

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5a

Date of Meeting October 27, 2009

DATE: September 22, 2009

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 Project Specific Professional Service Agreement for Terminal 30 Remedial Investigation Feasibility Study (RI/FS) Agreed Order

Amount of Request: \$750,000

Source of Funds: Tax Levy

ACTION REQUESTED

Authorization for the Chief Executive Officer to enter into one project specific category III contract for consultant support at Terminal 30, to comply with Washington State Department of Ecology RI/FS Agreed Order.

The Port anticipates awarding one project specific type contract with a total estimated value of \$750,000. Contract duration will be for five (5) years. This timeframe is needed to ensure that the Port has adequate time and available resources to perform the required negotiations, reporting, and monitoring until a written notice of satisfaction for the existing Agreed Order is obtained from the regulators.

SYNOPSIS

The Seaport Environmental Programs provides and manages remediation liability and environmental regulatory agency compliance and support services for the Seaport, Real Estate, and Capital Development divisions. The Port facility known as Terminal 30 (today an SSA cargo facility) was purchased in 1985 from Chevron, where it had been used as a bulk petroleum storage and transfer facility since the early 1900s. After the Port's purchase, we conducted numerous environmental investigations and cleanup efforts both as independent actions and under the direction of a state issued Agreed Order (August 30, 1991). The current order requires the Port to perform RI/FS and associated supporting efforts. The services requested are to provide professional consulting services and the associated subcontracted efforts (professional expertise and lab and field support) to perform the required efforts and tasks of the site's Ecology Agreed Order. The goal is to perform the order's requirements in order to obtain Ecology's written notice of satisfaction. The selected consultant will be required to prepare supporting documents (e.g., the Cleanup Action Plan and Compliance Monitoring Plan), provide regulatory

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 22, 2009

Page 2 of 3

interpretations and negotiations, additional investigation or monitoring requirements, and other project support services.

Existing T-30 project-specific environmental service agreements expire at the end of 2009. New contracts providing the necessary environmental professional consulting and routine support services are needed in order to respond to ongoing Agreed Order requests and orders from Ecology.

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

The scope of work was reviewed by the Office of Social Responsibility (OSR) to identify small business subcontracting availability for this contract. OSR determined the small business goal to be 15% of the total project cost. The project scope will include the tracking and reporting of small business utilization on this contract.

PROJECT SCOPE OF WORK

The primary focus of the proposed professional service contract is to provide timely, cost efficient consulting services required to comply with the remedial investigation/feasibility (RI/FS) study for the Terminal 30 site.

More specifically, the RI/FS includes, but is not limited to the following types of tasks:

- Completion of current Agreed Order and issuance of a subsequent agreement or entrance into Ecology's Voluntary Cleanup Program
- Development and implementation of a compliance monitoring plan
- Placement of Site institutional controls
- Continued groundwater monitoring and product recovery

ALTERNATIVES CONSIDERED/RECCOMENDED ACTION

1. Undertake procurement of a Category III project specific contract for RI/FS Agreed Order 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. Conduct the RI/FS Agreed Order 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. This may also lead to additional penalties due to lack of ability to respond to regulators requests in the time required.

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 22, 2009

Page 3 of 3

FINANCIAL IMPLICATIONS

There is no funding request associated with this authorization. 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. 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 enables initiation of a Category III procurement process in the third quarter of 2009 with contracts executed prior to expiration of existing open order contracts on December 31, 2009.