

AGENDA

*Regular Commission Business Meeting
Port of Kennewick
Port of Kennewick Commission Chambers
Tuesday, February 22, 2011
2:00 p.m.*

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- IV. CONSENT AGENDA**
 - A. Approval of Direct Deposit and Warrants Dated February 15, 2011
 - B. Approval of Warrant Registers Dated February 23, 2011
 - C. Approval of Commission Meeting Minutes Dated February 8, 2011
 - D. Authorizing Amendments to the Port's Policy Manuals; Resolution 2011- 03
- V. PRESENTATIONS**
 - A. Bridge to Bridge, Greg McCormick, City of Kennewick
- VI. NEW BUSINESS**
 - A. Adoption of 2011 Vista Field Master Plan; Resolution 2011- 04, Chuck Larson and Spencer Montgomery, J-U-B Engineers, Inc.
 - B. Request for Proposals for re-Branding
 - C. Port Commission Rules of Policy and Procedure; Resolution 2011- 05
- VII. BREAK, IF NEEDED**
- VIII. REPORTS, COMMENTS AND DISCUSSION ITEMS**
 - A. Divestiture of Port Owned Rail
 - B. Clover Island
 - 1. West Causeway Improvements
 - 2. Lighthouse Lenses
 - C. Vista Field
 - 1. Vista Field Fixed Base Operator Request for Proposals
 - 2. 2011 State Aviation Grant Request
 - D. 2011 Commission Organization Representation
 - E. Bridge to Bridge Memorandum of Understanding
 - F. Appointment of Acting Executive Director
 - G. 2008-2009 Audit Update
 - H. Non-Scheduled Items
- IX. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- X. EXECUTIVE SESSION**
 - A. Personnel Complaint: RCW 42.30.110(1)(f)
 - B. Potential Litigation: RCW 42.30.110(1)(i)
- XI. ADJOURNMENT**

PLEASE SILENCE CELL PHONES

PORT OF KENNEWICK

Resolution No. 2011-03

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK AUTHORIZING
AMENDMENTS TO THE PORT'S POLICY MANUALS***

WHEREAS, the Port of Kennewick (Port) has a policy manuals in effect which addresses general administrative and personnel matters; and

WHEREAS, this manual must be updated occasionally with all revisions being approved by the Port Commission via Resolution; and

WHEREAS, staff recommends revisions to the following policies and believes this to be in the best interest of the Port:

- Personnel Policy Handbook
- Delegation of Authority to the Executive Director
- Bidding and Purchase of Materials, Supplies, Equipment, Professional Services, Personal Services, Architectural and Engineering.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby approve revisions to the policies as illustrated in Attachment A.

BE IT HEREBY FURTHER RESOLVED the manual shall remain in effect until further revised.

ADOPTED by the Board of Commissioners of the Port of Kennewick this 22nd day of February 2011.

***PORT OF KENNEWICK
BOARD OF COMMISSIONERS***

By: _____
SKIP NOVAKOVICH, *President*

By: _____
DAVID HANSON, *Vice President*

By: _____
GENE WAGNER, *Secretary*

PORT OF KENNEWICK

POLICIES AND PROCEDURES HANDBOOK

Adopted July 7, 1981

Amended November 23, 2010, [July 13, 2010](#), [January 12, 2010](#), August 25, 2009; February 10, 2009; September 25, 2007; March 14, 2000; November 9, 1999; December 23, August 12, & February 11, 1997; November 5, & May 7, 1996; December 20, 1994; December 8 & November 3, 1992; January 16, 1990; January 21, 1986; June 5, 1984

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TELEPHONE/FAX/INTERNET ALLOWANCE POLICY

Overview

This policy would allow the Port to meet IRS regulations and its fiduciary responsibility to the taxpayers, by providing guidelines for the use of cell phones, home internet and home fax for business purposes.

Policy

As approved in resolution 2006-11, the Port will not own cell phones for the use of individual employees and/or Commissioners. Employees and Commissioners whose job duties include the frequent need for a cell phone may receive an allowance in the amount of fifty dollars a month for non-data phones and ninety dollars a month for data phones to cover business-related cell phone expenses. If the employee or Commissioners can provide sufficient evidence the business use of their cell phone is in excess of fifty dollars for non-data phones or ninety dollars for data phones, the amount allowed will be established by the Port Auditor.

Cell phones should not be selected as an alternative to other means of communication -- e.g., land-lines, pagers, and radio phones -- when such alternatives would provide adequate but less costly service to the Port.

Employees and Commissioners whose job duties include working from home shall include a home internet and home fax allowance not to exceed ~~fifty-five dollars a month~~^{\$55} or reimbursement of actual expense if invoice from vendors is provided to Port Auditor for payment. If the employee or Commissioner can provide sufficient evidence the business use of their home internet and fax line is in excess of fifty-five dollars, the amount allowed will be established by the Port Auditor.

Employees and Commissioners may be allowed an allowance for one-time purchase of cell phone and/or computer to perform necessary work at home for business purposes. A printer may be purchased at the discretion of the Executive Director, however, is subject to audit by the Port Auditor and shall be tagged and inventoried as per Port procedures. Furthermore, printer paper and ink may be purchased at the discretion of the Port Auditor. This allowance policy shall be established by the Executive Director and audited by the Port Auditor. Employees and Commissioners shall not be reimbursed for allowances if the Employee or Commission is being reimbursed or paid through external third party sources for their phone, internet, computer, or fax.

Responsibilities

Employees and Commissioners will be responsible for entering into a contract for cellular service with the provider of their choice. The Port will not be responsible, in any way, for employee's personal cellular phone and/or associated services, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments.

Each employee or Commissioner will immediately report the number of the cellular phone to the Port Auditor. The employee or Commissioner will carry the phone during business hours and when it is reasonably determined that there is a business need, or when normal communication links are not available.

The Port retains the right to periodically review the employee's or commissioner's need for a cellular phone allowance and may cancel the allowance due to lack of business usage, changes in employee work-related responsibilities, or absences exceeding one month, such as employee leave, Short Term Disability or extended leave under the Family and Medical Leave Act if applicable.

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Hours of Work, Overtime and Compensatory Time

The normal hours of work at the Port of Kennewick are from 8:00 a. m. to 5:00 p.m., with a one- hour lunch break from 12:00 noon to 1:00 p.m., Monday through Friday. Flexible working schedules can be adopted to accommodate the requirements of the individual employee and/or the Port, but require prior approval of the Executive Director.

Part-Time employees will work a schedule designated by the Executive Director or his representative.

Non-Exempt employees receive a fifteen (15) minute break for each four (4) hours of work as near as possible to the midpoint of the four (4) hour period.

All overtime requires prior approval of the Executive Director or the Director of Finance/Auditor. All Non-Exempt employees are eligible for overtime. Non-Exempt employees who respond to after hour calls will receive a minimum two hour pay. "

Compensatory (Comp) Time-With prior approval of the Executive Director or designee as directed by the Executive Director, Non-Exempt employees may request compensatory time off in lieu of overtime monetary compensation. Accrued compensatory time will be allocated at the time and one-half (1&1/2) rate.

Exempt Exchange Time – Exchange time is reasonable and necessary to provide flexibility in work hours for exempt staff working additional hours to facilitate Port business, including but not limited to community involvement, attending meetings after normally established work hours or other responsibilities as assigned. With approval of the Executive Director or designee as directed by the Executive Director, Exempt employees may request exchange time at the rate of one hour for each hour worked in excess of forty (40) in a week. The sum of exchange time accrued and available to an exempt employee may not exceed 120 hours at any time. Employees are expected to track exchange time on their bi-monthly time sheets. Exchange time can be used like other leave types, however, carries no cash or payout value to an employee at any time.

Compensation

Holidays

The Port of Kennewick follows the schedule of legal holidays set forth by the Washington State statute and is as follows. An additional holiday of the employee's choice is also available.

- January 1st, (New years Day)
- 3rd Monday of January, (Martin Luther King Day)
- 3rd Monday of February, (President's Day)
- Last Monday of May, (Memorial Day)
- July 4th, (Independence Day)
- 1st Monday of September, (Labor Day)
- November 11th, (Veteran's Day)
- 4th Thursday of November, (Thanksgiving Day)
- The Friday following Thanksgiving
- December 25th, (Christmas Day)
- One Day, Employee's Choice

Any legal holiday falling on a Saturday will be observed on the preceding Friday. Any legal holiday falling on a Sunday will be observed on the following Monday, unless otherwise directed, in advance, by the

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Telephone Calls/Personal Business

While it may occasionally become necessary to conduct personal phone calls during a normal workday, employees are expected to make every effort to conduct personal business on their own time and to keep the number and length of personal calls to a minimum.

Use of Port Property

In the event it is necessary for an exempt employee to remove Port property from Port premises for use in another location for the performance of his/her duties, management may so authorize. Unauthorized use of Port equipment, supplies, etc. is not allowed.

Confidentiality

Although the Port District is a public body, some portions of Port business are required by law to be confidential. No employee shall reveal in any manner any confidential information, which may become available to him/her as a part of his/her employment with the Port.

Whistleblower Act

It is the policy of the Port to encourage reporting by its employees of improper governmental action taken by officers or employees and to protect employees who have reported improper governmental actions in accordance with the laws of the State of Washington. As per RCW 42.41.030, Port of Kennewick employees who become aware of improper governmental actions should report with the local government to the Executive Director, ~~Port Auditor or~~ In the event the Executive Director is the subject of the Whistleblower claim, then employee should submit the report to Port Auditor. However, if the Executive Director and Port Auditor are subjects in the whistleblower claim then the employee can submit claim to the Port Commissioner(s).

The following government agencies and labor organizations may assist employees in dealing with personnel issues:

Agency	Issues
Washington State Human Rights Commission Olympia 1-800-233-3247 Spokane 1-509-456-4473 Yakima 1-509-575-2772 Seattle 1-206-464-6500 TTY 1-800-300-7525 http://www.hum.wa.gov	Discrimination because of race, creed, color, national origin, sex, marital status, age or disability. Sexual harassment. Whistleblower workplace reprisal or retaliatory action.
Public Employment Relations Commission Olympia (360) 753-3444 http://www.perc.wa.gov	Unfair labor practices. Interference with rights to form or join employee labor organizations and rights to bargain collectively.
Benton County Prosecuting Attorney 7320 W. Quinault Ave Kennewick, WA 99336	Alleged improper governmental action

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509-735-3591

Reports of improper governmental action(s) must be filed in writing with the Port of Kennewick. They can be reported using the Whistleblower Reporting Form, attached to this summary, or in a separate letter. In either case, the report should include:

- ☐ A detailed description of the improper governmental action(s).
- ☐ The name of the employee(s) involved.
- ☐ The agency, division, and location where the action(s) occurred.
- ☐ Date(s) of the improper governmental action must be provided to the Port within one year after the occurrence of the action.
- ☐ Details that may be important for our investigation -- witnesses, documents and evidence.
- ☐ If you know it, the specific law or regulation that has been violated.
- ☐ Your name, home address and phone number. (Optional)

Each improper governmental action should be noted separately and supported with as much specific information as possible. Proving allegations can often be difficult. Supplying detailed information contributes to a thorough and efficient investigation. The Whistleblower Reporting Form is designed to help you supply the needed information. Please use a separate Whistleblower Reporting Form for each improper governmental action. Whistleblower Reporting Form is described as Exhibit A of this manual.

Avoid generalizations such as "Bob is always wasting public resources." Providing specific details about how and when "Bob" is wasting public resources will help focus the investigation, e.g., "Bob used his state computer to keep accounting records for his home business during working hours. This has been going on for a year."

Under state law, anyone who conducts a state employee whistleblower investigation must keep the whistleblower's name confidential. In addition, the law provides remedies for individuals subjected to retaliation as a result of their whistleblower activities and penalties for those who retaliate.

Send your Whistleblower Reporting Form or letter attention to the Executive Director, Auditor or Commission as described above and to:

Port of Kennewick
Attention: Employee Whistleblower Program
350 Clover Island Drive, Suite 200
Kennewick, WA 99338

Utilization of Port Online Service

Any actions not expressly permitted are expressly prohibited.

Access to on-line services from Port equipment should be through the Port's authorized service provider(s). This may entail long distance charges when portable computers are taken out of town.

On-line services access through the Port's provider(s) was established for business purposes only.

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not reimbursable by the Port, unless approved by the Commission.

Lodging reservations may be made directly by the Port or its designated travel agent, or the authorized representative.

Reimbursement will normally be at a single room rate with justified exceptions approved by the commissioners for additional costs incurred for lodging of spouses or others that may be accompanying the authorized representative.

Meeting/Conference Registration

When attending meetings, conferences or training activities where lodging and meals are included in the registration, authorized representatives shall utilize the lodging and meal plan provided when feasible. If the lodging and/or meals are optional and not selected at the time of registration, the Port will reimburse up to the actual cost of the respective options.

Miscellaneous

The Port of Kennewick will provide reimbursement to Commissioners and staff for reasonable miscellaneous travel expenses. Such expenses include but are not limited to valet, bag service, housekeeping, laundry/dry cleaning charges, telephone, facsimile and internet services, baggage and luggage handling charges, parking fees, cab, bus and other transportation charges, stenographic charges, tips for normal hospitality practice, secretarial and other reasonable charges permitted by law, provided that said expenses shall not exceed \$40 per day. Receipts must be attached for any item in this category of \$25 or more.

Promotional Hosting

Promotional Hosting is covered in Port of Kennewick Resolutions 76-6, 93-4 and 2001-13.

Subsistence

Includes charges for all meals, including payment of reasonable tips, when traveling outside the district, or attending port related meetings or functions that include meals within the district. Expenses shall be reimbursed at the ~~accepted Internal Revenue Service (IRS) reimbursement per diem rate commonly referred to as the CONUS RATE, determined by the General Services Administration. The per diem reimbursement rate shall be the rate currently identified for the area of travel, as determined by the Port auditor, and will be adjusted from time to time with the change of the index rate. Should the actual cost of a meal associated with a meeting or group function exceed the IRS per diem rate for that meal, the Port may reimburse the actual cost of the meal with the support of an itemized receipt if receipt is available. In case itemized receipt is not available, the Port may reimburse the actual cost of the meal based on valid supporting documentation deemed by the Port Auditor.~~

Transportation

Transportation via official motor vehicle; private automobile and aircraft; public transportation (airline, railroad, bus line, ferry or steamship); taxicab; limousine; rented vehicle; or other appropriate means of transportation:

When private vehicles are used, the authorized representative shall be reimbursed at a rate of \$0.75 per

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Executive Directors card that is currently set at a maximum of \$10,000 credit limit, no individual card may exceed a \$5,000 credit limit.

If credit cards are used, no payment shall be made to a credit card company until each employee using the card has certified that all items of expenses incurred under the credit card are just, due, and unpaid obligations against the Port of Kennewick and the vouchers have been audited and found to be in order. Billings paid shall be clearly recorded by the Port.

Credit cards issued in the name of the Port shall not bind the Port to payment of sums resulting from the improper use of such credit cards by employees.

Oil company credit cards acquired in the name of the Port are to be used for the purchase of motor fuel and related items for port-owned vehicles or rental cars. Receipts for such purchases are to be submitted to the Port Auditor.

Telephone company credit cards acquired in the name of the Port are to be used for the transaction of district business. Telephone calls of a personal nature shall be reimbursed immediately on billing, unless authorized under section 3b2 of this resolution.

The Port shall have prior lien against and a right to withhold any and all funds payable to such Port employee up to an amount of any disallowed charges and interest at the same rate as charged by the company that issued the credit card. A Port employee who has been issued a credit card by the Port shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the Port Executive Director.

The Port shall have unlimited authority to revoke the use of any credit card issued and, upon such revocation order being delivered to the credit card company, shall not be liable for any costs.

Per Diem

~~The Port Commission may, by an appropriate action, authorize the payment of per diem to any Port Commissioner or employee in lieu of reasonable and necessary expenses. However, unless such specific authorization is given, employees shall be paid for their actual necessary expenses only. Per Diem, when authorized, will be at the rate authorized by law.~~

Miscellaneous

Port representatives traveling together shall submit separate vouchers and verification. However, on occasions when Port Commissioners or staff is attending activities together, one Port Commissioner or staff member may pay for authorized expenses for the Port Commissioners or staff and request reimbursement for his/her authorized expenses and those of the other Port Commissioners or staff. Claims for reimbursement of travel and business expenses shall be submitted on forms approved by the Port Auditor

PORT OWNED VEHICLE POLICY

Overview

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Commissioners, employees or authorized agents using port owned vehicles are responsible for the payment of all fines, fees or costs as a result of any traffic or parking violations or infractions associated with the use of said vehicles.

Accidents involving port owned vehicles shall be reported to the Executive Director as soon as reasonable possible and no later than forty-eight (48) hours after such accident.

AIRPORT COURTESY CAR

The Port of Kennewick will provide an airport courtesy car to the Port's FBO Operator or other operator as defined in a lease agreement with the Port. The Executive Director may designate one (1) port owned vehicle for specific use as an airport courtesy car. The airport courtesy car shall be based at the Vista Field Airport. Only authorized airport visitors may use the courtesy car unless otherwise authorized by the Executive Director or airport manager. Only the designated Fixed Base Operator (FBO), Executive Director, or ~~airport manager~~ other appointed staff by the Executive Director may authorize which visitors may use the airport courtesy car, and then only after validating the user has a current driver license and insurance. A logbook shall be maintained reflecting the following:

- Name of user
- Date(s) of use
- General purpose of business
- Destination
- Round trip mileage
- Driver License Number
- Insurance Information

Fuel, Maintenance, Upkeep

The Port of Kennewick shall pay for all fueling costs, maintenance, and upkeep expenses for port owned vehicles.

Discipline

Failure to adhere to this policy may result in disciplinary action deemed appropriate by the Executive Director or Port of Kennewick Board of Commissioners.

VEHICLE COMPENSATION POLICY

Overview

The purpose of this policy is to establish standards for compensating employees for the use of their personal vehicles for port related business.

The Port recognizes employees are required to use their personal vehicles from time to time as a normal and routine function of their work on behalf of the Port. In addition, port employees may be subject to being called away from their homes or elsewhere to attend to Port related business, or to respond to urgent matters or emergency situations related to the Port.

In order to appropriately compensate employees for the use of their personal vehicles for port related

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business the Port of Kennewick has established a vehicle compensation allowance policy.

Vehicle Compensation

All Commissioners and port employees are eligible to participate in the vehicle compensation allowance program and be compensated for the use of their personal vehicle for port related business as defined in the Travel Policy in the Transportation section.

All mileage reimbursement requests shall be submitted to the port auditor on an approved form for Board of Commissioners approval.

WELLNESS PROGRAM POLICY

The Port of Kennewick encourages all staff to participate in wellness programs. Participation in the Port of Kennewick's wellness program is open to regular full-time employees and Commissioners and is a voluntary program. In order to be eligible for reimbursement of a portion of the membership dues, the employee or Commissioner must provide the Auditor with proof of employee or Commissioner use of the fitness or wellness facility at least four times per month. Reimbursement is further limited to \$100 per employee or Commissioner per month. Reimbursement can include reimbursement of membership fees for dependents and domestic partners as long as all dependents and domestic partner each individually comply with the minimum four visits per month described previously. In the event a family member does not meet the visit requirement noted above, the Port can still reimburse the employee for the employee portion or the employee's portion less the cost for the additional family member. The Port of Kennewick retains the right to change all aspects of its wellness program and to discontinue their existences.

~~COMMISSION MEETING PARTICIPATING BY TELEPHONE POLICY~~

~~Any one Commissioner may participate telephonically in all or part of a Commission meeting if: 1) prior approval is given by the Commission President for good cause, whose approval shall not be unreasonably withheld; 2) all persons participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone; and 3) the Commissioner participating telephonically shall have reviewed all of the applicable material.~~

INSURANCE POLICY

Acquisition of Insurance Policies. All persons or entities entering into a business or other relationship with the Port (Persons or Entities), shall, at their sole cost and expense, procure and maintain, or cause to be procured and maintained, policies of insurance as deemed appropriate by the Executive Director with consultation of the Port Attorney. The insurance shall be subject to the Executive Director's review and approval, which approval shall not be unreasonably withheld. The insurance shall name the Port as an additional insured.

Types of Required Insurance. Persons or Entities shall procure and maintain the types of insurance deemed appropriate to the Executive Director with consultation of the Port Attorney, and shall be in the amounts deemed appropriate under the circumstances, in the discretion of the Executive Director,

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considering levels of inflation, risk of loss, premium expenses, and other relevant factors subject to the Port's written consent. Policy limits may be reviewed annually and may be adjusted, on a case by case basis. Insurance forms and limits of liability may include, but shall not be limited to:

- A. Commercial General Liability Insurance. For projects of work, commercial general liability insurance covering all claims with respect to injuries or damages to persons or property sustained in, on or about the property and the appurtenances thereto with limits of liability no less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate. For projects or work valued at \$50,000 or less, limits of liability shall be no less than One Hundred Thousand Dollars (\$100,000) per occurrence and Three Hundred Thousand Dollars (\$300,000) aggregate.
- B. Physical Property Damage Insurance. Physical damage insurance covering all real and personal property, but excluding property owned by subtenants and paid for by subtenants or paid for by lessee for which subtenants have reimbursed lessee, located on or in, or constituting a part of, the Property, in an amount equal to at least one hundred percent (100%) of the new replacement cost of all such property (or such lesser amount as the Port's may approve in writing).
- C. Builder's Risk Insurance. During construction of any improvements on port property, and during any subsequent restorations, alterations or changes in the Property that maybe made by Tenant at a cost in excess of Fifty Thousand Dollars (\$50,000) per job, builder's risk insurance upon the entire work on the property in the amount of one hundred percent (100%) replacement value thereof against "all risk" of physical loss or damage to the property insured, including earthquake and flood.
- D. Worker's Compensation Insurance. Workers' compensation and employer's liability insurance in respect of any work by employees of Lessee on or about the Property, as required under applicable law.

FLOWER POLICY

The Port can purchase flowers. gift basket or gift card for employees/commissioners or others with a connection to the Port, such as tenants, provided that flowers. gift basket or gift card will be presented only under special circumstances such as funerals, birthdays, etc., further provided that the cost of any flower arrangement. gift basket or gift card does not exceed \$100. Approval may be granted by the Executive Director or Finance Director only.

EXHIBIT A

WHISTLEBLOWER FORM

Before filling out this form, please read the following:

- You cannot be the subject of retaliatory action for submitting this form.
- In order to protect your identity, we do not recommend sending this form to our office via electronic mail.

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If you have any questions, please contact the Port Auditor or Executive Director.

Your contact information:

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint. If you choose to provide your name, we will keep it confidential.

<u>Name</u>	<u>Agency</u>	<u>Date</u>
-	-	-
<u>Home or mailing address</u>	<u>Division</u>	<u>Day phone</u>
-	<u>Address</u>	<u>Night phone</u>
-	<u>Current position</u>	<u>Best time and number to call</u>
-		

Subject's contact information:

Please file a separate form for each Port employee or officer who you believe has engaged in improper governmental action.

<u>Name</u>	<u>Agency</u>	<u>Division</u>
-		
<u>Position</u>	<u>Location</u>	<u>Phone</u>
-		
<u>Subject's Supervisor(s)</u>	<u>Supervisors Position(s)</u>	<u>Supervisor's Phone</u>

How do you know about the information you are disclosing here? If you do not choose to provide your name, please take care in providing this information, to prevent inadvertent disclosure

What type of improper governmental action are your reporting?

Violation of state law or regulation
if so which RCW(s) or WAC(s)?

Substantial and specific danger to the public health and safety

Gross waste of public funds

Is there any evidence that supports your assertions that can be reviewed?
If so, where is the information and can you provide it?

Please describe the improper governmental action in detail

The more detailed information you provide for us, the better we will be able to assess your concerns. Attach additional pages if needed. If available, please provide us with copies of documents which support your assertion.

Improper governmental action cannot be personnel related.

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When did the event(s) take place?

Where did the events(s) occur?

Are there other witnesses? If so, please provide their names, telephone numbers, positions, agencies, divisions, contact information, and relation to the improper governmental action.

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Have you reported this information to another agency? Yes No

If so, which one(s)?

If you have disclosed the information reported here, what is the current status of the matter?

Please mail this form to:
Port of Kennewick
Attn: Employee Whistleblower Program
350 Clover Island Drive, Suite 200
Kennewick, WA 99336

EXHIBIT A

WHISTLEBLOWER FORM

Before filling out this form, please read the following:

- We are precluded by state law from investigating complaints involving personnel matters, or matters for which other remedies exist. This includes grievances, appointments, promotions, reprimands, suspensions, dismissals, harassment discrimination or other related actions.
- The issue you are concerned about must have occurred within the past year.
- You must be a current employee of the Port of Kennewick to file a complaint.
- In order to protect your identity, we do not recommend sending this form to our office via electronic mail.

If you have any questions, please contact the Port Auditor or Executive Director.

Your contact information:

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint. If you choose to provide your name, we will keep it confidential.

Name	Agency	Date

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Home or mailing address	Division	Day phone
	Address	Night phone
	Current position	Best time and number to call

Subject's contact information:

Please file a separate form for each Port employee or officer who you believe has engaged in improper governmental action.

Name	Agency	Division
Position	Location	Phone
Subject's Supervisor(s)	Supervisors Position(s)	Supervisor's Phone

How do you know about the information you are disclosing here?

What type of improper governmental action are you reporting?

☐ Violation of state law or regulation

POLICIES AND PROCEDURES MANUAL

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if so which RCW(s) or WAC(s)? _____

_____ Substantial and specific danger to the public health and safety

_____ Gross waste of public funds

~~Is there any evidence that supports your assertions that can be reviewed?
If so, where is the information and can you provide it?~~

~~Please describe the improper governmental action in detail~~

~~The more detailed information you provide for us, the better we will be able to assess your concerns. Attach additional pages if needed. If available, please provide us with copies of documents which support your assertion.~~

~~*Improper governmental action cannot be personnel related.*~~

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When did the event(s) take place?

Where did the event(s) occur?

Are there other witnesses? If so, please provide their names, telephone numbers, positions, agencies, divisions, contact information, and relation to the improper governmental action.

Have you reported this information to another agency? ☐ Yes ☐ No

If so, which one(s)?

If you have disclosed the information reported here, what is the current status of the matter?

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Port of Kennewick
Attn: Employee Whistleblower Program
350 Clover Island Drive, Suite 200
Kennewick, WA 99336

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- 3.1 All covered individuals are prohibited from using, possessing, manufacturing, distributing, dispensing, or being under the influence of any controlled substances in the workplace, during working hours, while on Port premises or while engaging in Port business. ~~This includes the presence of these substances in the body during working hours regardless of when they were consumed.~~
- 3.2 All covered individuals are prohibited from manufacturing, distributing or being under the influence of alcohol in the workplace, during working hours, while on Port premises or while engaging in Port business. ~~This includes the presence of alcohol in the body during working hours regardless of when they were consumed.~~
- 3.3 All covered individuals are prohibited from using, possessing, smelling of, or dispensing alcohol in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.4 Any covered individual who is taking a drug or medication, whether or not prescribed by the covered individual's healthcare provider, which may adversely affect that covered individual's ability to perform work in a safe or productive manner, is required to report such use of medication to his or her supervisor. This includes drugs and medications that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness.

4. TESTING

- 4.1 To enforce this policy, the Port conducts the following types of testing:
 - A) Pre-Employment Testing. Final offers of employment to applicants for safety sensitive positions will be contingent on passing a drug screening test. Prospective new hires will receive information concerning the drug testing procedures with their conditional employment offer.
 - B) Post-Accident Testing. If a covered individual is involved in an on-the-job accident that results in injury or property damage, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines.
 - C) Reasonable-Suspicion Testing. If, at any time, the Port suspects a covered individual is at work under the influence of alcohol or drugs or smelling of alcohol, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines. When there is reasonable suspicion, the covered individual is placed on an unpaid leave of absence and is not to return to work until fitness for duty is established. If the test result is negative, the Port will reimburse the covered individual for the regular work time he or she was scheduled for, but could not work while waiting for the test results.

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	POLICIES AND PROCEDURES	
	DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR	REV. 0
	POK-ED-001	01/04/2007 Updated 02/10/2009 Res. 2009-06

1.0 PURPOSE


The Port Commission is responsible for the establishment of policy objectives for the Port of Kennewick. The Commission is also responsible to retain an Executive Director to implement the policy objectives it establishes. Any Commission directives shall be made to the Executive Director by the Commission acting as a body.

By approval of the Commission the following policy is adopted for establishing and delegating administrative authority to the Executive Director.

2.0 APPLICABILITY

With the exception of the limitations identified herein, the Executive Director shall be responsible for the operation, maintenance, administration and use of the Port's properties and facilities; for the development of industrial districts; the implementation of construction work, alterations and improvements to the Port's real estate and physical facilities; personnel administration (salary and benefits, [employment contracts under one year](#), task and project assignments, hiring, firing, training, grievance procedures, employee enrichment and improvement, etc.); administration of contracts; delivery of services essential to the Port's mission; financial and accounting matters; legal matters and all other administrative matters. Further, the Executive Director is hereby authorized to publish notice of any and all public hearings which are required by law or are necessary for Commission action.

The Executive Director shall retain administrative staff, which shall operate and manage according to directives from the Executive Director. The Executive Director shall regularly inform and consult with the Commission regarding significant Port business transactions. The Executive Director may delegate to appropriate Port staff such administrative authority or reporting requirements as is necessary in the efficient exercise of the Executive Director's authority. Unless otherwise required, the Executive Director shall inform the Commission promptly following all material actions undertaken pursuant to this Delegation of Authority.

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3.0 POLICY

3.1 LEASES OF REAL AND PERSONAL PROPERTY

3.1.1 General Policy


- (a) Except as otherwise provided herein, all real and personal property belonging to the Port (when available for leasing), shall be leased under an appropriate written lease executed in accordance with RCW 53.08.080;
- (b) The amount of rental shall be fair rent for property;
- (c) The use to which the property may be put by the tenant shall be expressly stated and shall be in accordance with the standards of use adopted by the Port;
- (d) The proposed final terms of the lease arrangement and the lease bond shall be approved as to form by Port Counsel and generally consistent with other existing Port leases in the same or similar circumstances; and
- (e) The Executive Director shall ensure that all terms are complied with and shall take necessary measures to cause compliance or to protect the Port's legal position, including, but not limited to, giving of all notices provided for in the lease.

3.1.2 Leases Executed by the Commission

The following leases shall be submitted to the Commission for approval:

- (a) Leases in which the term of the lease, including any options for renewal, exceeds five years; or;
- (b) Leases in which the monthly rental amount exceeds \$2,000 per month.

3.1.3 Leases Executed by the Executive Director

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Except as provided above, the Executive Director is authorized to approve all other leases.

3.2 LEASE BONDS AND RENTAL INSURANCE

The Executive Director is authorized to take all necessary actions on behalf of the Commission and its officers in connection with lease surety bonds, lease surety, rental insurance and/or other insurance coverage required for leases.

3.3 LEASES OF HARBOR AREA AND WATERWAY

The Executive Director is authorized to execute all harbor area and waterway leases on behalf of the Commission.


3.4 REAL PROPERTY PURCHASES AND SALES

The Executive Director shall be authorized to make offers on real property without prior Commission approval, provided that such offers clearly indicate the offer is subject to approval of the Commission or other similar language. When the Commission authorizes the acquisition of real property by purchase or condemnation, the Executive Director shall take all necessary steps, including securing appraisals, to secure title of such property for the Port. When the Commission authorizes the sale of real property, the Executive Director shall take all necessary steps to complete the transaction including but not limited to accepting deposits, opening escrow and signing all necessary documents.

3.5 CONTRACTS FOR PERFORMANCE OF WORK

3.5.1 Work Contract Awards

- (a) The Executive Director may, without prior Commission approval, execute on its behalf, small works roster contracts where the total estimated contract does not exceed \$540,000 so long as all statutory procedures are followed, including bid and performance surety requirements.

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(b) The Executive Director may, without Commission approval, prepare plans and specifications; issue notices calling for bids; award and accept contracts for work where the total estimated contract price does not exceed \$540,000; provided all requirements of RCW 53.08.120 are met, and further provided that such work is within authorized capital budget limits


(c) When any emergency shall require the immediate execution of a contract for work, the Executive Director, pursuant to the procedures of RCW 39.04.020 and 39.04.280, as amended or succeeded, is authorized to make a finding of existence of such emergency and execute any contracts necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding of the existence of any emergency, request Commission ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the development of the emergency situation and the progress of any contracts executed to remedy the emergency.

"Emergency," as used in this policy, is any situation which requires prompt action to protect life or property.

3.5.2 Change Orders

In instances where contracts for the performance of work have been awarded and individual changes in plans and/or specifications are necessitated to properly accomplish the work, the Executive Director is authorized, without prior Commission approval, to execute on its behalf individual change orders to the contract if all of the following conditions are met:

- (a) The change order shall not exceed \$540,000;
- (b) The contract provides for issuance of change orders;

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- (c) The individual change order has been approved and certified by the project architect or engineer as being necessary to the proper accomplishment of the work called for in the basic contract; and
- (d) The total cost of all approved change orders when added to the contract cost, remain within authorized capital budget amounts.

3.6 PERFORMANCE OF WORK BY PORT CREWS

Prior Commission approval shall not be required where individual capital or maintenance projects are to be carried out by Port crews, inmate crews or day laborers (when deemed appropriate) which do not exceed \$540,000 and which are within authorized capital budget amounts.

3.7 CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT AND SERVICES

The Executive Director may acquire, without prior Commission approval, utilities, materials, equipment, supplies and services (including services provided by public agencies) on the open market, pursuant to published rates or by competitive bidding when necessary for the normal maintenance and operations of the Port. Said acquisitions shall, when appropriate, be approved as a part of normal monthly expenses and shall be within authorized budgets.


3.8 CONTRACTS FOR PROFESSIONAL SERVICES

The Executive Director shall contract for professional and consultant services where deemed necessary in carrying out Port operations where the cost of the proposed service for any single project will not exceed the amount of \$540,000.

3.9 DISPOSITION OF UNCOLLECTIBLE ACCOUNTS

The Executive Director is authorized to establish procedures for and to write off any uncollectible accounts in the amount not to exceed \$10,000, subject to the following general guidelines:

- (a) Prior to writing off any account receivable or uncollectible, the Executive Director shall be satisfied that reasonable effort has been made by the Port to collect the account and shall, in appropriate circumstances, authorize action in court of law or if more appropriate in the case of small amounts,

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to assign the same to collection agencies for the purposes of attempting to finally collect such accounts.


- (b) If, after attempting normal account collections procedures, the account is still uncollectible after 180 days, or more, the Executive Director shall be authorized to write off of the account.
- (c) Any account in excess of \$10,000 which is deemed to be uncollectible shall be referred to the Commission for final write-off except where said account has been referred for final collection or settlement, in which case, it shall be processed in a manner consistent therewith.

3.10 ADJUSTMENT AND SETTLEMENT OF CLAIMS

Claim," shall be defined as the assertion of any position, right or responsibility by or against the Port but not including (1) uncollectible accounts, or (2) claims asserted by or against the Port which have become the subject of litigation as referenced below:

- (a) No claim against the Port shall be considered unless proper notice has been served by the claimant.
- (b) All claims shall be presented to the Commission for approval and payment when a tentative agreement has been reached. Except as provided under paragraph 'C' below, no claim shall be paid unless authorized by the Commission.
- (c) Any claim not exceeding \$10,000 may be adjusted and settled by the Executive Director without prior reference to the Commission provided that the Port Counsel has rendered his opinion to the Executive Director that payment of the claim is justified on the basis of one or more of the following circumstances:
 - 1. A substantial likelihood that the Port is or will be found liable; or
 - 2. The likelihood that a judgment rendered in the case would be in the amount claimed or higher; or
 - 3. The likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed.

3.11 LITIGATION

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The Executive Director, in coordination with Port Counsel shall be responsible for management of litigation in which the Port has an interest.

3.12 EXPERTS

The Executive Director may hire experts as deemed necessary for litigation in which the Port has an interest.

3.13 INSURANCE

- (a) The Executive Director shall work with insurance brokers to negotiate and obtain appropriate policies of insurance to cover Port property, liability, employee, and Commission coverage and other areas appropriately included within a comprehensive insurance program.
- (b) The Executive Director is authorized to approve from time to time changes or modifications within the policies of insurance including programs to provide self-insurance or deductible provisions so long as such programs are promptly and regularly reported to the Commission.


3.14 INVESTMENT OF TEMPORARILY IDLE PORT FUNDS

- (a) "Temporarily Idle Port Funds" are defined as those funds which are not required for immediate expenditure.
- (b) In accordance with applicable law and Port District Resolutions relating to the investment of public funds, the Executive Director is authorized to direct the Port Director of Finance in the investments of temporarily idle Port funds. These directives shall permit, but shall not be limited to, investments in authorized government securities, sale of such investments and necessary interfund transfers. A listing of all investments shall be prepared and reported to the Commission periodically so they may be informed of the status of investments of temporarily idle Port funds.

3.15 ISSUANCE OF TARIFFS

The Executive Director is authorized to issue agreements, tariffs and tariff amendments as necessary.

3.16 TRAVEL

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- (a) In order to facilitate necessary Port operations, the Executive Director is authorized to approve, without prior authorization of the Commission, travel by employees and/or other authorized representatives of the Port for the purpose of attending meetings with customers, suppliers, consultants, associations of which the Port is a member, educational and training seminars, information seminars pertaining to Port operations, or other similar purposes. Authorization is subject to budgetary limits.
- (b) The limits of such authorization shall be for travel within the continental United States and the province of British Columbia, Canada. Reimbursable travel expenses shall not exceed \$5,000 per trip.
- (c) Attendance of meetings located beyond the above geographic area or costs in excess of \$5,000 shall require Commission approval.

3.17 TRADE DEVELOPMENT PROGRAMS

The Executive Director is authorized, consistent with budget and statutory limitations, to develop and carry out programs of trade development (which may include tourism and tourism promotion), advertising (including the use of advertising firms within budgetary authority), and promotion of the Port, including its properties, facilities and services. Such programs shall be reviewed by the Commission periodically to remain informed of changes which occur.

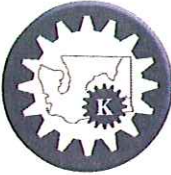
3.18 RULES AND REGULATIONS

The Executive Director is authorized to adopt any administrative rules and regulations necessary for the efficient operation of the Port.

3.19 AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT

It is the basic policy of the Port to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure that there be absolutely no discrimination against any persons on grounds of race, creed, color, national origin, sex, sexual preference, marital status, age, or the presence of any sensory, mental or physical handicap. This policy is to be implemented by the Executive Director.

3.20 MISCELLANEOUS


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Authority to Resolve Issues Under \$10,000:

The Commissioners hereby authorize the Executive Director to take all actions necessary to resolve any matter not specifically addressed herein. If the resolution of any such matter requires the payment by the Port of any sum exceeding \$10,000, the Executive shall first obtain formal approval from the Commission prior to resolving any such matter.

Authority to Vote in All Elections:

Executive Director is authorized to vote in all elections on behalf of the Port, where votes are tabulated based upon acreage owned.

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	BIDDING AND PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT, PROFESSIONAL SERVICES, PERSONAL SERVICES AND ARCHITECTURAL AND ENGINEERING	
	POK	Adopted: 10/28/09 Revised Res. 2010-18 4/27/10
PREPARED BY: Tammy Fine		

1.0 PURPOSE AND SCOPE

This policy defines the responsibilities and requirements for Port of Kennewick procurement of personal and professional services, materials, supplies and equipment, and public works projects and architectural and engineering services. This policy is based on the Revised Code of Washington (RCW), Port Commission adopted resolutions, the Washington State Auditor's Office, the Municipal Research Services Center, and the Port legal counsel.

This policy is divided into seven major areas as follows:

- (a) Procurement of Materials, Supplies and Equipment
- (b) Bidding Requirements for Small Works Projects (Public Works under \$300,000)
- (c) Bidding Requirements for Formal Sealed Bid Projects
- (d) Professional Services and Personal Services
- (e) Architectural and Engineering Services
- (f) Exemptions from Competitive Bidding
- (g) Other Bidding Information

2.0 APPLICABILITY

This policy applies to all Port of Kennewick employees to ensure that public purchases and contracts are open, fair, and cost effective.

A department director (or designee) acting within their approved department budget, is authorized to procure supplies and services as necessary to perform their assigned functions and responsibilities. To ensure fiscal responsibility by the Port of Kennewick, purchases shall be coordinated through the Director of Finance or designee and department director (or designee) shall ensure purchases are within their authority.

2.0 POLICY

2.1 GENERAL

To avoid conflict of interest, procurement will be fair and impartial.

In order to assure continued public trust in the Port of Kennewick, Commissioners, management and staff must conduct themselves in a manner that avoids any actual or perceived conflict of interest between the Port of Kennewick and organizations other than Port of Kennewick with which the individual is associated.

No employee will participate in any procurement activity when they are aware of an actual or potential conflict of interest. No employee will accept gifts or gratuities from existing or potential vendors in return for a commitment to continue or initiate a procurement relationship.

Procurement of goods and services will provide the Port with the highest level of quality at the lowest possible price. Purchases will be made within budget limits, goals and objectives of the Port Commission.

Every effort will be made to use products made from recycled materials if such products are available, of acceptable quality, and generally priced the same as similar, non-recycled products.

The Port of Kennewick may acquire surplus property from another government without the use of bids in accordance with RCW 39.33.010.

Should the need arise, procurement that exceeds approved budget limits will be pre-approved by the Executive Director or the Port Commission as appropriate.

All Port of Kennewick procurement will be ultimately approved by the Port Commission through the voucher approval process.

Regardless of amount, Executive Director signs all contracts.

PROCUREMENT OF MATERIAL, SUPPLIES AND EQUIPMENT

2.1.1 Purchasing Parameters

- (a) Purchases less than \$5,000 (including applicable sales tax, freight, and handling and set up cost) may be made by the department director or designee. The purchaser shall ensure that the purchase does not exceed the approved budget for the line item unless the purchase is approved by the Executive Director or the Director of Finance. Director should consult with the Director of Finance in determining whether it is capital or expense line item.
 - (b) Purchases greater than \$5,000 but less than \$540,000 (including applicable sales tax, freight, and handling and set up cost) shall require authorization by the Executive Director. The purchaser shall also submit the procurement to the Director of Finance for review to ensure the procurement is allowable as Port of Kennewick expenditure and that it is within approved budget. It is recommended by not required to obtain three quotes due to cost benefit of staff time and situation. Three verbal quotes may be received instead of written quotes, but all quotes (if obtained)
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must be documented and retained in file. Documentation includes name of vendor contacted, date, person whom spoken with and the quote amount and any details of the quote. Award must be given to the lowest responsible bidder.

- (c) Purchases greater than \$540,000 but less than \$300,000 (including applicable sales tax, freight, and handling and set up cost) shall require approval by the Port Commission. Except for Sole Source procurement, purchases within this range require the purchaser to invite at least three vendors to submit written bids. The Executive Director and the Director of Finance shall approve purchases in this range prior to presenting to the Port Commission for approval of purchase. All approvals are required before authorizing the procurement to proceed. Award must be given to the lowest responsible bidder.
- (d) Purchases greater than \$300,000 (including applicable sales tax, freight, handling and set up cost) shall be formal sealed bid. Reference the formal sealed process in the bidding requirements below.

2.1.2 Receiving Freight

It is the responsibility of the individual who signs for UPS or carrier's delivery receipt to properly receive all cartons they are signing for. Anyone who signs for receipt of goods acknowledges that the item was received and accepted as delivered.

2.1.2.1 After Signing for Freight

- 1) Confirm the package or carton is being delivered to the proper location.
- 2) Verify the number of cartons, crates or pieces is correct according to quantities on the packing slip.
- 3) Sign the delivery slip legibly so that when you call Purchasing two weeks later and claim you haven't received the package, we can track you down!
- 4) Open packages and verify order is correct.

2.1.2.2 Damaged Cartons

- 2.1.2.2.1 **Visible Damage** -Any person receiving freight must make a notation on the carrier's delivery receipt of apparent damage to packages. The specific type of damage should be stated on the delivery receipt and obtain the driver's signature (not just initials) on your copy of the receipt. This is an example of why it is important that freight be FOB destination so that the vendor files all claims.
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2.1.2.2.2 **Concealed Damage** - If the shipment of goods received showed no sign of damage upon receipt, but damage to the contents is found upon opening, concealed_damage exists.

2.1.2.2.2.1 Action for concealed damage:

- 1) Call the carrier immediately upon discovery of the damage and request an inspection. Notate the date and the person contacted.
- 2) All shipping cartons should be retained for inspection on any damage.
- 3) When making a request for an inspection, advise the carrier whenever possible the value of the damaged goods. If the value is less than \$50.00, most carriers will frequently waive inspection. Indicate person contacted on the claim form.
- 4) When an inspection is made, specific damages should be notated by both parties and signed by both on the inspection report.

2.1.3 Equipment Leases

2.1.3.1 **Leasing Equipment under \$540,000**

The procedure for leasing equipment when the value of the equipment and/or lease are under \$540,000 is as follows:

- a. Analyze types of equipment available
- b. Obtain three written quotes/proposals
- c. Obtain approvals

2.1.3.1.1 Fiscal Approval - Review proposals with the Finance Dept. prior to budgeting the expense. Lease purchases are to be budgeted and accounted for as if the total expense is to be incurred when the item is purchased.

2.1.3.1.2 Executive Director Approval – Executive Director must approve all Equipment Leases.

2.1.3.1.3 To exercise the purchase option of a lease, route to Executive Director for approval.

2.1.3.2 **Leasing Equipment over \$540,000**

The procedure for leasing equipment over \$540,000 is as follows:

- 2.4.4 When contractors submit completed forms, they will be required to include their current Washington State Contractors License. Contractors will be contacted every two years to update the Port of Kennewick Small Works Roster. Director of Operations may delegate the duties, however, is ultimately responsible for ensuring this is completed.
- 2.4.5 Eligible contractors desiring to be placed on the roster are required to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the Port of Kennewick as a condition of remaining on the Small Works Roster.
- 2.4.6 Parameters that apply to small works projects shall be in accordance with Attachment 1, *Small Works Projects Parameters*.
- 2.4.7 The Director of Operations will be responsible for approving applications and adding contractor names to the Small Works Roster of eligible firms. Director of Operations may delegate the duties, however, is ultimately responsible for ensuring this is completed.

2.5 Bid Invite

- 2.5.1 Bid Invites shall be secured via telephone, written proposal, or electronic proposal from contractors listed on the Small Works Roster to assure that a competitive price is established and to ensure the award of contracts to the lowest responsible bidder. Documentation of the invite and bid shall be retained in file. Telephone quotes may be received for projects under \$540,000 and documentation of the telephone quotes shall include name of contractor, date invited, quote received, whom spoken with (first and last name) and any other information regarding the quote. Documentation shall be kept in the file to determine that five or all contractors were invited on the small works roster. Projects over \$540,000 but under \$300,000 shall be performed by written or electronic invites. Documentation shall be kept in file on who was invited to determine that at least five or all were invited on the small works roster.
 - 2.5.2 Award of contracts up to \$540,000 will be approved by the Port of Kennewick Executive Director or his/her designee.
 - 2.5.3 Invitations for bids shall include a general overview of the scope and nature of the work to be performed as well as special materials and equipment to be furnished. However, detailed plans and specifications need not be included in the bid invite.
 - 2.5.4 Bids may be invited from all qualified contractors on the Small Works Roster. As an alternative, quotations may be invited from at least five (5) contractors on the Small Works Roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the Small Works Roster. This means that the employee responsible for bidding will review the bid invite history of the contractors and ensure
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that other contractors who can perform the same type of work are invited also. **If only five are invited and the amount is between \$100,000 and \$300,000, a public notice must be conducted by either notifying all bidders by mail, e-mail or fax or a notice in the legal section of the Tri-City Herald. Proof of notification to all contractors must be retained in file. Furthermore, once a year the Port must post a list of all projects, description, amounts, and contractor awarded.**

- 2.5.5 The Port of Kennewick shall ensure that bid solicitation does not favor certain contractors on the Small Works Roster over other contractors on the Small Works Roster who perform similar services.
- 2.5.6 Award of contracts expected to cost above \$540,000 but less than \$300,000 shall be approved by the Executive Director and the Port Commission. The Executive Director will determine whether to conduct a sealed bid process or use the Small Works Roster process.
- 2.5.7 Award shall be made to the lowest and most responsible bidder. However, all quotes may be rejected based on bids exceeding Port of Kennewick estimates or inability of the bids to meet the requirements of the bidder, and or no responsible bidders. Rejection shall be determined by the Executive Director.
- 2.5.8 After the award, the employee responsible for the bid project shall record bids received and open the bids to public inspection and make available to the public. A contract awarded from the Small Works Roster under this policy does not need to be advertised.

2.6 Performance, Payment Bonds and Retainage

- 2.6.1 In order to encourage participation by small and disadvantaged firms, the following shall be employed with respect to performance and payment bonds required by RCW 39.08.01.
 - A. *Projects under \$35,000* including all applicable taxes and fees— Performance or payment bond is required; however, at the option of the contractor, the contractor can waive the performance and payment bond and opt to have 50% retainage withheld. This must be done at the time the contract is entered into and the contractor must fill out a “Declaration of Option for Performance Bond or Additional Retainage” located at Attachment 2.
 - B. *Projects greater than \$35,000* – A payment and performance and surety bond shall be required.

2.7 Prevailing Wage

- 2.7.1 Contractors working for the Port of Kennewick are required to comply with the Washington State Prevailing Wage Act. Before a contractor can be awarded a contract they must comply with the following:
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4.0 Non-Architectural and Non-Engineering Services

4.1 POLICY

- 4.1.1 Professional, personal, technical or purchased services include but are not limited to disciplines such as aerial mapping, analysis and assessments of processes, economic analysis and consultation, computer programmers, financial services, grant writing, management consulting, strategic planning, training, medical services, bond counsels, artists, planners, real estate appraisers or any services provided by a vendor to accomplish routine, continuing and necessary functions.
 - 4.1.2 Purchase of the above services requires completion of a Port service contract that describes services to be performed and purchase price.
 - 4.1.3 The Executive Director must verbally approve purchases of non-architectural/Engineering service(s) in the amounts of \$0-\$5,000 and pre-approve in WRITING service(s) that are over \$5,000 but under \$540,000. Obtaining quotes from more than one vendor is highly recommended but not required as the time obtaining quotes maybe more costly to the Port.
 - 4.1.4 The Port Commission must approve service contracts in excess of \$540,000. Amounts above \$540,000 but less than \$200,000 are subjected to competitive bid requirements where more than one vendor/consultant shall be invited to bid. Contracts in excess of \$200,000 require a request for proposal process and needs to be advertised or published on Port website or other website that has high circulation. Contracts over \$540,000 must have proper documentation showing the Port employee made attempts to identify potential consultants for inviting to bid on Port projects.
 - 4.1.5 Prior experience with the Port and/or like services, timeframe for completing projects, and the value of a negotiated agreement (versus the procurement process authorized for securing architectural/engineering services in RCW 39.80.010.60 and/or RCW 39.29) will be considered when choosing a consultant/firm/vendor to perform professional, technical, personal or purchased services, as defined in this section.
 - 4.1.6 Regardless of amount, contract amendments over 50% of the value of the original contract must be approved by the Commission and made available for open inspection.
 - 4.1.7 Regardless of amount, all services listed within this section must have a documented scope of work or services to be performed.
 - 4.1.8 Regardless of amount, substantial changes, additions to the scope of work or services to be performed are required to be presented to the Commission. Substantial change to scope is defined when the original scope was changed or altered to add a completely different project or service, in which would need a separate contract. Additions to scope is defined as any additions to the original scope that do not alter or change
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the original scope and would add 50% or more to the original contract price.

5.0 Architectural and Engineering (A/E) Services

- 5.1** Procurement of A/E services will be in accordance with RCW 39.80.010-60. The statute requires advance notice of the requirement for professional services (39.80.030), evaluation of firms' qualifications and performance (39.80.040), and negotiation with firms in accordance with adjudged qualifications (39.80.050).
- 5.2** The Executive Director must pre-approve purchase of A/E services between \$5,000 and \$540,000.
- 5.3** Purchase of A/E services requires completion of a Port professional service contract that describes services to be performed and purchase price.
- 5.4** The Port Commission must pre-approve A/E service contracts in excess of \$540,000.
- 5.5** Contracts for services cannot be broken into multiple agreements to avoid compliance with this policy or State statutes.

6.0 EXEMPTIONS TO COMPETITIVE BIDDING

6.1 POLICY

- 6.1.1** For purposes of this Policy "emergency" is defined as unforeseen circumstances beyond the control of the Port of Kennewick that either:
 - (a) Present a real and immediate threat to the proper performance of essential functions; or
 - (b) Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
 - 6.1.2** Competitive bidding requirements may be waived by the Executive Director for any one of the following conditions:
 - (a) Purchases that are clearly and legitimately limited to a single source of supply (sole source procurement);
 - (b) Purchases involving special facilities or market conditions;
 - (c) Purchases in the event of an emergency;
 - (d) Purchases of insurance or bonds; and
 - (e) Public works in the event of an emergency.
 - 6.1.3** If an emergency exists, the Executive Director may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the Port of Kennewick to address the emergency conditions. Emergencies must be filed with the Commission and made available for public inspection within fourteen (14) working days following the commencement of work or execution of the contract, whichever occurs first. For non-architectural/Engineering
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services described in section 4.0, emergencies must be filed with the Commission within seven (7) working days following commencement of work and made available for public inspection.

For purpose of defining filing with the emergency with the Commission and available for public inspection, this will be conducted at the regularly scheduled Commission meetings. In the event the emergency will not meet the required legal deadline on a regular scheduled Commission meeting, the Executive Director will e-mail or direct staff to email all Commissioners the emergency and the emergency conditions. Executive Director or staff at the direction of the Executive Director, will further post to the emergency and emergency conditions on the Port's website for public inspection. The Executive Director will add the emergency and emergency conditions at the next available Commission meeting.

- 6.1.4 For exemptions due to special facilities or market conditions, the contract and/or purchase order and the basis for exemption shall be recorded and made public following award. Public awareness will normally be accomplished through the Port of Kennewick Commissioner's meeting.
 - 6.1.5 For procurement of special facilities or due to market conditions the Executive Director shall have the authority to approve the procurement up to \$540,000. For procurement above \$540,000 approval must also include two or more Port of Kennewick Commissioners.
 - 6.1.6 If a contract is awarded without competitive bidding as authorized by this Policy, a written finding of the existence of an emergency or basis for exemption must be made and entered into record no later than two weeks following the award of the contract. The written determination shall be maintained in the contract file.
 - 6.1.7 The Executive Director shall present the documented basis for exemption along with the contractor information to the Port of Kennewick Board of Commissioners at the next regularly scheduled Commissioner's meeting.
 - 6.1.8 All contract and/or purchase order information including the basis for exemption shall be maintained by the Port of Kennewick, Records Manager.
 - 6.1.9 **Sole Source Procurement**
 - A. If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement to the Executive Director and Director of Finance-Auditor for approval, and conduct price, terms, and delivery negotiations, as appropriate. The vendor must certify that the Port is getting the lowest offered price. Sole source contracts shall be filed with the commission and made available to the public before any work is commenced. Documentation shall included justification and shall include evidence (if applicable) that the port attempted to identify potential other sources;
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PORT OF KENNEWICK

Resolution No. 2011-04

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK ADOPTING THE 2011 VISTA FIELD AIRPORT MASTER PLAN

WHEREAS, JUB Engineers, working with port staff, a diverse citizen's advisory board, and with the benefit of substantial public input, has prepared a master plan for the revitalization of the Vista Field Airport; and

WHEREAS, the master plan, as presented, is in a form that staff recommends for adoption by the Port Commission; and

WHEREAS, the Port Commission finds that the plan will help guide the future of the airport for the next five years; and

WHEREAS, the Port Commission finds that adoption of the master plan will foster revitalization of the airport by the Port and the private sector; and

WHEREAS, the Port Commission finds that adoption of the master plan is in the best interest of the public.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick adopts the 2011 Vista Field Airport Master Plan and further authorizes the Port's Executive Director to take all action necessary to implement the plan.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 22nd day of February, 2011.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: _____
SKIP NOVAKOVICH, President

By: _____
DAVID HANSON, Vice President

By: _____
GENE WAGNER, Secretary

PORT OF KENNEWICK

Resolution No. 2011-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK ADOPTING THE PORT COMMISSION RULES OF POLICY AND PROCEDURE

WHEREAS, The Port of Kennewick Commission desires to adopt a formal policy and procedures document to address the specific roles, expectations of conduct, knowledge, disclosures, prohibitions, legal requirements, and accountability of the elected officials who are responsible for the current operation and future direction of the Port of Kennewick; and

WHEREAS, staff has worked with Foster Pepper PLLC, a widely respected legal firm specializing in municipal government issues to prepare the draft Port Commission Rules of Policy and Procedure document; and

WHEREAS, the draft Port Commission Rules of Policy and Procedure document was posted on the Port's website and a media release was issued on February 11, 2011 inviting the public to review and comment on said document.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby adopts the Port Commission Rules of Policy and Procedure, which shall remain in effect until further revised.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 22nd day of February, 2011.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: _____
SKIP NOVAKOVICH, President

By: _____
DAVID HANSON, Vice President

By: _____
GENE WAGNER, Secretary