

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5b

Date of Meeting December 15, 2009

DATE: November 25, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Stephanie Jones Stebbins, Sr. Manager, Seaport Environmental Program
Ralph Graves, Managing Director, Capital Development

SUBJECT: Waiver of Equal Benefits Requirement and Authorization to Pay Outstanding Obligation

ACTION REQUESTED:

Request authorization for the Chief Executive Officer to waive the requirement for Port suppliers to provide equal benefits to domestic partners or legally domiciled members of household, as identified in Port of Seattle Resolution No. 3549, as amended, for a single purchase of fishing net materials from Seattle Marine and Fishing Supply Company and authorization of immediate payment of outstanding obligation of \$34,823.15.

SYNOPSIS:

There is no applicable situation identified in Resolution No. 3549, as amended, paragraph 2.7, Waivers of the Resolution, that allows for this administrative oversight to be waived by the Chief Executive Officer or his or her designee; therefore, this request is being made to the Port Commission to grant the Chief Executive Officer this authority for this purchase.

BACKGROUND:

The Port has made a commitment to the Muckleshoot Indian Tribe requiring the Port to replace Treaty Tribe fishing gear lost due to marine facility construction activities and cargo vessel operations at Port facilities. The existing commitment initially resulted from the Terminal 5 Redevelopment Project and was extended by the 2006-2007 Coordination Program through the 2009 fishing season.

In May 2009 Port staff obtained three price estimates for purchase of the fishing gear what would be required by late August for the start of the 2009 fishing season. Seattle Marine and Fishing Supply Company submitted the lowest cost for providing the required fishing nets and gear acceptable to the Muckleshoot Indian Tribe, consistent with the required delivery schedule. Due to the extended lead time to obtain net material and the local production work required by the supplier, the Port purchasing manager acknowledged the urgency of the situation and issued a purchase order allowing Seattle Marine to proceed with providing the requested equipment.

When the purchase order was expedited to the supplier, there was an oversight in acknowledging that the value of the contract required the implementation of requirements under Resolution 3549, as amended. As soon as this was discovered, Seattle Marine was provided the Equal Benefits documents for completion. Upon review of the documentation submitted it was discovered that Seattle Marine & Fishing Supply Company indicated Statement of Noncompliance to the Equal Benefits requirement.

In the meantime the Port has received in full and in good order the equipment requested.

It is acknowledged that although acting in good faith, staff did not follow normal Port procurement procedures. Urgent situations that arise in the future will be afforded careful review for application of this requirement.