

## EWEB Board Consent Calendar Request

*For Contract Awards, Renewals, and Increases*

The Board is being asked to approve an Inter-Governmental Agreement (IGA) with **City of Eugene** for **Reservation of Wetland Mitigation Credit for Purchase from Coyote Prairie North Wetland Mitigation Bank.**

Board Meeting Date: May 2, 2023  
Project Name/Contract #: Purchase of Wetland Mitigation Credits / 23-066-IGA  
Manager: Scott Milovich Ext. 7408  
Executive Officer: Karen Kelley Ext. 7153

### Contract Amount:

Original Contract Amount: \$258,000  
Additional \$ Previously Approved: \$0  
Spend over last approval: \$0  
Amount this Request: \$258,000  
% Increase over last approval: NA  
Resulting Cumulative Total: **\$258,000**

### Contracting Method:

Method of Solicitation: Direct Negotiation  
If applicable, basis for exemption: Intergovernmental Agreement  
Term of Agreement: 6-month Term (for completion of purchase)  
Option to Renew? No  
Approval for purchases "as needed": Yes  No   
Proposals/Bids Received (Range): NA  
Selection Basis: Direct Negotiation – Intergovernmental Agreement

### Narrative:

The Bertelsen Property is a 15.8-acre parcel that is currently undeveloped. EWEB is planning and permitting a phased development plan for this property. Wetlands and a drainage channel account for ~2.9 acres of this property. The purchase of 2.7 local wetland mitigation credits is required so that development of the property can proceed. Local credits have been identified through the City of Eugene, who sponsors two active mitigation banks offering credits using the "legacy" accounting system as compensatory wetland mitigation for Removal/Fill projects within our service area. Mitigation credits from either the Coyote North bank or the Amazon Prairie bank have been approved by the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (Corps) for purchase to replace wetland function in the Palustrine Emergent (PEM) wetland classification, in which the Bertelsen property is located. Mitigation credits may be reserved once funds in the amount of \$25,714.60, or 10 (ten) percent of the total current purchase price of \$257,146.00, are made as a non-refundable deposit. Reservation of the 2.7 credits is required, at minimum, for completion of the Joint Permit Application process. The deposit will hold the credits and be sufficient commitment for the completion of the JPA. Once the JPA has been approved the remaining balance of \$231,431.40 will be due to the City within 90 days.

Operational Requirement and Alignment with Strategic Plan

The Roosevelt Operations Center (the ROC) is EWEB’s primary operational facility and is an essential asset in providing EWEB’s critical functions. In May 2021, EWEB negotiated the purchase of the property adjacent to the Roosevelt Operations Center at the corner of Roosevelt Blvd and Bertelsen Rd, with the intent of expanding the ROC’s operational resiliency, capacity, and efficiencies.

Contracted Goods or Services

If approved, this agreement will reserve wetland mitigation credits for purchase from the City’s Mitigation Bank as compensatory mitigation for proposed impacts associated with the Bertelsen expansion project.

Purchasing Process

Directly negotiated Intergovernmental Agreement

Competitive Fair Price (If less than 3 responses received)

The City’s Mitigation Bank provides credits for compensatory wetland mitigation as mutually agreed between U.S. Army Corps of Engineers (USACE), Oregon Department of State Lands (DSL), and the City. USACE and DSL will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed Bertelsen expansion project.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approved	Project Duration (Start to Close)	Original Amount	Approved/Amended Amount to Date (Total)	Reason Code
20-106	EWEB-COE Construction Project Coordination	8/4/20	8/4/20-7/31/25	\$5,000,000	\$5,000,000	
20-205	COVID-19 Bill Assistance Services	10/6/20	10/12/20-6/20/21	\$250,000	\$250,000	
18-0003	Construction of Water Pipelines at Pedestrian Bridges over Amazon Creek	6/5/18	8/9/18-6/30/20	\$190,000	\$190,000	
Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other						

**ACTION REQUESTED:**

Management requests the Board approve an Intergovernmental Agreement with the City of Eugene for the reservation of Wetland Mitigation Credit for Purchase from Coyote Prairie North Wetland Mitigation Bank. Approximately \$250,000 was planned for these goods or services in the 2023 Building & Land Type 2 Capital Budget of \$1,396,000. Variances will be managed within the budget process and Board policy.