

**FINANCIAL IMPACT STATEMENT**  
**For Council Action Items**  
**(Use this form for Ordinances and Resolutions)**  
(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Rick Applegate/Sara Gardner	2. Telephone Number 503-823-/503-823-7025	3. Bureau/Office/Dept. BES/Office of Director/Portland Harbor
4a. To be filed (date)  September 15, 2010	4b. Calendar (Check One) Regular    Consent    4/5ths  [   ]            [x]            [   ]	5. Date Submitted to FPD Budget Analyst:

**1) Legislation Title:** \*Amend contract with EnviroIssues for Portland Harbor Project Management and Contractor Coordination. (Ordinance; amend Contract No. 36273)

**2) Purpose of the Proposed Legislation:** Amend contract with EnviroIssues to continue to assist the City in contractor coordination and project management associated with the Portland Harbor Superfund site.

The contract scope of work will be divided into the following main elements:

- Advise City on specific and contractor coordination and work with BES staff to identify overarching City goals for efficient and effective utilizations of Superfund consultants.
- Recommend and or/implement project management activities such as review of contractor task orders, budgets, progress reports and invoices as needed.
- Recommend and/or implement document management and cost accounting systems as they relate to future allocation activities.

This contract will continue to support the City's source control efforts. Other contracts are being issued that provide support in CERCLA and risk assessment, source control and eco-system restoration.

**3) Revenue:**

**Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated identify the source.**

none

**4) Expense:**

**What are the costs to the City as a result of this legislation? Include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract include the local contribution or match required.**

**5) Staffing Requirements:**

**a) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? If new positions are created include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term, indicate the end of the term.**

**b) Will positions be created or eliminated in future years as a result of this legislation?**

6) **Change in Appropriations:** Budget changes for the current year must go through the BMP Process. This section may only be use with prior permission of your OMF analyst for exceptions. Reflect the dollar amount to be appropriated by this legislation. Include the appropriate center codes and accounts to be used by Central Accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.

Fund	Center Code	Account	Amount	Project Fund	Project No.



Dean Marriott, Director, Bureau of Environmental Services

APPROPRIATION UNIT HEAD (Typed name and signature)

City Council  
Agenda Item  
Staff Supplemental Report

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TO: Commissioner Amanda Fritz  
THROUGH: Patti Howard and Matt Grumm

FROM: Rick Applegate

DATE: August 23, 2010

RE: \* Amend contract with EnviroIssues for Portland Harbor Project Management and Contractor Coordination. (Ordinance)

Requested Council Hearing Date: September 15, 2010

I. RECOMMENDATION

Extend and amend contract with EnviroIssues for Portland Harbor Project Management and Contractor Coordination for one year with the option to renew renewing the contract for up to four additional one year terms.

II. BACKGROUND

The City Council has designated the Bureau of Environmental Services (BES) to lead the City's efforts in the Portland Harbor Superfund cleanup. The City is a member of the Lower Willamette Group, a group of private and public entities who have signed a formal consent order agreement with the Environmental Protection Agency to fund the contaminated sediment investigation. The City also has a role as a party potentially responsible for cleaning up the contaminated sediments. The City's involvement includes assessing the potential of the City's stormwater conveyance system to carry contamination from upland sources to the river.

The City's response to the Portland Harbor Superfund cleanup requires technical contractor support in the CERCLA sediment investigation, risk assessment, source control, and natural resource damage assessments and eco-system restoration planning. All of these separate program components are part of the Superfund project and require specialized technical expertise. Even though each work area requires specific expertise, coordination of these efforts is critical. For example, the sediment investigation will identify the types and extent of contamination in the sediments. Based on this information, risk assessments will be developed. Source control efforts will be designed to address chemicals which are found to pose risks to humans, fish or wildlife. Natural resource damage assessments will use some of the information developed during the CERCLA investigation to determine injury to fish and wildlife. In order to make sure City priorities are addressed and technical contractors are used efficiently, contractor resources need to be utilized in a coordinated manner.

The contractor will also give advice on project management activities such as document management and cost accounting systems, in preparation for future allocation activities.

III. FINANCIAL IMPACT

Funding for the first 12 months of this contract is not expected to exceed \$156,000. Since work will be assigned to the contractor as needed, there is no guarantee that this amount of money will

be spent. The initial contract will be for a 1-year term, with four one-year options to renew, not to exceed 5 years.

#### IV. LEGAL ISSUES

Throughout the Superfund project, the City will be assessing its share of liability based on contamination from the stormwater outfalls within and adjacent to the Superfund Site. While the legal aspect of liability assessment and management will be directed by the City Attorney's office, this Contractor will be able to provide support to City staff in planning for the allocation process.

#### V. CONTROVERSIAL ISSUES

No controversial issues are anticipated.

#### VI. LINK TO CURRENT CITY POLICIES

Superfund staff are working closely with the Office of Healthy Rivers, the Watershed planning effort, the City's Endangered Species Act Program, and BES Source Control staff in the development of an integrated City approach to Willamette River-related activities and issues. Using this contractor to ensure we use Superfund technical contractors in the most efficient and effective way will provide the City a cost effective response to the Superfund listing.

#### VII. CITIZEN PARTICIPATION

Community involvement is a critical component of any Superfund site. A Portland Harbor Citizen Advisory Group (CAG) was formed in 2001, and is tracking the progress of the Superfund cleanup. City staff attend CAG meetings, and provide information as requested. BES Superfund attend Portland Harbor CAG meetings, coordinate meetings with environmental, community and neighborhood groups and work with BES Communications staff and the LWG communications consultant on developing written materials.

#### VIII. OTHER GOVERNMENT PARTICIPATION

Many other governments are involved in the Superfund cleanup. They include the federal government (Environmental Protection Agency, NOAA Fisheries, US Fish and Wildlife, Agency for Toxic Substance and Disease Registry), Oregon state government (Department of Environmental Quality, Department of Fish and Wildlife) and Tribal Governments (Nez Perce, Umatilla, Warm Springs, Yakama, Siletz and Grand Ronde)

#### IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE) Yes, Women-owned small business.

X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? Yes WHAT IS THEIR BUSINESS LICENSE NUMBER? 660752  
IS THEIR ACCOUNT WITH THE CITY CURRENT?      IF NOT, HOW MUCH IS OWING?

AMENDMENT NO. 5

CONTRACT NO. C36273

FOR

Superfund Project Management

Pursuant to Ordinance No. \_\_\_\_\_

This Contract was made and entered by and between EnviroIssues, hereinafter called Contractor, and the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives, hereinafter called City.

1. This contract is hereby extended through October 3, 2011. The contract term may be extended for up to four additional one-year periods upon mutual agreement of the parties and by written amendment.
2. The City continues to require professional services with the project management and coordination of technical and legal contractors providing support for the Portland Harbor Superfund program. Additional compensation is necessary for the work anticipated through October 3, 2011, and shall not exceed \$156,000.
3. The contract amount of \$754,000 is increased by \$156,000, for a new not-to-exceed total contract amount of \$910,000.
4. Adjustment of Hourly Rates. Annual adjustment of hourly rates will be considered upon written request from Contractor. Approval of a request for rate increases is solely within the City's discretion and under no circumstances is the City obligated to approve such a request.

Rate increases are subject to the following limitations:

- No more than one increase shall be granted per contract year;
- Rate increases may not exceed the then-current average inflation rate for the Portland Metropolitan Area (as determined from the US Department of Labor statistics and certified by the City of Portland Auditor);
- Rate increases shall not be retroactive.

Other than the impact of inflation as described above, hourly rates may not be increased.

All other terms and conditions shall remain unchanged and in full force and effect.

CONTRACTOR SIGNATURE:

This contract amendment may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same contract amendment.

The parties agree the City and Contractor may conduct this transaction by electronic means, including the use of electronic signatures.

**ENVIROISSUES**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contract No. 36273

Amendment/Change Order No. 5

Contract Title: Superfund Project Management

**CITY OF PORTLAND SIGNATURES:**

By: \_\_\_\_\_  
Chief Procurement Officer

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Elected Official

Date: \_\_\_\_\_

Approved:

By: \_\_\_\_\_  
Office of City Auditor

Date: \_\_\_\_\_

Approved as to Form:

By:   
Office of City Attorney

Date: 8.24.10

## ORDINANCE No.

\*Amend contract with EnviroIssues for Portland Harbor project management and contractor coordination (Ordinance; amend Contract No. 36273)

The City of Portland ordains:

Section 1. The Council finds:

1. The City's response to the Portland Harbor Superfund cleanup requires specialized contractor support in the CERCLA sediment investigation, risk assessment, source control, and natural resource damage assessments and eco-system restoration planning.
2. To ensure efficient and effective utilization of Superfund consultants, and coordination of interrelated Superfund program elements, BES requires professional services to help coordinate the work of several technical contractors.
3. In 2005, BES awarded a contract to EnviroIssues to provide these services. EnviroIssues was selected through a competitive process (RFP No. BES022) in accordance with Section 5.68 of the City Code.
4. This contract was for five years and expires on October 3, 2010. EnviroIssues has worked well with the City and provided essential assistance in all aspects of this work and will be needed over the next several years as the work on Portland Harbor moves beyond the Feasibility Study to the Proposed Plan, the federal Record of Decision and the resolution of liability.
5. This amendment extends the contract for a sixth year with the option to renew for four additional one-year periods. The work and budget required over the next 5 years will depend upon project needs.
6. The amended contract amount of \$754,000 is increased by \$156,000, for a new not-to-exceed contract amount of \$910,000. Funds are available in the Environmental Remediation Fund, FY 2010-11 Budget, Bureau of Environmental Services, Cost Center ESDR000004, Account No. 521000.

- c. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the Portland Harbor Superfund cleanup process is ongoing, and coordination of City resources is key to a successful effort. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Amanda Fritz  
Commissioner of Public Utilities

Sara Gardner  
September 8, 2010

ESDR000004/ 521000

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By

Deputy



1262

Agenda No.  
**ORDINANCE NO.**  
 Title

\* Amend contract with EnviroIssues for Portland Harbor Project Management and Contractor Coordination.  
 (Ordinance; amend Contract No. 36273)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Amanda Fritz</b>	CLERK USE: DATE FILED <u>SEP 10 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz <i>Amanda Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau of Environmental Services Bureau Head: Dean Marriott <i>[Signature]</i>	<b>ACTION TAKEN:</b> SEP 15 2010 REFERRED TO COMMISSIONER OF PUBLIC UTILITIES
Prepared by: Sara Gardner Date Prepared: August 24, 2010	
Financial Impact Statement Completed <input 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 type="checkbox"/>	
Council Meeting Date <b>September 15, 2010</b>	
City Attorney Approval <i>[Signature]</i>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Leonard	4. Leonard		
Adams	Adams		