

ORDINANCE No.

189113

*Authorize a retroactive sole source contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment Technical Assistance at the Portland Harbor Superfund Site in the amount of \$2,500,000 (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, 2020, and it authorized the expenditure of up to \$500,000 per year for up to five years, for a not-to-exceed total of \$2,500,000, through amendments to the contract.
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. A retroactive 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. 00000887, 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.
10. As of June 30, 2018, BES has expended approximately \$910,000 of the \$2,500,000 in funds authorized by Ordinance No. 187378. Therefore, no less than \$1,500,000 in funds remain authorized and available to BES to perform the CERCLA and Risk Assessment Technical Assistance services authorized by Ordinance No. 187378.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge is authorized to execute a five-year 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, retroactive to October 25, 2015 and expiring October 25, 2020 in an amount not to exceed \$2,500,000.
- b. The Commissioner in Charge is authorized to execute amendments to the contract, as necessary, provided such amendments do not increase the contract value by more than 25%.
- 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

AUG 15 2018

Annie Von Burg
August 9, 2018

Cost object – ESDR000004, Account 529000 -ord

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

SUBSTITUTE

Agenda No.
ORDINANCE NO.
Title

189113

*Authorize a retroactive sole source contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment Technical Assistance at the Portland Harbor Superfund Site in the amount of \$2,500,000 (Ordinance)

INTRODUCED BY Commissioner/Auditor: Commissioner Fish	CLERK USE: DATE FILED <u>AUG 10 2018</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish <i>SMS for Nick Fish</i> Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Michael Jordan <i>[Signature]</i> Prepared by: Annie Von Burg Date Prepared: August 10, 2018 Financial Impact & Public Involvement Statement Completed <input checked="" 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"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>KLM</i> Council Meeting Date 8/15/2018	ACTION TAKEN:

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:00</u> <i>10/2</i> Total amount of time needed: <u>15 min</u> (for presentation, testimony and discussion) <i>Total</i> CONSENT <input checked="" type="checkbox"/> REGULAR <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	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	