BOARD OF PUBLIC WORKS FOLDER NO 5

(1974)

Unrecorded Subject File

CENTRAL FILE

BPW

Mr. Paul A. Wiatrak, P.E.
City Engineer

Board of Public Works
Office of the Executive Secretary

Betty L. McFarlane, Executive Secretary

12/30/74
(date)

ROUTING	DATE	INITIAL
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FILE	✓	
INFORMATION		
BPW		
M Staff		

SEATTLE ENG DEPT
DEC 30 2 08 PM '74

DEPARTMENTAL ROUTING SLIP

All Board Members ✓
(referred to)

BLM
(referred by)

____ Please prepare reply for the Executive Secretary's signature on office stationery.

____ Please reply to the attached letter for the Executive Secretary showing a copy to the Executive Secretary.

____ Forwarded for your investigation, report, and recommendation.

X Forwarded for your information ~~and files~~.

____ Other: _____

_____

_____

*Action requested no later than _____
(date)

OFFICE OF THE MAYOR—CITY OF SEATTLE

Wes Uhlman, Mayor

December 17, 1974

Ms. Betty McFarlane
Board of Public Works
City of Seattle

Dear Betty:

I am pleased to inform you that I have appointed Dave Towne to serve as Chairperson of the Board of Public Works.

I have also reappointed Ken Lowthian as Superintendent of Water for a four-year term. He will therefore continue to serve as a member of the Board.

I would also like to personally thank you for the commendable job you have been doing for the Board and also for the citizens of our city.

Sincerely,

Wes Uhlman
Mayor

WU:mel

BPW

Mr. A. Madsen, Engineering Dept

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

DEPARTMENT

FOR IMMEDIATE RELEASE

December 24, 1974

To: The Seattle Post-Intelligencer
The Seattle Times
The Daily Journal of Commerce

From: Betty L. McFarlane, Executive Secretary BLM

The regular Board of Public Works meeting scheduled for Tuesday, December 31, 1974 is cancelled.

The next regularly scheduled meeting of the Board will be 9:00 a.m., Wednesday, January 8, 1975.

BLM:lm
cc: Board of Public Works Members
A. Madsen, Engineering
D. C. Sundquist, Lighting
R. Strang, Building
E. Hennebry, Building
G. Lorimer, Parks
E. Larson, Parks
W. Rashkov, Water
N. Sanders, Human Rights
Mayor Wes Uhlman

ROUTING	DATE	INITIAL
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M Staff		

SEATTLE ENG DEPT
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BPW

MR. WIATRAK, [illegible]BER

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

DEPARTMENT

M E M O R A N D U M

December 13, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary BLM

Re: Board of Public Works Meeting December 31, 1974

According to Board Rules, when a meeting falls on a legal holiday the Board will meet on the first business day prior thereto.

Therefore, the Board will meet in regular session on Tuesday, December 31, 1974 at 9:00 a.m. in Room 304.

BLM:yr

cc: A. Madsen, Engineering
D. C. Sundquist, Lighting
R. Strang, Building
E. Hennebry, Building
G. Lorimer, Parks
E. Larson, Parks
W. Rashkov, Water
N. Sanders, Human Rights

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WGV		

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SEATTLE ENG DEPT
DEC 17 9 58 AM '74

BPW
12/9

December 9, 1974

Re: Section 4.03
Standard Specifications - APWA 1969

Honorable Board of Public Works
Seattle, Washington

Gentlemen:

Section 4.03 of the Standard Specifications for Municipal Public Works Construction, APWA 1969 as written has proven a detriment to the City. We know of no case where the contractor has refused to accept his unit bid price for a major bid item where the quantity was in excess of 25%.

We know of no case where we have been able to negotiate a price less than the contractor's unit bid price for a major bid item where the quantity was in excess of 25%.

Because the specification has proven to be unnecessary, we recommend it be deleted in its entirety.

Very truly yours,

Paul A. Wiatrak

PAUL A. WIATRAK, P. E.
City Engineer

Information	
Concurrence Prior to Signature	
OK PMB HWP	OK PMB DMP

HWP:dp

cc: Water Department - H. Pratt

Copy: Stnd Plans & Specs

BPW

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS

GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. MATRAK, *City Engineer*

Re: City of Seattle
Public Works Projects

December 6, 1974

Mr. Terry Buchanan
West Coast Construction Company, Inc.
20405 Woodinville-Snohomish Road
Woodinville, Washington 98072

Mr. Louis Demattea
Pacific Paving Company
121 South River Street
Seattle, Washington 98108

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WEPS/JJC		

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Dear Sirs:

Mr. Earl Bell of the Associated General Contractors has informed me that some contractors have had questions regarding procedures for obtaining temporary permits for equipment storage construction site areas on public works projects.

Please be advised that such requests should be submitted to the Board of Public Works, Room 303 Seattle Municipal Building, and we will see that they are investigated and processed in a timely manner.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:yr

cc: Earl Bell, Associated General Contractors
City Engineer ✓
Superintendent of Buildings

BPW
12/5

December 4, 1974

Re: Section 4.03 and 4.04 - Standard Specifications for Municipal Public Works - 9th Edition.

Honorable Board of Public Works
Seattle, Washington

Gentlemen:

In response to your request dated November 27, 1974, and December 3, 1974, concerning Section 4.03 & 4.04 of the Standard Specifications for Municipal Public Works Construction 9th Edition, we have the following to report: You state that among other things that Section 4.03 contains the following sentence, "If contract time does not permit, extension of time shall be allowed or the Board may be polled by the Executive Secretary to work within time constraints of project." This language is not included in our present 9th Edition of the Standard Specifications. This requirement if desired will have to be included in the special specifications for each project until new specifications are adopted.

We have no objection in having the approval of the Board of Public Works and the contractor surety on the Supplemental Agreements necessitated by (1) an extension or shortening of the length of the project by more than 25%, (2) an increase or decrease of more than 25% of the total cost of the work calculated from the original proposal quantities and the unit contract prices, or (3) an increase or decrease of more than 25% in the quantity of any one major contract item. However, at times it is difficult to ascertain when these factors will become governing. We will also in as much as possible stipulate in the agreement what additional time is necessary to consummate the work. This will take care of the item you have inserted as part of Section 4.03. If the amount of time necessary by reason of the supplemental agreement cannot be ascertained at the time the agreement is executed, we will get Board approval when such extra time can be determined.

With respect to sending copies of extra work or change orders to the Board of Public Works, Sid Deguchi of our Contract Payment section will send to the Board of Public Works copies of such executed change orders. We trust that this arrangement will meet with your approval.

Very truly yours

Sgd Paul A. Wiatrak

PAUL A. WIATRAK, P.E
City Engineer

DR:nml
cc: A. Madsen
E. Kortnik
S. Deguchi
H. W. Parchen
K. Pausch
O. M. Conner

Copy: Stnd Plans & Specs

Information	
Concurrence Prior to Signature	
OK	OK
HWP	
PMB	

Mr. Paul A. Wiatrak, P.E.
City Engineer

Re: Addition to Draft Proposed Procedures for Supplemental Contracts, Extra Work, and Change Orders

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

12/3/74
(date)

SEATTLE ENG DEPT
DEC 3 2 48 PM '74

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PAW		
GWK		
DR		

DEPARTMENTAL ROUTING SLIP

ALL BOARD OF PUBLIC WORKS MEMBERS
(referred to)

Betty L. McFarlane
(referred by)

____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

__X__ Forwarded for your investigation, report and recommendation.

____ Forwarded for your information and files.

__X__ Other: Please add this to Draft on Change Orders, etc., dated November 27, 1974.

*Action requested no later than _____
(date)

Copy: Std Plans & Specs

ADDITION TO DRAFT PROPOSED PROCEDURES FOR SUPPLEMENTAL CONTRACTS, EXTRA WORK, AND CHANGE ORDERS:

Section 4.04 EXTRA WORK--Standard Specifications for Municipal Public Works Construction states:

Any extra work made necessary by alteration of or additions to the plans or by other reasons for which no price is provided in the contract, shall be performed by the Contractor as directed by the Engineer and he shall be compensated therefor as elsewhere provided herein.

Extra work which by reason of its character or extent is covered by a supplemental agreement between the Owner and the Contractor, must have the written consent of the surety on the bond, but extra work and change orders not covered by a supplemental agreement will not require the consent of the surety.

I bring the above Section to your attention as it will provide direction to the departments in defining supplemental contracts, extra work and change orders.

Supplemental agreements when required by Section 4.03 need approval of Contractor's surety. Extra work and change orders not covered by a supplemental agreement do not require approval of the Board, or surety. Copies of these, however, should be submitted to the Board as a matter of record.

BLM:lm
12/3/74

BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

DEPARTMENT

M E M O R A N D U M

ROUTING	DATE	INITIAL
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PMB/ETM		
WED/REB		
DR		

November 26, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary

Re: 1) Revised "Sworn Statement"
2) Revised "Instruction for Contract Compliance"
3) New "Board of Public Works Policy for Utilization of Minority Business Enterprises"

As you know, in accordance with Federal requirements, the Sworn Statement has recently been revised. A copy of the new form is attached. This form is printed and available through the print shop supply centers.

A new Instructions for Contract Compliance is also being printed. Due to an error, the print shop stapled the old instructions to the new Sworn Statements. The new instructions are attached and will be available in the usual way through the print shop. They are to be used in conjunction with the new Sworn Statement. It will be necessary for each department to assure that the correct forms are together before placing them in specifications.

There is a third form, a Statement of Board Policy concerning Utilization of Minority Business Enterprises which has been sent to the print shop. It will be included in the Human Rights package to be incorporated into all specifications for public works contracts.

If there are any questions concerning these forms please direct them to the Board of Public Works Department, Attention: Ed Harvey.

EJH:yr

Enclosures

cc: A. Madsen, Engineering
D. C. Sundquist, Lighting
R. Strang, Building
E. Hennebry, Building
G. Lorimer, Parks
E. Larsen, Parks
W. Rashkov, Water
Nate Sanders, Human Rights

Copy - Human Rights Comm

Re utiliza of minority business,
see BPW memo dtd 6-12-74
filed BPW w copy Human Rights Comm

SEATTLE ENG DEPT
NOV 29 8 22 AM '74

CITY OF SEATTLE
DEPARTMENT OF HUMAN RIGHTS

Y. PHILIP HAYASAKA, DIRECTOR

2200 Rainier Avenue South • Seattle, Washington 98144 • 583 5770

September 24, 1974

Mr. Philip J. Davis, Director
Office of Federal Contract Compliance
U. S. Department of Labor
12th & Constitution Streets
Washington, D. C.

RE: REQUEST FOR APPROVAL OF CITY OF SEATTLE AFFIRMATIVE ACTION HIRING AND/OR TRAINING REQUIREMENTS ON FEDERALLY ASSISTED CONSTRUCTION CONTRACTS ALREADY SUBJECT TO THE SEATTLE-KING COUNTY PLAN.

Dear Mr. Davis:

Pursuant to Part 60 - 1.4, Code of Federal Regulations (39 FR 2365) the City of Seattle hereby submits for your approval the Affirmative Action Hiring Requirements intended for imposition of federally assisted construction already subject to Federal hiring plans (i.e. Affirmative Action Program for signatory building and construction trades, otherwise known as the Seattle-King County Plan, dated December 1, 1973). This request includes specific goals which will be inserted into bid specification and is designed to cure the deficiency you cited in our prior request of May 17, 1974 which lacked such specific goals.

Please find attached a copy of Seattle Ordinance 101432 which requires certain affirmative action provisions to be inserted in City contracts, including federally assisted construction contracts. Of particular relevance to federally assisted construction contracts in Section 3.1, and Section 4 of Ordinance 101432. Also enclosed are Seattle Human Rights Department forms HR-2, Sworn Statement for Compliance with Section 4, Ordinance 101432, form HR2-A, estimated Projected Employment Profile, and form HR-7, Subcontractors Contact Report. These forms are completed prior to award of the contract and represent the basic affirmative action requirements expected of contractors doing work on federally assisted City construction contracts.

Seattle's contract compliance program was originally begun in November 1969 and has been applicable to all construction contracts, including federally assisted construction contracts, since that time. Seattle's Contract Compliance Division, Department of Human Rights, has over the years made special efforts to coordinate Seattle's program with other programs applicable to City contracts including the requirements of OFCC and in this regard has worked in close cooperation with the local Regional OFCC Director, Mr. Jim Warren.

Your early approval of Seattle's program will be most appreciated.

Sincerely yours,

Philip Hayasaka
Director

PH:cj

Encls.

cc: James F. Warren, Regional Director
OFCC, U.S. Dol 506 Second Avenue
Room 1911
Seattle, WA 98104

Mayor Wesley Uhlman
City of Seattle

John Harris, Corporation Counsel
ATTN: Jorgen Bader

SWORN STATEMENT FOR COMPLIANCE WITH
SECTION 4, ORDINANCE 101432

State of Washington)
) ss.
County of King)

The Undersigned, being first duly sworn, on oath states on behalf of the Bidder as follows:

A. Bidder has given or will, prior to the commencement of work, give notice to his supervisors and other employees and subcontractors of the terms of the Affirmative Action to be undertaken.

B. Bidder hereby designates _____ _____
Name Title

as the person who has been charged with the responsibility for securing compliance with and reporting progress on the affirmative actions taken.

C. Bidder will cooperate fully with the Seattle Department of Human Rights while making every "good faith" effort to comply with the Affirmative Action requirements set forth in this sworn statement and in Ordinance 101432. The Department of Human Rights will be kept fully informed in writing of all the Bidder's affirmative action taken during the contract's term and of any refusals by unions or others to cooperate with the contractor's Affirmative Action Plan.

D. Bidder will ensure that equal opportunity of employment for minorities and women results during the term of this contract by taking the following affirmative actions:

1. Take every possible measure to maintain at all levels of workforce and management, minority and female employment ratios of not less than indicated in the following schedule:

YEAR	MINORITIES	WOMEN
1974	15.5%	8%
1975	16.1%	10%
1976	16.6%	12%

2. Seek out and negotiate with minority contractors to receive subcontract awards, and submit a list of those minority contractors solicited, with Bid.

3. Notify organizations that are active in equal employment opportunities of positions available, in writing, and send a copy to the Human Rights Department. A list of such organizations is available from the Human Rights Department.

4. Make continuing recruitment efforts with organizations, schools, and/or training organizations concerned with employment of minorities and women.

5. Notify present employees of new positions and vacancies and encourage them to recruit minorities and women for those positions.

6. Provide on-the-job or other training opportunities to minimally qualified minority and female job applicants who can with such training, become satisfactory employees.

7. Provide opportunity for training and advancement for minorities and women in pre-apprentice, apprentice, journeyman, and all other positions with contractor and subcontractors employed on the project.

8. Provide equal employment opportunity for after-school and summer employment for minority and female young persons.

E. In the event that bidder already has an affirmative action plan which meets the requirements of Section D above, such plan may, upon approval of the Department of Human Rights, be submitted in lieu of implementing Section D.

_____ _____
Bidder Company Name

Phone Number _____ _____
Company Address

By _____ _____
Name Title

Subscribed and sworn to before me this _____ day of _____, 19___

Notary Public in and for the State of Washington _____

_____ Residing at _____

Revised: 9/15/74

INSTRUCTIONS FOR CONTRACT COMPLIANCE, ORDINANCE NO. 101432

A. GENERAL

As part of the execution of the contract, the Contractor shall comply with the following Ordinance and other requirements relative thereto, copies of which are enclosed:

1. Ordinance No. 101432
2. Sworn Statement for Compliance with Section 4, Ordinance No. 101432
3. Form E-3, entitled, "Estimated Projected Employment Profile
4. Form E-4, entitled, "Subcontractors Contact Report"
5. Form A-1/E-5, entitled, "Equal Employment Opportunity Report"
6. Board of Public Works Policy for "Utilization of Minority Business Enterprises"

The use of these requirements and forms for compliance with Ordinance No. 101432 are to be implemented as follows:

B. SUBMISSION OF BIDS

1. Section 3.1 of Ordinance No. 101432 establishes specific requirements to be met in regard to bidding on public works contracts. Failure to meet these requirements will cause bids to be considered nonresponsive for reason of noncompliance.

   The form entitled, "Sworn Statement for Compliance with Section 4, Ordinance No. 101432," is required for conformance with Section 3.1 of the Ordinance and is to be completed, notarized, and submitted with the sealed bid. YOU ARE REQUIRED TO INSERT A NAME IN PART B OF THE FORM. SIGNATURE AND NOTARIZATION ARE ALSO REQUIRED.

   In the event that Bidder has an Affirmative Action Plan which meets the requirements of Section D of the Sworn Statement (excluding Subsection 2 of Section D) such plan may upon the approval of the Department of Human Rights be submitted in lieu of implementing Section D.

   IF A BID IS OPENED AND IT IS FOUND THAT THE CONTRACTOR HAS NOT SUBMITTED THE SWORN STATEMENT, AND/OR HAS NOT COMPLIED WITH THE ABOVE INSTRUCTIONS, THE BID WILL NOT BE READ.

2. Under Subsection 2 of Section D of the Sworn Statement and pursuant to the Board of Public Works Policy for "Utilization of Minority Business Enterprises", it is a requirement that prime contractors, "SEEK OUT AND NEGOTIATE WITH MINORITY CONTRACTORS TO RECEIVE SUBCONTRACT AWARDS, AND SUBMIT A LIST OF THOSE CONTRACTORS SOLICITED WITH BID."

   Available to the prime contractor from the Department of Human Rights is a list of minority contractors and subcontractors in the Seattle/King County area. A SUBCONTRACTORS CONTACT REPORT (Form E-4) is included in the bid specifications and shall be submitted by the prime contractor with bid.

3. An "ESTIMATED PROJECTED EMPLOYMENT PROFILE" (Form E-3) shall be filled out and submitted with bid. This form will be used as a projection and commitment of minorities to be used throughout all phases of the work force of the awarded contract.

C. CONTRACT AWARDING PROCEDURES PERTINENT TO ORDINANCE NO. 101432

A preaward conference will be held with the apparent low bidder, at which time:

1. The bidders program for compliance with the provisions as noted herein will be

examined in detail and his capability for carrying out the program will be evaluated. Part of the program shall include where practicable having the prime contractor and the major subcontractors breakdown portions of the work into segments that are within the capabilities of minority contractors. A business will be considered a minority business if more than 50% of the ownership is owned by minorities.

2. Additional forms will be given to the Contractor to be completed and returned to the Department of Human Rights five (5) days prior to the start of the project.

D. CONTRACT PROGRESS AFTER AWARD OF CONTRACT AND START OF WORK

1. "Equal Employment Opportunity Reports" (Form A-1/E-5) shall be submitted, as per instructions, to the Human Rights Department during the progress of the project. The Department of Human Rights holds the Prime Contractor responsible for the subcontractors' Affirmative Action Program and "Equal Employment Opportunity Reports." The Form A-1/E-5 Reports submitted after the start of work should not be estimates of future employment levels, but should be actual employment figures.

2. During the progress of the work on the contract, when the Contractor submits the A-1/E-5 Reports, he must also obtain A-1/E-5 Reports from all his subcontractors presently on the project and must submit the subcontractors' A-1/E-5 Reports along with his to the Department of Human Rights.

3. All A-1/E-5 Reports will be examined by the Contract Compliance Division of the Department of Human Rights. In the event that the Contract Compliance Division is not satisfied with the report(s), an approach shall be made to the contractors by the Human Rights Department in an attempt to reach a satisfactory conclusion in regard to the contractors' affirmative action in minority employment.

4. In the event that the Human Rights Department does not find the A-1/E-5 Reports to be satisfactory after the contractor has been approached, and a satisfactory conclusion cannot be reached between the Department of Human Rights and the contractor, a report shall be transmitted to the Board of Public Works for its findings. A request shall be made that the Board of Public Works take appropriate action, as set forth in Ordinance No. 101432.

5. Each successful bidder will receive twelve (12) copies of the A-1/E-5 Report Form from the Contract Compliance Division of the Department of Human Rights.

NRS:jy
11/25/74
REVISED

BOARD OF PUBLIC WORKS POLICY FOR - UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(Adopted in regular session, November 13, 1974)

It is the policy of the City of Seattle that the maximum practicable opportunity to participate in the performance of city contracts be provided to minority business enterprises as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors on City contracts.

A. The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Blacks, Asians, American Indians, Spanish-speaking Americans, American Eskimos and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

The contractor agrees to establish and conduct a program which will enable minority business enterprises (as defined in the Policy entitled "Utilization of Minority Business Enterprises") to be considered fairly as subcontractors and suppliers under this contract. In this connection, the contractor shall:

1. Designate a liaison officer who will administer the contractor's minority business enterprises program.

2. Provide adequate and timely consideration of the potentialities of known minority business enterprises in all "make or buy" decisions.

3. Assure that minority business enterprises will have an equitable opportunity to compete for subcontracts, in excess of $2,500.00 and will notify minority firms and minority construction agencies as designated by the Board of Public Works by mail with return receipt requested.

   Notification shall include all necessary information normally supplied to potential sub-bidders to properly bid the particular job. It shall be the responsibility of those minority firms interested in bidding to do so in a timely and proper manner.

4. Maintain records showing (a) procedures which have been adopted to comply with the policies set forth in this program, including the establishment of a source list of minority business enterprises, (b) awards to minority business enterprises on the source list, and (c) specific efforts to identify and award contracts to minority business enterprises.

5. Insert in any subcontract hereunder which may exceed $10,000.00 provisions which shall conform substantially to the language of this program, including this paragraph, and to notify the Human Rights Department of the names of such contractors.

6. Cooperate with the Human Rights Department in any studies and surveys of Contractor's Minority Business Enterprises Procedures and Practices that the Human Rights Department may from time to time conduct in accordance with City Ordinance #101432 and Executive Order #11625.

7. Submit periodic reports to the Human Rights Department of subcontracting with minority business enterprises with respect to the record referred to in Subparagraph (4).

8. The general contractor shall accept estimates from subcontractors up to one hour prior to project bid time.

9. Performing the steps outlined in this policy shall constitute compliance with this specification.

The above policy shall be placed in all specifications for public works projects.

BPW

Paul P. Heatrale, City Engineer

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE *Executive Secretary*

503 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS

GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN *Supt. of Water*
ALFRED PETTY *Supt. of Buildings*
PAUL A. MATRAS *City Engineer*

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SEATTLE ENG DEPT
NOV 15 9 51 AM '74

November 12, 1974

WGV
JGR

Times Readers Have Their Say

P. I. - Attention: The Editor

Re: Freeholders' Questionnaire

Last Sunday, November 10, 1974, the Seattle Times and the P.I. published a questionnaire drawn up by the Freeholders for a new Charter. We believe the questionnaire as presented will mislead the public.

The public was asked to choose which system it prefers to regulate public works contracting: a Board of Public Works or regulation by State law and City ordinances. The question implies that each is a separate system and that the Board does not adhere to these requirements. This is not correct. The Board of Public Works administers public works contracts in accordance with State law, City Charter and City ordinances. Federal requirements also enter into the picture when such funds are a part of the contract. The choice the Freeholders probably had in mind was for the public to choose whether it preferred a Board of Public Works to administer public works under the above laws, or a separate department head to be in charge of such activities working with the same legal requirements. To make a valid judgment, the public should know the differences between these systems. The Board of Public Works provides extra protection as a group awarding contracts, free from political or special interest pressures. It safeguards the public's funds. Public Works could be more costly without it. Five public works department heads comprise the Board of Public Works: Lighting, Water, Engineering, Building and Parks and Recreation. The Board directs the public works activities of these departments and solves any differences between these overlapping jurisdictions. The Charter also charges the Board with the management and supervision of public buildings, public wharves, docks, bridges and

viaducts, streets, sewers, public places and grounds and all public utility facilities in the streets. The Board is not merely an agency that calls for bids, opens, and awards contracts. It eliminates any possibility of contractor favoritism by departments, provides a strong system of checks and balances and administers public works contracts from beginning to completion of projects. By such overview it assures that all public works departments are adhering to the State law, Charter and City Ordinances. This system has been successful for the City of Seattle for many years and we believe it to be in the best interest of all.

Yours very truly,

Betty L. McFarlane

Betty L. McFarlane, Executive Secretary
Board of Public Works

BLM:lm

cc: Mayor Wes Uhlman
City Council
Board of Public Works ✓
Freeholders

Mr. Robert J. Gulino, P.E. ✓
City Engineer

BOPW

THE CITY OF SEATTLE

WES UHLMAN, MAYOR

BOARD OF PUBLIC WORKS

BETTY L. McFARLANE, SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
ALFRED PETTY, SUPT. OF BUILDINGS
CHAIRMAN
ROBERT J. GULINO, CITY ENGINEER
KENNETH M. LOWTHIAN, SUPT. OF WATER
GORDON F. VICKERY, SUPT. OF LIGHTING
DAVID L. TOWNE, SUPT. OF PARKS
AND RECREATION

November 5, 1973

ROUTING	DATE	INITIAL
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RJG	11/7	
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SEATTLE ENG DEPT
NOV 8 8 37 PM '73

Mr. R. W. Wilkinson, Jr.
Budget Director
Office of Management and Budget
City of Seattle

Attention: Mr. Frank Doolittle

Gentlemen:

We reply to your memorandum of October 31 which attached a communication from Councilman Tim Hill regarding proper administration of public works projects.

Paragraph 1 of Mr. Hill's communication states that despite reminders, it appears that non-Board departments continue to carry out administrative tasks while the Board departments only nominally administer the various projects. The statement is true in part. Some non-Board departments have failed to cooperate fully in this area. Most of the projects concerned are federally funded. Departments involved are Model Cities, Department of Community Development and Seattle Center. It has been difficult for them to draw the line and separate activities that are rightfully theirs from the administration of the project, which is the Board's. For instance, the Department of Community Development's participation should naturally be in the planning stage and not the administration of the project.

The problem has diminished since our last reminder to departments, but it appears that some non-Board departments have not totally relinquished these administrative activities.

Mr. Hill asks if it is proper for these non-Board departments to continue their administrative duties. Our reply is, "No." These departments are not legally authorized to do so. It is a duplicative effort which compounds problems since they are not working departments with the necessary expertise.

Perhaps, as Mr. Hill suggested, the various involved non-Board departments' budgets should be investigated by OMB in this regard. If non-Board

departments lack funds and people to administer projects, the matter will be solved.

Public Works projects bear the cost of administration. This dual role of administration, besides being outside the direction of the City Charter, adds cost to the project and in turn the City, and taxpayers.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Secretary

BLM:jy

CG 30.9

EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
THE CITY OF SEATTLE

MEMORANDUM

To Betty McFarlane, Secretary of the Board of Public Works
From Frank Doolittle
Subject Re attached
Date October 31, 1973

I would appreciate your feelings on this letter. After discussing this with you I will prepare a response.

FLD/mo
Attachment

THE CITY COUNCIL OF THE CITY OF SEATTLE

1106 SEATTLE MUNICIPAL BUILDING 600 FOURTH AVENUE, SEATTLE, WASHINGTON 98104

TELEPHONE 583-2640

October 25, 1973

LIEM ENG TUAI
PRESIDENT OF THE COUNCIL
583-2357

BRUCE K. CHAPMAN
CHAIRMAN
PARKS & PUBLIC GROUNDS
COMMITTEE
583-2364

GEORGE E. COOLEY
CHAIRMAN
FINANCE COMMITTEE
583-2359

TIM HILL
CHAIRMAN
TRANSPORTATION
COMMITTEE
583-2356

PHYLLIS LAMPHERE
CHAIRMAN
INTERGOVERNMENTAL
RELATIONS COMMITTEE
583-2355

WAYNE D. LARKIN
CHAIRMAN
UTILITIES COMMITTEE
583-2358

JOHN R. MILLER
CHAIRMAN
PLANNING & URBAN
DEVELOPMENT COMMITTEE
583-2365

SAM SMITH
CHAIRMAN
PUBLIC SAFETY & HEALTH
COMMITTEE
583-2367

JEANETTE WILLIAMS
CHAIRMAN
HUMAN RESOURCES &
JUDICIARY COMMITTEE
583-3366

Mr. R. W. Wilkinson, Jr., Budget Director
Office of Management and Budget
City of Seattle

Re: Administration of Public Works Projects

Dear Mr. Wilkinson:

A letter dated June 4, 1973, from Betty L. McFarlane, Secretary of the Board of Public Works, to Board members reminds the members that non-Board of Public Works departments are not authorized to administer public works construction projects and that such administering should be done by the proper Board department. Despite this reminder, it appears that non-Board departements continue to carry out administrative tasks while the Board departments only nominally administer the various projects.

Since non-Board of Public Works departments are not to administer public works projects, is it proper for these non-Board members to continue their administrative duties? Furthermore, is not such a procedure duplicative in effort and in disregard of the proper usage of expertise?

If the dual administration of projects is proper, should not the various non-Board departments' budgets reflect a reduction due to the reduced administering duties and, similarly, should not the Board departments show budgetary increases for administration?

I believe that the administration of public works projects is an area which should be investigated for proper budget economies or, at least, in an effort to more properly allocate funds between the involved departments. I would appreciate hearing your thoughts on this matter.

Very truly yours,

TIM HILL
City Councilman

TH:ps:sb

CC: Wes Uhlman, Mayor
George Cooley, Finance Committee Chairman

RECEIVED
OCT 30 1973
OFFICE OF MANAGEMENT
& BUDGET

BQW

Mr. Paul A. Wiatrak, P.E.
City Engineer

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE,
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. WIATRAK, ~~*Acting*~~ *City Engineer*

October 31, 1974

NOV 9 05 AM '74 SEATTLE ENG DEPT

ROUTING	DATE	INITIAL
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PMB		
JGR		
AEM		
WGV		

Mrs. Ann Ormsby, Chairperson
The Seattle Board of Freeholders
611 Alaska Building
618 2nd Avenue
Seattle, Washington 98104

Attention: Mr. Mike Ruby

Dear Mrs. Ormsby:

I will attempt to answer your question -- Are State requirements concerning public works restrictive enough to warrant elimination of the Board of Public Works?

State Law undoubtedly provides proper and strict regulation of public works. The question is relative, of course, as to what procedure is best. No one will admit that a system is lacking. So perhaps the real question should be -- Why do we need a Board of Public Works?

The Board provides much more in administration of public works than just opening of bids and awarding of contracts. The Board acts as a coordinating agency for public works departments to assure that all needs are met and input received. The Board settles differences between departments of overlapping jurisdiction and acts as an appeals Board for citizens from the actions of its departments. It is charged with a multitude of administrative matters under the Charter: i.e.; management of public buildings, wharves, docks, bridges and viaducts, streets, sewers, public places and grounds, etc. If the Board did not handle the many permit requests, complaints and appeals connected with these, the Mayor and City Council would be deluged with administrative matters and not able to devote time to the policy and legislative decisions of the City. Departments would be in an autocratic position without appeal procedure from their action if the Board did not exist. The Board also sets forth policies which direct the concerned departments in issuing such permits. Variances from these policies are considered on a merit basis.

Prior to approval, specifications and plans for public works must be scrutinized to assure that all concerns and requirements are being met. Departments need direction in these activities. This is the role of the Board of Public Works. Without overview, coordination and proper administration, public works activities could be more costly. Also, bidding procedures must be changed from time to time with all the Federal requirements, etc. and the Board is empowered to make rules

and new procedures for departments to follow in accordance with the changing times. It is a matter of day to day administration. As we said before, all is relative. How good is good? An example which comes to mind is that if we lose a finger we can function satisfactorily, but certainly not as well as with all five. The Board concept provides a more thorough and fair service to all concerned, the contractor, public, City departments, Mayor and City Council.

We believe the new Charter should be as good as or better than the present one. Eliminating the Board of Public Works Department from the Charter would leave the Charter less than it had been before. There must remain a checks and balance system. There is safety in numbers. It has proven itself over many years to be a better than average system in the best interest of all.

Sincerely,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:lm

cc: Board of Public Works Members
Board of Freeholders Members
Mayor Wes Uhlman
City Council Members

Re: Subcontractor Approval Request

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary 10/31/74
(date)

DEPARTMENTAL ROUTING SLIP

Mr. Paul A. Wiatrak, P.E., City Engineer
(referred to)

Betty L. McFarlane
(referred by)

____Please prepare reply for the Secretary's signature on office stationery.

____Please reply to the attached letter for the Secretary showing a copy to the Secretary.

__X__Forwarded for your investigation, report and recommendation.

____Forwarded for your information and files.

____Other:_____

*Action requested no later than_____
(date)

ROUTING	DATE	INITIAL
ACTION		
PMB/DR		
FILE	✓	
INFORMATION		
PAW		

LAKESIDE INDUSTRIES

P.O. BOX 7 • BELLEVUE, WASH. 98009 • (206) 746-5660

October 23, 1974

RECEIVED
OCT 31
BOARD OF PUBLIC WORKS

Board of Public Works
Office of the Secretary
303 Seattle Municipal Building
Seattle, Washington 98104

Attention: E. J. Harvey

Subject: Request for Approval of Subcontractor

Dear Mr. Harvey:

We hereby request approval of the following Sub-Contractor to perform the items listed below on the following jobs:

Star Construction Company
15841 - 27th N.E.
Seattle, Washington

BPW NO.	ITEM NO.
74-61	4 and 6
74-71	4 and 6
74-77	4 and 5
74-78	4 and 5
74-79	4 and 5
74-86	4 and 5
74-85	4 and 5
74-84	4 and 5
74-110	4 and 5
74-111	4 and 5

SEATTLE ENG DEPT
NOV 1 9 05 AM '74

We appreciate your cooperation in this matter.

We, the undersigned, as Surety, hereby give consent to the above.
SEABOARD SURETY COMPANY

By: Helen Okura
Helen Okura
Attorney-in-fact

Sincerely,
LAKESIDE INDUSTRIES

Glenda M. Martin
Glenda M. Martin
Contract Admin.

BPW

		ORDINANCE	LID
74-61	28th Ave NW, Mary Ave NW,	102578	6603
		102757	6612
	6th Ave NW, By Asphaltic Paving	103040	6622
		102586	6607
74-71	28th Ave. NE., 25th Ave NE.	102584	6606
		102761	6614
	39th Ave NE., NE 96th St.	102759	6613
	By Asphaltic Paving		
74-77	32nd Ave. W. By Asphaltic Paving	103318	6627
74-78	31st Ave NE. " " "	103330	6628
74-79	N.E. 90th St. " " "	103413	6629
74-84	N.W. 88th St. et al " "	103201	6623
74-85	N.W 100th St et al " "	103283	6625
74-110	NE 92nd St et al " "	103442	6631
74-111	Valmay Ave. NW et al By	103524	6633
	Asphaltic Paving		

BPW

Mr. Paul A. Wiatrak, P. E.
City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

DEPARTMENT

M E M O R A N D U M

October 30, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary Blm

Re: Board of Public Works Meeting December 24, 1974

According to Board Rules, when a meeting falls on a legal holiday the Board will meet on the first business day prior thereto.

Therefore, the Board will meet in regular session on Tuesday, December 24, 1974 at 9:00 a.m. in Room 304.

BLM:lm

cc: A. Madsen, Engineering
D. C. Sundquist, Lighting
R. Strang, Building
E. Hennebry, Building
G. Lorimer, Parks
E. Larson, Parks
W. Rashkov, Water
N. Sanders, Human Rights

ROUTING	DATE	INITIAL
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FILE	✓	
INFORMATION		
~~PAW~~		
PHB/ATM		

SEATTLE ENG DEPT
OCT 31 3 11 PM '74

BPW

THE CITY OF SEATTLE

BOARD OF PUBLIC WORKS

DEPARTMENT

ROUTING	DATE	INITIAL
ACTION		
FILE	✓	
INFORMATION		
WEPS	REB	
~~EMS~~	ATM	

To: Mr. Paul A. Wiatrak, City Engineer October 17, 1974

From: Betty L. McFarlane, Executive Secretary

Re: Federally Funded FAM Program

Public works projects funded by Federal Aid to Municipalities (FAM) money involve required training programs for minorities. To be sure prospective bidders are aware of this requirement, a special notice such as that attached, is to be included on the face of the specification book. The existing tag notice identifying Federally Funded project with this particular notation included is acceptable.

EJH:jy

cc: Arnie Madsen, Engineering
Ray Bayley, Engineering

Copy: Fed Aid Urban Sys

SEATTLE ENG DEPT
OCT 21 10 36 AM '74

** FEDERALLY FUNDED
F-A-M PROGRAM

[redacted]

This is a Federally Funded FAM Project, and as provided for in the bid specifications, Contractors must provide training to Minorities. The number of trainees to be trained under the contract will be specified in the special provisions.

BPW

Mr. Paul A. Wiatrak, P.E.
City Engineer

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE,
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. WIATRAK, *Acting City Engineer*

October 8, 1974

Re: Phasing Projects for Minority Sub Bids

ROUTING	DATE	INITIAL
ACTION		
FILE	✓	
INFORMATION		
PAW		
PMB		JDR
WEPS		REB
ATM		

10/10/74

Mr. Glenn Edwards, Chairman
Seattle Chapter AGC - EEO Committee
1200 Westlake Avenue North, Suite 301
Seattle, Washington 98109

Dear Mr. Edwards:

The Board of Public Works has scheduled the above subject on its Wednesday, October 23, agenda, Room 304 Seattle Municipal Building at 9:30 a.m.

We would be pleased if you would attend and discuss the matter at that time. Please advise.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:lm

cc: Board of Public Works Members
Human Rights Department

Copy: Human Rights Dept

SEATTLE ENG DEPT
Oct 8 11 47 AM '74

BPW

Mr. Paul A. Wiatrak, P.E.
City Engineer

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE,
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. WIATRAK, ~~*Acting*~~ *City Engineer*

October 7, 1974

ROUTING	DATE	INITIAL
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INFORMATION		
Ann Paw		

Mrs. Ann Ormsby, Chairperson
Seattle Board of Freeholders
611 Alaska Building
618 2nd Avenue
Seattle, Washington 98104

Dear Mrs. Ormsby:

The Board of Public Works extends an invitation to you and your member Freeholders to attend one of our regular session meetings.

It is hoped that through such an attendance you can get a better overall view of the many matters reviewed by the Board of Public works.

Please advise if you can attend our Wednesday, October 23, meeting in Room 304 of the Seattle Municipal Building at 9:00 a.m.

We are looking forward to seeing as many of you as possible.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:lm

cc: Board of Public Works Members

SEATTLE ENG. DEPT
RECEIVED
OCT 8 11 34 AM '74

BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS
DEPARTMENT

ROUTING	DATE	INITIAL
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PMB EWO		

To: All Board of Public Works Members — October 2, 1974

From: Betty L. McFarlane, Executive Secretary

Re: Approval of Plans and/or Specifications

The Board of Public Works, in regular session today, determined that each Board Department Head should name their staff members authorized to sign tracings on public works projects. This would eliminate the requirement for Department Heads to sign tracings.

A list of such names should be submitted to the Board of Public Works Department to be placed on file.

The signature page of the specifications and the circulation sheets accompanying the plans and/or specifications must, however, continue to bear the signature of the Department Head or his designated alternate to the Board prior to submittal to the Board.

EJH:jy

cc: D. C. Sundquist, Lighting
John Skommesa, Engineering
(We have received City Light's authorization and it is on file)
William Rashkov, Water
Gordon Lorimer, Parks
Evelyn Larson, Parks
Robert Strang, Building
E. Hennebry, Building

SEATTLE ENG DEPT
OCT 9 9 52 AM '74

BPW

Mr. Paul A. Wiatrak, P.E.
City Engin

ROUTING	DATE	INITIAL
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DAW		
PMS	ATM	
WEDS/JJ	C/RSC	
DR		

S.D.

September 11, 1974

Seattle Board of Freeholders
611 Alaska Building
618 Second Avenue
Seattle, Washington 98104

SEATTLE ENG DEPT
SEP 16 8 1 AM '74

Honorable Members:

The notice of Public Hearing on Fiscal Matters included some questions relative to the Board of Public Works. We would like to offer our opinions and the following answers for your consideration:

Question 1: Should the Board of Public Works be retained?

Answer: The present Charter was written at a time when many U. S. cities were suffering from graft and corruption in connection with the awarding of public works contracts. We have been told that the freeholders wrote the Board of Public Works into their Charter to safeguard Seattle from such scandals. The reasoning was that such an arrangement affords protection to the individual department heads and to the City by having a group award and manage public works contracts. The system has accomplished that goal in full and we believe it should be retained.

The Board is accessible and responsive to the public in its varied duties and jurisdictions. It holds open meetings, provides a check and balance system for public works activities, implements projects in an orderly coordinated manner, and obtains the best return for the taxpayers dollar.

The Board is an appeal agency from decisions of its implementing departments on permits for use of public area, disagreements between contractors and departments, complaints on projects, police-impound towing, garbage service contracts and many others. This relieves the Executive department and legislative body from the administrative role and allows them to concentrate on overall City policy decisions.

Question 1(a): If so, who should be members of it?

Answer: The heads of all public works departments; i.e., Parks and Recreation, Buildings, Engineering, Water and Lighting, have the expertise to manage and supervise public works, buildings, structures, streets, utilities and equipment. They are equipped and qualified to design and produce plans and specifications and supervise public works projects under the direction of the Board.

Question 2: What should be the procedures for the awarding of City contracts?

Answer: The present City Charter is specific in the area of bidding procedures. This protects public funds and assures proper competitive bidding procedures and effective management of public works. The procedures set forth by the Board for direction of its five departments on public works activities properly coordinates implementation and provides for reporting procedures and maintenance of records. Among these procedures are:

1. provisions for open competitive bidding;
2. proper time allowance for advertising to allow contractors to see the ad, get the plans and specifications and prepare a proposal;
3. insurance and bonding requirements to assure performance and save the City harmless from injury, damages, etc.;
4. Human Rights compliance and minority participation requirements;
5. coordination of activities for all public works departments;
6. licensing and registration of contractors;
7. approval of subcontractors and assignments of contracts;
8. checking of contractors payrolls to assure that all are paid prevailing union wages;
9. penalties for delays due to fault of the contractor; and
10. extensions of time for delays which are not the fault of contractor.

Question 3: Should contracts be awarded strictly to the lowest bidder, or should other factors be considered?

Answer: We favor award to the lowest bidder who complies with the specifications as it does not allow favoritism or temptation to accept bribes or offer special consideration to contractors.

It removes all doubt in this regard. If it is necessary to qualify bidders in certain cases it is done before bidding and the qualified bidders compete for the low bid. In this way, public funds are protected.

Question 5: What, if anything, should the Charter say about the granting of franchises? (Cable t.v., etc.)

Answer: We believe it should be as written in the Charter except to allow the City Council, upon the holding of a public hearing, to renew franchises without a vote of the people.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:jy

BPW
9/6

September 6, 1974

Re: City Light Letter Relating to Specifications #2296 & #2297

Honorable Board of Public Works
City of Seattle
Seattle, Washington

Gentlemen:

Reference is made to your Departmental Routing Slip and to the letter from City Light attached thereto, dated August 28, 1974.

We have reviewed the letter regarding shortening the period that contractors shall be responsible for certain of City Light's projects and do not believe that it affects the Engineering Department, therefore we have no comments regarding the same.

Very truly yours,

Sgd Paul A. Wiatrak

PAUL A. WIATRAK, P.E.
City Engineer

RSC:rp

Information	
Concurrence Prior to Mailing	
	mm

BPW

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

Mr. Paul A. Wiatrak, P.E.
City Engineer

BOARD OF PUBLIC WORKS
GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE,
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. WIATRAK, *Acting City Engineer*

Re: Resolution No. 24675

September 4, 1974

SEATTLE ENG DEPT
SEP 5 9 52 AM '74

Via: Mayor Wes Uhlman

ROUTING	DATE	INITIAL
ACTION		
FILE	✓	
INFORMATION		

City Council
City of Seattle

Honorable Members:

The Board of Public Works, in regular session today, reviewed Resolution 24675 which proposes an amendment to the City Charter to permit the Board, when authorized by ordinance, to solicit proposals and negotiate contracts for the design and construction of specified public improvements.

After discussing the matter at length, there was consensus that the amendment should be supported as written.

It was determined that the "turnkey" concept, i.e., contractors submitting their own design and construction specifications, should be an option available to the City to consider in specific instances when the City Council and the Board deem it in the best interest of all concerned. The West Seattle Freeway Bridge is a case in point.

Projects of this nature would not be the rule. In some cases, however, it might be the difference between whether or not a project could be accomplished within the funds available.

The Board believes that such an amendment would not weaken the present City Charter's strong protection of public works activities.

The design and specifications submitted by contractors would be in accordance with Board of Public Works' approval and the Board would remain the awarding authority as the Charter now provides.

Orig: Mel - West Seattle Freeway

All public works projects are subject to Council ordinance prior to award and this amendment would be consistent with such a requirement.

Therefore, the Board recommends that your Honorable Body take legislative action to adopt the Resolution and that it be placed on the next election ballot for public vote.

Respectfully submitted,

BOARD OF PUBLIC WORKS

David P. Crane

Gordon Vickery
Chairman

BLM:lm

cc: Board of Public Works Members

Mr. Paul A. Wiatrak, P.E.
City Engineer

BPW

Re: Underground Service Connection Contracts
Specification Nos. 2296 and 2
B.P.W. Contracts 74-10 and 74-

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary 8/28/74 (date)

ROUTING	DATE	INITIAL
ACTION		
WEPS/KJC/RSC		
FILE	✓	
INFORMATION		
PaW		

DEPARTMENTAL ROUTING SLIP

ALL BOARD OF PUBLIC WORKS MEMBERS ✓
(referred to)

E. J. Harvey
(referred by)

____Please prepare reply for the Secretary's signature on office stationery.

____Please reply to the attached letter for the Secretary showing a copy to the Secretary.

XXX Forwarded for your investigation, report and recommendation.

____Forwarded for your information and files.

____Other:_____

_____

_____

*Action requested no later than_____ (date)

SEATTLE ENG DEPT
SEP 3 8 39 AM '74

Your
Seattle
City Light

Gordon Vickery, Superintendent

Aug. 18, 1974

City of Seattle
Board of Public Works
303 Municipal Building
Seattle, Washington 98104

Honorable Members:

Underground Service Connection Contracts
Specification Nos. 2296 and 2297
B.P.W. Contracts 74-10 and 74-15

The two subject contracts for providing numerous, individual underground service connections of varying sizes for many types of residential and commercial customers will be in force for one year. As many of these service connections will be completed a lengthy period in advance of the date of acceptance of the contracts by the Board of Public Works, the following is proposed:

The Lighting Department will waive the provisions of Section 9.06 of the Standard Plans and Specifications which holds the contractor responsible for defective work of the entire contract for one year from Board of Public Works acceptance date. In lieu thereof as being more equitable, acceptance of all the work completed within a quarter will be made at the end of each quarter by the Lighting Department which will begin the one year period of contractor responsibility for defective work.

This proposal has been favorably reviewed by Mr. Arthur Lane of the Corporation Counsel's office. Both contractors, Donald W. Close Company and Westcoast Electric Company of Washington, Inc. have agreed that this proposal is limited to purpose of being responsible for defective work.

The concurrence of the Board of Public Works for this proposal for partial acceptance is respectfully requested.

Yours truly,

Gordon Vickery

GORDON VICKERY
Superintendent

JMH:cs

BOARD OF PUBLIC WORKS
Date
Approved
Denied
Committee of Whole
Referred
Other

BPW

To: City Engineer
*Pleas ote corrections...

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS
DEPARTMENT

August 22, 1974

To: All Board of Public Works Departments
Police Department
Fire Department
Department of Community Development

From: Betty L. McFarlane, by EJH. Executive Secretary

Re: Public Works Projects

It has come to our attention that some Board and other City Departments are still submitting public works projects to the Purchasing Agent. The Police Department and the Department of Community Development have been sending specifications directly to the Purchasing Agent without going through the concerned public works department involved. We wish to remind all that this is not legal and ask that you review the short bid procedures and definitions adopted by the Board for proper direction in performing projects in an efficient legal manner through the proper City Departments.

There seems to be a question as to what is termed a maintenance project and what is a public works project. To clear this up we refer you to the attached documents which clearly defines the differences between maintenance and Public improvement. Any totally new roof installation would be classified as public works and repair and patching roofs would be considered maintenance and allowed to go through the Purchasing Agent. The Board should determine where it goes on all public works projects.

Departments which are *other than Board departments should *NOT develop plans and specifications. This can create much time loss and inefficiency when inadequate plans and specifications are drafted without utility considerations, etc., to say nothing of the legal ramifications.

Please follow these procedures and advise those concerned with such matters in your department of these requirements.

EJH:jy
att.

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SEATTLE ENG DEPT
SEP 10 9 49 AM '74

Connec of U grnd

74-10 Primary & 2nd any Service Connections
Spec City Ltg Job
Close

74-15

12th Ave NW
Palatine Ave N
40th Ave NE
NW 112th St
39th Ave NE, Paving

BPW

Mr. Paul A. Wiatrak, P.E.
City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS
DEPARTMENT

August 22, 1974

To: All Board of Public Works Departments
Police Department
Fire Department
Department of Community Development

From: Betty L. McFarlane, Executive Secretary

Re: Public Works Projects

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EJH:jy
att.

ROUTING	DATE	INITIAL
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3C

SEATTLE ENG DEPT
AUG 26 9 10 AM '74

February 6, 1974

DEFINITIONS AND SHORT BID PROCEDURES

The term "Public Works Improvement" shall mean all work, construction, alteration, repair or improvement, other than ordinary maintenance, upon any property belonging, or under the control of, the City of Seattle, and shall be subject to the requirements of Article VII, Sections 13 and 15 of the City Charter (with the exception of nondebatable emergencies -- defined below).

The term "Purchasing Contract" shall mean any contract with a supplier for standard commercial supplies, equipment, raw materials or services.

The term "Day Labor" shall mean the employment of laborers, to work with or without own work forces, on departmental payroll, hired on a day-by-day basis (not predicated on a contract unit-bid price or cost-plus agreement). There would be no materials, supplies or product involved. Under the authority of the City Charter, improvements may be made by day labor with approval of the Board of Public Works. The City Charter requires that if public works are to be done by contract, the contract must be on a competitive bidding basis and let to the lowest bidder through the Board of Public Works.

If a department wishes to do a "public works improvement" by day labor, or with its own forces, the concerned department should request approval of the Board. For day labor, the department would line up cement finishers, pipe layers, etc., on a call to the union hall or otherwise and these workers would be on departmental payroll, working with or without own forces, as

described above. Materials and supplies would be obtained by the department through the purchasing agent.

A department may have the need to hire contractors on an annual basis to do repair work in streets; i.e.: repairs of curbs, landings, pavement panels, trenching, backfilling and restoration in paved and unpaved areas in the public right-of-way (or work normally done by City forces, but peaks in work load would not allow). Proper procedure is to advertise and call for bids. This would allow the department to obtain unit-bid prices and deal with one or more companies under Board of Public Works contract, covered by insurance and bonding.

The term "Ordinary Maintenance" defines work done with City's own forces or by day labor for the general upkeep of municipally owned or controlled property, public area, machinery or equipment.

This work also may be accomplished by contract through the Board of Public Works, or by a service contract through the Purchasing Agent, at the discretion of the concerned department. The options are up to the department involved.

"Public Works Improvements" are any new construction, alteration or improvements which would substantially be replacing old with new. If the concerned department deems it advisable to execute such work by any other means than by contract through the Board; i.e.: day labor or with own forces, a recommendation for alternative means should be submitted to the Board for approval.

The term "Nondebatable Emergency" shall mean any happening caused by violence of nature, riot, insurrection, war, or other unanticipated occurrence requiring immediate preservation of order or public health, or for the restoration to a condition of usefulness any public property which has been

damaged or destroyed by accident, or for public relief from calamity. The term "emergency" in this connection signifies a situation whichhas suddenly and unexpectedly arisen and which requires speedy action -- some unexpected necessity requiring immediate, or at least quick, action. Bidding requirements shall be waived when the work to be done in behalf of the City is determined to be a nondebatable emergency when the public interest or property of the City would suffer material injury or damage by delay. The Board of Public Works will be the authority to waive bidding requirements due to such emergency situations.

Another type of emergency may exist requiring that bidding procedures be shortened; i.e.: time limit on funding, need to start work sooner due to impending bad weather, etc., but not declared a "Nondebatable Emergency" so as to waive bidding process. Some smaller projects do not require extensive review and specifications; i.e.: demolitions, roof repairs, renovation of buildings, alterations or improvements which are not extensive, concrete panel replacements and those projects which would not require the same boilerplate as those of a larger scope. Such projects may, upon approval of the Executive Secretary of the Board of Public Works, be accomplished by shortened bidding procedures, as follows:

1) Plans and/or specifications may be submitted to the Board of Public Works in a simplified manner. Hand carry to each concerned department for review and recommendation prior to Board action. Exclude the detailed portions of normal specifications and boilerplate determined not to be necessary in such cases. Refer to item(s) excluded stating that they are on file for review in the Office of the Secretary if they are required by law, i.e., wage rates, etc.

2) Some types of specifications and plans may come directly to the Board (without previous circulation) for approval, subject to modifications later, if departments deem necessary. Submit at same time, request to advertise letter.

3) Advertise immediately after Board meeting for normal 5 days and waiting period of 4 days prior to bid opening.

4) Award day of bid opening with approval of Human Rights Department.

SUMMARY:

"Nondebatable Emergency" public works, must be determined and declared as such by the Board of Public Works; then normal bidding procedures may be waived. Department, upon receiving such approval, may retain qualified contractor immediately. If Board is not due to meet, the Executive Secretary will poll the members for a decision.

Shortened bidding procedures for other types of projects which require prompt action, time involved to go to bid and award would be approximately two weeks after approval of specifications by the Board of Public Works.

NOTE:

The above bidding procedures would eliminate any further need to place public works improvements through the Purchasing Agent.

As adopted by the Board of Public Works in regular session February 6, 1974.

BLM:jy

BPW

Pam A. Hiatrak, City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

August 15, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane Blm

Re: Public Works Shutdowns due to Strikes

We checked with the Corporation Counsel regarding strikes and lockouts and how the City may recoup its losses on public works projects which were shut down due to such action.

Mr. Taylor, Assistant Corporation Counsel, advised that if the City suffered damages aside from the job itself; Seattle Center job - (rental of equipment, etc.) that the terms of the contract must be reviewed to determine if there is specific language about strikes in contract, and if there is, legal action may be taken.

He pointed out that it would be considered a tort type of action (civil wrong - calling for compensation for damages) wherein the City sustained damages by failure of the contractor to perform.

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SEATTLE ENG DEPT
AUG 7 10 00 AM '74

Re: Dore Wrecking Co.-
California -
Place on BIDDERS' LIST

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

August 6, 1974
(date)

DEPARTMENTAL ROUTING SLIP

Alfred Petty, Supt. of Buildings
David L. Towne, Supt. of Parks and Rec.
Paul A. Wiatrak, City Engineer
(referred to)

Betty L. McFarlane
(referred by)

____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

____ Forwarded for your investigation, report and recommendation.

X Forwarded for your information and files.

____ Other: _____

*Action requested no later than _____
(date)

HOME OFFICE
KAWKAWLIN, MICHIGAN
PHONE (517) 684-1716

SOUTHERN DISTRICT OFFICE
ATLANTA, GEORGIA
PHONE (404) 349-2100

DORE WRECKING CO.
DEMOLITION - ENGINEERS
Nationwide Operations

Please Send to Betty McFarland Bd of Works.

13249 GLADSTONE AVENUE
SYLMAR, CALIFORNIA 91342
PHONE (213) 367-4812

July 29, 1974

City of Seattle
Dept. of Community Development
Seattle Municipal Building
Seattle, Washington

Re: Demolition of old Forest Ridge Convent and all other projects.

Gentlemen:

We would like to take this opportunity to introduce ourselves, and to ask that you kindly place our name on your BIDDERS' LIST for future projects that require demolition.

The Dore Wrecking Company is one of the largest demolition contractors in the country. We have demolished more than sixteen thousand structures ... specializing in major commercials and industrials. Our work includes the removal of bridges, stacks, towers, foundations, and large boilers and tanks. We own and maintain over two million dollars worth of heavy equipment and aircraft. We possess our own explosives company, which is staffed with technicians having extensive backgrounds in civil, mining, underwater, structural and mechanical engineering.

We are fully bonded, with open-limits, and carry unequivocal insurance coverage on all our projects, regardless of size.

We would be most happy to provide you an estimate or offer our assistance on any projects you are anticipating.

Very truly yours,

DORE WRECKING COMPANY

David R. Wolff

David R. Wolff
Vice President

DRW/pc

Offices in Principal Cities of the United States

DORE WRECKING CO.
DEMOLITION - ENGINEERS
Nationwide Operations

DAVID R. WOLF
VICE PRESIDENT

(213) 367-4812
POST OFFICE BOX 4366
SYLMAR, CALIF. 91342

BPW

Mr. Paul A. Wiatrak, P.E.
City Engineer

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Re: Bid Penalties
JBW
7/25/74
(date)

DEPARTMENTAL ROUTING SLIP

All Board Members ✓
(referred to)

Klaw
(referred by)

____Please prepare reply for the Secretary's signature on office stationery.

____Please reply to the attached letter for the Secretary showing a copy to the Secretary.

____Forwarded for your investigation, report and recommendation.

X Forwarded for your information and files.

____Other:_____

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*Action requested no later than_____
(date)

SEATTLE ENG DEPT
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City of Seattle

OFFICE OF THE COMPTROLLER

Seattle, Washington 98104

C. G. ERLANDSON
CITY COMPTROLLER

JOHN B. KELLUM
CHIEF DEPUTY COMPTROLLER

July 23, 1974

RECEIVED
JUL 23 1974
BOARD OF PUBLIC WORKS

MEMORANDUM

TO: Board of Public Works
City of Seattle

FROM: C. G. Erlandson
City Comptroller

SUBJECT: Chapter 74, Laws of 1974, 1st Ex. Session
(Re. - engrossed Senate Bill No. 2408) - Bid Penalties

Enclosed is copy of State Auditor's Bulletin No. 019, dated July 18, 1974, addressed to all political subdivisions, calling attention to the provisions of Chapter 74, Laws of 1974, 1st Ex. Session, relating to competitive bidding on public contracts.

JBK:ej

Enc.

STATE OF WASHINGTON Office of State Auditor Division of Municipal Corporations	BULLETIN	No. 019 Page 1 of 2 Date July 18, 1974

To: All Political Subdivisions
From: Darrell K. Russell, CPA, Chief Examiner
Division of Municipal Corporations
Subject: Chapter 74, Laws of 1974, 1st Ex. Session
(Re-engrossed Senate Bill No. 2408) - Bid Penalties

The First Extraordinary Session of the 1974 Legislature passed Re-engrossed Senate Bill No. 2408, which was signed by the Governor on February 15, 1974, and which will take effect on July 24, 1974. In essence, this act provides penalties for failure to observe the provisions of any applicable competitive bid law by any officer or municipal officer as defined in RCW 42.23.020(2), and excludes professional services from the call for bid requirements for any city or town of the second, third or fourth class.

Section 1 of Chapter 74, Laws of 1974, 1st Ex. Session, adds to Chapter 39.30 RCW a new section to read as follows:

> "In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in wilfull and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, "municipal officer" shall mean an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2)."

Section 2 of Chapter 74, Laws of 1974, 1st Ex. Session amended RCW 35.23.352 (applicable to second, third and fourth-class cities and towns only) to add the phrase "other than professional services" after the phrase "any purchase of supplies, material,

equipment or services . . ." RCW 35.23.352 was construed by the Attorney General, in AGO 1970 No. 3, to require competitive bidding upon contracts for "personal services" by second, third and fourth class cities. Thus, that opinion has been legislatively overruled, at least as to the requirement that second, third and fourth class cities require competitive bidding upon contracts for those "personal services" which are "professional services."

Any violations of competitive bid laws after July 24, 1974, will be subject to the penalties as outlined in Chapter 39.30 RCW above quoted.

Bd of PW

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Chap. 74
Re: Laws of Wash
1974 - 1st Ex. Sess.
7/23/74
(date)

DEPARTMENTAL ROUTING SLIP

Paul P. Wiatrak, City Engineer

All Board Members
(referred to)

Blm
(referred by)

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____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

____ Forwarded for your investigation, report and recommendation.

X Forwarded for your information and files.

____ Other: _____

*Action requested no later than _____
(date)

ASSISTANT CORPORATION COUNSEL
JAMES M. TAYLOR
G. GRANT WILCOX
THOMAS J. WETZEL
ARTHUR T. LANE
GORDON F. CRANDALL
CHARLES R. NELSON
LAWRENCE K. McDONELL
J. ROGER NOWELL
JORGEN G. BADER
E. NEAL KING
JAMES B. HOWE, JR.
DONALD H. STOUT
MYRON L. CORNELIUS
PHILIP M. KING
RICHARD E. MANN
HELEN WILSON
CHARLES S. DETTINGER
JAMES G. BLAIR
W. FREDERICK GREENLEE
P. K. ABRAHAM

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 583-2304

JOHN P. HARRIS, CORPORATION COUNSEL

CITY PROSECUTORS
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON
JOSEPH T. SCHLOSSER

CLAIMS MANAGER
V. L. PORTER

July 22, 1974

Board of Public Works
City of Seattle

Honorable Members:

Be advised that Chapter 74, Laws of Washington 1974 (1st Ex. Sess.) will become effective on July 24, 1974. Section 1 of the Act provides as follows:

> "In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in wilfull and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, 'municipal officer' shall mean an 'officer' or 'municipal officer' as those terms are defined in RCW 42.23.020(2)."

The remaining provisions of the Act pertain only to second, third and fourth class cities.

Yours very truly,

JOHN P. HARRIS
Corporation Counsel

By: Gordon F. Crandall

GORDON F. CRANDALL
Assistant

GFC:mlk

B-P.W

Paul A. Kiatrak
City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

July 3, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary BLM

Re: Proposed Policy - Subcontractors

The Board of Public Works, in regular session today, after reviewing the reports from member departments concurred in the recommendation of the City Engineer that the proposed policy for subcontractors not be instigated: that instead, each Board department should submit comments and documentation to the Board of Public Works detailing poor work performance of subcontractors. The Board Department will maintain a file for future reference which will be checked each time a request for a subcontractor is made. The Board will take this documented background information into consideration when acting on subcontractor requests.

3C

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BLM:fb

cc: A. Madsen, Engineering
E. Larson, Parks
G. Lorimer, Parks
E. Hennebry, Building Abatement
R. Strang, Building
W. Rashkov, Water
D. Sundquist, Lighting
D. Roletto, Engineering

SEATTLE ENG DEPT
JUL 10 2 29 PM '74

BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS
DEPARTMENT

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WG-V

To: All Board of Public Works Members July 2, 1974

From: Betty L. McFarlane, Executive Secretary

Re: Sources of Funding for Public Works Contracts

Specifications for all public works projects and joint participation projects should be accompanied with an explanation of which departments, either Board or non-Board, will provide funding for the project, and whether the funds will be combined within the administering department or if each department involved is to voucher its share.

This information is essential to the Board of Public Works Department and the City Comptroller in maintaining proper records during the course of the contract, especially when a contractor requests that funds be placed in escrow. If the administering department has only a portion of the funds, only their half is placed in escrow if we are not aware of other funding source.

cc: Seattle Center
Department of Community Development

SEATTLE ENG DEPT
JUL 11 8 27 AM '74

BPW
7/2

xxxxxxxxxxxxxxxxxxxxxxxxxx PAUL A. WIATRAK,
CITY ENGINEER

July 1, 1974

Re: Uniform Dimensions of Tracings

Honorable Board of Public Works
City of Seattle

Gentlemen:

This is in response to your May 28, 1974 memorandum concerning the advisability of standard size mylar tracings.

Most of the Engineering Department plans are drawn on 36-inch by 22-inch mylar sheets. This size has also been approved by the State Highway Department, which must approve many of our projects. The size also lends itself to 1/2 reduction of 18-inches by 11-inches, which matches the standard 8-1/2-inch by 11-inch books of special specifications.

We see no real need to standardize City-wide at this time. New reproduction developments, for example the new Xerox machines, use 34-inch by 22-inch standard bond paper stock. If the City had a standard micro-film or other retrieval system, the need for standardization might be greater.

Very truly yours,

Sgd Paul A. Wiatrak
PAUL A. WIATRAK, P.E.
City Engineer

Information	

EWO:tb

Concurrence Prior to Signature	
EWO	CDT
PMB	PMC

BPW

6/28

June 27, 1974

Re: The Board of Public Works Proposed Policy on Subcontractors.

Honorable Board of Public Works
Seattle
Washington

Gentlemen:

In response to your request of June 25, 1974, concerning the Board of Public Works proposed policy on subcontractors, we have the following to report: The proposed draft of the subcontractors' policy concerns the defaulting of subcontractors in performance of the work they have subcontracted from prime contractors. This may be difficult to achieve; in the first place, the subcontractor does not have a contract with the City and in the second place, it is sometimes difficult for us to determine the scope of work covered by the subcontract. We are not privileged to the requirement between the subcontractor and the prime contractor.

We are strongly in favor of the Board of Public Works maintaining a file on poor performance of subcontractors. This will enable the Board of Public Works and the departments it represents a better rationale in the approval or disapproval of subcontractors. We will keep the Board informed on poor work performance by subcontractors and will work with the Board of Public Works on approval or disapproval of marginal subcontractors.

Very truly yours

Paul A. Wiatrak

PAUL A. WIATRAK, P. E.
City Engineer

Information	
DR PWB	OA PWB

DR:ml

Concurrence Prior to Signature	

BPW

Paul A. Wiatrak,
City Engineer

X - Contractors

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Re: Proposed policy - subs

6/25/74
(date)

DEPARTMENTAL ROUTING SLIP

All Board Members
(referred to)

Blm
(referred by)

____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

X Forwarded for your investigation, report and recommendation.

____ Forwarded for your information and files.

____ Other: This was brought up last week as a means of controlling poor performance by subs.

*Action requested no later than 7/1/74
(date)

SEATTLE ENG DEPT
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Draft. Proposed 6/25/74

POLICY -- SUBCONTRACTORS

The Board of Public Works shall not approve assignment or subletting of any contract for public work to any subcontractors who within two years prior thereto shall have abandoned, surrendered, or failed to complete any portion of such contract in accordance with the City's requirements and/or standards.

Departments of the Board should document the poor performance of subcontractors and place them on file with the Board of Public Works for review prior to recommendation for default.

(PW) Mr. Paul A. Wiatrak, P.E.
City Engineer

Rec'd 6-25-74

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Federal Procurement Regulations

6/25/74
(date)

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PW		
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DR		

DEPARTMENTAL ROUTING SLIP

All Board Members ✓
(referred to)

Betty L. McFarlane
(referred by)

____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

____ Forwarded for your investigation, report and recommendation.

X Forwarded for your information and files.

____ Other: In connec. w/ our att. clip memo of 6/12/74 - scaling work down for minority participation.

*Action requested no later than _____
(date)

Copy: Human Rights Comm

EY 11456

Subpart 1-1.13—Minority Business Enterprises

§ 1-1.1300 Scope of subpart.

This subpart contains policies, procedures, and contract clauses, applicable to the participation of minority business enterprises in Government procurement at both the prime and subcontract level, which are designed to carry out the purposes of Executive Order 11458, March 5, 1969 (34 F.R. 4937).

§§ 1-1.1301—1-1.1309 [Reserved]

§ 1-1.1310 Subcontracting with minority business enterprises.

§ 1-1.1310-1 General.

It is the policy of the Government that the maximum practicable opportunity to participate in the performance of Government contracts be provided to minority business enterprises as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts.

§ 1-1.1310-2 Required clauses.

(a) The Utilization of Minority Business Enterprises clause set forth in this § 1-1.1310-2(a) shall be included in all contracts in amounts which may exceed $5,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned business, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

(b) The Minority Business Enterprises Subcontracting Program clause set forth in this § 1-1.1310-2(b) shall be included in all contracts which may exceed $500,000 which contain the clause required by § 1-1.1310-2(a), and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities. Furthermore, prime contractors who are to be awarded contracts which may not exceed $500,000, but which, in the opinion of the procuring activity, offer substantial subcontracting possibilities shall be urged to accept this clause.

MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a program which will enable minority business enterprises (as defined in the clause entitled "Utilization of Minority Business Enterprises") to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall—

(1) Designate a liaison officer who will administer the Contractor's minority business enterprises program.

(2) Provide adequate and timely consideration of the potentialities of known minority business enterprises in all "make-or-buy" decisions.

(3) Assure that known minority business enterprises will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of minority business enterprises.

(4) Maintain records showing (i) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of minority business enterprises, (ii) awards to minority business enterprises on the source list, and (iii) specific efforts to identify and award contracts to minority business enterprises.

(5) Include the Utilization of Minority Business Enterprises clause in subcontracts which offer substantial minority business enterprises subcontracting opportunities.

BPW

Mr. Paul A. Wiatrak, P.E. ✓
City Engineer

Re: Proposal--Requiring Prime Contractor and Prime Subs to Scale Large Work Down for Minority Participation

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary 6/12/74 (date)

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JUN 18 8 33 AM '74

EWO
6/18 action transf to ATM per JEA

DEPARTMENTAL ROUTING SLIP

All Board Members ✓
(referred to)

Betty L. McFarlane
(referred by)

____ **Please prepare reply for the Secretary's signature on office stationery.**

____ **Please reply to the attached letter for the Secretary showing a copy to the Secretary.**

X **Forwarded for your investigation, report and recommendation.**

____ **Forwarded for your information and files.**

X **Other:** Please submit your recommendation in writing addressing yourself to whether this might be a requirement of the specifications on public works projects which fall into the larger categories. Also see recommended addendum and reworded regulation

***Action requested no later than** ____ (date)

by Human Rights Dept.

att. Pls Rush - 7/1/74

Copy: Human Rights Comm
Refer ltr fm BPW dtd 11-26-74 (this file)

CENTRAL CONTRACTORS ASSISTANCE CENTER ASSISTANCE TO THE MINORITY CONTRACTORS

9112 South Holgate
Seattle, Washington 98144
325-4554

President
Willie J Allen
Board Chairman
Lowrey Pugh
Secretary
J P Francis
Treasurer
Leon Ward

Executive
Advisory Board
Daniel L Ruthford
W Joseph Scudder
Chester O Johnson
Robert H Fehnel
Robert L Block
Donald W Close
Mike McManus

UTILIZATION OF MINORITY BUSINESS ENTERPRISE

The Invitation for bid incorporates two new requirements requiring utilization of minority business enterprises. Although these requirements are new, there is considerable emphasis on the program. Before award, the successful bidder's program for compliance with these provisions will be examined in detail and his capability for carrying out the program will be evaluated. (Such a program will include having the contractor and the major sub-contractors break down portions of the work into segments that are within the capabilities of minority contractors.) There does not appear to be any phase of the work in which this cannot be done.

I. The contractor will be required to satisfy the requirements of the provisions on minority business enterprises, regardless of whether he is in compliance with the Equal Opportunity Program applying to workmen. The programs are basically separate. Utilization of minority business might help the contractor achieve the goals of his Affirmative Action Plan, however.

II. A business will be considered a minority business if more than 50% of the ownership is by minorities. The percentage of minority workmen has no bearing of this issue.

III. The City of Seattle, will not waive any specification requirements merely because the work is being done by a minority business. A contractor may terminate a minority firm for unsatisfactory work in the same manner as he might terminate any other subcontractor if that is the only solution to the problem.

IV. So long as the general requirements of the contract provisions on minority businesses are met, the contractor is not required to use any specific method for accomplishing the program, and is not required to achieve any specific percentage of minority participation.

Contracted with Central Contractors Association,
through the Office of Minority Business Enterprise,
US Department of Commerce

ADDENDUM TO WEST SEATTLE FREEWAY

This Addendum is to be included in the West Seattle Freeway Specifications to clarify the many calls received in regard to Section D(4) of the Sworn Statement For Compliance with Section 4, Ordinance 101432.

The Invitation to Bid incorporates a requirement that affirmative action be taken to increase opportunities for minority business enterprises to participate in City Contracts. Before award to the successful bidders, the program for compliance with these provisions will be examined in detail and his capability for carrying out the program will be evaluated. Such a program will include, where practicable, having the contractor and the major sub-contractors break down portions of the work into segments that are within the capabilities of minority contractors.

The contractor will be required to satisfy the requirements of the provisions in the sworn statement for compliance on minority contractors and business enterprises, regardless of whether he is in compliance with the Equal Employment Program applying to workmen. The programs are basically separate. Utilization of minority businesses may help the contractor achieve the goals of his Affirmative Action Plan, however,

A business will be considered a minority business if more than 50% of the ownership is owned by minorities. The percentage of minority workers has no bearing on this issue.

The City of Seattle will not waive any specification requirements merely because the work is being done by a minority business. A contractor may terminate a minority firm for unsatisfactory work in the same manner as he might terminate any other subcontractor if that is the only solution to the problem.

So long as the general requirements of the provisions on minority businesses are met, the contractor is not required to use any specific method for accomplishing the program, and is not required to achieve any specific percentage of minority participation.

CITY OF SEATTLE
DEPARTMENT OF HUMAN RIGHTS

Contract Compliance

UTILIZATION OF MINORITY BUSINESS ENTERPRISES POLICY

It is the policy of the City of Seattle that the maximum practicable opportunity to participate in the performance of city contracts ~~to~~ be provided to minority business enterprises as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors on City contracts.

A. The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "Minority Business Enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock is owned by minority group members. For the purpose of this definition, minority group members are Blacks, Asians, American Indians, Spanish-speaking Americans, American Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

The contractor agrees to establish and conduct a program which will enable minority business enterprises (as defined in the Policy entitled "Utilization of Minority Business Enterprises") to be considered fairly as subcontractors and suppliers under this contract. In this connection, the contractor shall;

1. Designate a liaison officer who will administer the contractor's minority business enterprises program.

2. Provide adequate and timely consideration of the potentialities of known minority business enterprises in all "make or buy" decisions.

3. Assure that known minority business enterprises will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of minority business enterprises.

4. Maintain records showing (a) procedures which have been adopted to comply with the policies set forth in this program, including the establishment of a source list of minority business enterprises, (b) awards to minority business enterprises on the source list, and (c) specific efforts to identify and award contracts to minority business enterprises.

5. Include the utilization of minority business enterprises policy in subcontracts which offer substantial minority business enterprises subcontracting opportunities.

6. Cooperate with the Human Rights Department in any studies and surveys of Contractor's Minority Business Enterprises Procedures and Practices that the Human Rights Department may from time to time conduct.

7. Submit periodic reports to the Human Rights Department of subcontracting with minority business enterprises with respect to the record referred to in Subparagraph (4), above, in such form and manner and at such time as the Human Rights Department may prescribe.

The contractor further agrees to insert in any subcontract here under which may exceed $1,000.00, provisions which shall conform substantially to the language of this program, including this paragraph, and to notify the Human Rights Department of the names of such contractors.

BPW

Paul A. Wiatrak, City Engineer

THE CITY OF SEATTLE

WES UHLMAN, *Mayor*

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, *Executive Secretary*

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS

GORDON VICKERY,
Supt. of Lighting Chairman
DAVID L. TOWNE,
Supt. of Parks and Recreation
KENNETH M. LOWTHIAN, *Supt. of Water*
ALFRED PETTY, *Supt. of Buildings*
PAUL A. WIATRAK, *Acting City Engineer*

Re: Policy re Estimates on Public Works Projects June 5, 1974

ROUTING	DATE	INITIAL
ACTION		
FILE	✓	
INFORMATION		
~~DMB~~	DR	
ATM		

x Policy

6/17/74 M.T.

add JEA EWO WEPS

Mr. John M. Johnston
F. W. Dodge Division
McGraw-Hill
315 North Tower
100 West Harrison Plaza
Seattle, Washington 98119

Dear Mr. Johnston:

The Board of Public Works had before it, in regular session today, your communication of May 9 requesting a change in the Board's policy of withholding information on estimates prior to bidding.

The Board concurred in the recommendation that its policy be amended to allow departments to provide contractors with cost category estimates on City of Seattle projects as follows:

$ 50,000	-	$ 100,000
100,000	-	200,000
200,000	-	300,000
300,000	-	500,000
500,000	-	1,000,000
1,000,000	-	3,000,000
over	-	3,000,000

JUN 10 8 39 AM '74 SEATTLE ENG DEPT

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:jy

cc: All Board of Public Works Members
City Comptroller -- C.F. 276261

1575

BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

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M E M O R A N D U M

To: All Board of Public Works Members May 28, 1974

From: Betty L. McFarlane, Executive Secretary BLM

Re: Uniform Dimensions of Tracings

The question has been asked as to whether or not Board departments should all use the same size mylar to standardize the tracings.

Please advise if such a program could be worked out in your Engineering Division.

EJH:jy

cc: I. Rodley, Parks
G. Lorimer, Parks
J. Skommesa, Engineering
D. C. Sundquist, Lighting
W. Rashkov, Water
R. Strang, Building
E. Hennebry, Building

SEATTLE ENG DEPT
JUN 3 9 55 AM '74

Bd of Public Works

5/29

May 28, 1974

Re: Nationwide Construction News Service

Honorable Board of Public Works
City of Seattle
Seattle, Washington

Gentlemen:

This is in response to the letter you have received from John M. Johnston of McGraw-Hill requesting that the Engineer's estimate be published during the bidding process. We heartily agree with this concept and would recommend that the Board of Public Works rescind its policy of withholding information on estimates and go to the "range of estimates" idea submitted by the Dodge Division of McGraw-Hill.

Additional discussion of this issue is appropriate. Many contractors have called us, requesting that the estimates be published. You will recall that the practice was discontinued because contractors had called, asking that we not publish estimates. Obviously, the opinion from that sector is not cohesive. We believe that there are benefits to publishing the estimate.

1. The contractors just getting into the business feel diffident without some background in preparing their own bids. We get more competition in bidding by giving the inexperienced contractor a base from which to operate.

2. There is a tremendous pressure on City personnel to reveal the amount of the estimate during the bidding process. The pressure would be relieved if the estimate is published.

There are, however, disbenefits if the estimate is published.

1. The City needs to be aware if it makes a substantial mistake in estimating a project. Experience shows that contractors do not bid if they know that their bids are substantially in excess of the Engineer's estimate. In a few cases

where the Engineer's estimate is in error, we receive bids on projects which we would not receive if contractors had been aware of the Engineer's estimate.

2. Sometimes we have more problems with inexperienced contractors than the extra competition is worth.

State Law RCW 39.04.020 brings another issue into the discussion. This law indicates the City is required to file the amount of the estimate during the bidding process. A copy of that RCW is attached. In light of this discussion, our recommendation is as stated in the first paragraph.

Very truly yours,

PAW

PAUL A. WIATRAK, P.E.
City Engineer

PMB:nt
Att. RCW 39.04.020

Information	
Concurrence Prior to Signature	
PMB	PMB

BPW

THE CITY OF SEATTLE

WES UHLMAN, MAYOR

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, EXECUTIVE SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS

GORDON F. VICKERY, SUPT. OF LIGHTING, Ch
DAVID L. TOWNE, SUPT. OF PARKS AND RECREATION
KENNETH M. LOWTHIAN, SUPT. OF WATER
ALFRED PETTY, SUPT. OF BUILDINGS
Paul A. Wiatrak, Acting City Engineer

May 2, 1974

ROUTING	DATE	INITIAL
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PAUL		
~~BMB~~		
CWGN		
WAPS		

AEM

All Department Heads
City of Seattle

Effective May 1, Mayor Wes Uhlman appointed Gordon Vickery Chairman of the Board of Public Works to fill out the term of Robert J. Gulino for 1974. The Board has elected David Towne as Vice Chairman.

Please direct all correspondence to the Executive Secretary for submittal to the Board.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:lm

SEATTLE ENG DEPT
MAY 3 10 02 AM '74

BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

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ATM		

M E M O R A N D U M

To: All Board of Public Works Departments

April 24, 1974

From: Betty L. McFarlane, Executive Secretary

Re: Forms for Subcontractors Approval

Subcontractor approval forms presently being used by Board Departments include a signature line for Chairman as well as the Executive Secretary of the Board of Public Works. Only the signature of the Executive Secretary and the date of Board approval is necessary.

The Chairman has enough to sign as it is and we would appreciate your blanking this out of the form with tape or otherwise.

Thank you.

EJH:jy

cc: A. Madsen, Engineering
E. Larson, Parks
G. Lorimer, Parks
E. Hennebry, Building Abatement
R. Strang, Building
W. Rashkov, Water
D. Sundquist, Lighting
D. Roletto, Engineering

SEATTLE ENG DEPT
APR 29 10 40 AM '74

BPW

4/19

April 17, 1974

× Automobiles
× Contractors

Mr. Robert L. Hanson
Acting Chief of Police
504 Public Safety Building
City of Seattle

Dear Sir:

We have a continuing mutual problem regarding the parking of City inspector's vehicles and contractor's vehicles on or near Board of Public Works contracts on City streets.

We would like to meet with your Department to try to resolve this problem. Who in your Department should we contact to represent you in such a meeting?

Very truly yours,

Sgd Robert J. Gulino

ROBERT J. GULINO, P. E.
City Engineer

Information	

Concurrence Prior to Signature	
HWP	BMP
BR	
PMB	

HWP:dp

cc: Traffic Division

BPW

CITY OF SEATTLE
WES UHLMAN, MAYOR

WATER DEPARTMENT

1015 THIRD AVENUE • SEATTLE, WASHINGTON 98104 • 583-5889

KENNETH M. LOWTHIAN
SUPERINTENDENT
MEMBER, BOARD OF PUBLIC WORKS

April 16, 1974

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PMB/Ewo		
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Mr. Robert J. Gulino, P. E.
City Engineer
City of Seattle

Attention: Mr. Elwood Ott
Principal Engineer

Dear Sir:

The Water Department has been receiving three sets of plans of a project after it has been awarded. This procedure does not offer enough time to our Operations Division to plan its work load.

We are requesting that three (3) sets of plans be sent to the Seattle Water Department Engineering office in the City Light Building upon approval of the plans by the Board of Public Works.

Sincerely,

KENNETH M. LOWTHIAN
Superintendent of Water

By Harry
Harry L. Pratt, P. E.
Principal Engineer

WR:ec

SEATTLE ENG DEPT
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BPW

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

To: All Board of Public Works Members

March 25, 1974

From: Betty L. McFarlane, Executive Secretary BLM

Re: Revised Affirmative Action Procedures for Federally Funded Projects

On March 5, 1974 a revised Affirmative Action Program for Federally Funded Projects was sent to each Board Department with instructions to use the new procedure in all future Federally Funded specifications.

The new procedure involves submitting a Certificate as part of the bid proposal. This Certificate (Section A of Part III of the attached sample), to be consistent with established procedures in preparing bid packages, should be on pink paper and perforated on the left column for easy removal from the specification for Federal approval. Certification of subcontractors is required prior to award of any subcontract but not as a part of the bid proposal.

EJH:jy
att.

cc: Arnie Madsen, Engineering
William Rashkov, Water
E. Hennebry, Building
Bob Strang, Building
Evelyn Larson, Parks
Gordon Lorimer, Parks
D. C. Sundquist, Lighting

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been developed upon the findings made and the negotiated goals established by the parties to the Seattle - King County.

Inquiries concerning the operation and effect of the attached Bid Conditions should be transmitted to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance.

This Order is issued pursuant to Executive Order 11246, 3 C.F.R. 402 and 41 C.F.R. 60.

Peter J. Brennan
Secretary of Labor

Bernard DeLury
Assistant Secretary for
Employment Standards

Philip J. Davis
Director, Office of Federal
Contract Compliance

Attachment

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

DEC 27 1973

RECEIVED
ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

ORDER

TO: HEADS OF ALL AGENCIES

SUBJECT: Bid Conditions Setting Forth Affirmative Action Requirements for all Non-Exempt Federal and Federally-Assisted Construction Contracts to be awarded in King County, Washington.

Effective thirty days from this date, the attached Bid Conditions setting forth affirmative action and equal employment opportunity requirements are to be included in all bid documents for use in connection with non-exempt Federal and Federally-assisted construction contracts in King County, Washington. Full compliance with the Bid Conditions will satisfy the requirements of Executive Order 11246.

All bidders must complete and submit the certification form contained in Part III of the Bid Conditions, indicating that they will comply with the provisions of the Seattle - King County Plan incorporated in Part I or the affirmative action program set forth in Part II of the Bid Conditions, to be considered responsive bidders and hence eligible for the award of non-exempt Federal and Federally-assisted construction contracts in King County, Washington, covered by the attached Bid Conditions.

This latter affirmative action program specifies and requires, among other things, that bidders adopt as their own, specific goals of minority manpower utilization for employment and training which fell at least within the ranges set forth in the Bid Conditions for the applicable calendar year. Those ranges specified in Part II have

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JAN 28 1974
Equal Housing Opportunity

5. Non-discrimination. In no event may a contractor or subcontractor utilize the goals, timetables or affirmative action steps required by this Part II in such a manner as to cause or result in discrimination against any person on account of race, color, religion, sex or national origin.

Part III: Certifications.

A. Bidders' Certifications. A bidder will not be eligible for award of a contract under this Invitation for Bids unless such bidder has submitted as a part of its bid the following certification, which will be deemed a part of the resulting contract:

BIDDERS' CERTIFICATION

_____ certifies that:
(Bidder)

1. it intends to employ the following listed construction trades in its work under the contract _____

_____; and

2. (a) as to those trades set forth in the preceding paragraph one hereof for which it is eligible under Part I of these Bid Conditions for participation in either the Seattle-King County Plan, the Court Order Advisory Committee Plan, or the Western Washington Oilers' Affirmative Action Program it will comply with such Plan on this and all future construction work (both federal and non-federal) in the Seattle, Washington area within the scope of coverage of

that Plan, those trades being: _____

_____

_____, and/or

_____

(b) as to those trades for which it is required by these Bid Conditions to comply with Part II of these Bid Conditions, it adopts the minimum minority manpower utilization goals and the specific affirmative action steps contained in said Part II, on this and all future construction work (both federal and non-federal in the Seattle, Washington area subject to these Bid Conditions, those trades being:

_____

_____

_____; and

_____

3. it will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor certification required by these Bid Conditions.

_____

(Signature of authorized representative of bidder)

B. Subcontractors' Certifications. Prior to the award of any subcontract under this Invitation for Bids, regardless of tier, the prospective subcontractor must execute and submit to the Prime Contractor the following certification, which will be deemed a part of the resulting subcontract:

BPW

THE CITY OF SEATTLE

WES UHLMAN, MAYOR

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, EXECUTIVE SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
ROBERT J. GULINO, CITY ENGINEER CHAIRMAN
GORDON F. VICKERY, SUPT. OF LIGHTING
DAVID L. TOWNE, SUPT. OF PARKS AND RECREATION
KENNETH M. LOWTHIAN, SUPT. OF WATER
ALFRED PETTY, SUPT. OF BUILDINGS

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SEATTLE ENG DEPT
MAR 6 8 42 AM '74

Re: Work Measurement Indicators - Board of Public Works Department

March 1974

Mr. Walter R. Hundley, Budget Director
Office of Management and Budget
City of Seattle

Attention: Mr. Paul Disario, Analyst

5C

PAW
JJC/RSC

Gentlemen:

This is in reply to your memorandum of February 27 requesting evaluation of the work load impact for the Board of Public Works Department and its new division, the Office of Cable Communications. Your memorandum refers to a copy of work measurement indicators developed for the Board of Public Works Department several years ago. You indicate that these indicators showed substantial decreases in 8 of the 14 categories. To better explain the statistics which you refer to, we advise that over the years, only the material presented to the Board of Public Works for consideration and action had been listed in the work statistics outlined in the Department's budget. The statistics were counted from the Board's minutes. To describe the work load of the Department as a whole, we offer this additional report:

With new streamlining of activities in 1973, the Executive Secretary's responsibilities and duties were upgraded and work load increased accordingly. More matters are handled within the Department than previously.

Many activities are carried on under the direction of the Executive Secretary and do not require official Board action. These activities do not show on the work statistics presented in the list which accompanies the budget. Naturally, there would be substantial decreases in the categories which are actually handled by the Board of Public Works itself.

Among the duties of the Executive Secretary, which are delegated by the Board of Public Works and also generate additional staff work load, we list the following:

I. Administration of the Department and public works' activities.

1. Coordinating the activities of the five Board Departments.

a. Adherence to Board regulations and policies.

b. Direction of Board departmental personnel in areas of question regarding interpretation of Board's policies, regulations and procedures. (It is the Executive Secretary's responsibility to interpret Board policies, rules, procedures and regulations and to see that they are carried out accordingly. Appeal from that interpretation may be made to the Board of Public Works itself.)

c. Review of all specifications for public works to assure correct format, procedures and requirements. (Federal Government, Human Rights and others.)

II. Formulation of new policies, regulations, procedures and ordinances; recommending updating on those existing to meet desired changes and needs.

1. Ordinances which relate to charter responsibilities: i.e.: management and supervision of public works, buildings, structures, streets, utilities and equipment...

2. Working with procedures from day to day brings forth the need to make improvements which were not always foreseen in the beginning. Citizens and contractors expressing their concerns in what they feel is a problem area also helps to generate changes for the better. (Signs, newsstands, litter control, bid procedures.)

3. Ordinances and procedures must be drafted by this Department many times to put them in final acceptance form; redrafting to implement Board Departments' inputs, etc. The actual communication to the Board for consideration and action may show up only twice on the minutes, but the background work of research, recommendation and drafting by the Department is not reflected in the minutes.

III. Administration of public works and other service contracts.

1. Investigating and replying to complaints or inquiries from citizens, contractors, lawyers, public agencies, City departments, Mayor's Office, and City Council regarding police-impounds, public works construction contracts, Board policies, bidding and contract procedures, and street use permits.

2. Assuring that all public works activities are carried out within the law.

3. Communications are sent out by the Board of Public Works Department in many of the above instances. The staff also works at the counter and on the telephone replying to inquiries and requests for assistance. Copies of files are also quite often requested.

IV. The Executive Secretary represents the Board of Public Works and acts as liaison between it and other City departments, public agencies, Mayor's Office, citizens, City Council, contractors and State Legislative Committees.

1. Reviews all House and Senate Bills which involve public works and writes reports which indicate Board's position.

2. The Executive Secretary attends Senate, House and other Legislative Committee hearings to support Board's position.

3. Much staff work load is reflected in these activities.

4. Provides material and evidence to Corporation Counsel: gives depositions regarding claims against the City on public works contracts, police-impound towing, etc.

V. Attends community and business meetings.

1. Involved in public speaking before groups on subjects which pertain to the Board of Public Works' jurisdiction, when asked.

2. Staff is utilized in typing speeches, outlines, and material for presentation.

VI. Appeals Board.

1. Contracts and/or agreements sometimes involve an impasse between involved Board Department and consultant or contractor.

2. A hearing may be held on whether work will be considered extra and more compensation allowed or whether it is within the scope of the original contract, for instance.

3. A hearing may be held to ascertain whether a contractor has lived up to Affirmative Action commitments he made with the Human Rights Department and whether he shall or shall not be defaulted from doing further public works projects.

4. Verbatim minutes are taken in such hearings. This requires a good deal of time by staff.

VII. Board of Public Works Office of Cable Communications.

1. As administrative officer of the Department, it will be the responsibility of the Executive Secretary to oversee the activities of the new division in the Department along with the Cable Communications Coordinator.

2. The work load generated by the Cable Communications Coordinator will be absorbed by the existing Board of Public Works departmental staff for the remainder of this year to save on the budget. A secretary for the Cable Communications Coordinator was deleted from the budget for the remainder of '74.

3. The Department will also provide staff support to the CATV Advisory Board as per Ordinance No. 102998 which established the Office.

4. It will be difficult to produce much more than the present work load with the existing staff, however, we will cooperate to the best of our ability to adequately cover the needs of the Office of Cable Communications this year.

5. There is no way of accurately estimating the staff time required to perform each task or the work load of the Office of Cable Communications, as it is an entirely new division. The responsibilities of the Office are great and it is important that all concerned be apprised of its activities. Information will be available upon request to communities, public agencies, and City departments.

   a. The Cable Communications Coordinator will review and make recommendations to the Board of Public Works on Franchise applications and renewals. The Board of Public Works in turn will provide recommendations to the City Council for consideration and legislative action on franchises and rates.

   b. The Cable Communications Coordinator will assure that franchisees comply with ordinance and FCC requirements.

c. He will coordinate the activities of other utilities and cable television companies.

d. Monitor performance and standards.

e. Investigate and respond to complaints and inquiries. Will meet with communities, public agencies and cable companies to promote CATV in the City of Seattle.

f. FCC requirements will be interpreted and implemented; providing information to all concerned.

It is imperative that a percentage of the franchise fees or other funds be earmarked for the administration of the Office of Cable Communications in the future. Perhaps a special fund could be designated for this purpose as was done in the Harbor Code for administering the waterway cleanup program.

The FCC now requires that municipalities regulate CATV under provisions they set forth. The Budget should be sufficient to assure required regulation and control of these activities and to assure future realization of goals and growth potential for CATV in the City of Seattle.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:fb

cc: Mayor Wes Uhlman
City Council
Board of Public Works Members ✓

BPW

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THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

March 5, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary BLM

Re: Bid Conditions--Affirmative Action Requirements for Federally Funded Projects--For Immediate Action

Notice has been received from the U. S. Department of Labor that effective January 26, 1974 revised procedures and conditions are to be inserted in all bid documents involving nonexempt federal and federally assisted construction contracts in King County, Washington. These revised procedures and conditions are to replace those presently designated by the same title in federally funded projects. A copy of the new provisions is attached together with a copy of the transmittal letter from the Secretary of Labor.

Note that a signed and executed Certification Form (see Pages 12, 13, 14 and 15) must be submitted as part of the proposal for the bid to be responsive and that contractors are no longer required to include a separate Affirmative Action Program and Goals and Time Tables on company stationery.

The Instructions to Bidders form should be corrected to reflect these changes in requirements on federally funded projects. The insert page entitled "IMPORTANT," referring to federally assisted projects, and the sample letter are to be omitted.

Other federal project forms--C.D. 1, C.D. 2, Optional Form 66, 3200, etc., are to remain part of the bid package.

Please call us if you have any questions concerning these changes.

EJH:jy
att.

cc: W. Rashkov, Water
R. Strang, Building
E. Hennebry, Building
A. Madsen, Engineering
G. Lorimer, Parks
E. Larson, Parks
L. Hume, Lighting
D. C. Sundquist, Lighting

SEATTLE ENG DEPT
MAR 7 10 02 AM '74

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

DEC 27 1973

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ORDER

TO: HEADS OF ALL AGENCIES

SUBJECT: Bid Conditions Setting Forth Affirmative Action Requirements for all Non-Exempt Federal and Federally-Assisted Construction Contracts to be awarded in King County, Washington.

Effective thirty days from this date, the attached Bid Conditions setting forth affirmative action and equal employment opportunity requirements are to be included in all bid documents for use in connection with non-exempt Federal and Federally-assisted construction contracts in King County, Washington. Full compliance with the Bid Conditions will satisfy the requirements of Executive Order 11246.

All bidders must complete and submit the certification form contained in Part III of the Bid Conditions, indicating that they will comply with the provisions of the Seattle - King County Plan incorporated in Part I or the affirmative action program set forth in Part II of the Bid Conditions, to be considered responsive bidders and hence eligible for the award of non-exempt Federal and Federally-assisted construction contracts in King County, Washington, covered by the attached Bid Conditions.

This latter affirmative action program specifies and requires, among other things, that bidders adopt as their own, specific goals of minority manpower utilization for employment and training which fell at least within the ranges set forth in the Bid Conditions for the applicable calendar year. Those ranges specified in Part II have

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JAN 2 9 1974
Equal Housing Opportunity

been developed upon the findings made and the negotiated goals established by the parties to the Seattle - King County.

Inquiries concerning the operation and effect of the attached Bid Conditions should be transmitted to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance.

This Order is issued pursuant to Executive Order 11246, 3 C.F.R. 402 and 41 C.F.R. 60.

Peter J. Brennan
Secretary of Labor

Bernard DeLury
Assistant Secretary for
Employment Standards

Philip J. Davis
Director, Office of Federal
Contract Compliance

Attachment

BID CONDITIONS

AFFIRMATIVE ACTION REQUIREMENTS

EQUAL EMPLOYMENT OPPORTUNITY

For all Non-Exempt Federal and Federally-Assisted Construction Contracts to be Awarded in King County, Washington

Part I: The provisions of this Part I apply to bidders, contractors and subcontractors who are parties to collective bargaining agreements with a labor organization or labor organizations representing construction trades which are subject to the U S. District Court Order No. 8618 (hereinafter referred to as the Court Order Advisory Committee Plan) or are signatories to the Consent Decree known as the Western Washington Oilers' Trainee Affirmative Action Program, or are parties to collective bargaining agreements with a labor organization or organizations and who together with such labor organizations have agreed to the Seattle-King County, Washington Area Construction Program for equal opportunity (but only as to those trades as to which there are commitments by labor organizations to specific goals of minority manpower utilization) between the Seattle Building and Construction Trades Council and other local unions engaged in the construction industry, the Seattle Northwest Chapter and the Mountain Pacific Chapter of the Associated General Contractors and other contractors and

contractors' associations; and the King County Construction Coalition, together with all implementing agreements that have been and may hereafter be developed pursuant thereto, all of which documents (with the exception of the Court Order Advisory Committee Plan and the Western Washington Oilers' Trainee Affirmative Action Program) are incorporated herein by reference and are hereinafter cumulatively referred to as the Seattle-King County Plan.

Any bidder, contractor or subcontractor using one or more trades of construction employees must comply with either Part I or Part II of these Bid Conditions as to each such trade. Thus, a bidder, contractor or subcontractor may be in compliance with these conditions by its inclusion, with its union, in the Seattle-King County Plan, or the Court Order Advisory Committee, or the Western Oilers' Trainee Affirmative Action Program as to trade "A", provided there is set forth in the Seattle-King County Plan a specific commitment by that union . goal of minority manpower utilization for such trade "A", thereby meeting the provisions of this Part I, and by its commitment to Part II in regard to trade "B" in the instance in which it is not included in either the Seattle-King County Plan, the Court Order Advisory Committee Plan or the Western Washington Oilers' Trainee Affirmative Action Program and, therefore, cannot meet the provisions of this Part I.

To be eligible for award of a contract under Part I of this invitation, a bidder or subcontractor must execute the certification required by Part III hereof.

Part II: A. Coverage. The provisions of this Part II shall be applicable to those bidders, contractors and subcontractors, who, in regard to those construction trades to be employed by them on the project to which these bid conditions pertain:

1. Are not or hereafter cease to be signatories to the Seattle-King County Plan, or participants in the Court Order Advisory Committee Plan or the Western Washington Oilers' Trainee Affirmative Action Program referred to in Part I hereof;

2. Are signatories to the Seattle-King County Plan but are not parties to collective bargaining agreements;

3. Are signatories to the Seattle-King County Plan but are parties to collective bargaining agreements with labor organizations who are not or hereafter cease to be signatories to the Seattle-King County Plan;

4. Are signatories to the Seattle-King County Plan but as to which no specific commitment to goals of minority manpower utilization by labor organization have been executed pursuant to the Seattle-King County Plan; or

5. Are no longer participating in an affirmative action plan acceptable to the Director, OFCC, including the Seattle-King County Plan, the Court Order Advisory

Committee Plan and the Western Washington Oilers' Trainee Affirmative Action Program.

B. Requirement — An Affirmative Action Plan. The bidders, contractors and subcontractors described in paragraphs 1 through 5 above will not be eligible for award of a contract under this Invitation for Bids, unless it certifies as prescribed in paragraph 2b of the certification specified in Part III hereof that it adopts the minimum goals and timetables of minority manpower utilization, 1/ and specific affirmative action steps set forth in Section B. 1 and 2 of this Part II directed at increasing minority manpower utilization by means of applying good faith efforts to carrying out such steps; or is deemed to have adopted such a program pursuant to Section B. 3 of this Part II.

1. Goals and Timetables. The goals of minority manpower utilization required of the bidder and subcontractors are applicable to each trade not otherwise bound by the provisions of Part I hereof which will be used on the project in King County, Washington (hereinafter referred to as the Seattle, Washington area):

1/ "Minority" is defined as including Negroes, Spanish Surnamed Americans, Orientals and American Indians, and includes both men and women.

	Goals of Minority Manpower Utilization Expressed in Percentage Terms
Until 12/31/74	2.7% - 5.4%
From 1/1/75 to 12/31/75	5.4% - 8.0%
From 1/1/76 to 12/31/76	8.0% -10.6%

In the event that under a contract which is subject to these Bid Conditions any work is performed in a year later than the latest year for which acceptable goals of minority manpower utilization have been determined herein, the goals for 1976 shall be applicable to such work.

The percentage goals of minority manpower utilization above are expressed in terms of manhours of training and employment as a proportion of the total manhours to be worked by the bidder's, contractor's and subcontractor's entire work force in that trade on all projects (both federal and non-federal) in the Seattle, Washington Area during the performance of its contract or subcontract. The manhours for minority work and training must be substantially uniform throughout the length of the contract, on all projects and for each of the trades. Further, the transfer of minority employees or trainees from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's or subcontractor's goal shall be a violation of these conditions. In reaching the goals of minority manpower utilization required of bidders, contractors and subcontractors pursuant to this Part II, every effort shall

be made to find and employ qualified journeymen. Provided, however, and pursuant to the requirements of Department of Labor regulations, 29 CFR 5a, apprentices or trainees shall be employed on all projects subject to the requirements of these Bid Conditions and, where feasible, 25 percent of apprentices or trainees employed on each project shall be in their first year of apprenticeship or training.

In order that the nonworking training hours of trainees may be counted in meeting the goal, such trainees must be employed by the contractor during the training period, the contractor must have made a commitment to employ the trainees at the completion of their training subject to the availability of employment opportunities and the trainees must be trained pursuant to established training programs which must be the equivalent of the training programs now or hereafter provided for in the Seattle-King County Plan with respect to the nature, extent and duration of training offered.

A contractor or subcontractor shall be deemed to be in compliance with the terms and requirements of this Part II by the employment and training of minorities in the appropriate percentage of his aggregate work force in the Seattle, Washington area for each trade for which it is committed to a goal under this Part II.

However, no contractor or subcontractor shall be found to be in noncompliance solely on account of its failure to meet its goals within its timetables, but such contractor shall be given the opportunity to demonstrate that it has instituted all of the specific affirmative action steps specified in this Part II and has made every good faith effort to make these steps work toward the attainment of its goals within its timetables, all to the purpose of expanding minority manpower utilization on all of its projects in the Seattle, Washington area.

In all cases, the compliance of a bidder, contractor or subcontractor will be determined in accordance with its respective obligations under the terms of these Bid Conditions. Therefore, contractors or subcontractors who are governed by the provisions of this Part II shall be subject to the requirements of that Part regardless of the obligations of its prime contractor or lower tier subcontractors.

All bidders and all contractors and subcontractors performing or to perform work on projects subject to these Bid Conditions hereby agree to inform their subcontractors of their respective obligations under the terms and requirements of these Bid Conditions, including the provisions relating to goals of minority employment and training.

2. Specific Affirmative Action Steps. Bidders, contractors and subcontractors subject to this Part II

must engage in affirmative action directed at increasing minority manpower utilization, which is at least as extensive and as specific as the following steps:

a. The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' response.

b. The contractor shall maintain a file of the names and addresses of each minority worker referred to him and what action was taken with respect to each such referred worker, and if the worker was not employed by the contractor, the reasons therefor. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file shall document this and the reasons therefor.

c. The contractor shall promptly notify the (agency)_____ when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

d. The contractor shall participate in training programs in the area, especially those funded by the Department of Labor.

e. The contractor shall disseminate his EEO policy within his own organization by including it in any policy manual; by publicizing it in company newspapers, annual reports, etc., by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees.

f. The contractor shall disseminate his EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all subcontractors and suppliers.

g. The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within the contractor's recruitment area.

h. The contractor shall make specific efforts to encourage present minority employees to recruit their friends and relatives.

i. The contractor shall validate all man specifications, selection requirements, tests, etc.

j. The contractor shall make every effort to promote afterschool, summer and vacation employment to minority youth.

k. The contractor shall develop on-the-job training opportunities and participate and assist in any association or employer-group training programs relevant to the contractor's employee needs consistent with its obligations under this Part II.

l. The contractor shall continually inventory and evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

m. The contractor shall make sure that seniority practices, job classifications, etc., do not have a discriminatory effect.

n. The contractor shall make certain that all facilities and company activities are non-segregated.

o. The contractor shall continually monitor all personnel activities to ensure that his EEO policy is being carried out.

p. The contractor shall solicit bids for subcontracts from available minority subcontractors engaged in the trades covered by these Bid Conditions, including circulation of minority contractor associations.

3. Contractors and Subcontractors Deemed to be Bound by Part II. In the event a contractor or subcontractor, who is at the time of bidding eligible under Part I of these Bid Conditions, is no longer participating in an affirmative action plan acceptable to the Director of

the Office of Federal Contract Compliance, including the Seattle-King County Plan, the Court Order Advisory Committee Plan, or the Western Washington Oilers' Trainee Affirmative Action Program he shall be deemed to be committed to Part II of these Bid Conditions. Further, whenever a contractor or subcontractor, who at the time of bidding is eligible under Part II of these Bid Conditions, uses trades not contemplated at the time he submits his bid, he shall be committed to Part II for those trades. Whenever a contractor or subcontractor is deemed to be committed to Part II of these Bid Conditions, he shall be considered to be committed to a manpower utilization goal of the minimum percentage range for that trade for the appropriate year.

4. Subsequent Signatory to the Seattle-King County Plan. Any contractor or subcontractor subject to the requirements of this Part II for any trade at the time of the submission of his bid who together with the labor organization with whom it has a collective bargaining agreement subsequently becomes a signatory to the Seattle-King County Plan, either individually or through an association, may meet its requirements under these Bid Conditions for such trade, if such contractor or subcontractor executes and submits a new certification committing himself to Part I of these Bid Conditions. No contractor or subcontractor shall be deemed to be subject to the requirements of Part I until such certification is executed and submitted.

5. Non-discrimination. In no event may a contractor or subcontractor utilize the goals, timetables or affirmative action steps required by this Part II in such a manner as to cause or result in discrimination against any person on account of race, color, religion, sex or national origin.

Part III: Certifications.

A. Bidders' Certifications. A bidder will not be eligible for award of a contract under this Invitation for Bids unless such bidder has submitted as a part of its bid the following certification, which will be deemed a part of the resulting contract:

BIDDERS' CERTIFICATION

_____ certifies that:
(Bidder)

1. it intends to employ the following listed construction trades in its work under the contract _____

_____

_____; and

2. (a) as to those trades set forth in the preceding paragraph one hereof for which it is eligible under Part I of these Bid Conditions for participation in either the Seattle-King County Plan, the Court Order Advisory Committee Plan, or the Western Washington Oilers' Affirmative Action Program it will comply with such Plan on this and all future construction work (both federal and non-federal) in the Seattle, Washington area within the scope of coverage of

that Plan, those trades being: _____

_____

_____, and/or

(b) as to those trades for which it is required by these Bid Conditions to comply with Part II of these Bid Conditions, it adopts the minimum minority manpower utilization goals and the specific affirmative action steps contained in said Part II, on this and all future construction work (both federal and non-federal) in the Seattle, Washington area subject to these Bid Conditions, those trades being:

_____

_____

_____; and

3. it will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor certification required by these Bid Conditions.

_____
(Signature of authorized representative of bidder)

B. Subcontractors' Certifications. Prior to the award of any subcontract under this Invitation for Bids, regardless of tier, the prospective subcontractor must execute and submit to the Prime Contractor the following certification, which will be deemed a part of the resulting subcontract:

SUBCONTRACTORS' CERTIFICATION

_____ certifies that:
(Subcontractor)

1. it intends to employ the following listed construction trades in its work under the subcontract _____
_____
_____;

2. (a) as to those trades set forth in the preceding paragraph one hereof for which it is eligible under Part I of these Bid Conditions for participation in either the Seattle-King County Plan, the Court Order Advisory Committee Plan, or the Western Washington Oilers' Affirmative Action Program, it will comply with such Plan on this and all future construction work (both federal and non-federal) in the Seattle, Washington area subject to these Bid Conditions, those trades being _____
_____
_____, and/or

(b) as to those trades for which it is required by these Bid Conditions to comply with Part II of these Bid Conditions, it adopts the minimum minority manpower utilization goals and the specific affirmative action steps contained in said Part II on this and all future construction work (both federal and non-federal) in the Seattle, Washington

area subject to these Bid Conditions, those trades being:

_____

_____; and

3. it will obtain from each of its subcontractors prior to the award of any subcontract under this subcontract the subcontractor certification required by these Bid Conditions.

_____
(Signature of authorized representative of bidder)

In order to ensure that the said subcontractors' certification becomes a part of all subcontracts under the prime contract, no subcontract shall be executed until an authorized representative of the (agency) had determined, in writing, that the said certification has been incorporated in such subcontract, regardless of tier. Any subcontract executed without such written approval shall be void.

C. Materiality and Responsiveness. The certifications required to be made by the bidder pursuant to these Bid Ccnditions is material, and will govern the bidder's performance on the project and will be made a part of his bid. Failure to submit the certification will render the bid nonresponsive.

Part IV: Compliance and Enforcement. Contractors are responsible for informing their subcontractor (regardless of

tier) as to their respective obligations under Parts I and II hereof (as applicable). Bidders, contractors and subcontractors hereby agree to refrain from entering into any contract or contract modification subject to Executive Order 11246, as amended, of September 24, 1965, with a contractor debarred from, or who is determined not to be a "responsible" bidder for, Government contracts and federally assisted construction contracts pursuant to the Executive Order. The bidder, contractor or subcontractor shall carry out such sanctions and penalties for violation of the equal opportunity clause including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered by the administering agency, the contracting agency or the Office of Federal Contract Compliance pursuant to the Executive Order. Any bidder, or contractor or subcontractor who shall fail to carry out such sanctions and penalties shall be deemed to be in noncompliance with these Bid Conditions and Executive Order 11246, as amended.

Nothing herein is intended to relieve any contractor or subcontractor during the term of its contract on this project from compliance with Executive Order 11246, as amended, and the Equal Opportunity Clause of its contract, with respect to matters not covered in the Seattle-King County Plan, the Court Advisory Committee Plan, the Western Washington Oilers' Affirmative Action Program, or in Part II of these Bid Conditions.

Violation of any substantial requirement in the Seattle-King County Plan, the Court Advisory Committee Plan, the Western Washington Oilers' Affirmative Action Program, by a contractor or subcontractor covered by Part I of these Bid Conditions including the failure of such contractor or subcontractor to make a good faith effort to meet its fair share of the trade's goals of minority manpower utilization, or of the requirements of Part II hereof by a contractor or subcontractor who is covered by Part II shall be deemed to be in non-compliance by such contractor or subcontractor with the Equal Opportunity Clause of the contract, and shall be grounds for imposition of the sanctions and penalties provided at Section 209(a) of Executive Order 11246, as amended.

Each agency shall review its contractors' and subcontractors' employment practices during the performance of the contract. If the agency determines that the Seattle-King Plan no longer represents effective affirmative action, it shall so notify the Office of Federal Contract Compliance which shall be solely responsible for any final determination of that question and the consequences thereof.

In regard to Part II of these conditions if the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor or subcontractor shall be presumed to be in compliance with

Executive Order 11246, as amended, the implementing regulations and its obligations under these Bid Conditions and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. In judging whether a contractor or subcontractor has met its goals, the agency will consider each contractor's or subcontractor's minority manpower utilization and will not take into consideration the minority manpower utilization of its subcontractors. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, as amended, the implementing regulations and its obligations under these Bid Conditions, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of these Bid Conditions, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that he has met the "good faith" requirements of these Bid Conditions by instituting at least the Specific Affirmative Action steps listed above and by making every good faith effort to make those steps work toward the attainment of its goals within its timetables. The pendency of such formal proceedings

shall be taken into consideration by federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246, as amended, and is therefor a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.

The procedures set forth in these conditions shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

Requests for exemptions from these Bid Conditions must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Contractors and subcontractors must keep such records and file such reports relating to the provisions of these Bid Conditions as shall be required by the contracting or

administering agency or the Office of Federal Contract Compliance.

For the information of bidders, a copy of the Seattle-King County Plan, the Court Order Advisory Committee Plan and the Western Washington Oilers" Trainee Affirmative Action Program may be obtained from the contracting officer.

BPW

ACTION

Betty McFarlane, Board of Public Works

Walter Hundley, Budget Director

February 27, 1974

Appointment of the Director of the Office of Cable Communications

The recent establishment of an Office of Cable Communications within the Board of Public Works creates the position of Director of the Office of Cable Communications. Because of the potential importance of this position, it is imperative that the City seek the best qualified person to direct the Office and that this person be acceptable not only to the Board, but also to the Community.

Therefore, it is requested that all applications for this position be reviewed by the CATV Advisory Committee before recommendations are made to the Board of Public Works. A review of applications by the Advisory Committee should insure the citizen participation that this new office and position must have.

WRH/PD/jmh

cc: Robert Gulino, Chairman, Board of Public Works
Ed Wood, Mayor's Office

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BPW

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JMB/ATM/SWK		
WEPS/REB		

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

To: All Board of Public Works Members February 22, 1974

From: Betty L. McFarlane, Executive Secretary

Re: Federally Funded Contract Provisions

In June, 1973 a reminder memorandum was sent to all Board members that federally funded public works projects in Seattle have an established uniform set of specifications that should not be varied without prior knowledge by this Department.

We understand that changes in these forms are being contemplated by the federal agencies involved so we repeat our request that no change be made in these specifications without advising us. In this way all Departments will be consistent and uniform in conforming to federal requirements. We will advise you of any firm decisions to change these forms and bid conditions.

EJH:jy

cc: A. Madsen, Engineering
R. Strang, Building
J. Hansen, Lighting
L. Hume, Lighting
G. Lorimer, Parks
E. Larson, Parks
W. Rashkov, Water
W. Brown, Engineering

SEATTLE ENG DEPT
FEB 26 9 00 AM '74

Bd of Pub Works

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HELEN WILSON
RICHARD S. OETTINGER
JAMES G. BLAIR
W. FREDERICK GREENLEE
P. K. ABRAHAM

✓ X- Liquidated Damages

THE CITY OF SEATTLE
LAW DEPARTMENT
MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 583-2304

JOHN P. HARRIS, CORPORATION COUNSEL

CITY PROSECUTORS
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON
JOSEPH T. SCHLOSSER

CLAIMS MANAGER
V. L. PORTER

February 22, 1974

SEATTLE ENG DEPT
FEB 25 10 29 AM '74

ROUTING	DATE	INITIAL
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FYE	✓	
INFORMATION		
RJG		
DMB		
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EWK		

DR

Re: Liquidated damages for delay in Standard Plans and Specifications.

Mr. Robert J. Gulino, P. E.
City Engineer
The City of Seattle

Dear Sir:

By letter dated November 28, 1973, you transmit a proposed revision to Section 8.08 of the Standard Plans and Specifications, 9th Edition, relating to liquidated damages for failure of a contractor to perform contract work within the time specified for completion, and you ask that we review the same prior to its submission to the Board of Public Works.

It is well settled that the parties to a contract may agree in advance as to the amount to be paid as compensation for loss or injury which may result in the event of a breach, and if the stipulated sum is determined to be liquidated damages rather than a penalty, the same is enforceable. 22 Am. Jur., Damages, § 212. Such provisions are favored in law when deliberately entered into between parties who have equal bargaining power as promoting prompt performance of contracts and adjusting in advance matters which would often involve difficulty, uncertainty, delay and expense if settled in the courts. Management, Inc. v. Schassberger, 39 Wn.2d 321, 235 P.2d 293 (1951).

Liquidated damages clauses will be enforced only (1) when the amount fixed is a reasonable forecast of just compensation for the harm that is caused by the breach, and (2) when the harm that is caused by the breach is one that is incapable or very difficult of accurate estimation. The foregoing principles are applicable to building contracts (Brower Co. v. Garrison, 2 Wn.App. 424, 468 P.2d 499 (1970)) and to contracts for public works. 64 Am. Jur.2d, Public Works and Contracts, § 127.

Copy: Corp Counsel

Turning to your request, the proposed revision to the Standard Plans and Specifications provides for payment of a fixed sum to the City based upon the original contract amount, or as "modified in accordance with the particular details of the contract and specified in the special provisions." Because of the variety of work done pursuant to the Standard Plans and Specifications, it is our opinion that a schedule of per diem payments based upon the original contract amount would not be held to be a reasonable forecast of just compensation caused by a breach of contract. In some cases, failure to complete an improvement on time might be anticipated to have serious consequences, and in others none at all. Failure to complete a small key element in a large system might have the same consequences as failure to complete the whole. As stated in Management, Inc. v. Schassberger, supra:

> ". . . each case must in great measure depend upon its own facts and circumstances, ..."

In some cases of public work done by The City of Seattle a forecast of the amount of harm occasioned by the delay will be easy to determine, and it could well be difficult or impossible in others.

Accordingly, we advise that while liquidated damage clauses for delay in performance are legal and useful in avoiding the difficulty and uncertainty of assessing damages where a breach occurs, the amount to be paid for unexcused delay in our opinion must be tailored to the specific contract under consideration and has no place in Standard Plans and Specifications, and you are so advised.

Further, in connection with the subject matter, we suggest that consideration be given to the addition of the following sentence at the beginning of Section 8.07 of Standard Plans and Specications relating to "Unavoidable Delays" as follows:

> "The contractor shall not be entitled to any claim for damages on account of hindrances or delays from any cause whatsoever."

The remainder of the section would remain the same.

This suggestion is based upon the case of Edwards Contracting Co. v. Port of Tacoma, 83 Wn.2d 7 (1973) wherein the State Supreme Court cited the case of Ericksen v. Edmonds School Dist. 15, 13 Wn.2d 398, 125 P.2d 275 (1942), and stated:

> "In that case [referring to Ericksen] we held the contract expressly precluded the recovery of damages by the contractor for delay caused by the default of the owner and that that provision should be given full effect."

While we have consistently argued in court that Section 8.07 as presently written bars an action for damages based upon owner-caused delay, an express provision to such effect would leave no room for doubt in such connection. The absence of any such provision in the Edwards Contracting Co. case resulted in an award of damages to the contractor occasioned by owner-caused delays.

Very truly yours,

JOHN P. HARRIS
Corporation Counsel

By Gordon F. Crandall
GORDON F. CRANDALL
Assistant

GFC:ME

BOARD OF PUBLIC WORKS
1974

FOLDER NO 5 #3

Robert J. Gulin City Engineer

BPW

THE CITY OF SEATTLE

BOARD OF PUBLIC WORKS DEPARTMENT

MEMORANDUM

ROUTING	DATE	INITIAL
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WEPS	EMW	RSN
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INFORMATION		
RJG		
REB		

February 15, 1974

x Environment
x Legislation

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary BLM

Re: Public Construction Contracts - Environmental Protection Requirements

Attached for your information and further action is Chapter 62 of House Bill No. 621 which pertains to Environmental Protection Requirements on all public construction projects.

The Law was passed and approved by the Governor on April 20, 1973. All Departments of the Board should be aware of the requirements of this Law. All invitations to bid for public construction projects must set forth in the contract documents provisions of State and local statutes, ordinances and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect or are affected by the projects, ~~i.e.:~~ The regulations will apply differently to each particular project and it will be the responsibility of the Department to ascertain which laws and regulations are affected by the particular project the Department is putting forth.

SEATTLE ENG DEPT
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BLM:fb

Att.

chapter 9, Laws of 1965 and to chapter 29.36 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Each county auditor shall maintain in his office, open for public inspection, lists of the applications he has received for absentee ballots under the provisions of this chapter and of chapter 29.39 RCW.

Such applications shall be listed no later than twenty-four hours after their receipt and the lists thereof shall be available until the day of the election for which the absentee ballot application was made.

The lists shall be organized first according to the date of application, then by legislative district, if appropriate, and then by precinct. They shall also indicate the name of each applicant and the address to which the ballot is to be mailed.

The auditor shall make copies of such lists available to the public for the actual cost of copying such list.

Passed the House March 24, 1973.
Passed the Senate April 19, 1973.
Approved by the Governor April 20, 1973.
Filed in Office of Secretary of State April 23, 1973.

CHAPTER 62

[House Bill No. 621]

PUBLIC CONSTRUCTION CONTRACTS--ENVIRONMENTAL PROTECTION REQUIREMENTS--DELAYS

AN ACT Relating to public contracts; adding new sections to Title 39 RCW; adding new sections to chapter 60.28 RCW; setting an effective date and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to Title 39 RCW a new section to read as follows:

All invitations for bid proposals for public construction projects issued by the state of Washington, its authorities or agencies, or any political subdivision of the state, shall set forth in the contract documents to the extent they are reasonably obtainable by the public awarding authority those provisions of federal, state and local statutes, ordinances and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect or are affected by the projects. If the successful bidder must undertake additional work

due to the enactment of new or the amendment of existing statutes, ordinances, rules or regulations occurring after the submission of the successful bid, the awarding agency shall issue a change order setting forth the additional work that must be undertaken, which shall not invalidate the contract. The cost of such a change order to the awarding agency shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the awarding agency shall be the contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, and subcontracts attributable to the additional activity plus a reasonable sum for overhead and profit: PROVIDED, That such additional costs to undertake work not specified in the contract documents shall not be approved unless written authorization is given the successful bidder prior to his undertaking such additional activity. In the event of a dispute between the awarding agency and the successful bidder, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, the then obtaining rules of the American arbitration association.

NEW SECTION. Sec. 2. There is added to Title 39 RCW a new section to read as follows:

Section 1 shall take effect in ninety days but shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract.

NEW SECTION. Sec. 3. There is added to chapter 60.28 RCW a new section to read as follows:

(1) If any delay in issuance of notice to proceed or in construction following an award of any public construction contract is primarily caused by acts or omissions of persons or agencies other than the contractor and a preliminary, special or permanent restraining order of a court of competent jurisdiction is issued pursuant to litigation and the appropriate public contracting body does not elect to delete the completion of the contract or order funds reserved paid to the contractor as provided by RCW 60.28.010(3) and 60.28.070 respectively, the appropriate contracting body will issue a change order or force account directive to cover reasonable costs incurred by the contractor as a result of such delay. These costs shall include but not be limited to contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, bonds, professional fees, and subcontracts, attributable to such delay plus a reasonable sum for overhead and profit.

In the event of a dispute between the contracting body and the

contractor, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, under the then obtaining rules of the American Arbitration Association.

If the delay caused by litigation exceeds six months, the contractor may then elect to terminate the contract and to delete the completion of the contract and receive payment in proportion to the amount of the work completed plus the cost of the delay. Amounts retained and accumulated under RCW 60.28.010 shall be held for a period of thirty days following the election of the contractor to terminate. Election not to terminate the contract by the contractor shall not affect the accumulation of costs incurred as a result of the delay provided above.

(2) This section shall not apply to any contract awarded pursuant to an invitation for bid issued on or before the effective date of this act.

NEW SECTION. Sec. 4. If any provision or part of this 1973 act shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of any provision or part of this 1973 act not adjudged invalid or unconstitutional.

Passed the House April 14, 1973.
Passed the Senate April 12, 1973.
Approved by the Governor April 20, 1973.
Filed in Office of Secretary of State April 23, 1973.

CHAPTER 63
[House Bill No. 628]
FISH CATCH FEES--FISH FARMS EXEMPT

AN ACT Relating to food fish and shellfish; and amending section 75.32.070, chapter 12, Laws of 1955 as amended by section 2, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.070.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 75.32.070, chapter 12, Laws of 1955 as amended by section 2, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.070 are each amended to read as follows:

A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commerical purposes, and the fee shall be equal to two percent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one percent of the primary market value of all other species of food fish and shellfish, or parts thereof:

BPW

Mr. Robert J. Gulino, P.E.
City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

SEATTLE ENG DEPT
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February 6, 1974

To: All Board of Public Works Departments

From: Betty L. McFarlane, Executive Secretary

Re: Definitions and Short Bid Procedures for Public Works

The Board of Public Works, in regular session today, approved Definitions and Short Bid Procedures for Public Works which we attach for your information. These procedures should be included in all Board of Public Works Policy Books retained by all Board Departments and will be placed on file with the Board of Public Works procedures in the City Comptroller's office.

We will be available at any time to answer questions you may have regarding these new definitions and procedures as we are most interested in helping to make this a workable and smooth operation.

"Ordinary Maintenance" defines work done with City's own forces or by day labor for the general upkeep of property, public area, machinery or equipment. "Upkeep" in the dictionary is defined as the act of keeping up buildings, equipment, etc.; maintenance. It is the condition of being kept up; repair; i.e.: painting, scraping, cleaning, patching asphalt or sidewalks, repairing roofs, replacing tile, maintaining traffic signalization and street lighting systems, etc.

Any new construction, alterations or improvement such as entire roof being replaced, walls moved, glass windows installed overall, entire bridge repainted, or new traffic signalization, watermains and street lighting systems are considered "public works improvements." Such work would be substantially replacing old with new.

As "ordinary maintenance" is defined, the options are up to the department involved (without having to come to the Board of Public Works) to do such work with its own forces, by day labor or through the Purchasing Agent. These ordinary maintenance jobs, which a department might choose to place through the Purchasing Agent should be clearly labeled, as such. Mr. Terao will be relieved from the responsibility of having to analyze the work presented and he will be sure it is not a "public works improvement" or day labor matter, which he should not have.

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"Public works improvements" are subject, as we said before, to the Charter requirements. If a department wishes to do such work by other means than by contract through the Board, i.e.: day labor or own forces, please submit recommendation to the Board for approval.

We thank everyone for their time and patience in reviewing these procedures and for their valuable input. Together, I am sure we can make these procedures work, so that our activities are clearly within the Charter requirements for public works.

BLM:lm
Att.

cc: Board of Public Works Members
C. R. Schrader
Gordon Lorimer
Evelyn Larson
Lester Gillis
R. L. Snyder
R. A. Strang
A. J. Oster
W. E. P. Smith
P. M. Buswell
P. A. Wiatrak
J. G. Ralph
Arne Madsen
J. C. Whaley
R. L. Skone
Dean Sundquist
John Hansen
W. Rashkov
H. L. Pratt
C. G. Erlandson
Tomi Terao
John W. Fearey, Seattle Center

February 6, 1974

DEFINITIONS AND SHORT BID PROCEDURES

The term "Public Works Improvement" shall mean all work, construction, alteration, repair or improvement, other than ordinary maintenance, upon any property belonging, or under the control of, the City of Seattle, and shall be subject to the requirements of Article VII, Sections 13 and 15 of the City Charter (with the exception of nondebatable emergencies -- defined below).

The term "Purchasing Contract" shall mean any contract with a supplier for standard commercial supplies, equipment, raw materials or services.

The term "Day Labor" shall mean the employment of laborers, to work with or without own work forces, on departmental payroll, hired on a day-by-day basis (not predicated on a contract unit-bid price or cost-plus agreement). There would be no materials, supplies or product involved. Under the authority of the City Charter, improvements may be made by day labor with approval of the Board of Public Works. The City Charter requires that if public works are to be done by contract, the contract must be on a competitive bidding basis and let to the lowest bidder through the Board of Public Works.

If a department wishes to do a "public works improvement" by day labor, or with its own forces, the concerned department should request approval of the Board. For day labor, the department would line up cement finishers, pipe layers, etc., on a call to the union hall or otherwise and these workers would be on departmental payroll, working with or without own forces, as

described above. Materials and supplies would be obtained by the department through the purchasing agent.

A department may have the need to hire contractors on an annual basis to do repair work in streets; i.e.: repairs of curbs, landings, pavement panels, trenching, backfilling and restoration in paved and unpaved areas in the public right-of-way (or work normally done by City forces, but peaks in work load would not allow). Proper procedure is to advertise and call for bids. This would allow the department to obtain unit-bid prices and deal with one or more companies under Board of Public Works contract, covered by insurance and bonding.

The term "Ordinary Maintenance" defines work done with City's own forces or by day labor for the general upkeep of municipally owned or controlled property, public area, machinery or equipment.

This work also may be accomplished by contract through the Board of Public Works, or by a service contract through the Purchasing Agent, at the discretion of the concerned department. The options are up to the department involved.

"Public Works Improvements" are any new construction, alteration or improvements which would substantially be replacing old with new. If the concerned department deems it advisable to execute such work by any other means than by contract through the Board; i.e.: day labor or with own forces, a recommendation for alternative means should be submitted to the Board for approval.

The term "Nondebatable Emergency" shall mean any happening caused by violence of nature, riot, insurrection, war, or other unanticipated occurrence requiring immediate preservation of order or public health, or for the restoration to a condition of usefulness any public property which has been

damaged or destroyed by accident, or for public relief from calamity. The term "emergency" in this connection signifies a situation which has suddenly and unexpectedly arisen and which requires speedy action -- some unexpected necessity requiring immediate, or at least quick, action. Bidding requirements shall be waived when the work to be done in behalf of the City is determined to be a nondebatable emergency when the public interest or property of the City would suffer material injury or damage by delay. The Board of Public Works will be the authority to waive bidding requirements due to such emergency situations.

Another type of emergency may exist requiring that bidding procedures be shortened; i.e.: time limit on funding, need to start work sooner due to impending bad weather, etc., but not declared a "Nondebatable Emergency" so as to waive bidding process. Some smaller projects do not require extensive review and specifications; i.e.: demolitions, roof repairs, renovation of buildings, alterations or improvements which are not extensive, concrete panel replacements and those projects which would not require the same boilerplate as those of a larger scope. Such projects may, upon approval of the Executive Secretary of the Board of Public Works, be accomplished by shortened bidding procedures, as follows:

1) Plans and/or specifications may be submitted to the Board of Public Works in a simplified manner. Hand carry to each concerned department for review and recommendation prior to Board action. Exclude the detailed portions of normal specifications and boilerplate determined not to be necessary in such cases. Refer to item(s) excluded stating that they are on file for review in the Office of the Secretary if they are required by law, i.e., wage rates, etc.

2) Some types of specifications and plans may come directly to the Board (without previous circulation) for approval, subject to modifications later, if departments deem necessary. Submit at same time, request to advertise letter.

3) Advertise immediately after Board meeting for normal 5 days and waiting period of 4 days prior to bid opening.

4) Award day of bid opening with approval of Human Rights Department.

SUMMARY:

"Nondebatable Emergency" public works, must be determined and declared as such by the Board of Public Works; then normal bidding procedures may be waived. Department, upon receiving such approval, may retain qualified contractor immediately. If Board is not due to meet, the Executive Secretary will poll the members for a decision.

Shortened bidding procedures for other types of projects which require prompt action, time involved to go to bid and award would be approximately two weeks after approval of specifications by the Board of Public Works.

NOTE:

The above bidding procedures would eliminate any further need to place public works improvements through the Purchasing Agent.

As adopted by the Board of Public Works in regular session February 6, 1974.

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THE CITY OF SEATTLE

BOARD OF PUBLIC WORKS DEPARTMENT

M E M O R A N D U M

February 4, 1974

To: Robert J. Gulino, P.E., City Engineer

From: Betty L. McFarlane, Executive Secretary

Re: Proposed Definitions and Short Bid Procedures

In reply to the memorandum dated January 28, 1974 from Paul Wiatrak on our bidding procedures, I will answer his questions from the top:

1) Yes. Engineering's prior action of accomplishing concrete pavement panel replacement by day labor contract did bring the need for more definite definitions to a head. However, I was working on such definitions and short bid procedures back in 1971 so that there would be a better understanding and direction for all departments of the Board. Note: any future panel work may be done by the department by day labor, contract, or own forces. If a department wishes to take unit bid prices, however, it constitutes a contract and is not considered day labor and should be let for bid by the Board of Public Works. Otherwise, under the new procedures Mr. Wiatrak would be able to do with his own forces, by day labor, or on a unit bid price basis by Board of Public Works contract if that is his desire. I would consider it "ordinary maintenance".

2) The Board of Public Works, under page 2 of the procedures, does not wish to be informed of "ordinary maintenance" work. The document clearly states it is up to the department to determine which option to take: i.e.; day labor, own forces, contract through the Board of Public Works or through the Purchasing Agent.

3) The matter of establishing a committee was also brought to the Board's attention. The Board said no because we are doing that by circulating the draft to all concerned and back to the Board.

4) On the circulation to Engineering and comments received, most of them have been merely stating objections with no concrete recommendations.

The intent of these procedures is to allow departments to do "ordinary maintenance" at their discretion and direction;

to clarify when the matter becomes a "public works improvement" (other than "ordinary maintenance") and when it should come to the Board if department wishes to go other direction than by contract. "Public work improvements" are substantially new installations.

When we talk about short bidding procedures it pertains to all projects the departments wish to do by contract ("ordinary maintenance" or "public works improvements") so as to provide insurance, bonding, proper inspection and completion of work.

It doesn't mean, necessarily in all cases they should be by contract, but if you desire such protection of Board of Public Works procedures, they're there.

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BLM:fb

cc: P. A. Wiatrak
J. G. Ralph
Tomi H. Terao, Purchasing Agent
Board of Public Works Members

BPW

Gilbert J. Bulino City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS DEPARTMENT

M E M O R A N D U M

January 30, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary BLM

Re: Definitions and Bid Procedures

The Board of Public Works had before it, in regular session today, the draft procedures which were submitted to all concerned and dated January 25, 1974.

After much discussion and explanation of these procedures, the Board moved to hold the matter one more week pending any further suggestions from the departments.

It will be before the Board in regular session February 6 at 10:00 a.m.

BLM:fb

cc: Joe Ralph
Paul Wiatrak
Tomi Terao
Jack Fearey

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Robert J. Gulino, City Engineer

THE CITY OF SEATTLE

WES UHLMAN, MAYOR

BOARD OF PUBLIC WORKS DEPARTMENT

BETTY L. McFARLANE, EXECUTIVE SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
ROBERT J. GULINO, CITY ENGINEER
CHAIRMAN
GORDON F. VICKERY, SUPT. OF LIGHTING
DAVID L. TOWNE, SUPT. OF PARKS AND RECREATION
KENNETH M. LOWTHIAN, SUPT. OF WATER
ALFRED PETTY, SUPT. OF BUILDINGS

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January 29, 1974

Mr. John W. Fearey, Director
Seattle Center Department
City of Seattle

Dear Mr. Fearey:

Your communication of January 18, 1974 to the Chairman of the Board and the Superintendent of Buildings concerning the Board's criteria for processing public works projects more rapidly was submitted to us for reply.

Attached is a draft of proposed definitions and short bid procedures which are being developed to resolve the problem of delay and direct the departments in proper and legal procedures to follow on public works activities. The Corporation Counsel advised that placing public works improvements through the Purchasing Agent was illegal.

"Ordinary Maintenance" as defined in the draft, may be accomplished (without going to the Board) by day labor, own forces, or placed through Purchasing Agent at the option of the Board department involved. The departments may also submit this work to the Board for calling for bids on a contract basis.

All "Public Works Improvements", as defined, should come through the Board of Public Works for decision if the department wishes to do by other than contract basis.

Proper procedure for other than Board departments to follow regarding public works improvements, maintenance or repair work, is to submit the plans and specifications to the Board department involved. In the case of Seattle Center repair and maintenance projects, it would be the Building Department. The Building Department has the Charter responsibility for construction and maintenance of public buildings, and they would make the determination as to which option to take in accordance with the procedures outlined.

All projects may be placed through the Board of Public Works under short bid procedures if department deems appropriate. Time has been cut to about 2 weeks from date of approval of

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plans and/or specifications and this is as convenient and quick processing as it would be through the Purchasing Agent. It also provides necessary insurance, bonding and overall supervision of work.

We would welcome any further comments or recommendations from you and invite you to attend the Board's meeting Wednesday, January 30, 1974 at 10:30 a.m. to discuss the procedures in more detail.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:fb
Att.

cc: All Board Members
Tomi Terao
Walter Hundley
A. W. Kruller
Richard H. Lonien

BRW

Mr. Robert J. Gulino, P.E.
City Engir

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS
DEPARTMENT

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January 25, 1974

TO: All Board of Public Works Members
FROM: Betty L. McFarlane, Executive Secretary BLM
RE: Short bid procedures and definitions

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To assure that all public works improvements are accomplished in accordance with the City Charter, we have been working together for some time to develop definitions and procedures to coordinate the activities of the Board departments.

The Board departments have understood the need and have been cooperative in reviewing the proposed procedures. Their time and interest is appreciated. There are still some unanswered questions and we hope to be able to explain the draft definitions, etc. to the satisfaction of all.

To maintain a good public works administrative record, we must be consistent in our efforts to improve management of these activities. The Corporation Counsel has advised us that processing publicworks improvements through the purchasing agent is not legal. Projects of an emergency nature have been placed through the purchasing agent in the past due to the length of time required to go through the Board of Public Works.

To resolve this, the development of streamlined procedures to allow such projects to be placed through the Board of Public Works in a timely manner was necessary. Departments were also somewhat confused about day labor, contract work, work with own forces, etc. Therefore, it was also necessary to bring forth some definitions and outline directions regarding same.

The outline will assist departments by clarifying the proper direction to take when desiring to execute public works improvements by means other than by contract through the Board: i.e.; day labor, or with own forces.

RCW 39.04.020 defines "municipality" as follows: ". . . shall include every city . . . or other public agency thereof which is authorized by law to require execution of public work."

The City of Seattle Charter legally places the authority and responsibility with the Board of Public Works for the execution of public work and determination that such work shall be executed by any means or method other than by contract lies with the Board.

RCW 39.94.020 - Emergencies - states that the agency having by law the authority to require such work to be done shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract and that such work exceeding the sum of $2,500 shall at least 15 days before beginning work, cause such estimate to be published at least once in a newspaper of general circulation when such work is to be done. And provides further that when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done . . . such estimate may be made within seven days after commencement of the work. Departments should submit such recommendations to the Board for determination.

Discontinuing the placement of public works improvements through the purchasing agent will put us on firm legal ground and the new procedures will support our position and objections to HB 515.

In asking that first-class cities be exempt from HB 515, leaving them responsible to determine what extent of work will be done in-house, we testified at a meeting of the Senate Local Government Committee that the Board of Public Works has always controlled public works improvements done with the City's own forces and has kept this work to a minimum so that there is no abuse of this activity. With the final determination being made by the Board it will clear the departments from any criticisms which might come their way from deciding in-house public work improvements on their own.

The proposed definitions and short bid procedures will be discussed in regular session with the Board on January 30 at 10:30 in Room 304. All interested parties are welcome to attend and participate.

BLM:jy
att. Revised 1/25/74 draft of procedures
cc: Tomi Terao, Purchasing Agent
Paul Wiatrak
Joe Ralph
Julian Whaley
Robert Snyder
Charles Schrader

Revised Draft January 25, 1974

DEFINITIONS AND SHORT BID PROCEDURES

The term "Public Works Improvement" shall mean all work, construction, alteration, repair or improvement, other than ordinary maintenance, upon any property belonging, or under the control of, the City of Seattle, and shall be subject to the requirements of Article VII, Sections 13 and 15 of the City Charter (with the exception of nondebatable emergencies -- defined below).

The term "Purchasing Contract" shall mean any contract with a supplier for standard commercial supplies, equipment, raw materials or services.

The term "Day Labor" shall mean the employment of laborers, to work with or without own work forces, on departmental payroll, hired on a day-by-day basis (not predicated on a contract unit-bid price or cost-plus agreement). There would be no materials, supplies or product involved. Under the authority of the City Charter, improvements may be made by day labor with approval of the Board of Public Works. The City Charter requires that if public works are to be done by contract, the contract must be on a competitive bidding basis and let to the lowest bidder through the Board of Public Works.

If a department wishes to do a public works improvement by day labor, or with its own forces, the concerned department should request approval of the Board. For day labor, the department would line up cement finishers, pipe layers, etc., on a call to the union hall or otherwise and these workers would be on departmental payroll, working with or without own forces, as described above. Materials and supplies would be obtained by the department through the purchasing agent.

A department may have the need to hire contractors on an annual basis to do repair work in streets; i.e.: repairs of curbs, landings, pavement panels, trenching, backfilling and restoration in paved and unpaved areas in the public right-of-way (or work normally done by City forces, but peaks in work load would not allow). Proper procedure is to advertise and call for bids. This would allow

the department to obtain unit-bid prices and deal with one or more companies under Board of Public Works contract, covered by insurance and bonding.

The term "ordinary maintenance" defines work done with City's own forces or by day labor for the general upkeep of municipally owned or controlled property, public area, machinery or equipment; i.e.: painting, scraping, cleaning, repairing, stabilizing and sealcoating of streets, patching asphalt, sidewalks, roofs, replacing door latches, tile and maintaining traffic signalization and electrical systems. This work also may be accomplished by contract through the Board of Public Works, or by a service contract through the Purchasing Agent, at the discretion of the concerned department. The options are up to the department involved.

Permanent paving of streets, including 3-inch asphalt, installation of new sewers, watermains, new roofs, moving of walls, overall in- lation of glass windows, painting of entire b.idge, or installation of new traffic signalization and electrical systems, are considered Public Works Improvements and subject to Charter requirements. Such work would be substantially replacing old with new. If the concerned department deems it advisable to execute such work by any other means than by contract through the Board; i.e.: day labor or with own forces, a recommendation for alternative means should be submitted to the Board for approval.

The term "Nondebatable Emergency" shall mean any happening caused by violence of nature, riot, insurrection, war, or other unanticipated occurrence requiring immediate preservation of order or public health, or for the restoration to a condition of usefulness any public property which has been damaged or destroyed by accident, or for public relief from calamity. The term "emergency" in this connection signifies a situation which has suddenly and unexpectedly arisen and which requires speedy action -- some unexpected necessity requiring

immediate, or at least quick, action. Bidding requirements shall be waived when the work to be done in behalf of the City is determined to be a nondebatable emergency when the public interest or property of the City would suffer material injury or damage by delay. The Board of Public Works will be the authority to waive bidding requirements due to such emergency situations.

Another type of emergency may exist requiring that bidding procedures be shortened; i.e.; time limit on funding, need to start work sooner due to impending bad weather, etc., but not declared a "Nondebatable Emergency" so as to waive bidding process. Some smaller projects do not require extensive review and specifications; i.e.; demolitions, roof repairs, renovation of buildings, alterations or improvements which are not extensive, concrete panel replacements and those projects which would not require the same boilerplate as those of a larger scope. Such projects may, upon approval of the Executive Secretary of the Board of Public Works, be accomplished by shortened bidding procedures, as follows:

1) Plans and/or specifications may be submitted to the Board of Public Works in a simplified manner. Hand carry to each concerned department for review and recommendation prior to Board action. Exclude the detailed portions of normal specifications and boilerplate determined not to be necessary in such cases. Refer to item(s) excluded stating that they are on file for review in the office of the Secretary if they are required by law, i.e., wage rates, etc.

2) Some types of specifications and plans may come directly to the Board (without previous circulation) for approval, subject to modifications later, if departments deem necessary. Submit at same time, request to advertise letter.

3) Advertise immediately after Board meeting for normal 5 days and waiting period of 4 days prior to bid opening.

4) Award day of bid opening with approval of Human Rights Department.

SUMMARY:

"Nondebatable Emergency" public works, must be determined and declared as such by the Board of Public Works; then normal bidding procedures may be waived. Department, upon receiving such approval, may retain qualified contractor immediately. If Board is not due to meet, the Executive Secretary will poll the members for a decision.

Shortened bidding procedures for other types of projects which require prompt action, time involved to go to bid and award would be approximately two weeks after approval of specifications by the Board of Public Works.

NOTE: The above bidding procedures would eliminate any further need to place public works improvements through the Purchasing Agent.

BLM:lm

39.04.010 Definitions. The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair or improvement of any municipal street railway system.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid.

Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof. [1923 c 183 § 1; RRS § 10322-1.]

39.04.020 Plans and specifications — Estimates — Publication — Emergencies. Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a newspaper of general circulation in the county in which such work is to be done.

Provided, that when such work is to be done by the state, publication in a newspaper of general circulation throughout the state

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shall be equivalent to publication in the county where the work is to be done, *and provided, further*, that when any municipality required to make publication shall regularly issue and publish a gazette or other record of the official acts and doings of such municipality, publication in such gazette or record shall be equivalent to publication in a newspaper..

And provided further that when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. [1923 c 183 § 2; RRS § 10322-2. Formerly RCW 39.04.020 and 39.04.030.]

39.04.030 Publication when cost over twenty-five hundred dollars. [1923 c 183 § 2, part; RRS § 10322-2, part.] Now codified in RCW 39.04.020.

39.04.040 Work to be executed according to plans—Supplemental plans. Whenever plans and specifications shall have been filed the work to be done shall be executed in accordance with such plans and specifications unless supplemental plans and specifications of the alterations to be made therein shall be made and filed in the office where the original plans and specifications are filed.

In the event that the probable cost of executing such work in accordance with the supplemental plans and specifications shall be increased or decreased from the estimated cost as shown by the original estimate to an amount in excess of ten percent of such estimate, then a supplemental estimate shall be made of the increased or decreased cost of executing the work in accordance with the supplemental plans and specifications and filed in the office where the original estimate is filed. [1923 c 183 § 3; RRS § 10322-3.]

39.04.050 Contents of original estimates. Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. Such estimates shall show in detail the estimated total cost of labor, material, provisions, supplies, equipment rentals, equipment purchases, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the value of the use of equipment owned by the state or such municipality and other estimated expenses in the execution of such work. [1923 c 183 § 4; RRS § 10322-4.]

39.04.060 Supplemental estimates. Supplemental estimates shall show the estimated increase or decrease in the total quantities of each class, in the unit cost of each class, in the total cost for each

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Betty L. McFarland, Executive Secretary of the Board, Board of Public Works
Paul A. Wiatrak, P.E.
Principal Assistant City Engineer
Board of Public Works' Suggested Definitions

January 18, 74

In reviewing the revised draft of suggested definitions, we have interpreted their meaning as completely removing all new construction regardless of size from being accomplished by City forces.

Rather than respond on a point-by-point basis, we are recommending that these definitions be reviewed and revised to the extent that they be acceptable by the departments represented on the Board of Public Works, since each have a variety of functions that must be addressed.

We suggest that each Department Head on the Board select a representative to serve on a committee to resolve this matter. This action would achieve agreement and free your limited time to devote to other pressing problems.

If this suggestion is unsatisfactory, then we would like the opportunity to forward our comments on a point-by-point analysis.

PAW:ksl

Concurrence prior to Signature

PAW
WEPS
RJB

BPW

THE CITY OF SEATTLE

SEATTLE ENG DEPT

JAN 17 2 07 PM '74

MEMORANDUM

ROUTING		DATE	INITIAL
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FILE	✓	DATE	January 16, 1974
INFORMATION			
RJG			
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PAW			
REM			

TO: Betty McFarlane, Board of Public Works

FROM: T. H. Terao, Purchasing Agent

SUBJECT: "Suggested Definitions" Rough Drafts Ref. #7-100

Your rough draft of December 18, 1973, regarding the Board of Public Works suggested definitions includes definitions which are unacceptable to the Purchasing Department. The main point of concern center upon the difference between improvements and maintenance.

The intent of Article VII, sections 13 and 15 of the City Charter is to establish procedures in connection with "improvements" (defined by Webster as creating a state of enhanced value) rather than "maintenance" (defined as the upkeep or preservation, of existing value).

The word "maintenance" has a limited use throughout the Article and the differentiation between "maintenance" and "improvements" is easily discernable.

A few examples may exemplify this point:

(1) Lighting Dept: "maintenance of the lighting and power system"
(2) Engineer: "repair, maintenance and cleaning thereof"....(used in connection with streets, sidewalks, sewers, gutters, drains of the city).
(3) Water: "maintenance of the water system"
(4) Building: "construction and maintenance of municipal buildings"
(5) Parks: "there is hereby established in the city treasury a park and recreation fund for the operation and maintenance of the park"

Accordingly, maintenance - in relation to buildings - appears to be the only instance wherein it might logically be construed as having the vernacular meaning, whereas all other references seem to be in the larger sense of "operating".

The rough draft on Board of Public Works Procurement appears internally inconsistent in that it does not restrict itself to its own definitions of Public Works Improvement. Indeed, the encompassing definition infringes on the responsibility granted to the Purchasing Department.

The proposed draft infers that a department can do public works improvement by day labor or by hiring contractors on an annual basis. The definition of public works improvement excludes ordinary maintenance,

yet, on page 2 states that ordinary maintenance (defined as "work done with the city's own forces or by day labor for the general upkeep of property, public area, machinery or equipment") may be accomplished by contract through the Board of Public Works, if the department desires. This is inconsistent, for if ordinary maintenance is excluded from the definition of public works improvement, then it should not be a Board of Public Works responsibility but a responsibility of the Purchasing Agent. The "rough draft" is thus inoperative for it eliminates the responsibility which the Board of Public Works is attempting to acquire.

In regards to the "non-debatable emergency" clause, we feel that the Purchasing Department can more efficiently accomplish the purchase of services because we are not required to observe formal procedures under emergency conditions.

Although the Purchasing Department is receptive to clearing the misunderstanding between improvements and maintenance as defined in your rough draft of December 18, 1973, the recommendations cannot be accepted as long as they conflict with responsibilities granted the Purchasing Agent in the Charter and Ordinance 102151.

nd

Mr. Robert J. Gulino, P.E.
City Engineer

THE CITY OF SEATTLE
BOARD OF PUBLIC WORKS

M E M O R A N D U M

January 11, 1974

To: All Board of Public Works Members

From: Betty L. McFarlane, Executive Secretary

Re: Forms

Upon reorder, any forms which provide a signature line or reference to the Secretary, Board of Public Works should be changed to Executive Secretary, Board of Public Works.

Thank you.

ROUTING	DATE	INITIAL
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SEATTLE ENG DEPT
JAN 14 9 08 AM '74

BLM:lm

Mr. Robert J. Gulino, P.E.
City Engineer
B.P.W.

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Re: Suggested Definitions and Procedures for bidding, etc.

1/11/74
(date)

ROUTING	DATE	INITIAL
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SEATTLE ENG DEPT
JAN 11 3 04 PM '74

DEPARTMENTAL ROUTING SLIP

All Board Members
(referred to)

B. McFarlane
(referred by)

____ Please prepare reply for the Secretary's signature on office stationery.

____ Please reply to the attached letter for the Secretary showing a copy to the Secretary.

X Forwarded for your investigation, report and recommendation.

____ Forwarded for your information and files.

____ Other: Changes are underlined in red to clarify option to do by contract, day labor or services contract for "Ordinary Maintenance" as redefined.

*Action requested no later than 1/21/74
(date)

Revised Draft SUGGESTED DEFINITIONS January 11, 1974

The term "Public Works Improvement" shall mean all construction, alteration, repair or improvement, other than ordinary maintenance, upon any property belonging to the City of Seattle, and shall be subject to the bidding requirements of Article VII, Sections 13 and 15 of the City of Seattle Charter (with the exception of nondebatable emergencies -- defined below).

The term "Purchasing Contract" shall mean any contract with a supplier for standard commercial supplies, equipment, raw materials or services.

The term "Day Labor" shall mean the employment of laborers on departmental payroll, hired on a day-by-day basis (not predicated on a contract unit bid or cost plus agreement). There would be no materials, supplies or product involved. Under the authority of the City Charter, improvements may be made by day labor with approval of the Board of Public Works. The City Charter requires that if public works are to be done by contract, the contract must be on a competitive bidding basis and let to the lowest bidder through the Board of Public Works.

If a department wishes to do a public works improvement by day labor, the concerned department should request approval of the Board. The department would line up cement finishers, pipe layers, etc., on a call to the union hall or otherwise and these workers would be a part of the department's work force working by day. Materials and supplies would be obtained by the department through the purchasing agent.

New

A department may have the need to hire contractors on an annual basis to do repair work in streets, i.e.: repairs of curbs, landings, pavement panels, trenching, backfilling and restoration in paved and unpaved areas in the public right-of-way (or work normally done by City forces, but peaks in work load would not allow). Proper procedure would be to advertise and call for bids. This would allow the department to get unit prices and deal with

one or more companies under Board of Public Works contract.

The term "ordinary maintenance" defines work done with the City's own forces or by day labor for the general upkeep of property, public area, machinery or equipment; i.e.: painting, scraping, cleaning, repairing, patching asphalt, sidewalks, roofs, replacing door latches, tile, maintaining traffic signalization and street lighting systems. This work also may be accomplished by contract through the Board of Public Works, or by a services contract placed through the Purchasing Agent, if department desires.

(When entire sidewalk has to be replaced, roof renewed, walls moved, glass windows installed overall, entire bridge painted, or new traffic signalization and street lighting systems installed, it is considered a Public Works Improvement and subject to Charter requirements. Such work would be substantially replacing old with new. At the discretion of the Board, however, it may be done by day labor in accordance with Section 13 of the Charter.)

New

The term "Nondebatable Emergency" shall mean any happening caused by violence of nature, riot, insurrection, war, or other unanticipated occurrence requiring immediate preservation of order or public health, or for the restoration to a condition of usefulness any public property which has been damaged or destroyed by accident, or for public relief from calamity. The term "emergency" in this connection signifies a situation which has suddenly and unexpectedly arisen and which requires speedy action -- some unexpected necessity requiring immediate, or at least quick, action. Bidding requirements shall be waived when the work to be done in behalf of the City is determined to be a nondebatable emergency when the public interest or property of the City would suffer material injury or damage by delay. The Board of Public Works

will be the authority to waive bidding requirements due to such emergency situations.

Another type of emergency may exist requiring that bidding procedures be shortened, i.e., time limit on funding, need to start work sooner due to impending bad weather, etc., but not declared a "Nondebatable Emergency" so as to waive bidding process. Some smaller projects do not require extensive review and specifications; i.e., demolitions, roof repairs, renovation of buildings, alterations which are not extensive, concrete panel replacements and those projects which would not require the same boilerplate as projects of a larger scope. Such projects may, upon approval of the Secretary of the Board of Public Works, be accomplished by shortened bidding procedures, as follows:

1) Plans and/or specifications may be submitted to the Board of Public Works in a simplified manner. Hand carry to each concerned department for review and recommendation prior to Board action. Exclude the detailed portions of normal specifications and boilerplate determined not to be necessary in such cases. Refer to item(s) excluded stating that they are on file for review in the office of Secretary if they are required by law, i.e., wage rates, etc.
2) Some types of specifications and plans may come directly to the Board (without previous circulation) for approval, subject to modifications later, if departments deem necessary. Submit at same time, request to advertise letter.
3) Advertise immediately after Board meeting for normal 5 days and waiting period of 4 days prior to bid opening.

4) Award day of bid opening with approval of Human Rights Department.

SUMMARY:

"Nondebatable Emergency" public works, must be determined and declared as such by the Board of Public Works; then normal bidding procedures may be waived. Department, upon receiving such approval, may retain qualified contractor immediately. If Board is not due to meet, the Secretary of the Board will poll the members for a decision.

Shortened bidding procedures for other types of projects which require prompt action, time involved to go to bid and award would be approximately two weeks after approval of specifications by the Board of Public Works.

NOTE: (Purchasing Agent advised us that it would take that long to accomplish if placed through him. The above bidding procedures would, therefore, eliminate the need to place public works improvements through the Purchasing Agent.)

BLM:jy

BPW

Robert J. Gulino City Engineer

THE CITY OF SEATTLE

WES UHLMAN, MAYOR

BOARD OF PUBLIC WORKS

BETTY L. McFARLANE, SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

BOARD OF PUBLIC WORKS
ALFRED PETTY, SUPT. OF BUILDINGS
XXXXXX
ROBERT J. GULINO, CITY ENGINEER, Chm.
KENNETH M. LOWTHIAN, SUPT. OF WATER
GORDON F. VICKERY, SUPT. OF LIGHTING
DAVID L. TOWNE, SUPT. OF PARKS AND RECREATION

TO: All Department Heads

January 4, 1974

Mayor Wes Uhlman has appointed Robert J. Gulino, City Engineer, as Chairman of the Board of Public Works for 1974. The Board has elected Gordon Vickery as Vice-Chairman.

To facilitate the flow of work, please address all material for Board of Public Works review and action to the Executive Secretary of the Board, Room 303, Seattle Municipal Building, for presentation to the Board.

All contracts, forms and agreements which require Board of Public Works approval should include signature lines for the Department Head involved, the Contractor or Consultant, Chairman and Executive Secretary without typing in the individual names:

ROUTING	DATE	INITIAL
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BMB		
WEPS	REB	
	JJC	
PAW		

4C

APPROVED:

BOARD OF PUBLIC WORKS

Chairman

Department Head

AEM

Executive Secretary

Principal

Thank you.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Executive Secretary

BLM:fb

JAN 7 11 26 AM '74

Board of Public Works
Office of the Secretary

Betty L. McFarlane, Secretary

Re: Zoning Franchise, etc.

1/3/74
(date)

DEPARTMENTAL ROUTING SLIP

Robert J. Gulino, City Eng.
(referred to)

Blm
(referred by)

____Please prepare reply for the Secretary's signature on office stationery.

____Please reply to the attached letter for the Secretary showing a copy to the Secretary.

____Forwarded for your investigation, report and recommendation.

____Forwarded for your information and files.

X Other: Please advise if you wish to do this.

*Action requested no later than____
(date)

ASSISTANT CORPORATION COUNSEL
JOHN P. HARRIS
G. GRANT WILCOX
THOMAS J. WETZEL
ARTHUR T. LANE
GORDON F. CRANDALL
CHARLES R. NELSON
JAMES M. TAYLOR
LAWRENCE K. McDONELL
J. ROGER NOWELL
JORDAN G. BADER
E. NEAL KING
NEAL J. SHULMAN
JAMES B. HOWE, JR.
DONALD H. STOUT
MYRON L. CURTELIUS
PAUL M. KING
RICHARD F. MANN
PHILIP L. BLETHL

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 583-2304

A. L. NEWBOULD, CORPORATION COUNSEL

CITY PROSECUTORS
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON

CLAIM AGENT
V. L. PORTER

RECEIVED
MAR 31 2 24 PM '71
SEATTLE ENG DEPT

March 31, 1971

Mr. Roy W. [illegible], P. E.
City Engineer
Seattle

Dear Sir.

By letter dated January 20, 1971 you state that the Board of Public Works approves plans for public improvements by having the chairman sign each sheet of a set of tracings, and you ask whether such approval could lawfully be indicated by having the chairman sign only the first sheet of the set and affixing the City Engineer's professional engineer seal and the date of Board approval on the remaining sheets.

When a signature is required on a document, its location on the document is generally immaterial. As stated in 80 C.J.S., Signature, § 2(b):

> "Generally, in the absence of a statutory requirement as to the location of a signature, the place of a signature on a writing is not controlling; it is not necessary that the signature appear at the end of the instrument, and the signature may be sufficient if the name of the person whose signature is required is placed by him in any part of the instrument, according to the decisions on the question, for the purpose of authenticating it, as at the head or in the body of the instrument, or if it is written across the face of a document, or even if it is placed on another statement or writing accompanying the instrument."

We are not aware of any statutory or charter requirement relating to the location of a signature for approval of plans and specifications and the Rules of the Board of Public Works are

LAW DEPARTMENT—THE CITY OF SEATTLE

silent in such connection. Accordingly, if a set of plans is securely fastened or bound together so that it may properly be regarded as a single document, a signature on the first sheet would be sufficient in our opinion to indicate the Board's approval. Appropriate identification of such approval on the subsequent sheets by seal or rubber stamp and date to avoid the possibility of omissions or substitutions is also desirable, but we do not recommend using the City Engineer's professional engineer seal for such purpose, as this is not an appropriate symbol to indicate Board approval as distinguished from approval of plans by the City Engineer as a professional engineer.

Yours very truly,

A. L. NEWBOULD
Corporation Counsel

Gordon F Crandall

By
GORDON F. CRANDALL
Assistant

GFC:HL