

RESOLUTION NO. 3703

A RESOLUTION of the Port Commission of the Port of Seattle related to real estate development and construction work on Port-owned land leased to Port tenants.

WHEREAS, the voters of King County, pursuant to the provisions of enabling legislation adopted by the Legislature of the State of Washington, Chapter 92, Laws of 1911, RCW 53.04.010, authorized and approved at a special election held in King County on the 5th day of September 1911, the formation of a Port District coextensive with King County to be known as the Port of Seattle; and

WHEREAS, the Port is governed by an elected commission of five independently elected commissioners; and

WHEREAS, the Port is recognized as an economic engine for the citizens of King County and Washington State; and

WHEREAS, it is the desire of the Port Commission to establish its intention with regard to facilitating the creation of quality jobs and providing opportunities for all qualified firms to participate in Port-related work; and

WHEREAS, in furtherance of this goal the Port Commission affirms its policy with regard to the establishment of project labor agreements (PLAs) for Port-contracted work; and

WHEREAS, for non-Port contracted work to be undertaken by the Port's tenants that falls outside the Port's PLA policy, the Port Commission desires to encourage certain voluntary practices by its tenants.

NOW THEREFORE, BE IT RESOLVED that the Port Commission of the Port of Seattle urges those firms that do business with the Port to adopt the following voluntary practices to promote open and competitive opportunities for qualified firms, including union firms, that would like to provide labor and work on projects located on Port properties:

- a. Place qualified firms interested in the project on solicitation lists and provide written notice of subcontracting opportunities to those firms capable of performing the work, including firms on any list provided by the Port.
- b. Procure project-related work in smaller tasks or quantities, where feasible, to allow for maximum participation by small businesses.

- c. Provide small businesses interested in the project with adequate and timely information about plans, specifications and requirements.
- d. Engage the services of community organizations, consulting groups, and government offices, including the Port, that provide assistance in connecting small businesses with business opportunities.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Port's primary mission is to serve as an economic development agency that generates quality, family-wage jobs in King County and economic growth for the region. The Port helps facilitate access to quality jobs to all persons in King County. As such, the Port Commission directs staff to take the following actions:

Staff shall include mention of this resolution in any competitive procurement documents (e.g., requests for interest/offers/qualifications/proposals) for a long-term lease agreement involving land development and shall award preference points in the evaluation of submittals as follows:

- (i) Award a certain number of preference points to any responding firm that states in its submittal that it will commit to contracting with only those construction contractors that will in turn commit to good faith discussions with unions interested in providing labor and work during construction of the project; and
- (ii) The weight assigned to the commitment to engage in good faith discussions with labor shall be influential but not outcome-determinative and the actual number of preference points when a commitment is made in the submittal shall not vary.

If there has been no competitive procurement of the proposed long-term lease, staff shall reference this resolution in any preliminary letter of intent and shall otherwise encourage the proposed tenant/developer to select construction contractors that will agree to undertake good faith discussions with unions interested in providing labor and work during construction of the project.

Staff shall incorporate in all ground lease agreements involving land development a provision similar in intent to the following language:

“Lessee agrees to use its best efforts to avoid disruption to the Port, its tenants or members of the public, arising from labor disputes involving Lessee, and in the event of a strike, picketing, demonstration or other labor difficulty involving Lessee, to use its good offices, including the utilization of available legal remedies, to minimize and/or eliminate any disruption to the Port, its tenants or members of the public, arising from such strike, picketing, demonstration or other labor difficulty.”

ADOPTED by the Port Commission of the Port of Seattle this _____ day of _____, 2015, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission duly affixed.

PORT COMMISSION

DRAFT