



## RESOLUTION NO. U-11300

1 A RESOLUTION related to the purchase of materials, supplies, equipment and  
2 the furnishing of services; authorizing the City officials to enter into  
3 contracts and, where specified, waive competitive bidding requirements,  
4 authorize sale of surplus property, or increase or extend existing  
5 agreements.

6 WHEREAS the City of Tacoma, Department of Public Utilities, requested  
7 bids/proposals for the purchase of certain materials, supplies, equipment and/or  
8 the furnishing of certain services, or proposes to purchase off an agreement  
9 previously competitively bid and entered into by another governmental entity, or  
10 for the sales of surplus, or desires to increase and/or extend an existing  
11 agreement, all as explained by the attached Exhibit "A," which by this reference  
12 is incorporated herein, and

13 WHEREAS in response thereto, bids/proposals (or prices from another  
14 governmental agreement) were received, all as evidenced by Exhibit "A," and

15 WHEREAS the Board of Contracts and Awards and/or the requesting  
16 division have heretofore made their recommendations, which may include  
17 waiver of the formal competitive bid process because it was not practicable to  
18 follow said process, or because the purchase is from a single source, or there is  
19 an emergency that requires such waiver, and/or waiver of minor deviations, and  
20 in the case of sale of surplus, a declaration of surplus has been made certifying  
21 that said items are no longer essential for continued effective utility service, as  
22 explained in Exhibit "A," and  
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WHEREAS the Director requests authorization, pursuant to

TMC 1.06.269 A, to amend contract amounts up to \$500,000 and to approve term extensions and renewals for all items contained in Exhibit "A;" Now, therefore,

BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

That the Public Utility Board of the City of Tacoma hereby concurs and approves the recommendations of the Board of Contracts and Awards and/or the requesting division, and approves, as appropriate: (1) the purchase and/or furnishing of those materials, supplies, equipment or services recommended for acceptance; (2) the sale of surplus materials, supplies or equipment recommended for acceptance; (3) the Interlocal agreement that authorizes purchase off another governmental entity's contract; (4) the increase and/or extension of an existing agreement, and said matters may include waiver of the formal competitive bid process and/or waiver of minor deviations, all as set forth on Exhibit "A," and authorizes the execution, delivery and implementation of appropriate notices, contracts and documents by the proper officers of the City for said transactions, and (5) the administrative authority of the Director, per TMC 1.06.269 A., to amend contract amounts up to \$500,000 and to approve term extensions and contract renewals for all items in Exhibit "A."

Approved as to form:

_____	_____
/s/	Chair
Chief Deputy City Attorney	Secretary
_____	Adopted _____
Clerk	



City of Tacoma

1-12-22  
Contract and Award Letter  
Resolution No.: U-11300#1

**TO:** Elizabeth Pauli, City Manager  
Tadd Wille, Deputy City Manager  
Board of Contracts and Awards

**FROM:** Andrew Cherullo, Director, Department of Finance  
Debra Casparian, Deputy City Attorney, City Attorney's Office

**COPY:** Public Utility Board, Director of Utilities, Board Clerk, City Council, City Clerk, EIC  
Coordinator, LEAP Coordinator, and Tad Carlson, Finance/Purchasing

**SUBJECT:** Increase Contract with Pacifica Law Group for Bond Council, Citywide Contract  
No. CW222782 Utility Board – January 12, 2022 and City Manager

**DATE:** October 27, 2021

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Pursuant to the City of Tacoma March 12, 2020, state of emergency proclamation in response to COVID-19, made in accordance with Tacoma Municipal Code Chapter 1.10., contract awards for purchases must be approved by the City Manager or delegee.

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**RECOMMENDATION SUMMARY:**

The Finance Department and City Attorney's Office request approval to increase Citywide Contract No. CW222782 with Pacifica Law Group (Pacifica), Seattle, WA, by \$500,000, plus any applicable taxes, for additional bond counsel services. This increase will bring the contract to a cumulative total of \$1,100,000, plus any applicable taxes.

**STRATEGIC POLICY PRIORITY:**

Seeking outside legal counsel for bond-related issues best supports the City and its residents by allowing the City to issue bonds as necessary in the most effective and efficient manner.

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:**

The City contracted with Pacifica in October 2017 and has since amended the contract three times to specifically outline that Pacifica will provide legal services to not only General Government but also to Tacoma Public Utilities (TPU), to extend the original termination date and increase the maximum amount of compensation. The Finance Department has identified a need to increase the amount under this contract to adequately compensate Pacifica for its services, and for services Pacifica will provide through the term of the agreement.

**ISSUE:** The City issues bonds to fund capital projects such as upgrades, repair, replacements, and/or improvements at City facilities, system upgrades, replacements, and/or repairs and other capital projects for City-owned infrastructure. Pacifica Law Group has been contracted to assist the City with legal issues related to bond issuances such as ordinances, IRS filings, SEC filings, proper use of the funds raised by the sale of the bonds as well as other items. The current contract has reached its maximum value and needs to be increased to avoid interruption of these services.



ALTERNATIVES: The City could choose not to amend this contract, which means that the City would need to put this contract out to bid as soon as possible so the City could obtain legal services as needed. Doing so would delay the needed legal services.

**COMPETITIVE SOLICITATION:**

This service was put out to bid in 2011 which resulted in a contract with Pacifica that was executed in 2011 and ran-through 2017. Based upon the performance of Pacifica over that term, a direct negotiation was authorized in 2017 to directly negotiate with Pacifica for a replacement contract.

CONTRACT HISTORY: This contract was originally awarded, on October 1, 2017, to Pacifica Law Group as a result of the 2017 direct negotiation waiver authorizing a three-year initial term with three one-year options to extend the contract term. Amendment one, effective January 16, 2018, amended sections one and four of the contract (to include services for TPU). Amendment two, effective October 1, 2020, executed the first of three one-year renewal options. Amendment three, effective March 29, 2021, executed the second of three one-year renewal options, and increased the maximum compensation.

SUSTAINABILITY: Not applicable

EIC/LEAP COMPLIANCE: Not applicable

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Various	Various	5310100	\$500,000
<b>TOTAL</b>			<b>Up to \$500,000</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
<b>TOTAL</b>			<b>\$0</b>



City of Tacoma

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**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$500,000**

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? YES**

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. N/A.**

APPROVED

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City Manager/Deputy City Manager