of: October 4, 2022
Exhibits: Resolution #758 with Attachments

Initial & Date

Proposed Council Action:

Adopt Resolution #758.

Concurred by Mayor: _____
Approved by City Planner: _____
Approved as to form by City Atty: JSR/9-21-22
Approved by Finance Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

Ruston operates its own electrical power utility system. For approximately the past 10 years, the key engineering personnel serving Ruston Power has been Clint Thayer who serves as the City's Electrical Engineer. Last year the City issued an SOQ for electrical engineering services and selected Select Power Systems LLC which was at that time Mr. Thayer's employer. Mr. Thayer since left Select Power Systems, LLC and joined David Evans and Associates, Inc. Select Power Systems therefore lacked the personnel with adequate experience and knowledge to continue to manage Ruston Power and provide electrical engineering services to the City. As a result, the City gave notice to Select Power Systems terminating its agreement.

On August 16, 2022, the City Council awarded an emergency contract to David Evans & Associates (Mr. Thayer's current employer) under Resolution No. 754 so that the City would not be without an electrical engineer during the construction season. That contract was to remain in place until the City completed the SOQ process as required by Washington law.

In conformance with Chapter 39.80 RCW, the City published a Request for Statement of Qualifications for On-Call Electrical Engineering Services and Optional Civil Engineering Services ("SOQ") in its official newspaper on August 2, 2022 with a closing date of September 15, 2022. This SOQ was made in accordance with State law which specifies a process for hiring engineers or architects as consultants.¹

¹ Chapter 39.80 RCW.

1. General Process for Hiring Engineers or Architects.

In order for the City to hire an architectural or engineering consultant, special bidding requirements are required. The City is required to publish an announcement when it is seeking of professional architectural or engineering services.² Chapter 39.80 RCW requires that a city publish its need for architectural or engineering services in advance, concisely stating the general scope and nature of the project or work for which services are required. Compliance with this requirement may be accomplished by either: (1) publishing an announcement each time the service is needed; or (2) announcing generally to the public the city's projected requirements for any category or type of engineering or architectural service.

Once the SOQ materials are received, Ruston evaluates the qualifications and performance data it has on file along with the information submitted regarding a proposed project. Following the evaluation, the city invites one or more firms to meet with its officials to discuss the project and the relative benefits of various methods of providing the desired services. The city then selects the firm "most highly qualified" to provide the required services from among those firms. The price or cost of the service may not be considered by the city when determining which firm is the most highly qualified.

After the most qualified firm has been chosen, the city negotiates a contract with that firm for the services at a price that it determines is fair and reasonable, considering the estimated value of the services to be rendered, as well as the scope and complexity of the project.

2. Selection of David Evans & Associates as the City Electrical Engineer is recommended.

Ruston received one response to the published SOQ. The Mayor has determined that David Evans & Associates ("DEA") is the "most qualified." The proposed contract is similar to the contract as had been in place previously with the prior City Electrical Engineer and similar to the emergency contract that the City has with DEA. A copy of the response to the SOQ is attached.

The contract is for the firm to provide on-call professional electrical engineering services with an option to also obtain civil engineering and other services to the City. The maximum contract is amount is an amount not to exceed \$100,000 (one hundred thousand dollars) in any calendar year with the hourly rates set forth in Exhibit A. The contract commences immediately and expires on December 31, 2026.

The contracts with JWM&A and with SCJ Alliance will both remain in place. DEA will provide all electrical engineering services and the contract will allow the City to use DEA for other work on an on-call, as-needed basis. By having three on-call engineering firms, the City is in a better position to respond to applications and projects more quickly and can choose which firm is best for a particular task.

The contract requires that the firm provide to the City evidence, in the form of a Certificate of Insurance showing the contract limits set forth on page 4, before beginning work.

² RCW 39.80.030.

FISCAL CONSIDERATION

The maximum contract price is \$100,000 per calendar year through the end of 2026.

RECOMMENDATION / MOTION

Approve Resolution #758.

MOTION: I move to approve Resolution #758 authorizing the Mayor to award the On-Call Engineering Services Agreement to David Evans & Associates and authorizing the Mayor to execute the agreement substantially in the form attached to the Resolution.

RESOLUTION NO. 758

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN ON-CALL ENGINEERING SERVICES CONTRACT WITH DAVID EVANS & ASSOCIATES, INC. FOR ON-CALL ELECTRICAL AND CIVIL ENGINEERING SERVICES.

WHEREAS, Ruston has its own electrical power utility system; and

WHEREAS, the key personnel for such utility is the City's Electrical Engineer; and

WHEREAS, in conformance with Chapter 39.80 RCW, the City published a Request for Statement of Qualifications for On-Call Electrical Engineering Services and Optional Civil Engineering Services ("SOQ") in its official newspaper on August 2, 2022 with a closing date of September 15, 2022. This SOQ was made in accordance with State law which specifies a process for hiring engineers or architects as consultants; and

WHEREAS, the Scope of Work for the SOQ included all potential electrical engineering services needed for 2022 and beyond as well as optional civil work; and

WHEREAS, Ruston received one response to the published Requests for Statement of Qualifications; and

WHEREAS, after a review of the materials, the Mayor has determined that David Evans & Associates, Inc. ("DEA") is the "most qualified" for providing these on-call engineering services; and

WHEREAS, DEA has agreed to maintain a similar contract as had been in place on an interim basis; and

WHEREAS, the proposed contract for on-call professional engineering services is attached to this Resolution as Exhibit 1 and is for an amount not to exceed \$100,000.00 (One hundred

thousand dollars) in any given year with the scope of work and applicable hourly rates set forth in Exhibit A of the Agreement; and

WHEREAS, such Agreement expires on December 31, 2026; and

WHEREAS, in addition to the general on-call work, the City, in its sole discretion, may provide additional work to the On-Call Engineer, including grant-funded work that falls within the general scope of work; and

WHEREAS, the City Council finds it in the public interest to authorize the Mayor to execute the proposed On-Call Engineering Services Agreement in substantially the form that is attached to this Resolution as Exhibit “1”;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Agreement Authorized. The Mayor is hereby authorized to execute the On-Call Engineering Services Consultant Services Contract between the City of Ruston and David Evans & Associates, Inc. in substantially the form attached to this Resolution as Exhibit “1”.

RESOLVED this 4th day of October, 2022.

APPROVED:

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

RESOLUTION NO.: 758

EXHIBIT “1”

ON-CALL ENGINEERING SERVICES AGREEMENT