



## RESOLUTION NO. U-11434

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 or proposals for the purchase of certain materials, supplies, equipment 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 a purchasing cooperative, or for the sales of surplus, or desires to increase or  
11 extend an existing agreement, all as explained by the attached Exhibit "A,"  
12 which by this reference is incorporated herein, and

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

16 WHEREAS the Board of Contracts and Awards or the requesting division  
17 have heretofore made their recommendations, which may include waiver of the  
18 formal competitive bid process because it was not practicable to follow said  
19 process, or because the purchase is from a single source, or there is an  
20 emergency that requires such waiver, or because a directly negotiated contract  
21 was determined to be in the best interest of the City, or waiver of minor  
22 deviations, and in the case of sale of surplus, a declaration of surplus has been  
23 made certifying that said items are no longer essential for continued effective  
24 utility service, as explained in Exhibit "A," Now, therefore,  
25  
26



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

2 That the Public Utility Board of the City of Tacoma hereby concurs and  
3 approves the recommendations of the Board of Contracts and Awards or  
4 the requesting division, and approves, as appropriate: (1) the purchase or  
5 furnishing of those materials, supplies, equipment or services recommended for  
6 acceptance; (2) the sale of surplus materials, supplies or equipment  
7 recommended for acceptance; (3) the purchase from a cooperative or another  
8 governmental entity contract; and (4) the increase or extension of an existing  
9 agreement, and said matters may include waiver of the formal competitive bid  
10 process or waiver of minor deviations, all as set forth on Exhibit "A," and  
11 authorizes the execution, delivery and implementation of appropriate notices,  
12 contracts and documents by the proper officers of the City for said transactions.  
13  
14

15 Approved as to form:

16 \_\_\_\_\_  
17 /s/  
18 Chief Deputy City Attorney

\_\_\_\_\_ Chair  
\_\_\_\_\_ Secretary

19 \_\_\_\_\_  
20 Clerk

Adopted \_\_\_\_\_

21  
22  
23  
24  
25  
26



Resolution No.: U-11434

Item No.: \_\_\_\_\_

Meeting Date: JANUARY 24, 2024

---

**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Utilities Deputy Director - Power Superintendent, Tacoma Power  
Joseph A. Wilson, Transmission and Distribution Section Manager, Tacoma Power  
Sharon Brophy, Business Services Senior Manager, Tacoma Power  
Erica Pierce, Senior Business Services Analyst, Tacoma Power  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP Coordinator, and Sara Bird, Finance/Purchasing, Janine Mann, Customer Service  
**SUBJECT:** Arc-Rated Flame-Resistant Clothing Program  
Request for Proposals Specification No. PT19-0455F, Contract No. 4600014216  
– January 24, 2024, Public Utility Board  
**DATE:** January 2, 2024

---

**RECOMMENDATION SUMMARY:**

Tacoma Power and Customer Service requests approval to increase Contract 4600014216, to Tyndale Enterprises, Inc., Pipersville, PA, by \$323,000, plus applicable taxes, budgeted from the Tacoma Power Transmission and Distribution (T&D) Budget & Customer Services Budget, for Arc-Rated Flame-Resistant Clothing Program. This increase will bring the contract to a cumulative total of \$823,000, plus applicable taxes.

**BACKGROUND:**

This contract enables Tacoma Public Utilities to provide arc-rated flame-resistant clothing for TPU employees. This contract supplies protective clothing meeting the requirements of the Occupational Safety & Health Administration (OSHA) rules 19.10.269(i)(6).

ISSUE: These OSHA requirements address the safety hazards faced by Tacoma Public Utilities (TPU) employees when exposed to an electrical arc flash. Due to the high temperatures experienced in an arc flash, a worker's clothing can ignite resulting in debilitating injuries or death. Arc-rated clothing is made from fabric that will self-extinguish upon the removal of the ignition source.

ALTERNATIVES: If the contract amount is not increased, TPU will need to procure these clothing items on a one-time as needed basis until a new contract is awarded, which could take several months. This would require numerous solicitations which would significantly impact internal resources, potentially increase costs, and negatively effecting service time and project timelines.

**COMPETITIVE SOLICITATION:**

Request for Proposals (RFP) Specification No. PT19-0455F was opened February 11, 2020. Ten companies were invited to bid in addition to normal advertising of the project. One submittal was received. The Selection Advisory Committee (SAC) applied the evaluation process as described in the specification document. The submittals were ranked based upon the following criteria.



- Services to be Provided
- Qualifications and Experience
- References
- Catalog Offering
- Pricing
- Warranty
- Small Business Enterprise

Tyndale Enterprises, Inc. submitted a bid that resulted in the highest evaluated submittal. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Score</u>
Tyndale Enterprises, Inc.	Pipersville, PA	27.91 (out of 30)

Pre-bid Estimate: \$290,000 for the initial three-year term

CONTRACT HISTORY: This contract was originally awarded to Tyndale Enterprises, Inc. as a result of RFP Specification No. PT19-0455F in February 2020. Contract was extended in June 2023 via signed extension letter to the latest possible contract term date, April 30, 2025.

SUSTAINABILITY: Not Applicable

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not Applicable

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: Not Applicable

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 – CS Meter Readers	579400	5220200	\$8,500
4700 – CS Field Investigators	579200	5220200	\$41,500
4700 - Tacoma Power T&D	563600	5220200	\$273,000
<b>TOTAL</b>			<b>Up to \$323,000</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Internal Service Allocations	579400	5950273	(\$8,500)
Internal Service Allocations	579200	5950272	(\$41,500)
Rate Revenues	563600	Various	(\$273,000)
<b>TOTAL</b>			<b>Up to (\$323,000)</b>



---

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$186,500**

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

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



Resolution No.: U-11434  
Item No.: \_\_\_\_\_  
Meeting Date: JANUARY 24, 2024

---

**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Utilities Deputy Director/Power Superintendent, Tacoma Power  
Joseph A. Wilson, Transmission and Distribution Section Manager, Tacoma Power  
Sharon Brophy, Business Services Senior Manager, Tacoma Power  
Erica Pierce, Senior Business Services Analyst, Tacoma Power  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP Coordinator, and Sara Bird, Finance/Purchasing  
**SUBJECT:** Transmission Wood Poles – 65 Feet to 110 Feet  
Request for Bids Specification No. PT22-0291F, Contract No. 4600015427 – January 24, 2024 Public Utility Board  
**DATE:** January 8, 2024

---

**RECOMMENDATION SUMMARY:**

Tacoma Power requests approval to increase contract 4600015427, to Stella-Jones Corporation (Stella-Jones), Tacoma, WA, by \$700,000, plus applicable taxes, budgeted from the Capital Outlay Budget, for distribution poles between 65 feet and 110 feet (FT). This increase will bring the contract to a cumulative total of \$1,200,000, plus applicable taxes.

**BACKGROUND:**

This contract was created as a backup contract to the original contract awarded off the specification to Bell Lumber due to the potential for longer than normal lead times. This contract is for the supply of wood poles between 65 FT to 110 FT in length on as as-needed basis. Wood poles are managed by the Power Warehouse as an inventory material. Usage includes requirements for new construction, maintenance, relocation of distribution lines, and pole replacements required by the wood pole inspection and treatment program.

ISSUE: During the summer of 2023, the main contract holder, Bell Lumber & Pole Company (Bell Lumber), advised Power Warehouse team members of the potential for longer than normal lead times due to supply chain constraints. This backup contract with Stella-Jones was established to have an alternate source to purchase these materials to not hold up any potential projects. In early January, the wood pole treatment program advised the Power Warehouse of 150 Priority 1 wood pole replacements needed. The average cost of these poles is between \$2,000 - \$8,000 each. The main vendor may not be able to supply this large of an order in a timely fashion. It is anticipated that the Power Warehouse may need to split these purchases between the two vendors to be able to keep replacements running on schedule. If the split were to occur – or if the main vendor is unable to accept the order – the current amount available on the Stella-Jones contract would not be enough to place the entire order.

ALTERNATIVES: If the contract amount is not increased, Tacoma Power will need to either delay the pole replacements or try to procure poles on a one-time as-needed basis from various vendors to keep the project on schedule. One-time purchases could end up taking several weeks or more and the lead time from other vendors could potentially be longer than current vendors. This would significantly impact internal resources, potentially increase costs, and negatively affect service time and project timelines.



**COMPETITIVE SOLICITATION:** Request for Bids (RFB) Specification No. PT22-0291F was opened November 1, 2022. Three companies were invited to bid in addition to normal advertising of the project. Two submittals were received.

Bell Lumber & Pole Company submitted a bid that resulted in the lowest evaluated submittal. The table below reflects the amount of the initial contract term.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u>
<b>Bell Lumber &amp; Pole Company</b>	<b>New Brighton, WA</b>	<b>\$2,480,045</b>
Stella-Jones Corporation	Tacoma, WA	\$2,592,482

Pre-bid Estimate: \$2,130,000

**CONTRACT HISTORY:** This contract was originally awarded to Stella-Jones as a result of RFB Specification No. PT22-0291F in July 2023 as a backup to the Bell Lumber contract.

**SUSTAINABILITY:** Not Applicable

**EQUITY IN CONTRACTING (EIC) COMPLIANCE:** Not Applicable

**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE:** Not applicable

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 Tacoma Power	Various	Various	\$700,000.00
<b>TOTAL</b>			<b>Up to \$700,000</b>

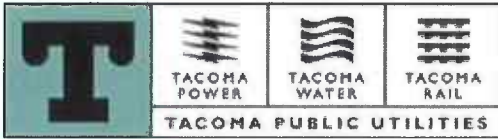
**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Power Sales	Various	Various	(\$700,000)
<b>TOTAL</b>			<b>Up to (\$700,000)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** \$1,200,000

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

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



Resolution No.: U-11434  
Item No.: \_\_\_\_\_  
Meeting Date: JANUARY 24, 2024

**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Utilities Deputy Director - Power Superintendent, Tacoma Power  
Joseph A. Wilson, Transmission and Distribution Section Manager, Tacoma Power  
Sharon Brophy, Business Services Senior Manager, Tacoma Power  
Erica Pierce, Senior Business Services Analyst, Tacoma Power  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP Coordinator, and Sara Bird, Finance/Purchasing  
**SUBJECT:** Distribution Wood Poles – 35 Feet to 60 Feet  
Request for Bids Specification No. PT20-0066F, Contract No. 460014391 – January 24, 2024, Public Utility Board  
**DATE:** January 2, 2024

**RECOMMENDATION SUMMARY:**

Tacoma Power, Transmission and Distribution (T&D) requests approval to increase Contract 460014391, to Stella-Jones Corporation, Tacoma, WA, by \$2,865,000.00, plus applicable taxes, budgeted from the Capital Outlay Budget, for distribution poles between 35 feet and 60 feet (FT). This increase will bring the contract to a cumulative total of \$7,650,000.00, plus applicable taxes. This increase should last the contract through the final anticipated extension with a completion date of September 30, 2025.

**BACKGROUND:**

This contract is for the supply of wood poles 35 FT through 60 FT in length on an as needed basis. Wood poles are managed by the Power Warehouse as an inventory material. Usage includes requirements for new construction, maintenance, relocation of distribution lines, and pole replacements required by the wood pole inspection and treatment program.

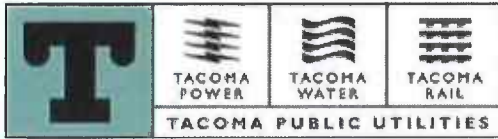
ISSUE: Distribution wood poles required by the City’s wood pole inspection and treatment program has reached approximately 75 to 80 poles per month. Road improvements, new construction, and re-string projects are also necessitating consistent usage of replacement and new 35 feet through 60 feet poles. The years 2021 & 2022 saw substantial increases in pole usage that caused more poles to be purchased than originally projected.

ALTERNATIVES: If the contract amount is not increased, Tacoma Power will need to procure poles on a one-time as needed basis until a new contract is awarded, which could take several months. This would require numerous solicitations which would significantly impact internal resources, potentially increase costs, and negatively affect service time and project timelines.

**COMPETITIVE SOLICITATION:** Request for Bids (RFB) Specification No. PT20-0066F was opened June 30, 2020. Four companies were invited to bid in addition to normal advertising of the project. One submittal was received.

Stella-Jones Corporation submitted a bid that resulted in the lowest evaluated submittal after consideration of Equity in Contracting (EIC) participation goals. The table below reflects the amount of the initial contract term.





<u>Respondent</u>	<u>Location</u>	<u>Submittal Amount</u>
<b>Stella-Jones Corporation</b>	<b>Tacoma, WA</b>	<b>\$2,476,823.88</b>

Pre-bid Estimate: \$2,880,000.00  
 The recommended award is 14 percent below the pre-bid estimate.

CONTRACT HISTORY: This contract was originally awarded to Stella-Jones Corporation as a result of RFB Specification No. PT20-0066F in October 2020. Contract was extended on September 30, 2023, for the first of two possible extensions to September 30, 2024.

SUSTAINABILITY: Not Applicable

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not Applicable

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: Not Applicable

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Capital Outlay Budget			\$2,865,000.00
<b>TOTAL</b>			<b>Up to \$2,865,000.00</b>

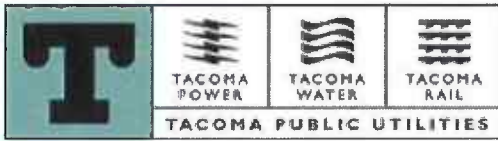
**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Tacoma Power General Fund			(\$2,865,000.00)
<b>TOTAL</b>			<b>Up to (\$2,865,000.00)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** \$1,432,500.00

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

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



Resolution No.: U-11434

Item No.: \_\_\_\_\_

Meeting Date: JANUARY 24, 2024

---

**TO:** Board of Contracts and Awards  
**FROM:** Chris Robinson, Utilities Deputy Director - Power Superintendent, Power  
Chris Mattson, Section Manager, Generation, Power  
Ram Veeraraghavan, Project Delivery & Support Services Manager, Power  
Tony Daniels, Engineering Project Manager, Senior, Generation PDSS, Power  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Dawn DeJarlais, Finance/Purchasing  
**SUBJECT:** Supplemental Craft Labor Services  
Request for Proposal Specification No. PG20-0070F, Contract No. CW2243332  
– January 24, 2024 Public Utility Board  
**DATE:** December 15, 2023

---

**RECOMMENDATION SUMMARY:**

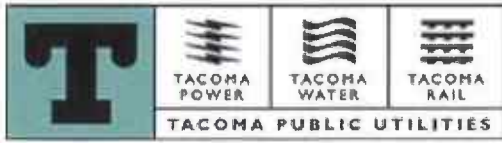
Tacoma Power requests approval to increase Contract No. CW2243332, to NAES Power Contractors, Inc., Cranberry Township, PA, by \$1,500,000, plus applicable taxes, budgeted from Tacoma Public Utilities (TPU) Capital and Maintenance funds, for additional labor and supervision to perform maintenance, repairs, renovations, and other mutually agreed upon work at Tacoma Power facilities. This increase will bring the contract to a cumulative total of \$3,750,000, plus applicable taxes.

**BACKGROUND:**

Tacoma Power has used maintenance services contractors since 1991 to augment in-house staff on significant projects during peak maintenance activities at the City's Hydro Projects and TPU Facility sites. The contractors are used to providing skilled craft personnel to work alongside Tacoma Power employees to complete an array of complex critical projects. The contracts are also used in lieu of fixed-cost bidding when bidding would carry unusually high risks for Tacoma Power to perform critical work in a timely manner or when regulatory requirements could not be met by any other practical means. Tacoma Power has found the mix of contract and City forces to be an effective way of controlling costs and receiving the best overall product.

**ISSUE:** Tacoma Power executed an amendment exercising the renewal option to extend the Contract for one (1) two-year term from December 31, 2023 to December 31, 2025. While the contract was extended, the compensation has yet to be increased to include the operating budget of \$750,000 per year. This contract increase requests additional funding to support the continued need for supplemental labor to support on-going facility maintenance and improvements, both on campus and at our hydro project sites.

**ALTERNATIVES:** The alternatives to awarding this contract increase would be only having Tacoma Power personnel work on regular and emergent maintenance projects or going through the Request for Bid (RFB) procurement process to hire a contractor for each maintenance project. Both alternatives would result in slower response times when emergent maintenance occurs. Another alternative would be hiring a larger workforce, but they would only be utilized fully during peak performance periods.



**COMPETITIVE SOLICITATION:** Tacoma Power Generation, published RFP No. PG20-0070F on March 9, 2021. Thirty (30) companies were invited to bid in addition to advertising in normal project advertising. One (1) submittal was received. NAES Power Contractors, Inc. submitted a bid that resulted in the lowest evaluated submittal after consideration of EIC participation goals.

**CONTRACT HISTORY:** This contract was originally awarded to NAES Power Contractors, Inc. as a result of RFP Specification No. PG20-0070F in May 2021. The original contract was in the amount of \$2,250,000, plus any applicable taxes. The contract term was May 15, 2021 to December 31, 2023.

The City of Tacoma and NAES Power Contractors, Inc. entered into Amendment No. 1 to the Contract, for the purpose of applying the updated Project Management Key Personnel protocol effective September 10, 2022.

The City of Tacoma and NAES Power Contractors, Inc. entered into Amendment No. 2 to the Contract, for the purpose of extending the time for performance and termination date to December 31, 2025 and to apply the updated labor rates effective December 1, 2023.

**SUSTAINABILITY:** City of Tacoma Sustainability Resolutions, Proclamations, and Ordinances were reviewed and determined to be in alignment with this request for additional electrical services to support electric vehicle (EV) infrastructure and maintenance and improvement to TPU facilities infrastructure.

**EQUITY IN CONTRACTING (EIC) COMPLIANCE:** Not applicable.

**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE:** Not Applicable.

**FISCAL IMPACT:**

Funds for this contract are available in the capital and maintenance budgets for Tacoma Public Utilities Divisions.

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 - Power	Various		\$1,500,000
<b>TOTAL</b>			<b>Up to \$1,500,000</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4700 – Power	Various		(\$1,500,000)
<b>TOTAL</b>			<b>Up to \$(1,500,000)</b>



---

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$750,000**

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

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



Resolution No.: U-11434  
Item No.: \_\_\_\_\_  
Meeting Date: JANUARY 24, 2024

**TO:** Board of Contracts and Awards  
**FROM:** Scott Dewhirst, Superintendent, Tacoma Water  
Jessica Knickerbocker, Division Manager, Tacoma Water  
Kim DeFolo, Principal Engineer, Tacoma Water  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Brandon Snow, Senior Buyer, Finance/Purchasing  
**SUBJECT:** Bacteriological Testing  
Sole Source Waiver, Contract No. 4600003718 – January 24, 2024 Public Utility  
Board  
**DATE:** December 12, 2023

**RECOMMENDATION SUMMARY:** Tacoma Water requests approval for a waiver of competitive procurement procedures to increase and extend Contract No. 4600003718, to Water Management Laboratories, Inc., Tacoma, WA, for bacteriological testing, by \$431,200.00, plus applicable taxes, to bring the contract to a cumulative total of \$1,396,627.50, plus applicable taxes, budgeted from Tacoma Water Fund 4600, extending the contract through December 31, 2028.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.

The testing that is provided by this contract is necessary to meet Federal and State regulatory requirements and to ensure clean, reliable drinking water is provided to all Tacoma residents and Tacoma Water customers.

**BACKGROUND:**

Tacoma Water must routinely collect water samples from throughout the distribution system and have the samples analyzed for the presence of certain bacteria to ensure safe drinking water and meet Federal and State regulatory requirements.

**ISSUE:** Bacteriological samples are collected most days of the week. Bacteriological samples, unlike most other water quality samples, must be set up for analysis within hours of sample collection; therefore, shipping of samples to distant laboratories is not feasible. This sole source contract continues to be amended because use of a local laboratory with State-accreditation for the required analyses is necessary to meet Federal and State requirements.

**ALTERNATIVES:** Water Management Laboratories, Inc. is the only laboratory in Pierce County accredited by the State for the required bacteriological analyses in drinking water. Using an unapproved laboratory is not an alternative because Tacoma Water would be out of compliance with drinking water regulations. The only feasible alternative would be to take samples to the next nearest accredited laboratories in Seattle or Olympia; however, doing so would be inefficient and would reduce the ability of staff to address water quality or regulatory concerns. Some water utilities perform their own bacteriological analysis; however, standing up an accredited laboratory requires significant overhead and continued staffing resources, which are not viable for the number of samples Tacoma Water requires each month.



**COMPETITIVE ANALYSIS:** Waiver of competitive solicitation is requested because Water Management Laboratories, Inc. is the only drinking water laboratory located in Tacoma or Pierce County that has been accredited by the Washington State Department of Ecology for the bacteriological analyses required by Tacoma Water. Due to the time sensitivity, criticality, and frequency of these samples, transportation or shipment outside of Tacoma or Pierce County would limit staff ability to address important water quality or regulatory concerns and would pose unacceptable risks related to sample handling and chain of custody requirements.

**CONTRACT HISTORY:** This contract was originally awarded to Water Management Laboratories, Inc. as a result of a sole source waiver in January 2007. The following summarizes the contract history:

	Term	Date Approved	Total Amount	Resolution No.
Contract #4600003718	2007 – 2008	January 2007	\$94,245.00	U-10088
Amendment No. 1	2009 – 2011	December 2008	\$158,775.00	U-10258
Amendment No. 2	2012 – 2014	November 2011	\$168,000.00	U-10495
Amendment No. 3	2015 – 2017	December 2014	\$174,800.00	NA
Amendment No. 4	2018 – 2020	November 2017	\$181,627.50	U-10966
Amendment No. 5	2021 – 2023	January 2021	\$187,980.00	NA

The most recent amendment was approved in 2021 with authority delegated in Resolution No. U-10966. The current increase of \$431,200.00 will bring the contract to a cumulative total of \$1,396,627.50, plus applicable taxes, for the period of January 1, 2007 to December 31, 2028. This is the sixth amendment to the contract.

**SUSTAINABILITY:** This waiver request considers sustainability by contracting with a local laboratory and limiting additional emissions required to deliver or ship samples to laboratories outside of Tacoma.

**EQUITY IN CONTRACTING (EIC) COMPLIANCE:** Not applicable.

**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE:** Not applicable.



**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4600 Tacoma Water Fund	583611/ Various WBS	5330100	\$431,200.00
<b>TOTAL</b>			<b>Up to \$431,200.00</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4600 Tacoma Water Fund	581100	Various	(\$431,200.00)
<b>TOTAL</b>			<b>Up to (\$431,200.00)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** \$80,840.00, plus applicable taxes

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes, purchase of the subject testing is required to remain in compliance with Federal and State drinking water standards and is a routine budget item.

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

## Waiver of Competitive Solicitation

Sole Source/Not Practicable to Bid

Sole Source – TMC 1.06.257.A

Not Practicable to Bid – TMC 1.06.257.B

SR4345279061

Tacoma Water requests a waiver of the competitive solicitation process for laboratory services related to analysis of coliform bacteria for routine distribution, new main installation, and special purpose investigation samples. Analysis of these samples is required for regulatory compliance. The supplier is Water Management Laboratories Inc, Tacoma, WA.

Approval of this request constitutes a waiver of further competitive solicitation for amendments to the subject contract provided that any such amendment(s) shall be signed by personnel as authorized in the Delegation of Procurement Signature and Approval Authority memorandum. Contract totals shall not exceed \$500,000 without City Council or Public Utility Board approval as appropriate.

### “Follow-on” Contracts:

In the 1990s and early 2000s, contracts for bacteriological testing were competitively bid; however, since that time, laboratories that previously bid have left the area or lost their State certification for the required drinking water parameters. There are no longer any other laboratories in Pierce County that are certified for the required testing.

The current agreement (Contract #4600003718) is a sole source agreement initially approved in 2007. The following summarizes the history of the agreement:

	Term	Date Approved	Total Amount	Resolution No.
Contract #4600003718	2007 – 2008	January 2007	\$94,245.00	U-10088
Amendment No. 1	2009 – 2011	December 2008	\$158,775.00	U-10258
Amendment No. 2	2012 – 2014	November 2011	\$168,000.00	U-10495
Amendment No. 3	2015 – 2017	December 2014	\$174,800.00	NA
Amendment No. 4	2018 – 2020	November 2017	\$181,627.50	U-10966
Amendment No. 5	2021 – 2023	January 2021	\$187,980.00	NA

The requested sum of \$431,200.00 would bring the contract total value to \$1,396,627.50, plus any applicable taxes, for the time period from 2007 to 2028.

### Waiver Criteria:

1. Per Purchasing Policy Manual Section XXI., this purchase is justified as a Sole Source or Not Practicable to Bid for the following reason(s):

#### **Sole Source:**

- Supplies or services that only one supplier is capable of providing or authorized to provide.
- Items required in order to function with existing equipment, systems, programs, or services.
- Products, systems, information, or services that are subject to patent or other proprietary use rights.



## Waiver of Competitive Solicitation

### Sole Source/Not Practicable to Bid

- Security requirements or information mandates that limit procurement from only a single supplier.

#### **Not Practicable to Bid:**

- An immediate and important need for proposed construction, installation, repair, materials, supplies, equipment, or services where the delay that would result from following the requirements of the competitive solicitation process would cause financial loss to the City or an interruption of vital services to the public.
- Special facilities or market conditions (see RCW 39.26.125).
- Specially tailored or performance criteria-based products such as computer systems or equipment.
- Supplier selection is not controlled by the City.

2. *Support your contention that it would be futile to advertise and competitively solicit the product/service. Include any technical or unique product/service attributes that prevent drafting specifications for a competitive solicitation to which more than one supplier could successfully respond.*

The testing of coliform bacteria is required by State and Federal drinking water regulations. Tacoma Water collects approximately 180 to 200 routine coliform samples from the distribution system each month to meet these regulations. In addition, a varying number of new main installation and special purpose investigation samples are collected. The use of a State-approved drinking water laboratory is required for analysis of all samples.

The coliform monitoring program is among the most regulated and most critical for Tacoma Water. Positive readings of certain samples could lead to public notification and boil water advisories. False positive readings (i.e., detection of bacteria when not present) can, therefore, have substantial consequences. Likewise, a false negative reading (i.e., failure to detect bacteria when actually present) presents potential harm to customers. Based on Tacoma Water's water quality and historical practices, required test methods have been identified that are most suitable for Tacoma Water's samples.

Although there are other drinking water laboratories certified by the State for analysis of coliform bacteria, Water Management Laboratories Inc is the only laboratory located within a reasonable distance from Tacoma Water facilities that is certified for the coliform bacteria methods specified by Tacoma Water. Aside from Water Management Laboratories Inc, the nearest laboratory certified for these methods is located in Olympia. There are a number of issues that require the selection of a local drinking water laboratory for analysis of coliform bacteria. These issues include the following:

- Sample Expiration and Time Sensitivity – Bacteriological samples are ideally set up for analysis within a few hours of collection.

## Waiver of Competitive Solicitation

### Sole Source/Not Practicable to Bid

Analytical methods allow no more than 24 hours from the time a sample is collected to initiation of sample processing. The use of a local laboratory allows for timely setup and analysis of samples.

- **Transportation / Shipping Issues** – The use of an out-of-area laboratory would necessitate either shipping the samples or incurring additional labor and vehicular expenses to transport the samples. Shipping the samples introduces a potential break in the chain of custody of the sample and introduces an opportunity for sample loss or error. Transporting samples with City personnel would cost more and reduce productivity of the workforce. Transporting or shipping samples to an out-of-area laboratory would reduce flexibility in the scheduling of sample collection and impose constraints on the ability to respond to customer inquiries, construction-related samples, or verification samples to return a facility to service.
- **Expedient Sample Analysis** – The timing of repeat samples (samples taken following a previous positive, or “bad”, sample), special purpose investigation samples, and new main samples cannot always be anticipated. At times, the expediency of analyzing these samples is critical in the determination of whether the water is safe for customers to drink. The use of a local drinking water laboratory allows for the most expedient collection and analysis of samples. The use of a local laboratory also eliminates any reliability issues that may arise from shipping these sensitive samples.
- **Premium Cost if Bulk of Testing Completed by Out-of-Area Laboratory** – If routine monitoring is conducted by an out-of-area laboratory, it will still be necessary to use the local laboratory on an as-needed basis for the situations described. In the absence of a contract, the cost per individual sample will be significantly greater, resulting in higher cost to the City. The local laboratory may also not be able to prioritize such samples if there is no contract in place.

This unique service is considered a "service or good where the City has set a standard, either in writing or by practice, given business or operational needs" (Purchasing Policy Manual, Sole Source, Item 2.a.4). It is Tacoma Water's practice - to meet State and Federal standards - to require the specified analyses be performed at a local laboratory.

The vendor is also "the sole provider of goods or services meeting a specialized need or performing the intended function" (Purchasing Policy Manual, Sole Source, Item 2.d). Water Management Laboratories Inc is the only drinking water laboratory located in Tacoma or Pierce County that has been certified by the State for analysis of coliform bacteria using the analytical methods specified by Tacoma Water. Because of the time sensitivity and criticality of these samples, transportation or shipment of samples outside of Tacoma and Pierce County would reduce the ability of staff to address important water quality or regulatory concerns and would pose unacceptable risks to sample handling and chain of custody.

## Waiver of Competitive Solicitation

### Sole Source/Not Practicable to Bid

3. *Describe the screening efforts made to identify potential suppliers.*

Given the constraints of a locally (Tacoma or Pierce County) available laboratory properly accredited from the State for the testing required, there is only one available service supplier, Water Management Laboratories Inc Using the Department of Ecology Accredited Lab Search database (<https://apps.ecology.wa.gov/laboratorysearch/>), a query was performed for laboratories accredited for Method SM 9223B-Colisure for total coliform detection. Of the resulting laboratories, Water Management Laboratories Inc is the only laboratory located in Pierce County.

4. *Describe the efforts made to assure that the City is receiving the lowest or best price possible.*

Written confirmation has been secured from Water Management Laboratories Inc indicating that the prices offered to Tacoma Water are as low or lower than like services offered to other customers (see attached letter).

This pricing is in line with what Tacoma Water currently pays for like analyses of Green River Filtration Facility water at Seattle Public Utilities laboratory.

5. *Is this a one-time or on-going purchase?*

- One-time. Estimated one-time cost, including shipping: \$[Enter Estimated Total Dollar Amount], plus applicable sales tax.
- Ongoing. Estimated total cost, including shipping, for the projected contract term of five years: \$431,200.00, plus any applicable taxes.
- Note: Sole Source requests are limited to three years unless an exception is approved.**

Note: Tacoma Water is requesting an exception to allow a five-year sole source waiver due to a lack of market competition over the last 15 years and no foreseeable competition in the future.

**Funding:** Funds for this purchase are available in the 2023/2024 budget of Tacoma Water under Fund 4600 and will be likewise funded in future biennium budgets.

**EIC Consideration:** *Describe below the efforts to ensure, where appropriate, that you have checked the OMWBE website of EIC firms for contracting opportunities.*

Tacoma Water checked the OMWBE website on November 21, 2023. There are no EIC firms registered for this category of work that are also certified to perform the required laboratory analyses.

**Project Coordinator:** Kim DeFolo, Tacoma Water, 253-405-6511



Resolution No.: U-11434

Item No.: \_\_\_\_\_

Meeting Date: JANUARY 24, 2024

---

**TO:** Board of Contracts and Awards  
**FROM:** Dale W. King, Superintendent, Tacoma Rail  
Kyle Kellem, Roadmaster, Tacoma Rail  
**COPY:** Public Utility Board, Director of Utilities, Board Clerk, EIC Coordinator, LEAP  
Coordinator, and Sara Bird, Finance/Purchasing  
**SUBJECT:** Blair Switch Replacement  
Request for Bid Specification No. TR23-0234F – January 24, 2024, Public Utility  
Board  
**DATE:** January 2, 2024

---

**RECOMMENDATION SUMMARY:** Tacoma Rail recommends a contract be awarded to Coast Rail, Incorporated, Burley, WA, in the amount of \$840,298.00, plus applicable taxes, budgeted from the Tacoma Rail Fund 4500, for installation of four railroad switch turnouts and one railroad crossover, and other associated track renewals.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.

**BACKGROUND:**

Tacoma Rail was awarded a Zero Interest Loan for railroad track improvements on Tacoma Rail tracks on the Blair Peninsula, in the Port of Tacoma Tidelands vicinity, with Tacoma Public Utility Board acceptance approval December 13, 2023, through Resolution U-11427 and awaiting City Council approval for Resolution 41334 scheduled for January 9, 2024.

**ISSUE:** Periodic replacement of frequently used segments of railroad track turnouts are required to enhance safety and mitigate potential service interruptions resulting from deteriorated track conditions. This project will include removal and replacement of new track turnouts and a new crossover, as well as select crosstie replacement.

**ALTERNATIVES:** There are no practical alternatives. This project is consistent with ongoing incremental infrastructure improvements intended to reduce track maintenance outages necessary to prolong usability lifecycles. The planned project will greatly improve the track structure, safety, and reduce the frequency of future track outages.

**COMPETITIVE SOLICITATION:** Request for Bid Specification No. TR23-0234F was opened December 12, 2023. Three companies were invited to bid in addition to normal advertising of the project. Two submittals were received.



Coast Rail, Incorporated submitted a bid that resulted in the lowest evaluated submittal. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u>
<b>Coast Rail, Incorporated</b>	<b>Burley, WA</b>	<b>\$840,298.00</b>
RailWorks Track Systems, Inc.	Chehalis, WA	\$912,540.00

Pre-bid Estimate: \$750,000.00

The recommended award is 12 percent above the pre-bid estimate.

CONTRACT HISTORY: New contract.

SUSTAINABILITY: Replacing worn switch turnouts and a crossover with new ones will help extend the useful life span and lessen the need for more frequent repairs or replacements.

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not applicable.

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: The LEAP requirement for this project is 15 percent of the project labor hours must be worked by Local Employees, per TMC 1.90.040.

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4500 Tacoma Rail	RAL-00129	5320100	\$840,298.00
<b>TOTAL</b>			<b>Up to \$840,298.00</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4500 Tacoma Rail	RAL-00129	5320100	(\$432,298.00)
WSDOT Loan Agreement RRB-129	RAL-00129	5320100	(\$408,000.00)
<b>TOTAL</b>			<b>Up to (\$840,298.00)</b>

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$840,298.00

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes

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