

RESOLUTION NO. 2973

**A RESOLUTION OF THE PORT COMMISSION OF THE PORT OF GRAYS HARBOR
ADDING A CLERK'S RULE REGARDING CONTRACT BID DOCUMENTS TO
THE PORT'S PUBLIC RECORDS POLICY**

WHEREAS, it is the policy of the Commissioners of the Port of Grays Harbor that full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition of sound governance; and

WHEREAS, on December 9, 2014 the Commissioners of the Port of Grays Harbor adopted Resolution No. 2878 updating the Port's Public Records Policy and Procedures Port ("Public Records Policy"); and

WHEREAS, it is the custom and practice of the Port of Grays Harbor to use Builders Exchange of Washington (BXWA) as the official source of bid packages. Use of a plan center such as BXWA insures that all bidders receive complete documentation, including all addendum, changes, and clarifications. BXWA provides prime bidders, subcontractors, suppliers, and other interested parties, virtual free-of-charge access to a complete set of project bid documents, including the ability to download, view, print, order full/partial plan sets from numerous reprographic sources, and free access to an on line digitizer/take-off tool.

WHEREAS, public bid guidelines require that the Port of Grays Harbor maintain the integrity of official bid document sets, provide swift response when incorporating addenda changes, and communicate in a singular, fair, and equitable manner to registered bidders; and

WHEREAS, the staff has reported to the Commission that releasing contract bid documents through public records requests can affect the integrity of the bid documents and that they have reviewed the contract bid documents procedures at other public agencies; and

WHEREAS, the staff of the Port of Grays Harbor has recommended that an amendment be made to the Public Records Policy to establish a clerk's rule for responding to public records requests for copies of Port of Grays Harbor contract bid documents prior to the award of the contract; and

WHEREAS, the staff is recommending that the Commission amend the Public Records Policy to establish a clerk's rule for responding to public records requests for copies of Port of Grays Harbor contract bid documents by providing those documents no sooner than one week after the bid closes; and

WHEREAS, the Commissioners of the Port of Grays Harbor find that the above described procedure in dealing with public records requests for contract bid documents complies with RCW 42.56.100 and is in the best interest of the Port of Grays Harbor.

NOW, THEREFORE, BE IT RESOLVED, that the Port Commission of the Port of Grays Harbor does hereby adopt, effective immediately, the following amendment to Public Records Policy adopted under Resolution 2878 to add the following procedure to Article IV of the Public Records Policy as subsection I:

I. RELEASE OF CONTRACT BID DOCUMENTS

If the Port has issued a call for bids and provided contract bid documents to a third party complete plan centers on-line (“Plan Center”), including but not limited to Builders Exchange of Washington, then the following procedure shall be followed in responding to any public records request for contract bid documents:

1. The Port’s Public Records Officer or general counsel shall promptly respond to the requestor acknowledging that the Port has received the public records request; and
2. The Port’s Public Records Officer or general counsel shall advise the requestor in writing as to the third party Plan Center that is the official source for bid packages of the Port of Grays Harbor.
3. Port’s Public Records Officer or general counsel shall also advise the requestor of the Port’s policy of providing copies of contract bid requests no sooner than one week after the bid closes.
4. The above procedure shall be referred to as the Clerk’s Contract Bid Documents Rule.

ADOPTED by the Port Commission of the Port of Grays Harbor this 9th day of April, 2019, and duly authenticated in open session by signatures of the Commissioners voting in favor thereof.



Commissioner



Commissioner



Commissioner