



TO: Board of Contracts and Awards
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer
Sue O'Neill, Assistant Division Manager, Public Works
COPY: City Council, City Manager, City Clerk, and Doreen Klaaskate
Finance/Purchasing
SUBJECT: Pantages Theater Seating – June 19, 2018
DATE: June 6, 2018

RECOMMENDATION SUMMARY:

The Public Works Department requests a waiver of competitive procurement procedures and recommends a contract be awarded to Irwin Seating Company, Grand Rapids, MI, in the amount of \$633,733.63, plus applicable sales tax, funded from Real Estate Excise Tax, for fixed seating for the Pantages Theater restoration.

STRATEGIC POLICY PRIORITY:

- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Encourage thriving residents with abundant opportunities for life-long learning.
- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.
- Assure outstanding stewardship of the natural and built environment.

The Broadway Center for the Performing Arts (BCPA) operates the Pantages Theater for the City, pursuant to a Management Agreement, and makes the Pantages Theater available to various community performing arts groups in furtherance of the City's desire to provide a performing arts center for the benefit of the public.

BACKGROUND:

In May 2018, the City Council adopted Resolution No. 40006 approving an agreement with BCPA for the Pantages Restoration Project, and authorizing assumption and execution of design and construction agreements previously contracted by BCPA, including a contract with John Korsmo Construction for renovations and repairs to the Pantages Theater and Jones building.

The City and BCPA are working together on renovations (the Restoration) to the Pantages Theater to maintain and restore the historic interior and other areas within the facility including seats, lighting, and skylights. The theater was last updated in 1982, and there is significant paint deterioration, worn seating, ornamental plaster requiring reinforcement, and a historic skylight requiring stabilization. Lighting levels also need to be increased significantly to meet current code requirements. BCPA presented the Pantages renovation project and materials selections, including seating, to the Landmarks Preservation Commission on February 14, 2018. The Landmarks Preservation Commission approved the interior restoration/rehabilitation work including the new seating.

The Restoration will provide functional upgrades to the Pantages Theater that will enhance operations, long-range marketability of the facility, and patrons' experience.



ISSUE: The contract will provide for the purchase and installation of seating with a historic look best suited for the Pantages Theater as selected and approved by the Landmarks Preservation Commission.

ALTERNATIVES: BCPA identified Irwin Seating Company as the only provider of the specified historic seating. The alternative would be to proceed with a seating vendor that is not capable of manufacturing seats meeting the requirements of the Landmarks Preservation Commission.

COMPETITIVE ANALYSIS:

The Pantages Theater is a registered historic landmark. As such, the Landmarks Preservation Commission has sole approval over building renovations and materials used making the Restoration not practicable to bid. BCPA presented the Pantages renovation project and materials selections, including seating, to the Landmarks Preservation Commission on February 14, 2018. The Landmarks Preservation Commission approved the interior restoration/rehabilitation work including the new seating. One vendor with the ability to supply the seating was identified. Irwin Seating Company is the only provider of historic seating. Irwin Seating Company has been manufacturing seating for over 100 years and has the original molds for the historic seats' end caps.

CONTRACT HISTORY: New contract.

SBE/LEAP COMPLIANCE: Not applicable

FISCAL IMPACT:

EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Fund 4190 – TVE Theaters Maintenance	829900	5600000	\$633,733.63
TOTAL			\$633,733.63

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Fund is 3210 - REET 1 Real Estate Excise Tax	814001	4317300	\$633,733.63
TOTAL			\$633,733.63

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$633,733.63

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? No

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.

The budget will be adjusted at the Biennium-End Modification in November 2018.



City of Tacoma

Date: June 7, 2018
To: Patsy Best, Procurement and Payables Division Manager
From: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer *KDK*
Subject: Waiver of Competitive Solicitation Request
 Sole Source Purchase – TMC 1.06.257.A
 Not Practicable to Bid – TMC 1.06.257.B
Broadway Center for the Performing Arts (BCPA) for the Historic Pantages Theater Renovation Project

For your review and recommendation.

The Public Works Department requests a waiver of the competitive solicitation process for procurement and installation of seating for the Historic Pantages Theater Renovation Project. The vendor is **Irwin Seating Company - Grand Rapids, MI**.

“Follow-on” Contracts:

Is this purchase based on a previous competitive solicitation conducted by the City or other agency? If yes, provide the contract information, specification number, etc., and explain the relationship of this request to the previous contract.

No

Waiver Criteria:

1. Is there only one feasible supplier of the product or service in the marketplace? Yes
If “yes”, such certification should be from the manufacturer (not the authorized distributor) and attached. The certification should describe what the product or service is and the relationship between the manufacturer and authorized distributor.

If No , briefly explain.

The BCPA identified potential seating vendors for the Pantages Theatre and worked with these vendors to determine if they were able to meet the theater renovation needs including historical likeness, item quality, availability/manufacturing requirements, and timing to fit within the Pantages renovation schedule. Two companies were identified that could provide the required historic specifications - Irwin Seating Company and American Seating. Irwin Seating Company purchased American Seating's Fixed Seat Division last year, making Irwin Seating Company the only provider of the specified historic seating. Irwin Seating Company has been manufacturing seating in Grand Rapids, MI for over 100 years and has the original molds for the historic seats' end caps. Additionally, Irwin Seating Company's sample chairs had the best product quality of all reviewed samples and the historic look best suited for the Pantages.

2. Support your contention that it would be futile to advertise and competitively bid the product/service.

The Pantages Theater is a historic landmark. As such, all building renovation plans and materials, including seating, must be approved by the Landmarks Preservation Commission.

The BCPA presented the Pantages renovation project and materials selections, including seating, to the Landmarks Preservation Commission (Commission) on February 14, 2018. The Commission approved the interior restoration/rehabilitation work including the new seating. Copies of BCPA's application and presentation to the Commission, and a copy of the Commission's approval letter are attached.

3. Describe the screening efforts made to identify potential suppliers.

The BCPA started talking with seating manufacturers more than six years ago. Last December, while the architect neared completion of the floor layout, a timeline for seat installation was established and seat counts were sent to five vendors. BCPA received complete responses and sample chairs from three different manufacturers. Irwin Seating Company's sample chair was the only one that fit the historic look of the Pantages Theater and met the preferred seating count for highest occupancy.

4. Describe any technical or unique product/service attributes that prevent drafting specifications for a competitive solicitation to which more than one supplier could successfully respond.

Due to the historical nature of the Pantages, the Landmarks Preservation Commission has sole approval over building renovations and materials used. One vendor with the ability to supply the seating was identified. Irwin Seating Company is the only provider of historic seating. Irwin Seating Company has been manufacturing seating in Grand Rapids, Michigan for over 100 years and has the original molds for the historic seats' end caps.

5. Reference the example line item in the Purchasing Policy that best fits this request.

Not Practicable to Bid (reference TMC 1.06.257 B)
d. Vendor selection is not controlled by the City.

6. Describe the efforts made to assure that the City is receiving the lowest or best price possible.

The BCPA worked with Irwin Seating Company and American Seating to identify seating with the best historical likeness and the best price for the City. When Irwin Seating Company purchased American Seating's Fixed Seat Division last year, Irwin became the only remaining vendor and BCPA continued to negotiate with Irwin Seating Company to receive the best possible price.

7. Is this a one-time purchase? Yes No Total amount: \$633,733.63, plus applicable sales tax.

If "no," estimated total dollar amount over contract term as allowed per waiver of competitive solicitation procedure: \$_____, plus applicable sales tax

8. Waiver includes freight and authorization for up to 10 percent contingency where a good faith estimate is provided. Any increase beyond the 10 percent contingency requires authorization.

The total amount authorized including contingency shall not exceed \$200,000 without approval by the Public Utility Board or City Council, as appropriate.

9. **Other supporting documentation attached?** Yes No

10. Funds for this purchase are available in the Fund 3210 - REET I and General Fund.

11. **PROJECT COORDINATOR:** Sue O'Neill, PW Engineering, 253-591-5789

Buyer Justification Notes: