

## IMPACT STATEMENT

**Legislation title:** \*Authorize contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment Technical Assistance at the Portland Harbor Superfund Site for \$500,000 (Ordinance)

**Contact name:** Annie Von Burg

**Contact phone:** 503-823-7859

**Presenter name:** Michael Jordan

### **Purpose of proposed legislation and background information:**

#### **Purpose:**

In October 2015, Council approved a contract extension through an eleventh year (2016) with options to renew for four additional one-year periods (2016-2020). The presentation to Council recognized that the Portland Harbor was at a critical phase and that the contractor's historical knowledge was necessary to continue to meet the City's legal and technical obligations for Portland Harbor pursuant to formal agreements with EPA and DEQ.

The contract presented to Council in October of 2015 should have been entered into as a sole source contract rather than a contract extension. This legislation provides an administrative correction by entering into a sole source contract under the same terms as the current contract with an effective date of October 25, 2015.

#### **Background:**

The EPA administrative cleanup and settlement process for Portland Harbor has taken longer than anticipated when the City originally contracted with GSI in 2005. The initial contractor selection was through a competitive process (RFP No. BES024) pursuant to Section 5.68 of the Portland City Code. GSI submitted the only response to the RFP. In 2010, two GSI Contracts (no. 36324 for CERCLA technical assistance and no. 36325 for related source control technical assistance) were extended for an additional 5 years with Council approval. During those 10 years, GSI provided technical assistance to the City during the remedial investigation and feasibility study phases of Portland Harbor Superfund cleanup and the development and implementation of the City's source control program for Portland Harbor. In 2015, Council approved additional extensions of the GSI contracts.

The services required of GSI for technical assistance for source control actions are the continuation of services that GSI has been providing. GSI's knowledge of the development of the City's technical and legal positions is unique and could not be matched by any other consultant and still meet the City's schedule obligations with EPA and DEQ.

#### **Financial and budgetary impacts:**

The budget for work under this contract is not to exceed \$500,000 and the work will be issued through task orders. The not-to exceed estimate is based on project milestones over the next few years, and the anticipated level of effort from the consultant. Since work will be assigned to the contractor as needed and the project timeline is driven by EPA, there is no guarantee that the amount of money will be spent. The initial contract will be for 1-year term, with four one-year options to renew, not to exceed 5 years. The contract amount is included in the BES requested budget.

The legislation does not affect current or future staffing needs.

**Community impacts and community involvement:**

The City is currently developing a Portland Harbor public involvement program that is focused on engagement and education for the superfund site. The focus of the program is to ensure the public, specifically those most impacted by the cleanup, has access to information on the progress of the cleanup and has an opportunity to participate in the cleanup process. Grants have been issued to community groups to assist BES staff design the public involvement program.

**100% Renewable Goal:**

- Not applicable

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

## ORDINANCE No.

\*Authorize contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment Technical Assistance at the Portland Harbor Superfund Site for \$500,000 (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. In 2005, BES awarded a contract to GSI Water Solutions, Inc. formerly Groundwater Solutions, to provide these services. GSI was selected through a competitive process (RFP No. BES024) in accordance with Section 5.68 of the City Code.
2. On September 7, 2005, Council approved Contract No. 36324 with GSI Water Solutions, Inc. to provide CERCLA and Risk Assessment technical assistance at the Portland Harbor Superfund site, Ordinance No. 179552. The contract was renewed through October 25, 2010.
3. On October 13, 2010, Ordinance No. 184155 authorized the extension and renewal of the contract through October 25, 2015 for a total of 10 years.
4. On October 14, 2015, Ordinance No. 187378 authorized the extension and renewal periods through October 25, 2018.
5. Section 2-105 of the City Charter provides for entering into contracts for a period not exceeding five years and the extension or renewal thereof not to exceed an additional five years. An administrative adjustment to the contract extension granted in Ordinance No. 187378 is necessary to conform with the Charter.
6. The Portland Harbor technical and legal processes have not been completed. The services required of GSI for technical assistance for the cleanup are the continuation of services that GSI has been providing. These services cannot be interrupted because the City is obligated to perform Portland Harbor work pursuant to formal agreements with EPA and DEQ.
7. The City is in a critical phase of the project that will determine the City's long-term future involvement at the Site. A contractor with historical knowledge of the Portland Harbor RI/FS process, and knowledge of various stakeholder issues, and City-specific operations and activities, will provide valuable and efficient support for future City decision making in this complex project.
8. In accordance with Portland City Code 5.68, a public notice of Sole Source Procurement was posted on March 21, 2018, Project No. 0000087, and received no challenges. This sole source contract is being acquired as an exception to the competitive selection process identified in Portland City Code 5.68 and the PTE Services Manual.
9. Funds are available in the Environmental Remediation Fund, FY2017-2018 budget, Bureau of Environmental Services, ESDR000004, Account No. 521000.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge is authorized to execute contract with GSI Water Solutions, Inc. in a form substantially in accordance with the agreement attached as Exhibit A, for the purpose described in Section 1, in an amount not to exceed \$500,000.
- b. The Commissioner-in-Charge is authorized to execute amendments renewing the contract for up to four additional one-year terms, as long as the amendment does not exceed \$500,000 per year.
- c. The Commissioner-in-Charge is authorized to execute amendments renewing the contract beyond five years through 2025 as may become necessary for continued Portland Harbor technical and legal processes, provided a sole source public notice is issued and no challenges are received in accordance to Portland City code 5.68 and the PTE Services Manual.

Section 2. The Council declares that an emergency exists because the City's involvement in the Portland Harbor Superfund CERCLA process is ongoing and continuing this support is critical to City risk management decision making; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Commissioner Nick Fish

Annie Von Burg  
June 15, 2018

Cost object – ESDR000004, Account 529000 -ord

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

Deputy



~~778~~ 52

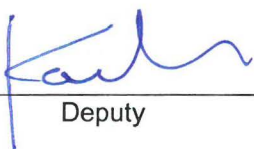
Agenda No.  
**ORDINANCE NO.**  
Title

This document was substituted  
with a revised version.

See final document:

189113

\*Authorize contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment Technical Assistance at the Portland Harbor Superfund Site for \$500,000 (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Fish</b>	CLERK USE: DATE FILED <u>JUL 10 2018</u>
<b>COMMISSIONER APPROVAL</b>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p>JUL 18 2018 <i>Rescheduled to Aug 15 2018</i> 9:30 A.M.</p> <p>AUG 15 2018 <i>Substituted.</i></p>
Mayor—Finance and Administration - Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b>	
Bureau: Environmental Services Bureau Head: Michael Jordan	
Prepared by: Annie Von Burg Date Prepared: May 15, 2018	
Financial Impact & Public Involvement Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date <u>xxx 2018</u> <u>July 18</u>	

<b>AGENDA</b> 10F2	<b>FOUR-FIFTHS AGENDA</b>	<b>COMMISSIONERS VOTED AS FOLLOWS:</b>	
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____		YEAS	NAYS
<b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)	1. Fritz	1. Fritz	
<b>CONSENT</b>	2. Fish	2. Fish	
<b>REGULAR</b> <input checked="" type="checkbox"/>	3. Saltzman	3. Saltzman	
<b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)	4. Eudaly	4. Eudaly	
	Wheeler	Wheeler	