



City of Union

Agenda

Council Work Session Meeting

Monday, September 13, 2021 @ 6:00 PM

Leonard Almquist Council Chambers, 342 S. Main St,
Union, OR 97883

	Page
1. CALL TO ORDER, ROLL CALL:	
Mayor:	Flint
Councilors:	Denton, Farmer, Hawkins, Cox, Richter and McMillan
2. PRESENTATIONS:	
2.1. Sheriff's Report	
2.2. Anderson and Perry - Dave Wildman	2 - 7
	A&P Discussion - Agenda 091321
3. UPCOMING BUSINESS DISCUSSIONS:	
4. COMMITTEE DISCUSSIONS:	
5. ORDINANCE/CHARTER REVIEW:	
5.1. Noxious Weed Ordinance Revision/Review	8 - 9
	Noxious Weed Ordinance Change
6. OTHER:	
7. ADJOURNMENT:	



**CITY OF UNION, OREGON
WATER SYSTEM BACKUP POWER AND
SYSTEM CONTROL IMPROVEMENTS
CITY COUNCIL WORK SESSION
6:00 P.M. TO 7:00 P.M.±
SEPTEMBER 13, 2021**

Outlined hereafter are some discussion topics related to the City of Union's Water System Backup Power and System Control Improvements project. The goals of the update include a review of the current project design, potential project procurement methods, project cost estimate, and project schedule.

1. Review of Current Project Design
 - a. Well No. 2 improvements
 - b. Well No. 3 improvements
 - c. North chlorine residual analyzer improvements
 - d. Water storage reservoir improvements
2. Procurement Methods
 - a. Low bid versus best value approaches
 - b. State exception process
 - c. Benefits of a best value Request for Proposals (RFP) process
 - d. Drawbacks associated with a RFP process
3. Review of Project Cost Estimate
 - a. See attached Figures 1 and 2
4. Review of Project Schedule
 - a. Plans, Specifications, Contract Documents, and Proposal Documents were submitted to the funding agency on September 3, 2021
 - b. Complete construction phase CDBG funding application in September 2021
 - c. Execute funding agreements winter 2021-22
 - d. Execute construction engineering agreement in January/February 2022
 - e. Advertise for Proposals in February/March 2022
 - f. Award Contract in April/May 2022
 - g. Commence construction in summer 2022
 - h. Complete construction in winter 2022

City of Union, Oregon
Water System Backup Power and System Control Improvements
Alternate Contractor Selection via Best Value Request for Proposals Overview
City Council Work Session - September 13, 2021

Why Consider Alternative Procurement:

- Complexity of project
- Importance of maintaining system operation
- Contractor qualifications/experience/team important
- Cost is a large factor, but not everything to be considered with award
- City Council is in the driver's seat with selection

Discussion Points:

- Under ORS 279C.335 (2), the Local Contract Review Board may provide an exemption to low cost only bidding requirements.
- A notice of public meeting will be published.
- The Best Value proposal procurement process is a competitive process that allows selection of a qualified contractor with experience on similar projects, reducing the risk of potential interruption of current system operations.
- The ability to select a contractor based on experience delivering projects with similar challenges is important for projects with complex sequencing requirements and agency-required completion schedules.
- Approval of the alternative contracting process for this project is unlikely to encourage favoritism or diminish competition.

With this in mind, City staff and the project Engineer (Anderson Perry & Associates, Inc.) recommend the use of the Best Value proposal process to be in the best interest of the Water System Backup Power and System Control Improvements project. Should the City of Union elect to pursue the best value proposal process, the following findings for an exemption from competitive bidding must be identified:

- 1) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.
- 2) Substantial cost savings (both capital and operational) and other substantial benefits must be identified, such as:
 - a) Will several contractors be solicited in the process?
 - b) Will the process help the construction budget and projected operating costs for the completed project be met?
 - c) What are the public benefits that may result from granting the exemption?
 - d) Could contractor-proposed techniques decrease the cost of the public improvement?
 - e) What specialized expertise is necessary to complete the public improvement?
 - f) Are there any likely increases in public safety?
 - g) Would granting the exemption reduce risks to the contracting agency, the state agency, or the public that are related to the public improvement?
 - h) Would granting the exemption affect the sources of funding for the public improvement?
 - i) Would granting the exemption better enable the contracting agency to address the size and technical complexity of the public improvement?

- j) Would the public improvement involve new construction or renovate or remodel an existing structure?
 - k) Would the public improvement be occupied or unoccupied during construction?
 - l) Would the public improvement require multiple phases of construction work to address specific project conditions?
 - m) Has the contracting agency retained under contract consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method?
- 3) Additional findings that are required to be in compliance with ORS 137-049-0650
- a) Setting forth the selection criteria in the RFP (Request for Proposals).
 - b) Identifying the specific terms and conditions or provisions of the RFP that are subject to negotiation or discussion.
 - c) Providing the anticipated competitive proposal price range with the public notice of the RFP.
 - d) Identifying in the RFP that only one contract is expected to be awarded for the Work.
 - e) Evaluating proposals in accordance with criteria set forth in the RFP and applicable law.
 - f) Ranking the proposers (via a selection committee) based on the City's scoring criteria noted in the RFP.
 - g) Determining the Responsible Proposer submitting the best Responsive Proposal.
 - h) Providing written notice to all Proposer's of the City's intent to award the contract to the highest-ranked Proposer.
 - i) Treating all Proposers fairly and not favoring any Proposer over another.
 - j) Not discussing Proposals with other Proposers.

Summary:

Using a competitive proposal Best Value contracting method to select a contractor who has experience with this type of project provides many benefits. Most important, completion of the project by an experienced, cooperative, and solution-oriented contractor who can coordinate and execute construction of the project in a safe, proficient, and expedient manner while maintaining existing system operations will greatly benefit both the City and the public. The use of this process will not diminish competition or result in favoritism and is expected to result in overall cost savings to the City.

**CITY OF UNION, OREGON
WATER SYSTEM BACKUP POWER AND SYSTEM CONTROL IMPROVEMENTS
PRELIMINARY COST ESTIMATE
(YEAR 2021 COSTS)**

NO.	DESCRIPTION	UNIT	UNIT PRICE	ESTIMATED QUANTITY	TOTAL 2021 PRICE
General					
1	Mobilization/Demobilization (5% of Total Proposal Price)	LS	\$ 82,000	All Req'd	\$ 82,000
2	Temporary Protection and Direction of Traffic/Project Safety	LS	30,500	All Req'd	30,500
Well No. 2 Improvements					
3	Demolition of Existing Well No. 2 Building and Piping	LS	20,000	All Req'd	20,000
4	Well No. 2 Site Work	LS	20,000	All Req'd	20,000
5	Well No. 2 Building	LS	360,000	All Req'd	360,000
6	Well No. 2 Mechanical Piping, Valves, Fittings, and Flowmeter	LS	50,000	All Req'd	50,000
7	Vertical Turbine Well Pump and Motor	LS	100,000	All Req'd	100,000
8	Well No. 2 Chlorine Residual Analyzer and Pressure Sensor	LS	15,000	All Req'd	15,000
9	3/4-inch Water Service Line	LF	25	400	10,000
10	Well No. 2 Heating and Ventilation	LS	40,000	All Req'd	40,000
11	Well No. 2 Electrical and Control Work	LS	270,000	All Req'd	270,000
12	Well No. 2 Generator and Automatic Transfer Switch (ATS)	LS	75,000	All Req'd	75,000
13	Gravel Surface Restoration	SY	10	200	2,000
14	Well No. 2 Painting	LS	25,000	All Req'd	25,000
Well No. 3 Improvements					
15	Demolition of Existing Well No. 3 Building Components	LS	5,000	All Req'd	5,000
16	Well No. 3 Site Work	LS	15,000	All Req'd	15,000
17	Well No. 3 Generator Building	LS	65,000	All Req'd	65,000
18	Well No. 3 Mechanical Piping, Valves, Fittings, and Flowmeter	LS	20,000	All Req'd	20,000
19	Well No. 3 Chlorine Residual Analyzer and Pressure Sensor	LS	15,000	All Req'd	15,000
20	3/4-inch Water Service Line	LF	25	160	4,000
21	3/4-inch Hydraulic Sensing Line	LF	40	50	2,000
22	Rock Excavation	CY	100	10	1,000
23	Chlorination System Equipment	LS	18,000	All Req'd	18,000
24	Well No. 3 Heating and Ventilation	LS	20,000	All Req'd	20,000
25	Well No. 3 Electrical and Control Work	LS	250,000	All Req'd	250,000
26	Well No. 3 Generator and ATS	LS	75,000	All Req'd	75,000
27	Well No. 3 Painting	LS	10,000	All Req'd	10,000

Page 1 of 2



CITY OF
UNION, OREGON
WATER SYSTEM BACKUP POWER AND
SYSTEM CONTROL IMPROVEMENTS
PRELIMINARY COST ESTIMATE

**FIGURE
1**

**CITY OF UNION, OREGON
 WATER SYSTEM BACKUP POWER AND SYSTEM CONTROL IMPROVEMENTS
 PRELIMINARY COST ESTIMATE
 (YEAR 2021 COSTS)**

NO.	DESCRIPTION	UNIT	UNIT PRICE	ESTIMATED QUANTITY	TOTAL 2021 PRICE
EXISTING 750,000-GALLON WATER STORAGE RESERVOIR IMPROVEMENTS					
28	Reservoir Mixer with Solar Panels	LS	\$ 75,000	All Req'd	\$ 75,000
29	Reservoir Electrical Work	LS	10,000	All Req'd	10,000
NORTH CHLORINE RESIDUAL ANALYZER IMPROVEMENTS					
30	Chlorine Residual Analyzer	LS	12,000	All Req'd	12,000
31	3/4-inch Water Service Line	LF	25	480	12,000
32	North Chlorine Residual Analyzer Electrical and Control Work	LS	20,000	All Req'd	20,000
33	Asphalt Surface Restoration	SY	100	10	1,000
34	Cold-Mix Asphalt Surface Restoration	SY	50	10	500
35	Lawn Surface Restoration	SY	10	100	1,000
36	North Chlorine Residual Analyzer Painting	LS	3,000	All Req'd	3,000
Subtotal Estimated Construction Cost (2021 Dollars)					\$ 1,734,000



**CITY OF UNION, OREGON
WATER SYSTEM BACKUP POWER AND SYSTEM CONTROL IMPROVEMENTS
ESTIMATED PROJECT COST SUMMARY**

Estimated Construction Costs and Contingency

A. Estimated Construction Cost (2021 Dollars)	\$ 1,734,000
B. Construction Contingency (10%)	173,000
Total Estimated Construction Budget (2021)	\$ 1,907,000

Other Anticipated Post-Design Project Costs¹

C. Finalizing Environmental and Cultural Resources Permits	10,000
D. Construction Funding Application	10,000
E. Construction Engineering	190,000
F. Construction Phase Grant Administration	35,000
G. Labor Standards Administration	20,000
H. Legal	15,000
Total Other Estimated Project Costs	\$ 280,000

TOTAL ESTIMATED PROJECT COST (2021) \$ 2,187,000

TOTAL ESTIMATED PROJECT COST (2022)² \$ 2,300,000

¹ Other Anticipated Post-Design Project Costs may include City administrative or other project and/or funding related costs.

² Assumes a 5 percent annual inflation rate.



CITY OF
UNION, OREGON
WATER SYSTEM BACKUP POWER AND SYSTEM
CONTROL IMPROVEMENTS
ESTIMATED PROJECT COST SUMMARY

**FIGURE
2**

§ 98.01 NUISANCES PROHIBITED.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS VEGETATION.

- (a) Weeds or grass, except ornamental grasses, more than ten inches high;
- (b) The plants listed on a list of noxious weeds to be adopted from time to time by the City Council by resolution, poison oak, and poison ivy; and
- (c) All trees, plants, shrubs, grass, brush, weeds, or other vegetation growing or which has grown and died or dried that are found upon any property which are a fire hazard and/or otherwise a menace to public health, safety and welfare.

NOXIOUS VEGETATION does not include vegetation that constitutes a commercial agricultural crop grown in accordance with all applicable laws, including zoning laws.

PERSON. Any natural person, firm, partnership, association, legal entity, or corporation.

PERSON IN CHARGE OF PROPERTY, PERSON IN CHARGE OF THE SUBJECT PROPERTY, or other similar phrase. Any one or more than one occupant, lessee, contract purchaser, owner, or person having possession of, control of, occupancy at, or title to, the subject property.

(B) *Nuisances.* Noxious vegetation existing anywhere within the city limits of the city is declared to be a public nuisance.

(C) *Responsibility.* A person in charge of property shall have responsibility for all vegetation on the subject property.

(D) *Enforcing authority.* The City Council shall have full authority of law to enforce the provisions of this chapter. The City Council may delegate any portion or all of this authority to its agents. Nothing herein shall limit the responsibility, authority, or powers of enforcement given under other city ordinances or other state law. The term ***COUNCIL*** as used in this chapter, shall mean the City Council or its agent.

(E) *Prohibition.* No person in charge of property may allow nuisances to be on the property. It shall be the duty of a person in charge of property to remove grass, shrubbery, brush, bushes, weeds, or other noxious vegetation in violation of this chapter as often as needed to prevent them from becoming unsightly, from becoming a fire or health hazard, or from going to seed. A breach of any of these stated duties shall be a violation of this chapter. Failure to abate a nuisance within the time required by this chapter shall also be a violation of this chapter.

(Ord. 544, passed 12-8-2014; Ord. 547, passed 4-13-2015) Penalty, see § [98.99](#)

§ 98.01 NUISANCES PROHIBITED.

- A. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS WEED:

A terrestrial, aquatic or marine plant designated by the Oregon State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.

NUISANCE WEED:

All trees, plants, shrubs, grass, brush, weed, or other vegetation growing which has grown and died or dried found upon any property which has become a fire hazard and/or a menace to public health, safety and welfare or weeds or grass, except ornamental grasses, more than ten inches in height.

PERSON:

Any natural person, firm, partnership, association, legal entity, or corporation.

PERSON IN CHARGE OF PROPERTY, PERSON IN CHARGE OF THE SUBJECT PROPERTY, or other similar phrase:

Any one or more than one occupant, lessee, contract purchaser, owner, or person having possession of, control of, occupancy at, or title to, the subject property.

- B. *Responsibility.* A person in charge of property shall have responsibility for all vegetation on the subject property.
- C. *Nuisances.* Noxious or nuisance weed existing anywhere within the city limits of the city is declared to be a public nuisance.
- D. *Enforcing authority.* The City Council shall have full authority of law to enforce the provisions of this chapter. The City Council may delegate any portion or all of this authority to its agents. Nothing herein shall limit the responsibility, authority, or powers of enforcement given under other city ordinances or other state law. The term **COUNCIL** as used in this chapter, shall mean the City Council or its agent.
- E. *Prohibition.* No person in charge of property may allow nuisances to be on the property. It shall be the duty of a person in charge of property to remove nuisance and noxious Weed in violation of this chapter as often as needed to prevent them from becoming unsightly, from becoming a fire or health hazard, or from going to seed. A breach of any of these stated duties shall be a violation of this chapter. Failure to abate a nuisance within the time required by this chapter shall also be a violation of this chapter.