

Resolution No. 3605 Matrix: Current language vs. proposed language

Page, Section #	Current Resolution Language	Proposed Resolution Language
Page 2, Introduction	...Resolution No. 3605 shall be subject to Port Commission review in twelve (12) months to eighteen (18) months after it enter into force...	... Resolution No. 3605 shall be subject to Port Commission review within two years or sooner if the Legislature requires changes in port contracting practices or if related matters arise that require Commission review.
Page 5, Section 1.5., Roles and Responsibilities of the CEO	New language, no prior version. Replaces multiple references to “authorized budget limits” in document.	1.5.1. The CEO shall exercise the authority granted by this Resolution in a manner consistent with the Port’s Annual Operating Budget, Annually Approved Capital Budget and Annually Approved Capital Improvement Plan. The CEO shall specifically report to the Commission not less than quarterly on actual results versus budgeted amounts for both revenues and expenses and more frequently in the event that the CEO projects a material, negative variance from the Annual Operating Budget, Annually Approved Capital Budget or Annually Approved Capital Improvement Plan, all so that the Commission may exercise it proper oversight over the operations of the Port. When seeking approval for any project under either Section 4 or 5 of this Resolution, the CEO shall clearly indicate whether such project is within the Annually Approved Capital Budget and Annually Approved Capital Improvement Plan and, if not, how it is expect to be funded. In administering the day-to-day Normal Port Operations, the CEO shall have the authority reallocate amounts within and otherwise incur variances from the Annual Operating Budget so long as such actions are otherwise consistent with the policies established by the Commission and the authority delegated to the CEO.
Page 6, Section 1.7., Roles and	New language, no prior version.	1.7. Any changes in the policies and procedures of this document that are brought about by changes in the law will

Responsibilities of the CEO		be reviewed and approved by the Commission prior to implementation by Port staff.
Multiple Sections: 3,4,5,6,7,8,9	Global replacement of the term “less than or equal to \$200,000 dollars”	“less than or equal to \$300,000 dollars”
Page 12, Section 4.2.3.8., Change Orders for Contracts over \$300,000.	Removal of “The individual change order does not cause the project to exceed the authorized budget.”	None, exceeding the authorized budget causes the project to go before the Commission in open session anyway.
Page 13-14, Section 5, Non-public Work Projects	Removes parts of Section 5 that are identical to Section 4, and the text refers the reader back to Section 4.	
Page 15, 6.4., Waivers from competition	No prior language	<p>6.4. It is the Port of Seattle’s policy to engage in competitive solicitation of bids for all services and purchases, as adopted in accordance with provisions in Chapter 53.19. RCW in order to promote full and open competition, transparency in its procurement practices, opportunities for small businesses, and compliance with all legal requirements</p> <p>.</p> <p>6.5. The CEO is authorized to approve competition waivers consistent with applicable federal and state laws and internal Port policies. Situations where the CEO may approve competition waivers include contracts where the following conditions exist:</p> <p>(i) There is only one source for the service or product, or.</p> <p>(ii) The only source for the service or product is proprietary in nature, or</p> <p>(iii) There is only one source for the service or product that is compatible with existing Port infrastructure, or</p>

		<p>required for inter-operability, or</p> <p>(iv) The waiver is necessary to authorize work with a contractor or service provider who has exclusive knowledge that was provided during a prior phase of the contract or project.</p> <p>6.6. Notification of all such waivers shall be provide to the Commission prior to the proposed starting date of the contract or purchase, and will include the a written justification of the reason for the waiver.</p>
<p>Page 15, Section 7.2., Personal Services</p>	<p>7.2.1. For projects within Authorized Budget Limits, the CEO is authorized to contract for personal services with qualified consultants so long as the fees for any single project or closely related work are less than or equal to Two Hundred Thousand Dollars (\$200,000).</p> <p>7.2.2. For services not ancillary to projects, the CEO is authorized to contract for personal services so long as the fees are within Authorized Budget Limits and are less than or equal to Two Hundred Thousand Dollars (\$200,000).</p> <p>7.2.3. Selection, contracting, and payment for all such services shall follow all required statutory procedures. All Port of Seattle personal services policies and procedures shall specifically conform to SSHB 3274, or its equivalent codification in the Revised Code of Washington.</p> <p>7.2.4. The CEO will endeavor to use a variety of firms (including small business firms) based on the nature of the work and the expertise of the firms. The CEO will develop or oversee strategies to identify and certify eligible firms to compete on such projects.</p>	<p>7.2.1. The Port of Seattle’s procurement policy, as adopted in accordance with RCW 53.19.090., promotes full and open competition, transparent procurement practices, opportunities for small businesses, and compliance with all laws. All Port of Seattle personal service policies and procedures shall specifically conform to Chapter 53.19. RCW.</p> <p>7.2.2. The CEO is authorized to contract for personal services with qualified consultants so long as the fees for any single project or closely related work are less than or equal to Three Hundred Thousand Dollars (\$300,000).</p> <p>7.2.3. For services not connected to projects, the CEO is authorized to contract for personal services so long as the fees are less than or equal to Three Hundred Thousand Dollars (\$300,000).</p> <p>7.2.4. The CEO is authorized to amend service agreements so long as the fee increase associated with the amendment is less than or equal to Three Hundred Thousand Dollars (\$300,000). All amendments over that amount require Commission approval. The Commission must be notified of</p>

		<p>any amendment or amendments to personal service contracts prior to the proposed starting date of service if the value of the amendment or amendments, singly or cumulatively, exceeds fifty percent of the value of the original contract.</p> <p>7.2.5. The CEO will endeavor to use a variety of firms, including small business firms, based on the nature of the work and the expertise of the firms. The CEO will develop or oversee strategies to identify and certify firms to compete on such projects.</p> <p>7.2.6. The CEO shall develop an appropriate training program for Port staff with respect to efficient and effective contract management. Port employees responsible for executing or managing personal services contracts shall complete the Port’s training program. The training program will be based on federal and state law, Port policy and public sector contracting best practices.</p>
Page 16, Section 7.3., Goods and Purchased Services	No previous section; this language matches language on critical works in Sections 4/5.	7.3.4. Authorization for Critical Work. Under circumstances not constituting a legally defined emergency, but otherwise requiring immediate action to avoid significant adverse consequences to public health, safety or property, the Commission authorizes the CEO to spend up to Five Hundred Thousand Dollars (\$500,000) to prevent potentially significant adverse consequences to public health, safety or property. The CEO shall have authority to spend the funds if: (i) the circumstances are such that a true emergency as defined by RCW 39.04.280 is substantially likely to develop unless action is taken, or (ii) any delay in addressing the situation will likely result in significant cost increases or adverse schedule impacts to the Port, other public agencies or private property owners,

		and, (iii) where prior Commission authorization cannot, even on an expedited basis, be obtained. When the CEO authorizes Critical Work to be undertaken, he or she shall notify the Commission as soon as practicable of his or her action, the amount of money spent and obtain Commission ratification at the next public meeting. The CEO shall also provide notice of this Critical Work to the public.
Page 18, Section 7.4., Audits	New language	"...as laid out in the Audit Committee Charter. "
Page 19, Section 8, Utilization of Port crews	New language	8.3. The CEO may authorize expense maintenance projects that are not new construction projects or contracts or that in any way add to the capacity or function of a facility, whether performed by Port crews or by contractors, up to a value of three hundred thousand dollars (\$300,000).
Page 19, Section 9.2., Legal Services	New language	Subject to the limitations of RCW 53.08.208, counsel may be retained whenever any action, claim, or proceeding is instituted against any person who is or was an officer, employee, or agent of the Port arising out of the performance or failure of performance of duties for, or employment with the Port; provided that, if any such action, claim, or proceedings includes allegations of fraud or other illegal activity retention of counsel shall be subject to Commission approval. Retained legal counsel may act solely on behalf of the Port or jointly with other interested parties under appropriate agreements. A quarterly report of all such retentions shall be provided to the Commission by the General Counsel.
Page 23, Section 16, Non-discrimination and equal opportunity	AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT 16.1. It is the basic policy of the Port of Seattle to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure that there be	NON-DISCRIMINATION AND EQUAL OPPORTUNITY 16.1. It is the basic policy of the Port of Seattle to provide equal opportunity to the users of all Port services and facilities and all contracting entities. Specifically, the Port will not tolerate discrimination against any persons on

	absolutely no discrimination against any persons on grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental, or physical disability as guaranteed in the Washington State Constitution and various RCWs, and applicable federal laws.	grounds of age, race, color, national origin/ancestry, ethnicity, religion, disability, Family Medical Leave Act (FMLA) use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, workers' compensation use, transgender status, political beliefs, or any other protected status, as guaranteed by local, state and federal laws. The equal opportunity principles described in this policy shall apply to the Port's employees, customers, consultants, contractors, and vendors to the extent possible and as required by law.
Page 25, Section 20.2., Definitions	20.2.13. "Best Bid" is an alternate contracting method where the best bidder submits plans according to specifications in accordance with RCW 53.08.130. The Best Bid contracting method proceeds in three phases. First, the Commission authorizes design funds and permission to use the best bid contracting method. Second, after the request for proposal is prepared, the Commission authorizes the advertisement of the contract and the selection of the best bid. Third, the Commission authorizes final design, construction funding, and awarding of the contract to the best bidder.	20.2.12. "Best Bid" is a contracting procedure described in RCW 53.08.130 that allows awarding a public works contract to "the best bidder submitting his or her own plans and specifications." This situation may occur when the Port has provided a complete design but one or more bidders has another idea, or the Port may solicit original ideas from all bidders. In either case, the award selection is made on a combination of cost and proposal known as best value. Commission authorization is required for best bid procurement, either prior to advertising, if best bid proposals are requested, or prior to award, if an unsolicited best bid proposal is selected.