

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 6a

**Date of Meeting** September 22, 2009

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**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs  
Kathy Bahnick, Environmental Program Supervisor, Seaport Environmental Programs

**SUBJECT:** Procurement of multiple known Indefinite Delivery, Indefinite Quantity (IDIQ) Professional Service Agreements for Harbor Island, Lower Duwamish, Elliott Bay/Puget Sound for Sediment Site Support

**ACTION REQUESTED**

Authorization for the Chief Executive Officer to enter into three contracts for sediment site support for the following locations: Harbor Island Superfund site, Lower Duwamish Superfund site; and Elliott Bay/Puget Sound.

The port anticipates awarding up to three (3) indefinite delivery indefinite quantity (IDIQ) type contract(s). The sum of all three contracts will not exceed \$6,000,000. Contract duration will initially be for four (4) years with a possibility of two (2) one-year extensions. These timeframe with extensions are needed to ensure that the port has adequate and available resources during the negotiations with U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology (Ecology), and other negotiating parties involved in the Record of Decisions (ROD) for the two Superfund sites. The value of each IDIQ contract for service will be variable and no individual contract will exceed \$2,500,000.

The period of performance of the contract(s) is scheduled to start in early 2010.

**SYNOPSIS**

The Seaport Environmental Program provides and manages remediation liability and environmental regulatory agency compliance and support services for the Seaport, Real Estate, and Capital Development divisions.

The services requested are to provide consultant support for port-specific regulatory support, strategic planning and performing initial investigations as required due to the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), the State Model Toxics Control Act (MTCA) Statute, and the state sediment management standards (SMS).

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Existing open-order environmental services agreements expire at the end of 2009. New contracts with environmental technical and consultant service providers are needed in order to respond to ongoing and future Superfund, MTCA, and SMS request and orders from the regulators.

IDIQ contracts provide the port with the flexibility to meet regulatory requirements as they arise by issuing individual service directives on an as-needed basis to accomplish tasks within a general, pre-defined scope of work for a fixed period of time and a maximum contract amount. Competitively bid IDIQ contracts are a widely used public sector contracting tool, consistent with the port's Resolution 3605 and governed by CPO-1 policy.

This request is only for contracting authority – funding will be authorized under the environmental reserves authorization.

We are reviewing the contract scope of work with the Office of Social Responsibility (OSR) to identify small business subcontracting availability for these contracts. Small business subcontracting goals will be established and stated in the request for qualifications (RFQ).

### **PROJECT SCOPE OF WORK**

The primary focus of the proposed professional service contract(s) is to provide timely, cost efficient consulting services required to comply with regulatory requirements. The port manages contracts for multiple parties for the remedial investigation/feasibility studies (RI/FS) for the Lower Duwamish Superfund site and the East Waterway Operable Unit (an operable unit under the Harbor Island Superfund site). The contracts requested under this commission memo are for consultant support on port-only tasks related to the RI/FS and related regulatory or investigation issues.

On-call service provided by this contact will assist the port in responding to regulators' requests regarding sediment contamination that the port may be responsible for, and in strategizing how to address these issues. These requests are expected to be for various levels of investigation into the nature and extent or source of contamination, the potential risks it may pose to human health and the environment currently and in the future, and the feasibility of remedial options.

More specifically, these investigations may include, but not be limited to the following types of tasks:

- Providing overall and site-specific regulatory support including strategic analysis and planning
- Negotiation and support leading to a Record of Decision (ROD) for Lower Duwamish and Harbor Island Superfund sites
- Assisting the port in discussions and commenting on proposed or potential upcoming regulatory changes impacting sediment management.
- Compiling data and developing work plans
- Conducting initial sediment and upland investigations of potential sources of contaminated sediment and related source control issues

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- Sampling and analyzing sediments, soils, seeps, marine organisms and tissue, water and groundwater
- Conducting bioassays
- Reporting and analyzing the data
- Assessing remedial options
- Performing preliminary remedial designs and feasibility studies, including cost analysis

This work will represent the initial stages of investigations. If significant investigation work is required site-specific procurements will be initiated and presented for approval to the port commission.

## **ALTERNATIVES CONSIDERED/RECCOMENDED ACTION**

1. Undertake procurement of a Category III contract(s) for comprehensive sediment site support services. The process required to procure a Category III contract ensures a competitive process, encourages small business participation, and provides staff with the tools needed to respond in a timely manner to request for service. **This is the recommended alternative.**
2. Undertake separate procurement process each time services are needed in any discipline. This option would not be a timely or efficient use of port resources, as it would result in multiple low dollar contracts for similar services. There is also the potential that the procurement process would require so much time that the work would not be conducted according to the schedule required by the regulatory agency, with a risk of enforcement action. This is not the recommended alternative.
3. Conduct the sediment site support activities described above using port resources, without outside consultant assistance. There are insufficient staff resources and expertise to conduct these environmental management tasks without consultant and laboratory support. Relying on in-house staff would likely result in the work not being conducted according to the schedule required by the regulatory agency, with a risk of enforcement action

## **FINANCIAL IMPLICATIONS**

There is no funding request associated with this authorization. The funding source is the Environmental Reserves Budget. Individual service directives will be executed to authorize the consultant to perform any specific work on the contract against approved project authorizations under the Environmental Reserves Budget.

## **PROJECT SCHEDULE**

This authorization will allow initiation of a Category III procurement process in the third quarter of 2009, so that contracts can be executed prior to expiration of existing open order contracts on December 31, 2009. Individual service directives executed under these approved contracts will specify the specific schedule, scope and budget for the work