

## CITY MANAGER WEEKLY UPDATE REPORT ~ KENT MYERS

August 28, 2009

This week we had some positive news with the announcement that Jeff Robb was selected as the new Executive Director of the Port Authority. I have had the opportunity to work with Jeff on several issues related only to the Airport, but he appears to be a real professional who is dedicated to the continued growth and economic development of our community. It is also interesting to note that I have never heard a negative word about Jeff and, since he has been around for a number of years, this speaks highly of support for him within the community. I am personally looking forward to a cooperative and productive working relationship with him for a number of years to come.

While on the subject of the Port Authority, we continue to work with the Port on trying to get our remaining issues, questions and concerns addressed by NOAA on their recent site selection process. Attached is a copy of correspondence that Jeff Robb sent to NOAA early this week as well as their response which was received yesterday. The local NOAA team is reviewing this response and we may have a final decision on a possible appeal by next week.

A large portion of this week was devoted to initial departmental meetings on the 2010 budget. I look forward to updating you on our progress at Tuesday's Council meeting. District Court costs continue to be a major concern in next year's budget and I spent some time with Jim Jones this week trying to get a handle on these costs. We should also know by Tuesday's Council meeting whether or not the employee unions are willing to reopen their contracts to eliminate the 2010 COLA increases. If they do not approve this change, then we will have to make even more budget reductions in the coming year.

This week Mayor Braun and I were able to participate in some of the activities of the Pacific Unity exercise involving the U.S. Coast Guard and other Guard units from around the world. This was a great event and provided some positive impact on our local economy.

Have a great weekend and see you on Tuesday evening.

***-Kent Myers***



*Sent via mail, fax and email*  
Facsimile (206) 526-6675  
James.R.Barrows@noaa.gov

August 25, 2009

James R. Barrows  
U. S. Dept. of Commerce  
National Oceanic & Atmospheric Administration  
Western Administrative Support Center  
Facilities & Logistics Division  
7600 Sand Point Way N.E.  
Seattle, WA 98115-0070

RE: SFO # 09WSA0200C


Dear Mr. Barrows:

As you know, NOAA representatives and Port of Port Angeles staff met at your offices on August 18, 2009 for debriefing regarding SFO #09WSA0200C. At that time, the Port requested additional information regarding NOAA's consideration of environmental and cultural factors. We were advised that the requested information would be provided, however, as of this date it has not been received by the Port. It is the Port's position that the debriefing has not concluded because this information should be provided under FAR 15.506(d). In addition, we were not advised at the conclusion of our meeting that the debriefing was closed, nor have we been advised of such in writing. For these reasons, we consider that the debriefing remains open and the period of time for protest of the contract award is tolled until the requested information is provided. Please advise whether you disagree with this position.

Thank you again for your interest in the Port of Port Angeles and our proposal, which we continue to believe is most deserving of the NOAA contract award.

Sincerely,

PORT OF PORT ANGELES

  
Jeffery Robb  
Executive Director

cc: Sen. Maria Cantwell  
Sen. Patty Murray  
Gov. Christine Gregoire  
Rep. Norm Dicks  
Hon. Gary Locke, Secretary of Commerce  
Dr. Jane Lubchenco, Undersecretary for Oceans  
and Atmosphere, Dep't of Commerce

cc: Paul Protzy, Acting Administrator  
General Services Administration

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2 of 4 COMMISSIONERS

John M. Calhoun  
Jim McEntire  
George H. Schoenfeldt



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER  
Real Property Management Division - Western Region  
7600 Sand Point Way NE  
Seattle, Washington 98115-6349

August 26, 2009

*Sent by E-mail and Express Mail*  
*Jeffr@portofpa.com*

Mr. Jeffery Robb, Executive Director  
Port of Port Angeles  
338 West First Street  
P.O. Box 1350  
Port Angeles, WA 98362

RE: SFO 09WSA0200C

Dear Mr. Robb:

I have reviewed your August 25, 2009, letter. We did hold a debriefing for the Port of Port Angeles on August 18, 2009, at the NOAA Western Regional Center in Seattle. The debriefing lasted more than two hours, during which time NOAA provided significant details regarding its evaluation of the offer submitted by the Port of Angeles and the rationale for award to the Port of Newport. We walked the Port through each of the factors and subfactors, provided comments from the evaluators to support those ratings, discussed the strengths and weaknesses of the proposal, and identified the Port's overall ranking as well as the rankings for each factor and subfactor. The Port took notes at the debriefing and asked questions to which we responded.

A City of Port Angeles Councilmember Karen Rogers was in attendance at the debriefing. Councilmember Rogers asked a question about Factor B, Subfactor 3 - Environmental Concerns and Natural Areas. My notes indicate that her question was whether, beyond the information we debriefed on the subfactor, there were other evaluation comments that would be helpful to her in understanding what environmental or cultural resource concerns there were related to the offered site. We have reviewed the evaluators' books and did not find any different information beyond what was described at the debriefing.

I have reviewed your question regarding the timing of a protest with my Counsel and I cannot agree that our subsequent response to identify additional evaluator comments restarts a time window for a protest. Generally, a protestor is charged with knowledge of a basis of protest if the protestor's interests are threatened and the agency conveys to the protestor a position adverse to the protestor's interest.

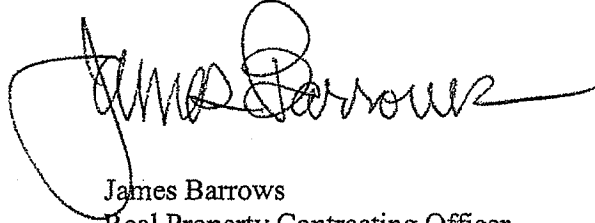
In this instance, NOAA provided the Port with all of its ratings. Any additional information that NOAA later could provide to support the ratings did not change the fact that the ratings, if they are deemed adverse to the Port's position, were clearly identified during the debriefing. For example, if the Port were to protest the marginal



rating that it received for Factor B Subfactor 3, it was aware of the basis of the protest of the evaluation of its proposal from the information conveyed at the debriefing. Accordingly, we are of the opinion that any protest regarding the evaluation of the Port's proposal must be filed within 10 days from the debriefing, or August 28, 2009.

As I stated at the debriefing, I appreciate the participation of the Port of Port Angeles in the competition for the lease procurement for the Marine Operations Center – Pacific and acknowledge the substantial effort by the Port and community in putting the offer together. Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "James Barrows". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

James Barrows  
Real Property Contracting Officer