

## **STAFF BRIEFING MEMO**



**DATE:** 4/30/2024  
**TO:** Port of Tacoma Commissioners  
**FROM:** Sponsor: Jean West, Chief Human Resource Officer  
Project Manager: Trisha Perez, Manager, Human Resources  
**CC:** Eric Johnson, Executive Director  
Heather Burgess, Port Legal Counsel  
**SUBJECT:** 071553 Employment Law Services Funding Increase – Amend 03

### **A. NOTIFICATION**

Staff is notifying the Commissioners of Port of Tacoma of intent to increase the value of PSA 071553, by adding **\$76,000.00** (includes the previous notification of \$20,000.00, which was not implemented) which is greater than a fifty percent (50%) increase of the original contract amount of \$100,000.00 together with prior amendments. Per Port Master Policy Resolution No. 2024-03-PT, Section IV.E.4, when an amendment to a personal services contract, individually or cumulatively, will exceed fifty percent (50%) of the original authorized amount, the amendment must be sent to Commissioners and made available for public inspection seven days prior to the proposed starting date of services under the amendments. Here, the increase will be retroactive to March 1, 2024, to allow for payment of the invoice described below, and so it will be posted for public inspection for a total of seven days.

### **B. BACKGROUND**

The Consultant provides legal advice to Port and NWSA staff regarding employment and labor matters. Because the Port and NWSA share Human Resources staff, one contract is used, and the NWSA reimburses the Port for its costs under this contract pursuant to 2024 Agreement for Support Services, EXHIBIT POT – 14.3.a.ii.

On December 1, 2023, Port staff notified the Commission of intent to implement a \$20,000.00 increase to PSA 071553; however, that increase was not implemented. Commissioner comments in response to the notice requested that Port staff hold an open procurement for Employment Legal Services when this contract expires on 12/31/2024. The Port staff intends to do an open procurement in 4Q, 2024. This procurement timeline is intended to align with recruitment of a new Chief Human Resources Officer to replace Jean West, who has announced her planned retirement in October 2024.

### **C. FINANCIAL SUMMARY**

The current balance of the contract is \$5,213.79, with a pending invoice for March of \$9,282.53. Based on unforeseen investigation expenses for NWSA and the Port as well as an increase activity in NWSA employment legal issues, an additional **\$76,000.00** increase is necessary to continue the service at expected usage rates through December 31, 2024. This increase will be retroactive to March 1, 2024, to address an overage resulting from March billing which included an investigation expense.

Staff intends to increase the original - 071553 Employment Law Services –amount as follows:

<b>Contract Summary</b>	
<b>Description</b>	<b>Amount</b>
Original Contract Amount	\$100,000.00
Previously Authorized Amendments 01 (Increase Rates & Funding)	\$49,000.00
Previously Authorized Amendments 02 (Time Extension)	0
This Amend 03 (Increase Funding)	\$76,000.00
<b>Total Not to Exceed Contract Amount</b>	<b>\$225,000.00</b>

**ADMINISTRATION**

Per RCW 53.19.060(2), this memorandum will be filed 4/30/24 with the Commission and made available for public inspection on the Port of Tacoma public website for seven days.