



Legislation Passed April 9, 2013

The Tacoma City Council, at its regular City Council meeting of April 9, 2013, 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.

Resolution No. 38653

Appointing and reappointing individuals to the Citizen Review Panel and the Human Rights Commission.

Purchase Resolution No. 38654

Awarding a contract to:

BNSF Railway Company, in the amount of \$50,000, sales tax not applicable, plus a \$10,000 contingency, to increase the contract for temporary construction easement, flagging, and inspection services for the Murray Morgan Bridge Rehabilitation Design-Build Project, for a cumulative total of \$310,000, budgeted from the Streets Special Revenue Fund – Direct Negotiation.



RESOLUTION NO. 38653

1 BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR CAMPBELL, AND
2 COUNCIL MEMBERS LONERGAN AND WOODARDS

3 A RESOLUTION relating to committees, boards, and commissions; appointing
4 and reappointing individuals to the Citizen Review Panel and Human
Rights Commission.

5 WHEREAS there exists in the City of Tacoma a number of committees,
6 boards, and commissions, and

7 WHEREAS vacancies exist on the Citizen Review Panel and Human
8 Rights Commission, and

9 WHEREAS, under Tacoma City Charter Section 2.4, appointments may
10 be made by a majority vote of the City Council from names presented in writing
11 to the City Council by the Mayor or by any three members of the Council, and

12 WHEREAS, pursuant to the City Charter and the Rules, Regulations, and
13 Procedures of the City Council, the persons named on Exhibit "A" have been
14 nominated to serve on the committees, boards, and commissions listed; Now,
15 Therefore,

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

17 That those nominees to the committees, boards, and commissions, listed
18 on Exhibit "A" are hereby confirmed and appointed or reappointed as members
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1 of such committees, boards, and commissions, for such terms as are set forth
2 on Exhibit "A."

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4 Adopted _____

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7 Mayor

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10 City Clerk

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13 City Attorney

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EXHIBIT "A"

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CITIZEN REVIEW PANEL

Reappointing **Alex Straub** to a term to expire December 31, 2015.

Reappointing **Keith James** to a term to expire December 31, 2015.

Appointing **Michelle L. Franklin-Wilson** to a new term to expire December 31, 2015.

HUMAN RIGHTS COMMISSION

Appointing **Preston Anderson** to a new term to expire March 3, 2016.

Appointing **Richard McGrue, III** to a new term to expire March 3, 2016.

Appointing **Lucas Smiraldo** to a new term to expire March 3, 2016.



RESOLUTION NO. 22654

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

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

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

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

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

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

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

() B. Rejection of those bids and/or proposals that are recommended 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;

(X) 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:


City Attorney



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38654

ITEM NO.: 1

MEETING DATE: APRIL 9, 2013

DATE: March 25, 2013
TO: Board of Contracts and Awards
SUBJECT: Direct Negotiation of BNSF Overpass Agreement - Increase Murray Morgan Bridge Rehabilitation Design-Build Project Budgeted from 1060 Streets Special Revenue Fund Contract No.: 4600007465

RECOMMENDATION: The Public Works Engineering Division requests an increase to Contract No. 4600007465 with **BNSF Railway Company, Ft. Worth, Texas**, by \$50,000, sales tax not applicable, plus a contingency of \$10,000, for a cumulative amount of \$310,000, sales tax not applicable, for temporary construction easement, flagging and inspection services provided by BNSF on the Murray Morgan Bridge Rehabilitation Project.

EXPLANATION: The City is rehabilitating the Murray Morgan Bridge and a portion is over BNSF Railway Company's (BNSF) tracks. BNSF and the City have an Agreement allowing the City to rehabilitate the bridge over BNSF's right-of-way. Under this Agreement, the City is responsible for temporary construction easements and construction flagging and inspection costs. We are requesting a modification to the previously approved Direct Negotiation authorization of \$250,000.00, sales tax not applicable, to account for the additional flagging and inspection costs that will be required to complete the project. The current estimate of additional work is \$50,000.00, sales tax not applicable; however, we are requesting a modification to \$310,000.00, sales tax not applicable, to provide for a \$10,000 contingency. Approximately 80 percent of the above costs are reimbursed by the City's bridge rehabilitation contractor.

CONTRACT HISTORY: The initial contract for \$180,000, sales tax not applicable, effective August 1, 2011, did not require Council approval. The contract was increased to \$250,000, sales tax not applicable, by Council Resolution No. 38558 on October 23, 2012. The requested increase will bring the contract to a cumulative amount of \$310,000, sales tax not applicable.

FUNDING: Funds are available in the 1060 Street Special Revenue Fund.

SUSTAINABILITY: This is a service contract for the BNSF flagging and inspection services during the Murray Morgan Bridge rehabilitation. The bridge was constructed with sustainable features where appropriate. Structurally unsound steel removed from the bridge over the railroad tracks is recycled. Energy consumption will be reduced through use of CFL or LED light bulbs.

PROJECT COORDINATOR: Chris E. Larson, P.E., Engineering Division Manager, (253) 591-5538.


Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

Attachment

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing
747 Market Street, Room 408 | Tacoma, WA 98402-3769 | (253) 591-5525 | FAX (253) 591-5097
www.cityoftacoma.org



TO: T.C. Broadnax, City Manager
FROM: Kurtis D. Kingsolver, P.E., Interim Public Works Director/City Engineer *KDK*
SUBJECT: Authorization of Direct Negotiation for Professional Services over \$25,000
 Amendment to Temporary Construction License, Flagging and Inspection Services
DATE: March 20, 2013

TMC 1.06.256 requires competitive solicitation of all services. Wherever possible, services should be procured as a result of a request for bids, request for proposals or request for qualifications, as appropriate. TMC 1.06.256 (B) allows for direct negotiation of professional services and personal services, excluding architectural and engineering services, when determined by the city manager or director of utilities/CEO, or their respective designees, to be in the best interest of the City.

RECOMMENDATION: In accordance with TMC 1.06.256 (B), the Public Works Engineering Division requests a waiver of the competitive solicitation process and authorization to directly negotiate with **BNSF Railway Company, Ft. Worth, Texas**, for temporary construction easement, flagging and inspection services for an additional \$50,000, sales tax not applicable, plus a contingency of \$10,000, for a cumulative amount of \$310,000.00, sales tax not applicable.

EXPLANATION: The City is rehabilitating the Murray Morgan Bridge and a portion is over BNSF Railway Company's (BNSF) tracks. BNSF and the City have an Agreement allowing the City to rehabilitate the bridge over BNSF's right-of-way. Under this Agreement, the City is responsible for temporary construction easements and construction flagging and inspection costs. We are requesting a modification to the previously approved Direct Negotiation authorization of \$250,000.00, sales tax not applicable, to account for the additional flagging and inspection costs that will be required to complete the project. The current estimate of additional work is \$50,000.00, sales tax not applicable; however, we are requesting a modification to \$310,000.00, sales tax not applicable, to provide for a \$10,000 contingency. Approximately 80 percent of the above costs are reimbursed by the City's bridge rehabilitation contractor.

JUSTIFICATION FOR DIRECT NEGOTIATION: BNSF is the railway that we are working over, and our Agreement states that the City is obligated to cover actual costs for flagging and inspection services incurred during the project.

FUNDING: Funds are available in the 1060 Special Streets Fund.

HUB COMPLIANCE: Our Agreement with BNSF states that the work has to be done by BNSF staff or contractors; therefore, there is no opportunity for HUB.

PROJECT COORDINATOR: Chris E. Larson, P.E., PW Engineering Division Manager, (253) 591-5538.

AUTHORIZED:



 T.C. Broadnax, City Manager

3/22/2013

 Date

Attachments

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing



TO: T.C. Broadnax, City Manager
FROM: Kurtis D. Kingsolver, P.E., Interim Public Works Director/City Engineer ~~YOK~~
SUBJECT: Council Action Memo – Purchase Resolution – April 9, 2013
 Increase to BNSF Railway Company Contract
 Murray Morgan Bridge Rehabilitation Design-Build Project
DATE: March 25, 2013

The Public Works Engineering Division requests City Council approve of an increase to Contract No. 4600007465 with BNSF Railway Company, of Ft. Worth, TX, by \$50,000.00, sales tax not applicable, plus a contingency of \$10,000, for a cumulative amount of \$310,000, sales tax not applicable, for temporary construction easement, flagging and inspection services provided by BNSF on the Murray Morgan Bridge Rehabilitation Project.

Background

The Murray Morgan Bridge is a vertical lift bridge that spans the Thea Foss Waterway on East 11th Street. The Murray Morgan Bridge has been undergoing a major rehabilitation since 2011 and was opened to traffic on February 1, 2013, with construction scheduled for completion by April 2013. A portion of the rehabilitation occurs over or adjacent to BNSF tracks within BNSF right-of-way. The City and BNSF have an Agreement, effective August 1, 2011, that requires the City to reimburse BNSF for temporary construction easements and the actual cost of BNSF provided flagging and inspection services for work performed within the BNSF right-of-way. The City Manager authorized direct negotiation for the increase in contract value on March 22, 2013.

Prior Council Action

The initial contract for \$180,000, sales tax not applicable, effective August 1, 2011, did not require Council approval. The contract was increased to \$250,000, sales tax not applicable, by Council Resolution No. 38558 on October 23, 2012. This increase will bring the contract to a cumulative total of \$310,000, sales tax not applicable.

Funding

Funds are available in the 1060 Street Special Revenue Fund. Approximately 80% of the total BNSF flagging and inspection repair costs are reimbursed by our contractor.

Reason for Project

The project links downtown Tacoma with the East Foss Peninsula and the Port of Tacoma. The project reduces emergency response times and costs, provides an emergency route for the East Foss Peninsula and the Port of Tacoma, and will spur economic development on the east side of the Thea Foss Waterway.

Outreach/Public Involvement

Outreach and public involvement is ongoing as part of the Murray Morgan Bridge Rehabilitation Project. Outreach has been focused primarily by three methods:

- A biweekly project update issued to marine users, businesses, and residents in the vicinity of the Murray Morgan Bridge.
- City of Tacoma's website for the Murray Morgan Bridge Rehabilitation Project.
- Meetings with the public on a regular basis.

Sustainability

This is a service contract for the temporary construction easement, flagging and inspection services during the Murray Morgan Bridge rehabilitation. The bridge was constructed with sustainable features where appropriate. Structurally unsound steel removed from the bridge over the railroad tracks is recycled. Energy consumption will be reduced through use of CFL or LED light bulbs.

Schedule

Return of vehicular traffic to the bridge occurred on February 1, 2013. Physical completion of the project is scheduled for April 2013.