

City questioned on public works project

Locals say bank stabilization project should have gone to public bid and not to just one company

By Katherine Lacaze
Seaside Signal

A city public works project, costing nearly \$800,000, is underway, but some people question whether the project, which was not put up for public bid and is being done by a California-based company, could have been done for less.

At its meeting Feb. 23, the Seaside City Council unanimously approved a resolution to authorize a loan through the Oregon Infrastructure Finance Authority of the state Business Development Department. The same resolution was brought before the council at its meeting earlier this month, but the vote was split 3 to 3, requiring it be voted on again.

The resolution authorizes City Manager Mark Winstanley to obtain financial assistance of no more than \$800,000 with an interest rate of 3.7 percent per year to be repaid over 10 years.

The funds will be used to fulfill a \$781,445 contract with BioEngineering Associates, which was signed by Mayor Don Larson Jan. 29. A California-based company, BioEngineering Associates was hired to design and build a rock retaining wall to stabilize the riverbank along the north side of the city's wastewater treatment plant. The city has already paid a down payment of \$140,660.

Work on the project began a few weeks ago after BioEngineering subcontracted with Big River Construction, of Astoria, for construction services and materials. Public Works Director Neal Wallace said he anticipates the project will take about five weeks with good weather, instead of the originally estimated six to seven weeks.

However, Dale McDowell, of TFT Construction and a member of the Seaside Transportation Advisory Commission and the city budget committee, and Keith Keranen, of Keith Keranen Excavating, said both of their companies, and likely other local contractors, could have done the overall project at less expense.

However, the city never put the project up for bid, as required by Oregon law.

Winstanley and Wallace said Oregon statutes allow for an exemption when it comes to "the cost and availability of specialized expertise that is necessary for the public improvement," which they believe applied in this case.

"Regardless of what some of the local contractors claim of their ability to do this work, the truth is this was an extremely difficult project to get permitted," Wallace said. "For various environmental reasons, it's very difficult to get a rock project approved these days. BioEngineering, the company we're working with, it's not just that they've developed a niche. These guys are leaders in a new field. They're at the forefront of bioengineering."

"There's no one else around here that has the ability to get this project put together and to get it permitted," Wallace said. The city's engineering department also doesn't have the capability to design this sort of project, he added.

Winstanley agreed. "We needed the expertise as far as permitting, as well as working in environmental areas," he said.

The U.S. Army Corps of Engineers authorized a general permit for bank stabilization for the city's project Jan. 16. The removal/fill permit from the Oregon Department of State Lands also was authorized Jan. 16.

But McDowell didn't agree with Wallace and Winstanley's assessment.

"It's not hard to get permits; it takes time to get permits," he said.

Several local engineers and design companies could have drawn a design and gone through the permitting process and then put the project up for bid, McDowell said.

"For them to say no local contractor could handle it is hogwash," he said. "We've worked on the jetty before. And a local contractor is handling it. They're doing the work out there."



KATHERINE LACAZE PHOTO

Construction crews work on the city of Seaside's project to stabilize the bank of the Necanicum Estuary, which had started to erode, threatening the city's wastewater treatment plant. The project was awarded to California-based BioEngineering Associates rather than going to bid. BioEngineering subcontracted with Big River Construction, of Astoria.

Not only have McDowell and Keranen raised concerns about the project not going out for bid, but they are critical of the overall cost, which McDowell said go hand in hand.

"Just follow the law and you'll save money," he said. "You get competitive bids. That's the key word — 'competitive.'"

When BioEngineering emailed several construction companies in mid-January with a request to provide a few laborers and operators, along with equipment, to work alongside the BioEngineering crew to build the wall, McDowell's company put in a bid of \$20,536 per week, or \$123,216 for six weeks. BioEngineering, instead, subcontracted with Big River, which provided a lower weekly quote.

"The thing is it should have come out to bid as the whole project and not just a piece of it," McDowell said.

He posed the question: If the raw materials cost an estimated \$36,000 and construction costs for the subcontractor are less than \$123,216, why did the city sign a contract with BioEngineering for

nearly \$800,000 that now has forced the city to obtain a loan from the state?

"The city is spending money like crazy and they don't have any," Keranen said.

The city has not provided a detailed budget for the project. The project's general budget as ap-

proximately \$800,000 that now has forced the city to obtain a loan from the state? Now that the project has been contracted out to BioEngineering, both McDowell and Keranen said it was right for the City Council to approve the loan request, since the project has to be paid somehow. They also are happy that BioEngineering is subcontracting with Big River.

sary because "this isn't a typical rock revetment" or stabilization project.

"I didn't see any other avenues to getting this project permitted in a timely fashion," he said. "What we did was hired the best people for the job, and we're going to end up with a good job."

Time was a factor because the time period the city is allowed to do work in the water ends Feb. 15 and will not open again until Nov. 1. Wallace said the city barely got the permits in time to complete the in-water work for the project.

Another concern McDowell raised is that, according to the Oregon Construction Contractors Board, BioEngineering does not have a statutory public works bond, as required by the state to be eligible to do construction on public works projects.

Wallace said he could not comment on that.

BioEngineering Associates did not respond to multiple requests for comment.

'For them to say no local contractor could handle it is hogwash'

Dale McDowell, of TFT Construction and a member of the Seaside Transportation Advisory Commission and the city budget committee

proved for the loan from the Oregon Infrastructure Finance Authority includes \$603,000 for construction; \$67,000 for construction contingency; \$72,000 for construction management; and \$58,000 for preaward expenses, such as final design and permitting. Last September, the City Council approved a resolution to repay the loan using city sewer fees and revenue.

Their hope, though, is that proper procedures will be followed in the future in the community's best interest.

"We should learn from this going forward and not do it again," Keranen said. "It's really all about helping them not do any more harm to the taxpayers."

Wallace agreed the solution the city has chosen is not the least expensive solution, but he believes it was neces-

Public invited to open house to comment on Mill Ponds project

The Mill Ponds Technical Advisory Committee is seeking public input to refine its vision for the Mill Ponds park and to craft a recommendation for the Seaside City Council.

The committee is hosting an open house at 6:30 p.m. Wednesday, March 4, in the Bob Chisholm Community Center, 1225 Ave. A. The group will unveil its draft plan.

The committee already has taken public input received in August and developed a phased plan for the park. In addition to the public, the committee will seek input from the Parks Advisory Council, the Sunset

Empire Park & Recreation District, the Seaside Chamber of Commerce, the Seaside Downtown Development Association and others before finalizing a plan.

The committee's goal is to

implement the plan this summer starting with invasive species removal.

For more information, contact Melyssa Graeper at 503-717-1458 or necanicum-watershed@gmail.com.



DEL'S O.K. TIRE FACTORY

YOUR #1 SOURCE FOR TIRES

- CUSTOM WHEELS •
- AUTOMOTIVE SERVICES •

Hours: Mon-Fri 8-6 Sat-8-4 | 503-325-2861 For emergencies 503-325-0233 | 35359 Business Hwy 101 (miles crossing) Astoria, OR

Environmentally - Friendly Products now at

OCEAN VIEW

Funeral & Cremation Services

Biodegradable and Eco-Friendly Sand Urns are produced with a vegetable-based gelatin. When buried in the ground, the urn will biodegrade within three months. Once placed in water, the urn will sink within 5 minutes and break down within three days.



Scattering Tubes contain no metal or plastic components and can be recycled or composted after use. Suitable for airline transportation.



www.OceanViewAstoria.com

BRIAN DUTTON, OWNER & OPERATOR
1213 FRANKLIN AVENUE, ASTORIA, OR 97103 • PHONE: 503-338-7200

Recommended by the Funeral Consumer's Alliance of Oregon. We are a locally owned and operated family business accountable only to you & our community, not a corporation.

* FAMOUS FOOTWEAR * GNC * KITCHEN COLLECTION * L'EGGS HANES BALI PLAYTEX EXPRESS * NIKE *

SEASIDE FACTORY OUTLET CENTER



Welcome to the Seaside Factory Outlet Center!

Tokyo Teriyaki II
NIKE

dressbarn
E-FAMOUS footwear

VAN HEUSEN
carter's

RACK ROOM SHOES
kitchen COLLECTION

FACTORY OUTLET CENTER

12TH AVE. & HWY. 101 • SEASIDE, OR • 503.717.1603

Find us on Facebook
SEASIDEOUTLETS.COM
Authorized Shipping Outlet
ups

Top Brands. Factory-Direct Prices.

Free Coupon Book at Wine & Beer Haus or online.

24 Stores • UPS Shipping Center • Beauty Salon • Eateries
Bruce's Candy Kitchen • Gifts for the Kitchen • Shoes • Books/Music
Casual, Sports & Upscale Fashion • Bounce House for the Kids
Wine Tasting Bar/Beer on Tap-1100 Fine Wines/450 Beers



WINTER HOURS (JANUARY-MARCH):
SUNDAY-THURSDAY 10-6, FRIDAY-SATURDAY 10-8

* TOKYO TERIYAKI * TOYS"R"US * TREE OF LIFE CHRISTIAN OUTLET * VAN HEUSEN ZUMIEZ *