

**ITEM FOR CONSIDERATION
BY THE
BOARD OF PORT COMMISSIONERS**

June 25, 2024

Subject: TERMINAL 1 AND TERMINAL 3 REPAIRS - BID AWARD

Presented by: Katharine Frazier, Grants and Contracts Manager

RCW & POLICY REQUIREMENT:

Public works is defined within RCW 39.04.010 as “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.” The Port’s Delegation of Administrative Authority Section III-A requires the Commission to approve all Public Works contracts over \$50,000.

BACKGROUND:

The Port’s marine terminal complex consists of Terminal 1 and Terminal 3. Terminal 1 provides a platform that accommodates vessels up to 1200 feet long requiring topside repair and US Coast Guard Critical Area Inspection Program (CAIP) inspections. Terminal 3 is the primary cargo loading terminal, loading forest products destined for Pacific Rim countries. Terminal 3 was built in the late 1960s and was of timber construction. In 1985, the western portion of the terminal was re-constructed using concrete pilings. The middle and eastern trestles and the east end of the original pier are still the original 1960s timber pier.

The Terminal 1 and Terminal 3 Repairs project will address structural deficiencies identified in a 2021 condition assessment. In general, the project will provide installation of steel piles, replacement of timber framing, repair of damaged cleat framing, repair of a steel guardrail, and replacement of a pile jacket system.

The bid documents to complete the project were completed under a Professional Service Agreement with WSP USA. The project was advertised for bids in the Peninsula Daily News and the Seattle Daily Journal of Commerce on May 17th and 24th, 2024. Additionally, an email solicitation was sent out to all Contractors on the Port’s Small Works Roster under the header of “Marine Construction.” An onsite pre-bid meeting was held on May 29th and bids were opened on June 18, 2024.

ANALYSIS:

The engineer’s construction estimate was \$2.5 Million. A total of four bids were submitted with the following results:

<i>Bidder</i>	<i>Location</i>	<i>Base Bid</i>
Legacy Contracting Inc	Stayton, OR	\$2,751,443.61
Bergerson Construction	Astoria, OR	\$2,881,311.59
Quigg Brother, Inc	Aberdeen, WA	\$3,674,766.25
Orion Marine Contractors	Tacoma, WA	\$3,711,072.42

The above bid amounts include WSST.

Legacy Contracting Inc. submitted the lowest bid received, and its bid met all the requirements of the bid documents. The Port Team has checked Legacy’s bid bond, prevailing wage compliance, and relevant projects and has determined that Legacy Contracting Inc.’s bid is responsive. Additionally, the Port Team concludes that Legacy Contracting Inc. *is a responsible bidder.*

ENVIRONMENTAL IMPACT:

This project has been through environmental reviews and has the following permits:

- United States Army Corp of Engineers 10-year Programmatic Permit (2015-2025)
- Washington State Department of Wildlife Hydraulic Project Approval
- Washington State Department of Ecology 401 Water Quality Certification
- City of Port Angeles Shoreline Substantial Development Exemption

FISCAL IMPACT:

The Port’s 2024 Capital budget programmed \$2 million in project expenses for 2024 and \$1 million in 2025. The estimated construction-related costs are detailed below:

• Construction - low bid	\$2,751,443.61	} \$2,889,015.79
o Contingency (5%)	\$ 137,572.18	
• Construction Support	\$ 150,000.00	
Total Estimated Cost	\$3,039,015.79	

The project is estimated to exceed the programmed amount by approximately \$40,000 or 1.3%.

RECOMMENDED ACTION:

Staff recommends the Commission authorize the Executive Director to execute a public works contract with Legacy Contracting Inc. for the Terminal 1 and Terminal 3 Repairs

project for the total amount of Two Million Eight Hundred Eighty-Nine Thousand Fifteen Dollars and Seventy-Nine Cents (\$2,889,015.79). This contract total includes Washington State Sales Tax and a 5% contingency budget for potential change orders.

**ITEM FOR CONSIDERATION
OF THE
BOARD OF PORT COMMISSIONERS**

Date: June 25, 2024

Subject: Port Customer Transparency Requirement (CTR) Policy

Presented by: Paul Jarkiewicz, Port Executive Director

RCW & POLICY REQUIREMENTS:

The Port's proposed Customer Transparency Requirement (CTR) procedures are patterned after a federal-level Know Your Customer program (KYC), part of the USA Patriot Act of 2001. This program requires financial institutions and other business organizations to verify the identity of their clients and customers. Port Staff and Legal Counsel propose that a similar local policy would be of value to the Port and seek Commission approval.

BACKGROUND:

Governments and regulatory bodies worldwide are increasingly adopting and enforcing stringent regulations mandating the verification of customer identities. This is especially true in the financial and international sectors, where the risk of financial crimes, counterfeit currency and products, and money laundering is significantly high. Institutions are required to adhere to these regulations and establish comprehensive KYC programs to mitigate such risks.

At a federal level, KYC serves as a robust defense against identity theft and financial fraud. By verifying customer identities, organizations can ensure they are not unknowingly facilitating fraudulent activities.

For the same reasons, the Port believes customer transparency is also vital at the local level.

Implementing the proposed CTR procedures also safeguards the Port's reputation. It conveys that the Port is committed to preventing financial and counterfeiting crimes and maintaining the highest ethical standards. This commitment can help build trust with customers and partners.

The proposed Port CTR procedures include the following steps:

1. Customer Identification:

As part of doing business with the Port, customers will be required to supply customer identification materials. The information typically includes the customer's full name, address, date of birth, and various identification documents. These documents may include government-issued IDs, passports, utility bills, or any other relevant proof of identity and address.

For corporate customers, they will be required to provide the country/State of incorporation, the principal place of business address (in the state of incorporation), a declaration of beneficial ownership with the percentage of ownership disclosed, and documentation verifying corporate, LLC, and/or partnership.

2. Customer Verification:

Once the customer's information and identification documents are collected, the Port may verify the provided information against public databases and records to check the accuracy and authenticity of the data and to ensure it matches the customer's actual identity.

FINANCIAL IMPACT:

None or minimal.

RECOMMENDED ACTION:

Staff recommends the Commission approve the Port Customer Transparency Requirement Policy as proposed.

Customer Transparency Requirement (CTR) Procedures

The Port's proposed Customer Transparency Requirement (CTR) procedures are patterned off a federal-level Know Your Customer program (KYC), which imposes requirements on financial institutions and other business organizations to verify the identity of their clients and customers.

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At a federal level, KYC serves as a robust defense against identity theft and financial fraud. By verifying customer identities, organizations can ensure that they are not unknowingly facilitating fraudulent activities.

For all the same reasons, the Port believes customer transparency is vital at the local level as well.

Implementing the proposed CTR procedures also safeguards the Port's reputation. It sends a message that the Port is committed to preventing financial and counterfeiting crimes and maintaining the highest ethical standards. This commitment can help build trust with customers and partners.

The proposed Port CTR procedures include the following steps:

1. **Customer Identification:**

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For corporate customers, customers will be required to provide: Country/State of incorporation, principle place of business address (in state of incorporation), declaration of beneficial ownership with percentage of ownership disclosed, and documentation verifying corporate, LLC and or partnership.

2. **Customer Verification:**

Once the customer's information and identification documents are collected, the Port may verify the provided information against public databases and records, to check the accuracy and authenticity of the data to ensure it matches the customer's actual identity.

The Port proposes to use the attached forms to implement the proposed Port CTR procedures.

Attachments:

- Individual Form
- Corporate Form

Customer Transparency Requirement | Individual

For Port use only

Application Type*

New Update

Account Type*

Normal Minor

1. Personal Details

	Prefix	First Name	Middle Name	Last Name
Name* (Same as ID proof)				
Maiden Name				
Father / Spouse Name*				
Mother Name				
Date of Birth*				
Gender*	M- Male	F- Female		
PAN*				
Marital Status*	Married	Unmarried		
Citizenship*	U.S.	Other – Country	Country Code	
Residential Status*	Resident Individual	Non Resident	<input type="checkbox"/> Foreign National	<input type="checkbox"/>

2. PROOF OF IDENTITY AND ADDRESS

- A-Passport Number Passport Expiry Date
- B-Voter ID Card
- C-Driving Licence Driving Licence Expiry Date
- D-NREGA Job Card
- E-National Population Register Letter

Address [For other than resident individual, please mention Overseas Address]

Line 1*			
Line 2			City/Town/Village*
Line 3			
District*	Pin/Post Code*	State/U.T Code*	ISO 3166 Country Code*

3. CURRENT ADDRESS DETAIL

Same as above mentioned address (In such cases address details as below need not be provided)

I. Anyone of the following:

- A-Passport Number
- B-Voter ID Card
- C-Driving License
- D-National Population Register Letter

Deemed Proof of Address – Document Type code

Address

Line 1*			
Line 2			City/Town/Village*
Line 3			
District*	Pin/Post Code*	State/U.T Code*	ISO 3166 Country Code*

Instruction / Check list / Guidelines for filling individual KYC Application Form

General instructions:

1. Self-Certification of documents is mandatory.
2. Copies of all documents that are submitted need to be compulsorily self-attested by the applicant and accompanied by originals for verification. In case the original of any document is not produced for verification, then the copies should be properly attested by entities authorized for attesting the documents, as per the list mentioned under [F].
3. If any proof of identity or address is in a foreign language, then translation into English is required duly attested by the official as indicated above.
4. Name & address of the applicant mentioned on the KYC form, should match with the documentary proof submitted.
5. If current & permanent addresses are different, then proofs for both have to be submitted.
6. Sole proprietor must make the application in his individual name & capacity.
7. For non-residents and foreign nationals, (allowed to trade subject to RBI and FEMA guidelines), copy of passport / PIO Card /OCI and overseas address proof is mandatory.
8. In case of Merchant Navy NRI's, Mariner's declaration or certified copy of CDC (Continuous Discharge Certificate) is to be submitted.
9. For opening an account with Depository participant or Mutual Fund, for a minor, photocopy of the School Leaving Certificate/Mark sheet issued by Higher Secondary Board / Passport of Minor / Birth Certificate must be provided.

A. Clarification / Guidelines on filling 'Personal Details' section

1. Name: The name should match the name as mentioned in the Proof of Identity submitted failing which the application is liable to be rejected.
2. One of the following is mandatory: Mother's name, Spouse's name, Father's name.

B. Clarification / Guidelines on filling 'Current Address details' section

1. In case of deemed PoA such as utility bill, the document need not be uploaded on CKYCR
2. PoA to be submitted only if the submitted PoI does not have current address or address as per PoI is invalid or not in force.
3. State / U.T Code and Pin / Post Code will not be mandatory for Overseas addresses.
4. In Section 2, one of I, II and III is to be selected. In case of online E-KYC authentication, II is to be selected.
5. In Section 3, one of I, II, III and IV is to be selected. In case of online E-KYC authentication, II is to be selected.
6. List of documents for 'Deemed Proof of Address'

Document Code	Description
01	Utility bill which is not more than two months old of any service provider (electricity, telephone, post-paid mobile phone, piped gas, water bill).
02	Property or Municipal tax receipt.
03	Pension or family pension payment orders (PPOs) issued to retired employees by Government Departments or Public Sector Undertakings, if they contain the address.
04	Letter of allotment of accommodation from employer issued by State Government or Central Government Departments, statutory or regulatory bodies, public sector undertakings, scheduled commercial banks, financial institutions and listed companies and leave and licence agreements with such employers allotting official accommodation.

7. Regulated Entity (RE) shall redact (first 8 digits) of the Aadhaar number from Aadhaar related data and documents such as proof of possession of Aadhaar, while uploading on CKYCR.
8. "Equivalent e-document" means an electronic equivalent of a document, issued by the issuing authority of such document with its valid digital signature including documents issued to the digital locker account of the client as per rule 9 of the Information Technology (Preservation and Retention of Information by Intermediaries Providing Digital Locker Facilities) Rules, 2016.
9. "Digital KYC process" has to be carried out as stipulated in the PML Rules, 2005.

C. Clarification / Guidelines on filling 'Contact details' section

1. Email/Mobile is mandatory for upload into KRA system and please provide.
2. Please mention two-digit country code and 10 digit mobile number (e.g. for Indian mobile number mention 91-9999999999)
3. Do not add '0' in the beginning of Mobile number.

D. Clarification / Guidelines on filling 'Related Person details' section

1. Provide KYC number of related person, if available.

E. Clarification on Minor

1. Guardian details are optional for minors above 10 years of age for opening of bank account only
2. However, in case guardian details are available for minor 10 years of age, the same (or CKYCR number of guardian) is to be uploaded.

F. List of people authorized to attest the documents after verification with the originals:

1. Authorised officials of Asset Management Companies (AMC).
2. Authorised officials of Registrar & Transfer Agent (R&T) acting on behalf of the AMC.
3. KYD compliant mutual fund distributors.
4. Notary Public, Gazetted Officer, Manager of a Scheduled Commercial/Co-operative Bank or Multinational Foreign Banks (Name, Designation & Seal should be affixed on the copy).
5. In case of NRIs, authorized officials of overseas branches of Scheduled Commercial Banks registered in India, Notary Public, Court Magistrate, Judge, Indian Embassy/Consulate General in the country where the client resides are permitted to attest the documents.
6. Government authorised officials who are empowered to issue Apostille Certificates.

G. List of people authorized to perform In Person Verification (IPV):

1. Authorised officials of Asset Management Companies (AMC).
2. Authorised officials of Registrar & Transfer Agent (R&T) acting on behalf of the AMC.
3. KYD compliant mutual fund distributors.
4. Manager of a Scheduled Commercial/Co-operative Bank or Multinational Foreign Banks (for investors investing directly).
5. In case of NRI applicants, a person permitted to attest documents, may also conduct the In Person Verification and confirm this in the KYC Form.

H. PAN Exempt Investor Category

1. Investments (including SIPs), in Mutual Fund schemes up to INR 50,000/- per investor per year per Mutual Fund.
2. Transactions undertaken on behalf of Central/State Government, by officials appointed by Courts, e.g., Official liquidator, Court receiver, etc.
3. Investors residing in the state of Sikkim.
4. UN entities/multilateral agencies exempt from paying taxes/filing tax returns in India

List of two digit state / U.T codes as per Indian Motor Vehicle Act, 1988

State/U.T	Code	State/U.T	Code	State/U.T	Code
Andaman & Nicobar	AN	Himachal Pradesh	HP	Pondichery	PY
Andhra Pradesh	AP	Jammu & Kashmir	JK	Punjab	PB
Arunachal Pradesh	AR	Jharkhand	JH	Rajasthan	RJ
Assam	AS	Karnataka	KA	Sikkim	SK
Bihar	BR	Kerala	KL	Tamil Nadu	TN
Chandigarh	CH	Lakshadweep	LD	Telangana	TS
Chhattisgarh	CG	Madhya Pradesh	MP	Tripura	TR
Dadra and Nagar Haveli	DN	Maharashtra	MH	Uttar Pradesh	UP
Daman & Diu	DD	Manipur	MN	Uttarkhand	UA
Delhi	DL	Meghalaya	ML	West Bengal	WB
Goa	GA	Mizoram	MZ	Other	XX
Gujarat	GJ	Nagaland	NL		
Haryana	HR	Orissa	OR		

List of ISO 3166 two digit Country Code

Country	Country Code	Country	Country Code	Country	Country Code	Country	Country Code
Afghanistan	AF	Dominican Republic	DO	Libya	LY	Saint Pierre and Miquelon	PM
Aland Islands	AX	Ecuador	EC	Liechtenstein	LI	Saint Vincent and the Grenadines	VC
Albania	AL	Egypt	EG	Lithuania	LT	Samoa	WS
Algeria	DZ	El Salvador	SV	Luxembourg	LU	San Marino	SM
American Samos	AS	Equatorial Guinea	GO	Macao	MO	Sao Tome and Principe	ST
Andorra	AD	Eritrea	ER	Macedonia, the former Yugoslav Republic of	MK	Saudi Arabia	SA
Angola	AO	Estonia	EE	Madagascar	MG	Senegal	SN
Anguilla	AI	Ethiopia	ET	Malawi	MW	Serbia	RS
Antarctica	AQ	Falkland Islands (Malvinas)	FK	Malaysia	MY	Seychelles	SC
Antigua and Barbuda	AG	Faroe Islands	FO	Maldives	MV	Sierra Leone	SL
Argentina	AR	Fiji	FJ	Mali	ML	Singapore	SG
Armenia	AM	Finland	FI	Malta	MT	Sint Maarten (Dutch part)	SX
Aruba	AW	France	FR	Marshall Island	MH	Slovakia	SK
Australia	AU	French Guiana	GF	Martinique	MQ	Slovenia	SI
Austria	AT	French Polynesia	PF	Mauritania	MR	Solomon Island	SB
Azerbaijan	AZ	French Southern Territories	TF	Mauritius	MU	Somalia	SO
Bahamas	BS	Gabon	GA	Moyotte	YT	South Africa	ZA
Bahrain	BH	Gambia	GM	Mexico	MX	South Georgia and the South Sandwich Islands	GS
Bangladesh	BD	Georgia	GE	Micronesia, Federated States of	FM	South Sudan	SS
Barbados	BB	Germany	DE	Moldova, Republic of	MD	Spain	ES
Belarus	BY	Ghana	GH	Monaco	MC	Sri Lanka	LK
Belgium	BE	Gibraltar	GI	Mongolia	MN	Sudan	SD
Belize	BZ	Greece	GR	Montenegro	ME	Suriname	SR
Benin	BJ	Greenland	GL	Montserrat	MS	Svalbard and Jan Mayen	SI
Bermuda	BM	Grenada	GD	Morocco	MA	Swaziland	SZ
Bhutan	BT	Guadeloupe	GP	Mozambique	MZ	Sweden	SE
Bolivia, Plurinational State of	BO	Guam	GU	Myanmar	MM	Switzerland	CH
Bonaire, Sint Eustatius and Saba	BQ	Guatemala	GT	Namibia	NA	Syrian Arab Republic	SY
Bosnia and Herzegovina	BA	Guernsey	GG	Nauru	NP	Taiwan province of China	TW
Botswana	BW	Guinea	GN	Nepal	NP	Tajikistan	TJ
Bouvet Island	BV	Guinea-Bissau	GW	Netherlands	NL	Tanzania, United Republic of	TZ
Brazil	BR	Guyana	GY	New Caledonia	NC	Thailand	TH
British Indian Ocean Territory	IO	Haiti	HT	New Zealand	NZ	Timor-Leste	TL
Brunei Darussalam	BN	Heard Island and McDonald Islands	HM	Nicaragua	NI	Togo	TO
Bulgaria	BG	Holy See (Vatican City State)	VA	Niger	NE	Tokelau	TK
Burkina Faso	BF	Honduras	HN	Nigeria	NG	Tonga	TO
Burundi	BI	Hong Kong	HK	Niue	NU	Trinidad and Tobago	TT
Cabo Verde	CV	Hungary	HU	Norfolk Island	NF	Tunisia	TN
Cambodia	KH	Iceland	IS	Northern Mariana Islands	MP	Turkey	TR
Cameroon	CM	India	IN	Norway	NO	Turkmenistan	TM
Canada	CA	Indonesia	ID	Oman	OM	Turks and Caicos Islands	TC
Cayman Islands	KY	Iran, Islamic Republic of	IR	Pakistan	PK	Tuvalu	TV
Central African Republic	CF	Iraq	IQ	Palau	PW	Uganda	UG
Chad	TD	Ireland	IE	Palestine, State of	PS	Ukraine	UA
Chile	CL	Isle of Man	IM	Panama	PA	United Arab Emirates	AE
China	CN	Israel	IL	Papua New Guinea	PG	United Kingdom	GB
Christmas Island	CX	Italy	IT	Paraguay	PY	United States	US
Cocos (Keeling) Islands	CC	Jamaica	JM	Peru	PE	United States Minor Outlying Islands	UM
Colombia	CO	Japan	JP	Philippines	PH	Uruguay	UY
Comoros	KM	Jersey	JE	Pitcairn	PN	Uzbekistan	UZ
Congo	CG	Jordan	JO	Poland	PL	Vanuatu	VU
Congo, the Democratic Republic of the	CD	Kazakhstan	KZ	Portugal	PT	Venezuela, Bolivarian Republic of	VE
Cook Islands	CK	Kenya	KE	Puerto Rico	PR	Viet Nam	VN
Costa Rica	CR	Kiribati	KI	Qatar	QA	Virgin Islands, British	VG
Cote d'Ivoire Code d'Ivoire	CI	Korea, Democratic People's Republic of	KP	Reunion Reunion	RE	Virgin Island, U.S.	VI
Croatia	HR	Korea, Republic	KR	Romania	RO	Wallis and Futuna	WF
Cuba	CU	Kuwait	KW	Russian Federation	RU	Western Sahara	EH
Curacao Curacao	CW	Kyrgyzstan	KG	Rwanda	RW	Yemen	YE
Cyprus	CY	Lao People's Democratic Republic	LA	Saint Barthelemy Saint Barthelemy	BL	Zambia	ZM
Czech Republic	CZ	Latvia	LV	Saint Helena, Ascension and Tristan da Cunha	SH	Zimbabwe	ZW
Denmark	DK	Lebanon	LB	Saint Kitts and Nevis	KN		
Djibouti	DJ	Lesotho	LS	Saint Lucia	LC		
Dominica	DM	Liberia	LR	Saint Martin (French Part)	MF		

CUSTOMER TRANSPARENCY REQUIREMENTS

NON-INDIVIDUALS FORM CORPORATE ENTITY

Company Name:..... Registration No:.....

Postal Address:.....

Physical Address:.....

Email Address:.....

Country/State of Incorporation:.....Website:.....

Brief Description of Business:.....

Principle Place of Business address (in state of incorporation)
.....

CONTACT PERSON

Title:..... Name(s)..... Surname.....

Date of Birth:..... National ID/Passport No.....

Telephone:..... Fax:.....

Email Address:.....

Physical Address:.....

Village/Town/City:..... Country.....

BANKING DETAILS

Bank Name:..... Branch:.....

Branch Code:..... Account

Number:.....

DECLARATION OF BENEFICIAL OWNERSHIP

The Company hereby confirms and declares that as at date hereby, the following individual(s) is/are the ultimate principal beneficial owner(s) of the Company through ownership in the intermediate or ultimate holding companies:

Full Name	Residential Address	Date of Birth	Nationality	Percentage of Ownership (%)

DOCUMENT REQUIREMENTS

The following documents should be provided for verification:

Company

- ☒ Certificate of incorporation or Limited Liability Company Documentation
- ☒ Notice of Registered Office and Postal Address
- ☒ Identification documents of the person(s) managing the company
- ☒ Resolution specifying who is authorized to act on behalf of the company
- ☒ Identification document(s) of the person(s) authorized to act on behalf of the company
- ☒ Identification document e.g. Certified copy of ID/Passport

Partnerships

- ☒ Partnership agreement
- ☒ Identification documents of the natural persons who are partners e.g Certified copy of ID/Passport
- ☒ Resolution specifying who is authorized to act on behalf of the partnership
- ☒ Identification document(s) of the person(s) authorized to act on behalf of the partnership

DECLARATION

I hereby declare under penalty of perjury in the State of Washington that the information provided above is true and correct to the best of my knowledge and belief and I undertake to inform you of any changes therein, immediately. In case any of the above information is found to be false or untrue or misrepresenting, I am aware that I may be liable for it.

Full Name:

Designation/Position:.....

Signed:..... Date:.....

Location: _____