

PORT OF OLYMPIA COMMISSION
Resolution 2019-06

A Resolution, of the Port of Olympia Commission, providing for the delegation of authority to the Executive Director and his/her designees for matters related to Port Contracts and Acquisitions Policies

WHEREAS, Section 53.12.270 of the Revised Code of Washington provides authority to the Port Commission for delegation of powers to the Executive Director; and

WHEREAS, the Port Commission has adopted policy directives delegating administrative authority to the Executive Director and his/her designees for the purpose of expeditious administration of the Port; and

WHEREAS, the Port Commission has from time to time found it necessary to amend and revise such directives due to changes in law and/or operations of the Port; and

WHEREAS, the Port Commission now wishes to provide a master policy directive providing for the delegation of authority to the Executive Director or his or her designee for matters related to Port Contract and Acquisitions Policies, and to repeal any prior resolutions dealing with the same subject;

WHEREAS, the Executive Director will keep the Commission apprised of changes to Port administrative policies.

THEREFORE, BE IT RESOLVED to insure uniform application of these policies, questions or requests for interpretation shall be directed to the Executive Director.

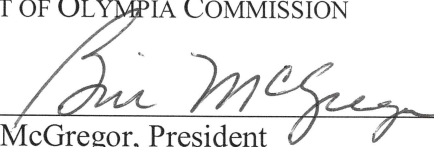
BE IT FURTHER RESOLVED that the master policy directive of the Port Commission of the Port of Olympia as set forth as Exhibit "A" attached to this Resolution and incorporated herein by such reference is for the purpose of providing for the delegation of authority to the Executive Director or his or her designee for matters related to Port Contracts and Acquisitions Policies.

BE IT FURTHER RESOLVED that the Port of Olympia Commission delegates the authority to the Executive Director to create procedures for the above listed policies. In addition, the Port Commission delegates the authority to the Executive Director to create other administrative policies and procedures as deemed necessary to ensure proper conduct by the Port of Olympia employees.

BE IT FURTHER RESOLVED to ensure transparency in all aspects of Port operations, the Port will comply with legal requirements associated with public meetings, public records, and will ensure that information surrounding Port decisions are made available to the public through all reasonable means.

ADOPTED BY THE Port of Olympia Commission this 12th day of August, 2019.

PORT OF OLYMPIA COMMISSION



Bill McGregor, President



Joe Downing, Vice President



E. J. Zita, Secretary-Treasurer

PORT OF OLYMPIA COMMISSION
Resolution 2019-06

Exhibit A - Index of Contracts and Acquisitions Policies

**A Resolution, of the Port of Olympia Commission, providing for the delegation of authority
to the Executive Director and his/her designees for matters related to Port Contracts and
Acquisitions Policies**

1. Professional Services (Policy 1001)
 - Definitions
 - Competitive Selection
 - Signing Authority and Spending Thresholds
 - Contract Amendments
2. Small Works Roster (Policy 1002)
 - Definitions
 - Competitive Selection
 - Signing Authority and Spending Thresholds
3. Public Works Contracting (Policy 1004)
 - Policy Definitions
 - Competitive Bidding Selection
 - Signing Authority and Spending Thresholds
4. Purchased Services Agreements (Policy 1005)
 - Definitions
 - Competitive Selection
 - Signing Authority and Spending Thresholds
5. Emergency Public Works Contracting (Policy 1006)
 - Definitions
6. Open Order Contracts (Policy 1007)
 - Competitive Selection
 - Signing Authority and Spending Thresholds
 - Agreement Durations

7. Grant Application & Acceptance (Policy 1008)
8. Legal Services and Other Representation (Policy 1009)
 - Adjustment and Settlement of Claims Other Than Claims Subject to Litigation
 - Authority to Wave Attorney Client Privilege
9. Disadvantaged Business Enterprise Program for Federal Aviation Administration Funded Projects at the Olympia Regional Airport (Policy 1010)

PORT OF OLYMPIA COMMISSION
Resolution 2019-06

Exhibit A
Contracts and Acquisitions

A Resolution, of the Port of Olympia Commission, providing for the delegation of authority to the Executive Director and his/her designees for matters related to Port Contracts and Acquisitions Policies

1. Professional Services (Policy 1001)

POLICY: The purpose of this policy is to provide guidance to Port staff and the consulting community regarding the Port's use and selection of Consultants, and the execution of Professional and Personal Services Agreements (PSA). This policy applies to the selection and engagement of all professional and personal services including architectural or engineering (A&E) services.

DEFINITIONS:

- A. **Consultants** are individuals or firms who perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. Consultants are independent contractors who do not have the authority to decide or control the Port's affairs and may not supervise or manage Port employees.
- B. **Architectural/Engineering (A/E) Services (Professional Services)** associated with licensed architects or engineers, including surveyors and landscape architects, as defined by R.C.W. 18.08 and 18.43. A/E services agreements may not request or factor in price as criteria in the initial selection of the most qualified consultant.
- C. **Formal Competition** means procurement of services via more rigorous or time-intensive process, and applies to larger and more complex contracts, as determined by established spending thresholds. Specific procurement and selection criteria are publically advertised and followed to ensure transparency and equity. The documentation is filed with the Senior Contract Administrator.
- D. **Informal Competition** means soliciting for qualifications or proposals via a less stringent, but still competitive, process using a "professional services roster." This type of procurement is limited to spending thresholds, and may only solicit and contract with consultants who are deemed eligible and have pre-registered with MRSCRosters.org, the Port's publically advertised, alternative procurement resource. The documentation is filed with the Senior Contract Administrator.
- E. **Minimal Competition** means to collect two or more written or documented oral quotes from eligible consultants for the procurement of low cost, non-project related services or goods. The list of eligible consultants may be obtained through MRSCRoster.org or by any other means deemed appropriate by buyer. Spending limit authorizations apply. The documentation is filed with the Senior Contract Administrator.
- F. **Non-Operational Account or Project** – defined for the purposes of procurement and contracting as expenses, services or goods that are specifically associated with a Commission approved project, and tracked as a stand-alone line item in the project budget. These are not items procured or utilized on a day to day basis, and are only intended for a specific use or asset.

- G. **Operational Account or Project** – defined for the purposes of procurement and contracting only as expenses, services, or goods related to day to day operations or regularly scheduled activities that are usually factored into a department's budget under a larger line item (e.g. office equipment or janitorial services). Specific services or items are general tracked at the manager level. Solicitation law signing thresholds (such as small works, personal services, and/or professional services) must be considered and take precedence when a conflict of process exists. (Example: A \$50,000 + contract is needed for personal services. Despite the fact that the contracted services fall within the day to day category - State law requires a competitive solicitation process and commission approval to award.)
- H. **Personal Services** means using professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement which may not reasonably be required in connection with a public works project. Personal Service does not include purchased services, or A/E professional services produced using the competitive selection requirements. Examples: staff augmentation; grant writing; graphic design services; lobbying services; training; aerial photographers; executive recruitment; certification services. Unlike A/E professional services solicitations, the price of service may be included in the initial selection of the most qualified consultant.
- I. **Professional Services Roster** - The Professional Services Roster (also known as the Consultant Roster) includes businesses who provide architecture, engineering, and surveying services as referenced by Ch. 39.80 RCW, as well as some other professional services such as management, financial, legal, communications, and environmental consulting. The Roster is used to identify eligible consultants contacted to participate in informally competed contracts or purchases.
- J. **Project/Contract Manager (PM/CM)** means the Port representative responsible for overseeing the administration and management of Port projects and/or contract terms.
- K. **Senior Contract Administrator (SCA)** means the Port representative responsible for providing expert contracting guidance. The SCA oversees the development, solicitation, and execution of construction contracts, service agreements, and the procurement of goods for the Port's benefit and use.
- L. **Sole Source** RCW 39.04.280(1)(a) allows agencies to waive competitive bidding if a purchase is clearly and legitimately limited to a single supplier. These situations often arise when an agency has specific technological requirements. Examples include: licensed, copyrighted, or patented products or services that only one vendor provides; new equipment or products that must be compatible with existing equipment or products; proprietary or custom-built software or information systems that only one vendor provides; or, products or services where only one vendor meets the required certifications or statutory requirements. The Port must conduct an objective review of the required product or service, making sure to document why that particular product or service is mandatory and whether efforts were made to find other vendors, before proceeding with the purchase or contract.
- G. **Evidence of Competition** means documentation demonstrating responses were solicited from multiple firms in selecting a consultant.

Competitive Selection:

The Port shall observe a competitive solicitation process for the purposes of contracting services or obtaining services and goods, as determined by the approved Port Signing Authority and Spending Thresholds, in compliance with contracting law, and as is governed by RCW.

EXEMPTIONS UNDER R.C.W. Title 53 FROM AND CONTRACTS NOT SUBJECT TO COMPETITIVE SOLICITATION

Exemptions:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;
- (4) Other specific contracts exempted from the competitive solicitation process by the Executive Director when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

Signing Authority and Spending Thresholds for Consultant Service Agreements:

Professional (A/E) Services:

- \$0 to \$10,000 – No solicitation requirements apply; the Executive Director executes this agreement.
- \$0 to \$25,000 – No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). The Executive Director is authorized to execute all Professional Services Agreements.
- \$25,001 to \$99,999 – The Executive Director is authorized to execute only Consultant Services Agreements that have been competitively bid (including solicitation by roster). The Commission shall authorize the Executive Director, in advance, to execute these contracts if a competitive process was not utilized.
- \$100,000 or more - No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). The Commission shall authorize all contracts prior to execution by the Executive Director.

Personal Services:

Specific to Non-Operational or Project Contracts Only –

- \$0 to \$10,000 – No solicitation requirements apply; the Executive Director executes this agreement.
- \$0 to \$25,000 – No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). The Executive Director is authorized to execute all Personal Services Agreements defined as Non-Operational or Project.
- \$25,001 to \$49,999 – The Commission shall authorize all Personal Services Agreements, defined as Non-Operational or Project, prior to execution by the Executive Director.

Specific to Operational Contracts Only –

- \$0 to \$10,000 – No solicitation requirements apply; the Executive Director executes this agreement.
- \$0 to \$49,999 – No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). The Executive Director

is authorized to execute all Personal Services Agreements defined by Policy 1001 as Operational.

Applies to all Consultant Services Agreements –

- \$50,000-\$199,000 – No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). The Commission shall authorize all contracts prior to execution by the Executive Director.
- \$200,000 or more – Formal, competitive solicitation process required by statute. The Commission shall authorize all contracts prior to execution by the Executive Director.

Contract Amendments (applies to all Consultant Services Agreements):

The Commission must authorize any amendment or change order if the new contract aggregate, or not to exceed, amount exceeds 10% of the Commission last approved amount. The Executive Director is authorized to execute amendments and change orders up to an aggregate total not to exceed 10% of the Commission’s last approved contract total.

2. Small Works Roster (Policy 1002)

The Port shall ensure that its contracts for construction of “Small Works,” as defined by Washington State law, will comply with applicable laws and regulations. All Small Works Roster contracts for public works shall be executed by the Executive Director and administered by the Port’s Environmental, Public Works and Planning Director or designee.

The Small Works Roster process may be used by the Port to expedite the bidding process for public works estimated to cost less than \$300,000. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

Policy Definitions:

- **Public Works** is defined by Washington State law to include “all work, construction, alteration, repair or improvement, other than ordinary maintenance, performed at public cost on any property”.
- **Small Public Works** is the procedure created by Washington State statute authorizing the solicitation of public works bids from a limited number of contractors in lieu of formal advertisement to bid.

Competitive Selection:

The Port of Olympia shall utilize the Municipal Research and Services Center of Washington (MRSC) Shared Small Works and Consultant Rosters, for the purposes of soliciting Small Works. Solicitation requirements are determined by the approved Port Signing Authority and Spending Thresholds, are in compliance with contracting law, and as is governed by RCW.

Signing Authority and Spending Thresholds for Public Work Contracts:

- \$0 to \$40,000 – Port staff may perform Public Work projects with in-house resources.
- \$0 to \$10,000 – No solicitation requirements apply; the Executive Director executes this agreement.
- \$10,000 to \$300,000 – Small Works Roster contracts shall be authorized and executed by the Executive Director (see Policy #1002, “*Small Works Roster Procedures*”). This class of contract cannot exceed \$300,000.
- The Commission shall authorize any change order if the revised contract total exceeds \$300,000.

3. Public Works Contracting (Policy 1004)

The Port shall ensure that its contracts for construction of public works comply with applicable laws and regulations. All public works contracts shall be executed by the Executive Director and administered by the Port’s Environmental, Public Works and Planning Director or designee.

Policy Definitions:

- Public Works is defined by Washington State law to include “all work, construction, alteration, repair or improvement, other than ordinary maintenance, performed at public cost on any property”.
- Ordinary Maintenance means work not performed by contract and that is performed by the employees of the Port on a regularly scheduled basis (e.g. daily, weekly, monthly, seasonally, semiannually, annually) to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to keep existing infrastructure in good usable, operational condition. Maintenance work by contractors is not Ordinary Maintenance.
- Small Public Works is the procedure created by Washington State statute authorizing the solicitation of public works bids from a limited number of contractors in lieu of formal advertisement to bid.

Competitive Selection:

- The Port shall observe a competitive solicitation process for the purposes of contracting Public Works, as determined by the approved Port Signing Authority and Spending Thresholds, in compliance with contracting law, and as is governed by RCW.

Signing Authority and Spending Thresholds for Public Work Contracts:

- \$0 to \$40,000 – No solicitation requirements apply, although it is best practice to use at least a roster procurement process (i.e. “rosters”). Port staff may perform Public Work projects with in-house resources.
- \$0 to \$300,000 – Both formal, competitively bid or Small Works Roster contracts shall be authorized and executed by the Executive Director (see Policy #1002, “*Small Works Roster Procedures*”).
- \$300,000 or more - The Commission shall authorize all contracts prior to execution by the Executive Director.

The Commission shall authorize any change order if the new contract not to exceed amount exceeds \$300,000 or 10% of the Commission last approved amount. The Executive Director is authorized to execute change orders up to this threshold.

4. Purchased Services Agreements (Policy 1005)

The Port shall ensure that its agreements for purchased services comply with applicable laws and regulations. All purchased services agreements shall be executed by the Executive Director and administered by the appropriate operating department Director.

Policy Definitions:

- **Purchased Services** is defined by Washington State law to include “services provided by a vendor to accomplish routine, continuing and necessary functions. This would include, but not be limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance, data entry, computer time-sharing, contract programming, and analysis.

Competitive Selection:

The Port shall observe a competitive solicitation process for the purposes of contracting services or obtaining purchased services, as determined by the approved Port Signing Authority and Spending Thresholds, in compliance with contracting law, and as is governed by RCW.

Signing Authority and Spending Thresholds for Purchased Service Agreements:

The Executive Director is authorized to issue the contract, or purchase order price for one year that may not exceed Three Hundred Thousand (\$300,000), or if specifically identified in the annual budget, the amount shown in such budget, and the contract or purchase order may provide for no more than two (2) options to extend the contract for one year periods, provided that the basic contract or purchase order price and any contract extensions must be within appropriate annual budget limits. Operating leases for equipment which include purchase terms or options are expressly subject to this limitation on the Executive Director’s delegated authority.

- \$0 to \$300,000 – Either informal (roster) or formal procurement (sealed bid) procurement methods shall be used to determine low bidder. Purchased Services included in the current, approved budget are authorized and executed by the Executive Director.
- \$300,000 or more – Formal procurement methods shall be used to determine lowest bidder. Purchased Services totaling \$300,000 or more, or not included in the current, approved budget shall be authorized by the Commission prior to execution by the Executive Director.
- The Commission shall authorize any change order if the new contract not to exceed amount exceeds \$300,000 or 10% of the Commission last approved amount. The Executive Director is authorized to execute change orders up to this threshold.

5. Emergency Public Works Contracting (Policy 1006)

When any emergency shall require the immediate execution of a contract for public work, the Executive Director, pursuant to RCW is authorized to waive competitive bidding requirements, and execute all contracts necessary to address the emergency situation.

The Port shall ensure that its contracts for emergency public works comply with applicable laws and regulations. All emergency public works contracts shall be administered by the Port's Senior Contract Administrator.

The Executive Director shall notify the Commission within 48 hours of the finding of emergency. The Port Commission shall be presented the proposed ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding at the next regularly scheduled Commission meeting.

Policy Definitions:

- **Emergency:** means unforeseen circumstances beyond the control of the Port that either:
 - (a) Present a real, immediate threat to the proper performance of essential functions; or
 - (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- **Public Works** is defined by Washington State law to include "all work, construction, alteration, repair or improvement, other than ordinary maintenance, performed at public cost on any property".

6. Open Order Contracts (Policy 1007)

The Port shall ensure that its open order contracts comply with applicable laws and regulations. All open order contracts shall be administered by the Port's Senior Contract Administrator, in concurrence with the Finance Manager.

Competitive Selection:

- The competitive selection process is established by the type of contract being executed (see Policy 1002 – "*Small Works Roster Procedures*", Policy 1004 – "*Public Works Contracting Procedures*," and Policy 1001 – "*Consultant Services Agreements*."

Signing Authority and Spending Thresholds for Open Order Contracts:

- The Signing Authority and Spending Thresholds are established by the type of contract being executed (see Policy 1002 – "*Small Works Roster Procedures*", Policy 1004 – "*Public Works Contracting Procedures*," and Policy 1001 – "*Consultant Services Agreements*."

Agreement Durations for Open Order Contracts:

- Consultant and Purchased Services: Initial contract term shall not exceed 24 months, with the option to renew no more than 2 additional, 12 month periods.

- Small Works: Initial contract term shall not exceed 24 months, with the option to renew no more than one additional 12 month period.

Policy Definitions:

- **Open Order Contract** is defined as a contract for alteration, repair, renovation, and maintenance of public infrastructure, or consultant services, that is bid and awarded without a specific scope of work, but is categorized around specific types of work or trades. Open Order contracts involve multiple work orders on properties owned by the Port of Olympia including, but not limited to, the Olympia Airport, the marine terminal and streets within the industrial properties in Tumwater or on the Port peninsula. The contract has a pre-defined expiration date, and a set “not to exceed” amount. All contract extending beyond the initial 12 months shall include language allowing unit price/cost adjustments to compensate for increased wages, equipment costs, bonds, insurance, and filing of new Intent to Pay Prevailing Wages and Affidavit of Wages Paid, as applicable. The Contractor’s request for adjustment must include a detailed breakdown of the request, and justification for each item.

7. Grant Application & Acceptance (Policy 1008)

The Executive Director or designee is authorized to pursue and accept, without prior approval to the Commission, all grant opportunities, when the Grantor does not require official Commission action, under the following condition:

1. The program(s) or project(s) are listed in the Port Commission Adopted Annual Operating Budget or Capital Investment Plan.
2. The program(s) or project(s) are not listed in the documents noted in (1) above, *and* the grant requires a Port contribution of new capital funds or annual operating expenses estimated not to exceed \$300,000.

8. Legal Services and Other Representation (Policy 1009)

The Executive Director and Commission, shall be responsible for management and supervision of all legal services required by the Port and for legal services associated with litigation in which the Port has an interest, direct or indirect.. For purposes of this policy, “litigation” shall mean the assertion of any position, right or responsibility by or against the Port (or in which the Port may have an interest) which has been filed in any court of general jurisdiction, be it state or federal, or any quasi-judicial or administrative forum. The Executive Director and Port Legal Counsel shall confer with the Commission on legal issues for guidance and policy direction.

A. Legal Services

The Executive Director, in consultation with the Port Commission, is authorized to retain Port Legal Counsel, to provide legal services that arise in the conduct of Port business as general counsel to the Port. Such engagement shall be upon authorization given by the Executive Director, when satisfied that such representation is necessary to the adequate protection of the Port’s legal rights and interests. When Port Legal Counsel represents the Port in litigation, the Executive Director should also be satisfied that such representation is necessary to the adequate preparation and

representation of the Port's position in such litigation and shall, whenever practicable, include consideration of an evaluation prepared by Port Legal Counsel of the litigation and an estimate of the probable cost of legal fees, expert fees and other litigation costs.

B. Engagement of Other Legal Counsel Representatives

In connection with litigation or other legal matters in which the Port has a direct or indirect interest, the Executive Director may engage, or cause to be engaged, other attorneys or firms to represent the Port in specific areas or on specific matters. Such engagement shall be upon authorization given by the Executive Director, when satisfied that such representation is necessary to the adequate protection of the Port's legal rights and interests. When engaged to represent the Port in litigation, the Executive Director shall also be satisfied that the engagement is necessary for the adequate preparation and representation of the Port's position in such litigation and shall, whenever practicable, include consideration of an evaluation prepared by the Port's General Counsel of the litigation and an estimate of the probable cost of legal fees, expert fees and other litigation costs.

C. Engagement of Experts

The Executive Director may engage or cause to be engaged through Port Legal Counsel or other attorneys or firms retained pursuant to Paragraph B above, such experts as may be necessary to the orderly preparation of litigation in which the Port has a direct or indirect interest. Such engagement shall be upon authorization given by the Executive Director after having been satisfied that such expenditure is necessary to the adequate preparation and representation of the Port's position in such litigation and shall wherever practicable include evaluation of the litigation and an estimate of the probable cost of such experts.

D. Settlement of Claims Subject of Litigation

Any matter which is the subject of litigation may be compromised and settled by the Executive Director or designee without prior reference to the Commission provided that all of the following conditions are met:

(1) The amount in controversy as stated in the pleadings does not exceed One Hundred Thousand (\$100,000.00); and

(2) The Port's Legal Counsel or other retained attorneys or firms shall certify to the Executive Director that such compromise and settlement is justified on the basis of the following:

1. Claims filed against the Port
 - a. The likelihood that a judgment rendered in the case would be in the amount claimed, or higher than the amount claimed, or that there is reasonable cause to believe that there is considerable exposure of the liability for the Port; or
 - b. The likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed, or the likely result.
2. Claims filed on behalf of the Port
 - a. That the determination to settle the claim outweighs the risk of continuing the litigation; or

- b. That the settlement of the claim would provide prompt payment to the Port and eliminate extensive delays; or
- c. The proposed offer of settlement is reasonable in light of the claim asserted.

Adjustment and Settlement of Claims Other Than Claims Subject to Litigation: (except those as referenced above)

The Executive Director shall be responsible for the observance of necessary procedures whereby the adjustment and final settlement of all claims, either against or on behalf of the Port, shall be carried out. Necessary procedures in the handling of such claims shall include the following:

- A. For purposes of this section, "Claim" shall mean the assertion of any position, right or responsibility by or against the Port, but not including (1) accounts receivable or (2) claims asserted by or against the Port which have become the subject of litigation as defined in Section 9 above.
- B. No claims against the Port shall be considered unless and until proper notice has been serviced by the claimant upon the Port.
- C. Any individual claim which exceeds Twenty-Five Thousand Dollars (\$25,000) may be processed in all respects (except for final approval and payment) by the Executive Director and Port Counsel. Claims which in the opinion of the Executive Director may exceed Twenty-five Thousand Dollars (\$25,000) shall be reported to the Port Commission promptly.
- D. Any single claim not exceeding Twenty-five Thousand Dollars (\$25,000), and which will be paid from the Port's current year operating revenues, may be adjusted and settled and paid by the Executive Director provided that all of the following conditions are met:
 - 1. Port Legal Counsel or other retained attorneys or firms shall certify to the Executive Director that payment of the claim is justified on the basis of the following:
 - a. Claims filed against the Port:
 - 1) A substantial likelihood that the Port is or could be found liable; or
 - 2) The likelihood that a judgment rendered in the case would be in the amount claimed, or higher than the amount claimed or that there is reasonable cause to believe that there is considerable exposure of liability for the Port; or
 - 3) The likelihood that the expenses involved litigation would be unnecessarily high in relation to the amount claimed, or the likely result.
 - b. Claims filed on behalf of the Port:
 - 1) That the determination to settle the claim outweighs the risk of resorting to litigation;
 - 2) That the settlement of the claim would provide prompt payment of the Port and eliminate extensive delays; and

- 3) The proposed offer of settlement is reasonable in light of the claim asserted.
2. All such claims, when paid, shall be reported to the Port Commission monthly.

Authority to Waive Attorney-Client Privilege:

The Executive Director has authority to waive the Port's attorney-client privilege when, after consultation with the Commission, and upon recommendation of Port Legal Counsel, it is in the best interest of the Port to do so. This authority to waive attorney-client privilege cannot be delegated, and no other member of Port staff nor any individual Commissioner has authority to waive the attorney-client privilege on behalf of the Port.

7. Disadvantaged Business Enterprise Program for Federal Aviation Administration Funded Projects at the Olympia Regional Airport (Policy 1010)

The Olympia Regional Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26. The Olympia Regional Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Olympia Regional Airport has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Olympia Regional Airport to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- a. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
- b. To create a level playing field on which DBEs can compete fairly for DOT – assisted contracts;
- c. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- d. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- e. To help remove barriers to the participation of DBEs in DOT assisted contracts;
- f. To assist the development of firms that can compete successfully in the market place outside the DBE Program.