

OREGON INTERNATIONAL PORT OF COOS BAY
Coos Bay, Oregon
REGULAR COMMISSION MEETING
10:00 a.m., Tuesday, May 17, 2022

Port Commission Chambers, 125 Central Avenue, Suite 230, Coos Bay, Oregon 97420

ATTENDANCE

Commission:

David Kronsteiner, President; Eric Farm, Vice President; Brianna Hanson, Treasurer; and Kyle Stevens, Commissioner. Bob Garcia, Secretary was absent.

Staff:

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Mike Dunning, Chief Port Operations Officer; Margaret Barber, Director of External Affairs and Business Development; Ray Dwire, Security; and Krystal Karcher, Administrative Assistant.

Media & Guests:

None Present.

1. CALL MEETING TO ORDER

President Kronsteiner called the meeting to order at 10:01 a.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

3. PUBLIC COMMENT

4. PORT PROJECT UPDATE

A. Coal Bank Slough Bridge Completion, Chief Port Operations Officer Mike Dunning

Mike Dunning presented a project update photo slideshow for the completion of the Coal Bank Slough bridge replacement. The first photo showed the decades old bridge, and the next showed the beginning of deconstruction. Piling work was the only item in the contract that was not a lump sum, rather it was priced per foot of driven pile. There will be some cost savings in this area as the pile did not have to be driven as far as anticipated. Another photo showed the contractor utilizing the existing infrastructure to help with the forming and setting of the piling. The old piling under the bridge had been removed as well as the old substructure.

Track work was required in the yard to realign the vertical approach to the bridge; at almost two feet of elevation difference, the contractor had to go 2,800' into the rail yard and raise the tracks to meet the new approach. Some of the ties were replaced as well.

More photos were shared of the completed bridge and the finished yard. The bioswales were required to capture runoff as the bridge is an impervious surface, so drain lines were placed at the north and south ends into the bioswales. The last photo shared showed the surface of the bridge with the safety center rail which prevents a derail of the train on the bridge.

President Kronsteiner stated the savings to the Port on the piling work is not a savings to the contractor. It is a large extra cost to the contractor and should be evaluated differently with contracting of future projects.

5. CONSENT ITEMS

- A. Approval of April 19, 2022 Regular Commission Meeting Minutes
- B. Approval of April Invoices
- C. Approval of April Contracts Awarded
- D. Approval of Community Giving Donation and Scholarship Award

Upon a motion by Commissioner Farm (second by Commissioner Stevens), the Board of Commissioners voted to approve the April 19, 2022 Regular Commission Meeting Minutes, April Invoices, April Contracts Awarded and Community Giving Donation and Scholarship Award. **Motion Passed.**

5. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

6. ACTION ITEMS/REPORTS

A. **Right of Way Vacation at N. 8th Street in Coos Bay**

Per Oregon Revised Statutes 271.180 and 271.190, municipalities are required to seek approval from Ports and other adjoining property owners for proposed vacation of streets, alleys, and common public places within 5,000 feet of the harbor or pier head lines of the Port. Port Policy Manual Section 13.6 Street Vacations in the Cities of Coos Bay and North Bend, states anything within 1,000 feet from the harbor and pier head lines requires Port Commission approval.

Larry Wilson, AIA on behalf of Gregory Drobot has requested the vacation of a 20' by 100' city right of way in support of new development on the adjoining Tax Lot 400. The existing right of way exceeds city standards. The vacation of this property will provide additional area to support parking and service access. *(As required by Resolution 90 91-14, Port must approve proposed vacations within 1,000 feet of the harbor and pierhead line of the Port).*

Port staff have reviewed the area of the proposed vacation and believe the street right of way vacation action will not create a negative impact on the rail or marine transportation infrastructure serving the Coos Bay harbor.

Prior to the City of Coos Bay taking any formal action on the proposed right-of-way, the Port's Board of Commissioners must approve the vacation.

President Kronsteiner stated it is not clear how much of that street remains, but it looks like the vacation will not interfere with adjoining property owners. John Burns confirmed the area of vacation is surrounded by the development.

Upon a motion by Commissioner Farm (second by Commissioner Stevens), the Board of Commissioners motioned to approve the request for consent from Larry Wilson, AIA on behalf of Gregory Drobot to vacate 20' by 100' on North 8th Street in Coos Bay. **Motion Passed.**

B. Swing Span Steel Trusses Repair Project Bid Award

On April 13, 2021, the Port Commission authorized Port staff to solicit Invitations to Bid (ITB) for five separate construction contracts for the CBRL Bridge Rehabilitation Project (BUILD).

On January 28, 2022, the Oregon International Port of Coos Bay / Coos Bay Rail Line solicited bids for the BUILD project (Phase 3) to effect repairs to the three swing span bridges and their related steel approach spans, on the Coos Bay rail line. Bid responses were due to the Port by 2 p.m. on Wednesday, April 8, 2022. The Port received two bids for this work. Koppers Railroad Structures Inc. for the price of \$15,710,040 and Legacy Contracting Inc. for the price of \$15,103,050. Both bids were well in excess of the engineers' estimates, which by Oregon Revised Statue (ORS) allows the Port to enter into negotiations with the lowest responsive and responsible bidder.

After conducting Value Engineering (VE), Legacy Contracting proposed a reduction of \$702,610 in their total bid price, without reducing the scope of work. After legal and staff review, the Port determined that a reduction of \$699,610 was acceptable.

Port procurement rule 2.8.1(E) requires the Port Commission, acting in its capacity as the Local Contract Review Board, authorize solicitations and awards of contracts in excess of \$150,000. Port staff recommends award of the Swing Span Steel Trusses Repair Project to legacy Contracting Inc. in the amount of \$14,403,440.

Commissioner Hanson asked about the budget for this project. Mr. Dunning stated this project is funded by the BUILD grant awarded in 2018.

Upon a motion by Commissioner Farm (second by Commissioner Stevens), the Board of Commissioners motioned to authorize Chief Executive Officer John Burns to award and enter into a contract for the Swing Span Steel Trusses Repair Project (BUILD Phase 3) with Legacy Contracting Inc. in the amount of \$14,403,440. **Motion Passed.**

7. OTHER

8. COMMISSION COMMENTS

9. NEXT MEETING DATE – Tuesday, June 21, 2022, 10:00 a.m.

Mr. Burns requested the Commissioners consider a request to change the meeting date to June 28, one week later than currently scheduled, to allow attendance and presentation at the Pacific Northwest

Waterways Association Summer Conference. President Kronsteiner stated Commissioners will coordinate the date and staff will announce.

10. ADJOURN

President Kronsteiner adjourned the meeting at 10:17 a.m. and entered into Executive Session to:

- (e) conduct deliberations with persons designated by the governing body to negotiate real property transactions;
- (g) consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (h) consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
- (i) review and evaluate the job performance of a chief executive officer, other officers, employees and staff, if the person whose performance is being reviewed and evaluated does not request an open hearing; and
- (j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.