

ORDINANCE NO. 184198

*Authorize a sole source contract with Ecowise Australia Pty Ltd for Pathogen Catchment Budget Model Modification Analysis (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. As part of the City of Portland Water Bureau (PWB) compliance approach to the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) dealing with microbial contamination, PWB is pursuing a variance from treatment.
2. In order to apply for a variance, the PWB committed to the Environmental Protection Agency to retain the services of an expert Pathogen Fate and Transport modeler to implement modifications to the Pathogen Catchment Budget (PCB) Model to better characterize the pathogen concentration, loading and movement within the Bull Run Watershed.
3. The PCB is the only model capable of being modified to model pathogen transport in the Bull Run Watershed. Developing a new model would take years. It would not be feasible to develop a new model for the Bull Run Watershed.
4. PWB has been working for a year and a half to modify the PCB to the Bull Run Watershed in order to apply for a variance to the treatment requirements of LT2.
5. Through the first phase of the PCB model modification work and recommendations from the Peer Review Panel, the Contractor, and the Environmental Protection Agency (EPA), needs for additional modifications and subsequent analysis have greatly exceeded the initial scope of work. The result is the PWB needs to increase the number of modifications and model scenario runs to better characterize the Bull Run Watershed.
6. Ecowise Australia Pty Ltd conducted all the work for Phase 1 of the PCB model project and is currently the sole holder and primary author of the original source code for the PCB model.
7. The component is a unique proprietary computer code which was modified specifically to fit the needs of PWB. Ecowise Australia Pty Ltd will not authorize the release of their source code to any third party vendors to make any modifications to their model. This makes Ecowise Australia Pty Ltd the only firm available to make the required modifications and enhancements to the PCB model.
8. The purpose of this ordinance is to enter into a sole source contract with Ecowise Australia Pty Ltd to allow for expanded PCB model modifications and scenario runs. This work includes employing more detailed model scenario setups, complex model setup design, inclusion of reservoir model modifications, statistical review of field data for input files, new database generation from digital imagery, and communications.

9. This sole source contract is being acquired as an exception to the competitive selection process identified in PCC 5.68 and the Professional, Technical, and Expert Services Contracting Manual.
10. There is no M/W/ESB participation being utilized within this Contract.
11. The not-to-exceed value of this contract is \$307,404. Funding is available in the FY 2010-11 Budget and will be requested in FY 2011-12 Budget.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge is authorized to execute a sole source contract with Ecowise Australia Pty Ltd substantially in the form of the contract attached as Exhibit A.
- b. That the Mayor and Auditor are hereby authorized to draw and deliver checks payable to Ecowise Australia Pty Ltd chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because there is significant work to be completed on the PCB model by the end of 2010 and no other avenue is available to allow the PWB to complete adaptations, analysis and reporting in time for the LT2 variance application submission. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, OCT 27 2010

Commissioner Leonard
Yone Akagi
October 13, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

1410

J140

Agenda No.
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>OCT 22 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Randy</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: David G. Shaff <i>[Signature]</i>	ACTION TAKEN:
Prepared by: Yone Akagi Date Prepared: October 13, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date October 27, 2010	
City Attorney Approval <i>JUD</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	