

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 6a

Date of Meeting October 27, 2009

DATE: September 15, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Elizabeth Leavitt, Director, Aviation Planning & Environmental
Paul Agid, Environmental Program Supervisor, Aviation Environmental Programs

SUBJECT: Authorization to Contract for Environmental Field Support and Services.

ACTION REQUESTED

Port of Seattle (Port) Commission authorization for the Chief Executive Officer to procure and execute one Indefinite Delivery Indefinite Quantity (IDIQ) professional services contract for Environmental Field Support Services for various Aviation Environmental Programs.

SYNOPSIS

Airport operations and maintenance activities must at times utilize hazardous materials such as paints, solvents, lubricants, glycol, and fuel that require special management and disposal. Historical operations and current day accidental spills can cause soil and other contamination that must be rapidly cleaned up and disposed of properly. This authorization request repeats a prior authorization that is expected to expire faster than anticipated due to management requirements for widespread low level contamination at the Consolidated Rental Car Facility construction site. This authorization requests that a competitive public procurement be initiated followed by anticipated execution of the contract late in the first quarter of 2010.

The contract would total a maximum of \$1.8 million dollars and would be expended over a maximum period of three years, whichever comes first. No new budget is being requested as part of this authorization, rather individual or reserved projects authorized by the Commission would include the necessary budget and would utilize this contract on an as needed basis. Staff will utilize the Port's Office of Social Responsibility to ensure that small business participation is considered in the procurement process.

Today we request that the Commission authorize execution of a new Category 3 IDIQ contract to replace the consultant capacity that will be lost when the current contract value limit is reached. Av/Env will work with the Central Procurement Office, and in full compliance with Port Policy CPO-1, to conduct a Category 3 competitive procurement process to select and contract with the best qualified applicant.

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 2

This request brings to six the number of Aviation Environmental Department's 2009 procurements for contaminated site consulting and analytical laboratory services. Several of these procurements provide services for the Seaport as well. Together, the consulting and analytical laboratory contracts issued as a result of these six procurements should, based on best projections, enable the Airport to manage known Airport contaminated sites, and respond quickly to any currently unknown contamination conditions that are discovered over the next three years. The five 2009 procurements previously authorized by the Commission are as follows:

1. Project-Specific contract for consulting services to complete soil and ground water remediation of the Lora Lakes Apartments site, as required by the MTCA Agreed Order between the Port and the Department of Ecology.
2. (a) Project-Specific contract for consulting services to complete long term monitoring of groundwater and seeps associated with the Third Runway Embankment, as required by the Department of Ecology-issued Section 401 Water Quality Certification for the runway project.

(b) Project-Specific contract for consulting services to complete long term monitoring of groundwater and other environmental media at the Des Moines Creek Regional Detention Facility, as required by the Department of Ecology-issued Section 401 Water Quality Certification for the detention facility project.
3. IDIQ – Unknown Projects contracts (six contracts for use of Av/Env and Sea/Env) to provide a broad array of environmental consulting services for fast and technically appropriate response to currently unknown or unmet contaminated site and associated service needs.
4. IDIQ – Unknown Projects contracts (six contracts for use of Av/Env and Sea/Env) to provide a broad array of environmental analytical laboratory services for known and unknown sites.
5. Project-Specific contract for environmental analytical laboratory services to support the Aviation storm water management program, as required by the Airport's NPDES permit and other regulatory requirements.

SCOPE OF WORK

The proposed IDIQ contract mechanism requested today would provide 30-minute consultant response to unanticipated discoveries of historical contamination, operational spills, and similar unplanned needs for immediate environmental management services at construction sites.

Under the Environmental Field Support Services contract, the selected consultant will provide two different but closely integrated sets of tasks, which require two different skill sets:

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 3

The Environmental Agent service provider is an environmental professional experienced in both contaminated soils management and standard construction practices. The Environmental Agent observes construction activities in known contaminated zones, and is on-call to support unanticipated discovery of contamination during construction. When a construction contractor encounters contamination, the Environmental Agent directs the contractor, through communication with the Port's construction inspector, to take actions (specialized excavation, segregation, and transport for treatment and disposal) necessary to manage the contamination consistent with applicable regulations and Port policies as well as relevant contract specifications. The Environmental Agent conducts appropriate sampling, and documents contamination management activity. The Environmental Agent's documentation is used not only to comply with agency reporting requirements, but also to support Port claims for reimbursement from the parties responsible for the additional environmental management costs, and to support the Port's position in response to contractor claims.

The Hazardous Materials services provider is an environmental professional experienced in management of hazardous materials, hazardous wastes, and related substances. While the Environmental Agent tasks' focus on construction management of contaminated soil, the Hazardous Materials specialist has expertise in the use, storage, categorization, and disposal of hazardous products, hazardous materials, and hazardous waste in compliance with an extensive set of federal and state governing regulations. The Hazardous Materials service provider will inspect Port and tenant operations for compliance with regulations and Port rules, coordinate contaminated and hazardous waste management between the Port, specialized transporters, and storage, treatment, and disposal vendors, as well as support Aviation Environmental Programs' field response to hazardous materials spills.

Successful performance of the Environmental Field Support Services work requires that the Environmental Agent and the Hazardous Materials manager maintain frequent communication and close coordination with numerous individuals, including Port's Project Managers and Construction Managers and their teams, contractors, Aviation Maintenance, the Project Management Group, Engineering, Port Construction Services, airport tenants, laboratories, disposal vendors, and regulatory agencies.

BUSINESS PLAN OBJECTIVES

Procurement of qualified environmental consulting support services is necessary for the investigation, evaluation and remediation of Port contaminated sites. These contamination management activities will minimize to acceptable levels threats to the environment caused by historical property uses and operations, and will demonstrate to the public that airport operations and projects are conducted to protect the environment to the maximum extent practicable, consistent with the dictates of environmental regulatory agencies. The products of these efforts and capabilities, as well as the attendant compliance with regulatory mandates, management of Port liabilities, and support of the local community, aligns with the goals and objectives of the Aviation Division Business Plan.

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 4

ALTERNATIVES CONSIDERED / RECOMMENDED ACTION

The following alternatives were considered for accomplishing the work described in the Scope of Work:

Alternative 1

Do nothing. If the Port chose to not supply Environmental Field Support Services, there would be no consistent, real-time, on-the-ground direction to provide effective management of contaminated and hazardous materials. The lack of a unified support service could lead to inconsistent management and decision-making, particularly by those over whom the Port has less direct control (for example, tenant vendors), potentially putting the Port at risk of noncompliance with regulatory mandates and mishandling and improper disposal of contaminated or hazardous waste. This is not the recommended alternative.

Alternative 2

Complete the work using Port staff. Existing Port staff are already heavily involved in management of contaminated materials and hazardous waste, and in cooperative work with Port, tenant, and contracted parties to coordinate and optimize their management of these materials. The proposed field support services scope of work is, on one hand, substantial, and would require several additional staff, but, on the other hand, is sporadic, and would from time to time result in under-utilizing staff. In addition, use of outside services makes available to the Port certain technical skills not possessed by current staff. Utilizing all Port staff for Environmental Field Support Services would be inefficient, and is not the recommended alternative.

Alternative 3

Complete the work using only outside consultants. Outside consultants have sufficient numbers and types of specialists necessary for timely completion of this work. However, using all outside consultants for Environmental Field Support Services would not be cost effective, nor would it enable closely monitored implementation of Port environmental management policies in the execution of daily field activities. This is not the recommended alternative.

Alternative 4

Complete the work using a combination of Port staff (Alternative 2) and outside consultants (Alternative 3) that maximizes the effectiveness of existing staff without expanding the number of staff environmental professionals that are part of the Port organization. Alternative 4 is recommended.

FINANCIAL IMPLICATIONS

Cost Estimate

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 5

The total value of the proposed procurement is \$1,800,000.

Source of Funds

No funding request accompanies this request for authority to conduct procurements.

The services provided by the selected consultant procurements would result in contracts for services paid by budget independently approved by the Commission via specific project authorizations, and/or environmental reserve fund authorizations.

COMMUNITY/CUSTOMER/ORGANIZATION IMPACTS

Elimination of unacceptable levels of environmental risk caused by the presence of contaminants in soil and groundwater is not only required by state and federal law, it is the hallmark of responsible environmental stewardship, from the perspectives of both the surrounding residential and business communities and the customers we serve.

Authorization of a competitive selection process and contract execution with the selected environmental consultant will provide the experience and expertise required to assist the Port in meeting environmental regulatory obligations and exercising prudent environmental management in satisfaction of both regulatory and community interests.

In addition, this procurement will implement the Port's small business initiative by working with the Office of Social Responsibility to establish appropriate small business participation goals, currently anticipated to be not less than 15%. Staff will coordinate with the Office of Social Responsibility to ensure that we appropriately advertise the proposed consulting and laboratory opportunities to the small business community.

PROJECT SCHEDULE

This authorization enables the execution of a Professional Services agreement in the first quarter of 2010, and delivery of services for three years beginning about April 1, 2010.

PREVIOUS COMMISSION ACTION

On March 20, 2008, the Commission authorized execution of a Professional Services Agreement for provision of Environmental Field Support Services, following selection of a consultant through a Category 3 competitive procurement process. The contract was limited to the lesser of a three-year term, or expenditure of \$1,200,000. The contract spending limit is expected to be reached by April 1, 2010.

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 6

BACKGROUND

In March 2008, the Commission authorized Aviation Environmental Programs to procure and the Chief Executive Officer to execute a contract to provide Environmental Field Support Services to the Aviation Division. The purpose of the contract was to assure that experienced environmental professionals who were also experienced in field construction processes and operations, were available to observe Aviation Division construction projects in locations where contamination conditions might be encountered. The general scope of the consultants' work was to observe capital construction projects, identify contamination conditions encountered by the construction contractor, and coordinate with the construction management team for environmentally and legally appropriate management of the contamination; while, at the same time, minimizing interference with the contractor and eliminating to the degree possible construction delay. A more detailed description of these services, and why they are necessary, is provided in the Background section of this Commission Memo.

The authorized contract was limited to a term of three years and an expenditure of \$1,200,000. Av/Env estimates that the expenditure limit will be reached by about April 1, 2010, rather than April 2011, as originally estimated. The accelerated spending rate was a result of the numerous low-level contamination conditions found at the site of the Consolidated Rental Car Facility, unanticipated at the time the procurement was initiated and before Rental Car Facility construction started.

As a result of historical operations and current day accidental spills and releases of hazardous substances to the environment, a number of sites at the airport have been contaminated. Each of the materially impacted sites has been or is being investigated and/or remediated consistent with state and federal rules. In many cases contaminated soils at these sites present no risk to human health or the environment while in place at depth or below pavement; indeed, the Department of Ecology routinely approves remediation by onsite containment or associated management methods. However, the same contaminated material must be specially managed and disposed of in accordance with federal and state requirements once encountered and removed from the site (e.g., by subsurface construction activity, utility repair, etc.).

Similarly, airport operations and maintenance activities employ a significant volume of hazardous materials on airport property. Use of products such as paints, solvents, and adhesives generates hazardous and non-hazardous wastes that require special handling and disposal. Non-airfield actions such as acquisition of properties previously used for residential, commercial, and industrial purposes also generate hazardous wastes. Wastes from newly acquired properties range from paints, maintenance supplies, and garden pesticides to mercury- and lead-containing building materials, to underground storage tanks and containers of unknown contents. Each of these wastes requires special management to comply with the rules of multiple regulatory authorities.

Expert, hands-on management of contaminated soil, hazardous materials and hazardous waste consistent with federal and state regulations limits and/or mitigates adverse environmental impacts, satisfies specific permit requirements, and reduces the Port's exposure to unacceptable liability risk. Equally important, Aviation Environmental Programs' ongoing provision of environmental field support to the Capital Improvement Program and non-Capital Improvement Program construction

COMMISSION AGENDA

Tay Yoshitani, Chief Executive Officer

September 15, 2009

Page 7

projects has resulted in successful management of contaminated materials – both anticipated and unanticipated – encountered by those projects, with a bare minimum of construction delay and interference with airport operations. The established support program is well known and relied upon not only by Aviation Environmental Programs staff, but also by Port project management and construction management teams, contractors, and tenants and tenant contractors.

ATTACHMENTS

None.