

**OREGON INTERNATIONAL PORT OF COOS BAY  
REGULAR COMMISSION MEETING  
3:00 p.m., Tuesday, December 15, 2020**  
Port Commission Chambers, 125 West Central Avenue, Suite 230, Coos Bay, Oregon 97420

**AMENDED AGENDA**

- 1. CALL MEETING TO ORDER**
- 2. INTRODUCTION OF GUESTS AND PORT STAFF**
- 3. PUBLIC COMMENT**
- 4. PORT PROJECT UPDATE**
  - A. Closeout of Tunnel Rehabilitation Project ..... Rick Adamek
- 5. CONSENT ITEMS** **Page**
  - A. Approval of October 20, 2020 Regular Commission Meeting Minutes..... 4
  - B. Approval of October and November Invoices..... 10
  - C. Approval of Community Giving Donation..... 11
- 6. MANAGEMENT REPORTS** **Page**
  - A. Administration..... 13
  - B. Finance ..... 15
  - C. Commercial / External Affairs / Marketing..... 35
  - D. Port Operations..... 37
  - E. Charleston Operations ..... 39
  - F. Railroad Operations..... 40
- 7. ACTION ITEMS** **Page**
  - A. 2020Res14: Amendments to Personnel Policy 14.5 Regarding Holiday Pay.. Lanelle Comstock, 43
  - B. 2020Res15: 2021 RV Park Rates ..... Brandon Collura,54
  - C. Stantec Task Orders 36-43 - Bridge Rehabilitation Project ..... Mike Dunning, 57
  - D. Swingspan Bridge Repair RFP ..... Mike Dunning, 59
  - E. 2020Res16: Declaration of Emergency for Repairs to Rail Bridge at MP 739.14 ..... Mike Dunning
  - F. Maxwell Road Street Vacation..... Margaret Barber, 60
  - G. Assignment of Track Miles for 45G Tax Credit..... John Burns, 64
- 8. OTHER**
- 9. INFORMATION ITEMS** **Page**
  - A. The Setoff Nov/Dec 2020 – CBRL Speeders Article..... 67
  - B. Coos Bay Rail Revenue Car Loads – November 2020..... 74
- 10. COMMISSION COMMENTS**
- 11. NEXT MEETING DATE** – Tuesday, January 19, 2021, 3:00 p.m.
- 12. ADJOURN**

**OREGON INTERNATIONAL PORT OF COOS BAY  
BOARD OF COMMISSIONERS  
ACTION/DECISION REQUEST**

**DATE:** December 11, 2020

**PROJECT TITLE:** 2020Res16: Emergency Repairs to at Milepost 739.14 on the Coos Bay Rail Line.

**ACTION REQUESTED:** Adopt resolution 2020Res16 ratifying the Declaration of Emergency for necessary repairs to rail bridge at milepost 739.14 on the Coos Bay Rail Line.

**BACKGROUND:**

On December 8, 2020, the CBRL track inspector identified two deteriorated pile caps at MP 739.14. Additionally, crews that were operating trains across the bridge at MP 739.14 were providing reports to the General Manager about a change in track conditions. The concerns were investigated, evaluated and photos and video were taken. The General Manager was briefed and a decision to place a “Slow Order” on the bridge was made due to safety concerns. The “Slow Order” notification was added to the rail operations bulletin, and crews were verbally notified. On December 8, 2020, the Port’s Rail Engineer of Record (EOR) recommended the immediate replacement of the two pile caps. Scott Partney Construction was contacted to provide an estimate for repairs. Partney has the caps in stock, and the vendor stated that the work can be completed starting December 18, 2020. The estimate for this work is \$12,876.00.

Port Procurement Rule 4.6.3 allows the Chief Executive Officer or his designee to award emergency contracts up to \$200,000 in value, and rule 4.6.5 allows the CEO to enter into a direct award for construction. These actions require a Commission Resolution to ratify the Declaration of Emergency at its next regularly scheduled meeting or as soon as practical.

**RECOMMENDED MOTION:**

Adopt resolution 2020Res16 ratifying the Declaration of Emergency by CEO John Burns, including the execution of a contract with Coos Bay Rail Line, Inc and Scott Partney Construction to effect emergency repairs to the bridge at milepost 739.14 on the Coos Bay Rail Line.

**RESOLUTION 2020Res16**

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE OREGON INTERNATIONAL PORT OF COOS BAY**

**ACTING IN ITS CAPACITY AS ITS OWN LOCAL CONTRACT REVIEW BOARD**

**RATIFYING THE EMERGENCY DECLARATION FOR EMERGENCY REPAIRS TO THE  
COOS BAY RAIL LINE RAILROAD BRIDGE LOCATED AT MILEPOST 739.14**

**WHEREAS**, the Board of Commissioners of the Oregon International Port of Coos Bay (hereinafter “Port”), pursuant to ORS 279A.060 is the Local Contract Review Board (hereinafter LCRB) for the Oregon International Port of Coos Bay; and

**WHEREAS**, the LCRB on April 21, 2011 adopted revised Permanent Public Contracting Rules and Rules of Procedure for Public Contracting for the Oregon International Port of Coos Bay which repeals all prior public contracting rules and procedures; and

**WHEREAS**, the Chief Executive Officer of the Port has authority under ORS 279C.320, ORS 279B.080, and Section 4.6.5 of the Port’s local public contracting rules to declare the existence of an emergency and authorize entry into an emergency procurement for public improvement contracts; and

**WHEREAS**, in making the findings required by ORS 279B.080, OAR 137-049-0150 and Section 4.6.5 of the Port’s local public contracting rules the Chief Executive Officer of the Port may consider the circumstances creating the Emergency and the anticipated harm from failure to enter into Emergency Repair Contracts and such other factors as may be deemed appropriate; and

**WHEREAS**, the Board of Commissioners of the Oregon International Port of Coos Bay, acting in its capacity as its own LCRB, has determined that emergency circumstances did exist which required the Port to promptly solicit and execute a contract for emergency repairs to the Coos Bay Rail Line at the railroad bridge MP 739.14.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The recitals above are true and accurate and are incorporated herein by this reference.
2. The findings contained in the Emergency Declaration by Port Chief Executive Officer, John Burns, identified as Exhibit “A” to this resolution, attached hereto and incorporated herein by this reference, document the nature of the emergency and describe the methods used by Port for the selection of Scott Partney Construction for emergency repairs to the Coos Bay Rail Line railroad bridge located at MP 739.14 are hereby adopted and ratified by the LCRB for the Oregon International Port of Coos Bay.
3. Based upon the contents of Exhibit “A”, the LCRB hereby ratifies the declaration of an emergency by the Chief Executive Officer of the Port and further authorizes and ratifies the decision of the Chief Executive Officer, to solicit and enter into a contract with Scott Partney Construction for the emergency repairs needed for the Coos Bay Rail Line. The Port LCRB also ratifies the decision of the CEO to exempt the contract for the bridge repairs at MP 739.14 from the competitive bidding requirements of ORS Chapter 279C. The LCRB finds that the documents supporting this emergency declaration fully meet and satisfy the requirements of ORS 279C.320 (1), ORS 279B.080 and OAR 137-049-0150, as well as the requirements of LCRB Rule 4.6.5.

**APPROVED AND ADOPTED** by the Board of Commissioners of the Oregon International Port of Coos Bay this 15th day of December 2020.

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David Kronsteiner, Commission President

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Eric Farm, Vice President

DECLARATION OF EMERGENCY CIRCUMSTANCES  
REGARDING EMERGENCY REPAIRS TO COOS BAY RAIL LINE  
BRIDGE AT MILEPOST 739.14  
BY THE OREGON INTERNATIONAL PORT OF COOS BAY

RECITALS

1. The Oregon International Port of Coos Bay (“Port”) is an Oregon State Port organized and operated pursuant to ORS 777.915 to 777.953.

2. The Port of Coos Bay owns the Coos Bay Rail Line, which is a railroad with rail lines from Eugene, Oregon to Coquille, Oregon. Coos Bay Rail Line Inc. (“CBRL”) has provided rail service on the rail line for the Port since November 1, 2018.

3. Situation:

Who: Coos Bay Rail Line

What: The Port’s Engineer of Record (EOR) recommend a slow order to 5 MPH due to two deteriorated pile caps at MP739.14.

When: Tuesday, December 8, 2020.

Where: Mile Post 739.14

Why: The bridge has severe deterioration of the pile caps at bents 18 and 19.

How: This occurred due to deteriorating infrastructure caused by water intrusion into these two caps, which support the bridge at MP 739.14. Photos and physical evaluation demonstrate that the existing caps will no longer support the loads required.

4. The CBRL track inspector identified the critical situation at MP 739.14. In addition, crews that were running the cars and engines across the bridge at MP 739.14 were providing reports to operations about a change in the track conditions. The concerns were investigated, evaluated and photos and video were taken. The General Manager was briefed and a decision to place a slow order on the bridge was made due to safety concerns. The Slow Order notification was added to the rail operations bulletin, and crews were verbally notified. On December 8, 2020, the Port’s Rail EOR recommended the immediate replacement of the two pile caps. Scott Partney Construction was contacted to provide an estimate for repairs. Partney has the caps in stock, and the vendor stated that the work can be completed starting December 18, 2020.

5. Chief Executive Officer John Burns agreed that the situation met the conditions set forth in the LPCR to declare an emergency. Port staff is prepared to issue an emergency contract to Scott Partney to effect repairs.

6. On December 18, 2020, Scott Partney will begin the replacement of two caps at MP 739.14. The repairs are anticipated to take 48 hours.
7. The bridge will remain open under a Slow Order until the repairs are completed and accepted by the Port and EOR.
8. Therefore, pursuant to Local Public Contract Rule 4.6.3:
  - a. I find the above recitals are true and accurate and are incorporated herein by this reference.
  - b. I declare an emergency existed that requires the Port to immediately contract for inspection, scope of work development/proposal, and pile cap replacement to take place at MP 739.14 to prevent further degradation of the infrastructure, and to restore safe rail operating conditions.
  - c. Director of Maritime Operations and Asset Management validated that funds up to \$12,876.00 are available by working with Budget and Finance Director Megan Richardson.
  - d. I hereby ratify the award for repairs to Scott Partney Construction to provide inspection, develop a scope of work and proposal on that scope of work, mobilize, complete approved repairs in a timely manner, and obtain engineering approval for effected repairs. The estimated amount for repairs is \$12,876.00.
9. This declaration shall be placed before the Port Commission for ratification by Resolution at its next regularly scheduled meeting.

Executed December 11, 2020.



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JOHN BURNS, CEO, OIPCB