

## **SUBSTITUTE**

# **ORDINANCE No. 189114**

\*Authorize a retroactive sole source contract with GSI Water Solutions, Inc. for Source Control Technical Assistance at the Portland Harbor Superfund Site in the amount of \$1,500,000 (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. 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, 2020, and it authorized the expenditure of up to \$300,000 per year for up to five years, for a not-to-exceed total of \$1,500,000, through amendments to the contract.
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. A retroactive 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.
10. As of June 30, 2018, BES has expended approximately \$304,000 of the \$1,500,000 in funds authorized by Ordinance No. 187379. Therefore, no less than \$1,150,000 in funds remain authorized and available to BES to perform the Source Control Technical Assistance services authorized by Ordinance No. 187379.

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 26, 2015 and expiring no later than October 26, 2020, in an amount not to exceed \$1,500,000.
- 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.

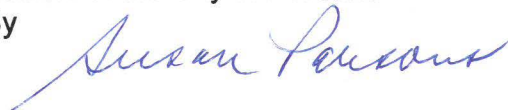
Section 2. The Council declares that an emergency exists because the Portland Harbor Superfund Cleanup is ongoing, and City involvement in identifying and controlling sources is critical to City risk management decision making; therefore, this ordinance shall be in full force and effect from and after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

Passed by the Council, **AUG 15 2018**  
Commissioner Nick Fish

Annie Von Burg  
August 9, 2018

Cost object – ESDR000004, Account 529000 -ord

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



Deputy

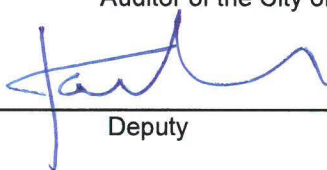
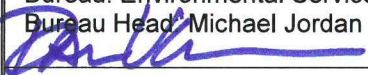
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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Fish</b>	CLERK USE: DATE FILED <u>AUG 10 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish <i>SAYS for Nick Fish</i> Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland  By: _____ Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: Michael Jordan  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"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> <i>KLM</i> required for contract, code, easement, franchise, comp plan, charter Council Meeting Date <b>8/15/2018</b>	<b>ACTION TAKEN:</b>

<b>AGENDA</b> <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <u>10</u> <i>2012</i> Total amount of time needed: _____ (for presentation, testimony and discussion) <b>CONSENT</b> <input checked="" type="checkbox"/> <b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	<table border="1"> <thead> <tr> <th colspan="2">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> </thead> <tbody> <tr> <td>1. Fritz</td> <td>1. Fritz</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler</td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> </tbody> </table>	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 checked="" type="checkbox"/>		Wheeler	Wheeler	<input checked="" type="checkbox"/>	
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