



## Legislation Passed May 5, 2009

The Tacoma City Council, at its regular City Council meeting of May 5, 2009, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Purchase Resolution No. 37788**

Awarding contracts to:

1. ESE Corporation, on its bid of \$75,000.00, plus sales tax, budgeted from the Capital Projects Fund and the General Fund, for chip seal rock on an as needed basis through April 14, 2010, with the option to renew for four additional one-year periods, for a projected contract amount of \$375,000.00 – Specification No. PW09-0100F;
2. Scarff Motors, Inc., on its bid of \$457,000.00, plus sales tax, budgeted from various departmental funds, for automotive parts for Ford vehicles on an as needed basis for the period of May 1, 2009 through April 30, 2012, with the option to renew for two additional one-year periods, for a projected contract amount of \$785,000.00 – Specification No. GF09-0193F; and
3. Pape & Sons Construction, Inc., on its bid of \$332,675.00, plus a 15 percent contingency, for a cumulative total of \$418,155.84, including sales tax, budgeted from the Solid Waste 2006 Bond Construction Fund, for improvements to the existing landfill gas flare station at the Tacoma Landfill – Specification No. PW08-0598F.

### **Ordinance No. 27797**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the Tacoma Police Management Association, Local 26, and the Professional Public Safety Managers Association, which together cover approximately 32 budgeted positions, effective retroactive to January 1, 2009 through December 31, 2011.

### **Ordinance No. 27798**

Amending Chapter 1.30 of the Municipal Code, relating to Retirement and Pensions, to increase the number of days per year of paid military leave for eligible employees from 12 days to 21 days, pursuant to RCW 38.40.060 and Section 1.12.250 of the Municipal Code.

### **Ordinance No. 27800**

Amending Chapter 1.30 of the Municipal Code, relating to Retirement and Pensions, to clarify the application procedure for disability retirement.



## RESOLUTION NO. 37788

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the appropriate City officials to  
3 enter into contracts and, where specified, waiving competitive bidding  
4 requirements, authorizing sales of surplus property, or increasing or  
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the  
7 acquisition of those supplies, and/or the procurement of those services,  
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is  
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the  
11 proposals and bids received by the City, and the Board has made its  
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its  
14 recommendations as to entering into purchasing agreements with those  
15 governmental entities identified in Exhibit "A"; Now, Therefore,

16 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

17 That the Council of the City of Tacoma does hereby concur in the  
18 findings and recommendations of the Board of Contracts and Awards set forth  
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works  
21 recommended for acceptance in the attached Exhibit "A";

22 ( ) B. Rejection of those bids and/or proposals that are recommended  
23 for rejection in the attached Exhibit "A";  
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( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Assistant City Attorney



City of Tacoma  
Public Works Department

EXHIBIT "A"  
RESOLUTION NO.: 37788  
ITEM NO.: 1  
MEETING DATE: May 5, 2009

DATE: April 20, 2009  
TO: Board of Contracts and Awards  
SUBJECT: Chip Seal Rock and Snow & Ice Sand  
Budgeted from Capital Projects Fund 3211 and General Fund 0010  
Request for Bids Specification No. PW09-0100F

**RECOMMENDATION:** Public Works – Streets and Grounds Division recommends a contract be awarded to low bidder **ESE Corporation, Tacoma, WA**, for the purchase of chip seal rock on an as needed basis. The initial contract term will be from contract award date until April 14, 2010, totaling \$75,000, plus sales tax, with the option of four additional one-year renewal periods totaling \$300,000, plus sales tax, for an aggregate total of \$375,000, plus sales tax. Funding for the optional four one-year renewals are subject to budget availability. The specification documents contain market-based provisions for price escalation/de-escalation that will affect overall contract value.

**EXPLANATION:** This contract is for chip seal rock to be used in projects for both the Arterial Street Program and the Residential Street Restoration Program.

**COMPETITIVE SOLICITATION:** Request for Bids Specification No. PW09-0100F was opened March 17, 2009. Five companies were invited to bid in addition to normal advertising of the project. Six submittals were received. Streets and Grounds is not awarding the Snow & Ice Sand due to an incorrect specification in the bid solicitation. The chip seal amount column in the table below reflects the amount of the initial contract term for the chip seal rock only.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>*Chip Seal –</u> <u>Submittal Amount</u> Plus sales tax	<u>Total - Submittal Amount</u> Plus sales tax
ESE Corporation	Tacoma, WA	\$ 75,000	\$102,600
Miles Sand & Gravel Company	Auburn, WA	\$ 78,450	\$113,750
Randles Sand & Gravel, Inc.	Puyallup, WA	\$ 84,000	\$112,600
Harlow Construction Co., Inc.	Lakewood, WA	(no bid)	\$ 35,700
Washington Rock Quarries, Inc.	Graham, WA	(no bid)	\$ 35,500
Holroyd Company, Inc.	Lakewood, WA	(no bid)	\$ 29,900
	Pre-bid estimate	\$ 90,000	

\*amount of contract award

The recommended award is 16.7 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this contract are available in the Capital Projects Fund 3211 and General Fund 0010. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** Not applicable.

**PROJECT ENGINEER/COORDINATOR:** John Gaddis, Streets and Grounds Division, 253-591-5261.

Richard E. McKinley  
Public Works Director

cc: Chuck Blankenship, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
John Gaddis, Streets and Grounds Maintenance  
Intern, PWD

747 Market Street, Room 408 ■ Tacoma, Washington 98402-3769 ■ (253) 591-5525 ■ Fax: (253) 591-5097

www.cityoftacoma.org



City of Tacoma  
Public Works Department  
DATE: April 16, 2009

EXHIBIT "A"  
RESOLUTION NO.: 37788  
ITEM NO.: 2  
MEETING DATE: May 5, 2009

TO: Board of Contracts and Awards

SUBJECT: Purchase Ford Original Equipment Manufacturer Vehicle Parts  
**Budgeted from Various Individual Department Funds**  
Request for Bids Specification No. GF09-0193F

**Recommendation:** Public Works – Fleet Services recommends a contract be awarded to the low bidder **Scarff Motors, Inc., Auburn, WA**, for the supply of automotive parts for Ford vehicles on an as-needed basis for the period May 1, 2009, through April 30, 2012. The recommendation is for an initial three-year contract in the amount of **\$457,000.00**, plus sales tax, plus the option of two additional one-year renewal periods, for an aggregate total of \$785,000.00, plus sales tax.

**Explanation:** This contract supplies automotive parts for Ford vehicles for all general government departments.

**Competitive Bidding:** Request for Bids Specification No. GF09-0193F was opened on April 7, 2009, and was a rebid of GF08-0927F at the request of the City Council. Eleven companies were invited to bid in addition to normal advertising of the project. Four submittals were received. The pre-bid estimate and submittal amounts are for a market basket list of items representing an estimated three-year quantity and 56% of the dollar value of historical purchases of parts for Ford vehicles.

<u>Respondent</u>	<u>Location</u>	<u>Submittal Amount, Plus Tax</u>
Scarff Motors, Inc.	Auburn, WA	\$253,736.60
Titus-Will Ford Sales, Inc.	Tacoma, WA	\$255,642.82
Titus-Will Investments, LLC, dba Lakewood Ford	Lakewood, WA	\$257,528.17
Bill Pierre Ford, Inc.	Seattle, WA	\$260,811.66
	Pre-Bid Estimate	\$255,000.00


The submittal of the recommended vendor is 1% below the pre-bid estimate.

**Contract History:** New contract.

**Funding:** Funds for this contract are provided by the individual departments using the contract. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP Compliance:** Not applicable.

**Project Engineer/Coordinator:** Fred Chun, Fleet Services Manager, 253-591-5553.

  
Richard E. McKinley  
Director

cc: Jeffrey Jenkins/Angela Ballard, PW/Facilities  
Director's Intern, Public Works  
Michele Tuong, TPU/Accounting Services  
Jayne McCartney, TPU/Purchasing  
Fred Chun/Janis Pipal/Mary Emery, PW/Fleet Operations



**City of Tacoma**  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37788

ITEM NO.: 3

MEETING DATE: May 5, 2009

**DATE:** April 17, 2009  
**TO:** Board of Contracts and Awards  
**SUBJECT:** Flare Station Improvements Project  
Budgeted from Public Works Solid Waste 2006 Bond Construction Fund  
Request for Bids - Specification No. PW08-0598F

**RECOMMENDATION:** Public Works - Science and Engineering Division recommends that a contract be awarded to low bidder **Pape & Sons Construction, Inc., Gig Harbor, WA**, for improvements to the existing landfill gas flare station at the Tacoma Landfill site. The contract amount reflects a base award of \$332,675.00, plus 15% contingency, for an aggregate total of \$418,155.84, including sales tax (at 9.3%).

**EXPLANATION:** The flare station improvements will replace two existing gas flares and blowers with new equipment and controls that are designed to flare current volumes of landfill gas generated by the Tacoma Landfill. The landfill gas production is declining due to the age of the landfill, and the existing equipment is not sized to efficiently flare the lower volumes of landfill gas. These improvements are needed to insure that the City remains in compliance with air emission standards.

**COMPETITIVE BIDDING:** Request for Bids - Specification No. PW08-0598F was opened March 17, 2009. Eight submittals were received. The apparent low bidder, Nordic Construction, Inc. withdrew their bid due to mathematical error. \*Stouder General Construction LLC was deemed non responsive. The Historically Under-Utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for ranking purposes. Pape & Sons Construction, Inc. submitted a bid that resulted in the lowest evaluated submittal after consideration of HUB participation goals. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal</u> <u>Amount</u> Plus sales tax	<u>Evaluated</u> <u>Submittal</u>
<b>Pape &amp; Sons Construction, Inc.</b>	<b>Gig Harbor, WA</b>	<b>\$ 332,675.00</b>	<b>\$ 316,041.25</b>
Pease & Sons, Inc.	Tacoma, WA	\$ 349,080.00	\$ 332,446.25
*Stouder General Construction LLC	Ferndale, WA	\$ 375,065.00	
General Construction Company	Poulsbo, WA	\$ 383,098.00	\$ 370,805.66
Glacier Environmental Services, Inc.	Mukilteo, WA	\$ 414,900.00	\$ 398,266.25
Stan Palmer Construction, Inc.	Port Orchard, WA	\$ 415,750.00	\$ 401,066.69
Award Construction, Inc.	Ferndale, WA	\$ 430,631.00	\$ 413,997.25
	Pre-bid Estimate	\$ 530,367.36 including sales tax	

The recommended award is 21 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for these improvements are available in the Public Works Solid Waste 2006 Bond Construction Fund 4200-06CON. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-Utilized Business (HUB) Regulation requirements per memorandum dated April 9, 2009. The HUB goal for this project is 10 percent. The HUB participation level of the recommended contractor is 11.03 percent. Pape & Sons Construction, Inc. submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 352 hours.

**PROJECT ENGINEER/COORDINATOR:** Lewis Griffith, P.E., Public Works / Environmental Services / Science and Engineering Division, (253)573-2420.



Dick McKinley  
Public Works Director

DM:LTG:sh (CA\_PW08-0598F)

Attachments

cc: James Wilkerson, Purchasing Analyst  
Percy Jones, HALO  
Peter Guzman, HALO  
Lewis Griffith, PW-ESSE

File: ENV-00225 – Landfill Flare Station Improvements Project

## ORDINANCE NO. 27797

AN ORDINANCE relating to the Compensation Plan; amending Sections 1.12.180, 1.12.355, and 1.12.640 of the Tacoma Municipal Code; and declaring the effective dates thereof to implement 2009 rates of pay and compensation for employees represented by the Tacoma Police Management Association, Local 26, and the Professional Public Safety Managers Association.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.180 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2009, to read as follows:

### **1.12.180 Standby pay.**

Employees shall be eligible for standby pay pursuant to applicable collective bargaining agreements when assigned as a member of a standby crew for possible call to work in the event of an emergency. Nonrepresented employees may be eligible for standby pay of \$2 per hour when assigned and approved by a Department Director. ~~Exempt employees (overtime Category D or E) are not eligible for standby pay unless provided in a collective bargaining agreement.~~

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Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2009, to read as follows:

Code	Title	1	2
4206	Police Captain	54.95	57.70
4205	Police Lieutenant	47.78	50.17

Code	Title	1	2
4206	Police Captain	58.36	61.28
4205	Police Lieutenant	50.74	53.28

Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2009, to read as follows:

Code		Job Title	1	2	3	4
0764	A	Fire Chief, Assistant	62.26	65.37	68.64	72.07
0765	A	Fire Chief, Deputy	65.37	68.63	72.07	75.67
0770	A	Police Chief, Assistant	65.37	68.63	72.07	75.67

Code		Job Title	1	2	3	4
0764	A	Fire Chief, Assistant	66.12	69.42	72.90	76.54
0765	A	Fire Chief, Deputy	69.42	72.89	76.53	80.36
0770	A	Police Chief, Assistant	69.42	72.89	76.53	80.36

Section 4. That Section 1.12.640 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2009, to read as follows:

**1.12.640 Application of additional rates.**

\* \* \*

4205, 4206 An employee in the classification of Police Lieutenant (CSC 4205) or Police Captain (CSC 4206) shall receive an applied rate of 1 percent above their base wage in recognition for working toward the CALEA Accreditation as outlined in the Tacoma Police Management Association, Local 26, collective bargaining agreement.

4206 See 4205, 4206

\* \* \*

L26 An employee represented by the Tacoma Police Management Association, Local 26, and covered by the LEOFF II retirement system shall receive an additional 1 percent applied rate.

L26 An employee assigned as an “acting” Police Lieutenant (CSC 4205) on a short-term or sporadic basis shall be paid at (CSC 4205A) and be eligible for overtime at the appropriate rate set forth in TMC 1.12.080. Short-term assignments are made for no longer than two consecutive pay periods unless approved by the Human Resources Director.

L26 An employee represented by Tacoma Police Association, Local 26, meeting requirements as outlined in the collective bargaining agreement are eligible to receive an annual \$3,500 merit allowance.

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Section 5. That Sections 1, 2, 3, and 4 of this ordinance shall become effective retroactive to January 1, 2009.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

## **ORDINANCE NO. 27798**

AN ORDINANCE relating to military service credit; amending Section 1.30.380 of the Tacoma Municipal Code to increase the number of days per year of paid military leave for eligible employees from 15 days to 21 days, pursuant to RCW 38.40.060 and Section 1.12.250 of the Tacoma Municipal Code.

WHEREAS the Board of Administration (“Board”) of the City of Tacoma Employees’ Retirement System has determined that changes to the military service crediting provisions of the Tacoma Municipal Code (“TMC”) are necessary to coordinate with recent changes to Section 1.12.250 TMC (Ordinance No. 27773) to comply with amended RCW 38.40.060, relating to military family leave, and

WHEREAS the Board has recommended that subsection 1.30.380.B TMC be revised to increase the credit period for military service from 15 days to 21 days and to coordinate the language in that subsection with that in Section 1.12.250 TMC and RCW 38.40.060, and

WHEREAS the City Council finds that such revisions are necessary to ensure compliance with state law and uniformity among TMC provisions; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 1.30.380 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A," and shall become effective retroactive to October 1, 2008.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney

EXHIBIT "A"

1.30.380 Allowance for service – Credit for military service.

B. In addition to the military service credit, hereinabove provided, the Board shall hereafter grant retirement credit to any member or retired member of the Retirement System who is or was formally a member of the Washington National Guard or of ~~the Army, Navy, Air Force, Coast Guard, or Marine Corps reserve of the United States, or of~~ any organized reserve ~~or armed forces~~ of the United States, for periods of military leaves of absence from City employment heretofore taken by the member ~~in order for the member to report for active duty, when called, or take part~~ in active training duty in such manner and at such times as he or she may ~~be~~ ordered to ~~active~~ ~~duty or~~ active training duty; provided, however, that such retirement service credit shall not exceed ~~21~~ days during any one year ~~beginning October 1 and ending the following September 30, effective October 1, 2008~~; provided, further, that any member or retired member shall receive retirement service credit for the portion of any month during which they were in a paid status with the City and for which period they have not heretofore been granted such credit as a result of their not having been in a paid status for 120 days or 80 percent of the month when the loss of credit was due to an annual military leave of absence during a portion of the month. All retired members who receive additional service credit under the terms of this paragraph shall have their pensions recalculated and, thereafter, their pensions shall be for the amount indicated by such recalculation.

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**ORDINANCE NO. 27800**

AN ORDINANCE relating to disability retirement; amending Section 1.30.630 of the Tacoma Municipal Code.

WHEREAS the Board of Administration (“Board”) of the City of Tacoma Employees’ Retirement System has determined that the application procedure for disability retirement requires clarification because it does not recognize that members may be eligible for long-term disability after leaving City service, and

WHEREAS the Board has recommended that the application language be clarified and integrated with the City’s long-term disability coverage, and

WHEREAS the City Council finds that such clarification is desirable; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 1.30.630 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit “A,” and shall be effective retroactive to January 1, 2009.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney

EXHIBIT "A"

1.30.630 Disability retirement – Authorization.

Any member while in City Service or any member on leave of absence or disability leave may be retired by the Board of Administration for permanent and total disability upon examination as follows:

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A. Any member who becomes incapacitated for the performance of duty because of any accident or fortuitous event caused by or incurred as a result of the performance of duties as an employee of the City of Tacoma, regardless of length of service with the City, may be retired upon disability, as provided in this Section 1.30.630. Any member who has not elected to receive a service retirement allowance as provided in Sections 1.30.570 through 1.30.610, and who has at least five years of creditable service as defined by this chapter, (provided, that the required five years of City Service shall have been credited to the member over a period not to exceed ten years immediately preceding retirement), may apply for a disability retirement. Effective January 1, 2009, a member may apply for a disability retirement within one year of discontinuance of City Service if the member applied for benefits under the City's Basic Long-Term Disability Insurance Plan within 180 days of discontinuance of City Service for a condition that was present while in City Service and is receiving Long-Term Disability payments. Otherwise a member must apply for a disability retirement within three months after discontinuance of City Service, and show that the member's incapacity has been continuous from discontinuance of City Service. The member shall be examined by a physician or surgeon appointed by the Board of Administration upon application of the head of the office or department in which the member is employed, or upon application of the member or a person acting in his or her behalf. The examining physician or surgeon must find in writing that the member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows to the satisfaction of the Board that the member is permanently and totally incapacitated either physically or mentally, for the performance of duty and ought to be retired, the Board shall retire the member for disability forthwith.

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B. A member may, for a period of up to six months after denial of a member's application for disability retirement, reapply to the Board of Administration for disability retirement. The member must include with said reapplication newly obtained medical information or diagnoses evidencing that the member is permanently and totally incapacitated and that the member's sickness or disability existed at the time of discontinuance of City Service and continues to the date of reapplication. Upon such reapplication, the member shall be re-examined by a physician or surgeon appointed by the Board of Administration. If such medical examination shows, to the satisfaction of the Board, that the member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired, the Board shall retire the member for disability forthwith.

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C. The Board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and Section 1.30.650 of this chapter and shall pay for such medical services and advice such compensation as the Board shall deem reasonable.

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