

IMPACT STATEMENT

Legislation title: *Authorize contract with GSI Water Solutions, Inc. for Source Control Technical Assistance at the Portland Harbor Superfund Site at \$300,000 (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 \$300,000 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 Source Control Technical Assistance at the Portland Harbor Superfund) Site for \$300,000 (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. BES023) in accordance with Section 5.68 of the City Code.
2. On September 7, 2005, Council approved Contract No. 36325 with GSI Water Solutions, Inc. to provide Source Control technical services, supporting the City's involvement in identification and control of sources of contamination to the sediments at the Portland Harbor Superfund site, Ordinance No. 179553. The contract was renewed through October 26, 2010.
3. On October 13, 2010, Ordinance No. 184156 authorized the extension and renewal of the contract through October 26, 2015 for a total of 10 years.
4. On October 14, 2015, Ordinance No. 187379 authorized the extension and renewal periods through October 26, 2018.
5. Section 2-105 of 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. 187379 is necessary to conform with 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. 00000888, 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 a 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 \$300,000.
- 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 \$300,000 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 Portland Harbor Superfund Cleanup is ongoing, and City involvement in identifying and controlling sources 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

Agenda No.
ORDINANCE NO.
Title

This document was substituted
with a revised version.
See final document:
189114

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

AGENDA *2 of 2*

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
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. Eudaly	4. Eudaly	
Wheeler	Wheeler	