

## ORDINANCE NO. 184327

\*Authorize a sole source contract with Camp Dresser and McKee, Inc. to support development of LT2 variance request (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. Throughout 2010, the PWB has been implementing a sampling plan and study to support a variance request. The PWB must now assemble the collected evidence to prepare a variance request.
3. The City does not currently have the adequate expertise, resources, or experience to prepare and submit a variance request and requires a Contractor who has the experience to complete the application requirements.
4. 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
5. Camp Dresser and McKee, Inc. is uniquely qualified due to their experience working with unfiltered water utilities to create compliance strategies with drinking water regulations. Camp Dresser and McKee, Inc. had a key role in working with the Massachusetts Water Resource Authority (MWRA) on its successful lawsuit against the Environmental Protection Agency regarding the agency's attempt to require filtration for a public utility. PWB is requesting to have Camp Dresser and McKee, Inc. support developing and writing a variance request and associated documentation.
6. There are several other firms that, due to their expertise or past experience working on the MWRA lawsuit, could also do this work. However, due to their current contracts with the Water Bureau on other LT2 related work, their work on the LT2 variance request could be perceived as a conflict of interest. Camp Dresser and McKee has no financial interest in the outcome of the variance request since it is not a party to any of the City's current contracts related to LT2 compliance.
7. There is no M/W/ESB participation being utilized within this Contract. However, as the need for subconsultants arises Camp Dresser and McKee will target participation of M/W/ESB firms.

8. The not-to-exceed value of this contract is \$600,000. The Confidence Level for this contract is Moderate. Funding will be made available in the Winter BuMP 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 Camp Dresser and McKee, Inc. 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 Camp Dresser and McKee, Inc. 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 that needs be completed in time for the submission of the LT2 variance request. The year-long sampling plan and study will be completed in December 2010, and the City anticipates submitting its LT2 variance request in April 2011. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, DEC 15 2010

Commissioner Leonard  
Yone Akagi  
November 19, 2010

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

By

*Emig Matasar*  
Deputy

1637

Agenda No.  
**ORDINANCE NO. 184327**  
 Title

\*Authorize a Sole Source Contract with Camp Dresser and McKee, Inc. to Support Development of LT2  
 Variance Request (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Leonard</b>	CLERK USE: DATE FILED <u>DEC 10 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Leonard</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Water Bureau Head: David G. Shaff <i>[Signature]</i> Prepared by: Yone Akagi Date Prepared: November 19, 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 December 15, 2010	<b>ACTION TAKEN:</b>
<b>City Attorney Approval</b> <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> <input type="checkbox"/> <b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>15 MINUTES</b> (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	