

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 6b

Date of Meeting November 3, 2009

DATE: October 7, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs
Paul Meyer, Environmental Program Supervisor, Seaport Environmental Programs

SUBJECT: Procurement of multiple Indefinite Delivery, Indefinite Quantity (IDIQ) Seaport Wide on-call Professional Service Agreements for Environmental Compliance and Management

REQUESTED ACTION

Authorization for the Chief Executive Officer to execute up to five (5) individual indefinite delivery, indefinite quantity (IDIQ) on-call environmental consulting services contracts. This capacity will be used to assist the Seaport Environmental Program to assess, plan, perform and monitor environmental compliance for Port-owned Seaport and Real Estate operations and Capital Development construction projects for all environmental media. In addition, the department requires consulting services capacity to develop and implement environmental management programs and initiatives. The contracts will cover work on properties the Port currently owns, uses, owned or used in the past, or that could be acquired or used in the future. The total amount of the contracts will not to exceed \$3,750,000 and each individual contract will not exceed \$750,000.

SYNOPSIS

Seaport Environmental Program provides and manages environmental compliance and response for regulated hazardous materials, underground storage tanks, surface and subsurface spills, and stormwater construction. Regulatory compliance is managed for ongoing operations as well as construction projects for the Seaport, Real Estate and Capital Development divisions. The Seaport Environmental Program also develops and implements a coherent and detailed environmental management program designed to help Port-run operations and Port tenants maintain and track compliance with environmental regulations and reduce overall environmental impacts from operations.

On June 8, 2004, the Commission authorized the CEO to enter a series of professional open order service agreements totaling \$4,250,000 for environmental sampling services to support Seaport division projects. On December 13, 2004, contracts were awarded under request for qualifications (RFQ) ID 040019 to ten (10) qualifying firms. To date \$3,656,226.21 has been committed.

The open order authorization approved in 2004 supported a variety of environmental compliance and construction field support services throughout the marine division. This has allowed Seaport Environmental to provide support to all Port of Seattle business divisions in an efficient and

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timely manner. Existing open-order environmental services agreements are due to expire on December 31, 2009. In order for the Seaport Environmental Program to continue to provide these services, new contracts with environmental technical and consultant services providers are needed.

The Port anticipates awarding up to five (5) indefinite delivery, indefinite quantity (IDIQ) type, combined personal and professional service contracts(s) totaling \$3,750,000 over a duration of three (3) years. The value of each IDIQ contract for services will vary but will not exceed \$750,000 for any of the contracts. No minimum amount of services or compensation will be guaranteed. Delivery or performance will be required only as authorized by Service Directives issued by the Port. The Port may award fewer than five (5) contracts depending on qualifications and availability of team(s)/firm(s) who respond to the solicitation.

This request is only for contracting authority; the Commission under the regular environmental reserves authorization process or through project specific authorizations will authorize funding.

Seaport Environmental reviewed 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 were established and will be stated in the RFQ.

SCOPE OF WORK

The Port's Seaport includes numerous operating facilities and tenant properties. Some Port properties have long histories of industrial use by facilities and operations known to have potential to require environmental compliance and management needs. Any construction at these sites, even small projects, have the potential to discover contaminated soil or water that requires field profiling, assessment of contamination, appropriate disposal decisions and tracking to comply with state and federal regulations. Contaminated materials are also generated by ongoing operations which must be managed according to similar regulations. Environmental management plans required by regulation to address environmental contamination, emergency response and impact mitigation require constant updating and tracking for effective compliance. The Port requires on-call environmental consulting services capacity to assist the Seaport Environmental Program to monitor and manage regulated media and to comply with state, federal and local programs that regulate environmental response. The requested services and activities include, but are not limited to:

- Hazardous materials management and compliance support
- On-call construction (and CIP) support and fieldwork services for construction and temporary erosion and sediment control (TESC) support
- On-call spill and incident response support
- Underground storage tank management support
- Environmental compliance auditing support
- Environmental compliance tracking system support
- Environmental management and compliance management planning support

This IDIQ contract will provide the Seaport Environmental Program with additional resources and flexibility to respond to unanticipated contamination incidents, meet time sensitive reporting requirements, address construction-related monitoring obligations and to identify and manage

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ongoing regulatory program requirements at Seaport, Real Estate and construction sites. Issuing individual Service Directives on an as-needed basis, within a general pre-defined Scope of Work for a fixed period-of-time and a maximum contract amount, will enable the Port to accomplish these tasks. Competitively bid IDIQ contracts are a widely used public sector contracting tool, consistent with the Resolution 3605 and governed by the CPO-1 policy.

ALTERNATIVES CONSIDERED/RECCOMENDED ACTION

1. Undertake procurement of up to five (5) Category III contracts for long-term commitment consultant 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. Prepare a separate procurement each time when on-call environmental consulting services are needed. This option would not be the most efficient use of Port resources, as it would result in multiple low-dollar contracts for similar services. In addition, we would not be able to respond in a timely way when services are needed quickly. This is not the recommended alternative.
3. Conduct the 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 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. This is not the recommended alternative.

FINANCIAL IMPLICATIONS

There is no funding request associated with this authorization. The funding will be from a variety of sources including operating budget, capital budget or Environmental Reserves. Individual Service Directives will be executed to authorize the consultant to perform any specific work on the contract against approved project authorizations.

PROJECT SCHEDULE

This authorization will allow the initiation of a Category III procurement process in the fourth quarter of 2009, so that the contracts will be executed prior to expiration of the 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.