

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5a

Date of Meeting June 22, 2010

DATE: May 28, 2010

TO: Tay Yoshitani, Chief Executive Officer

FROM: Bob Duffner, Water Resources Manager, Aviation Environmental
Elizabeth Leavitt, Director, Aviation Planning and Environmental

SUBJECT: Natural Resource Consulting Services

Amount of This Request: \$0

Source of Funds: Annual Operating Budget or Future Individual Project Authorizations

REQUESTED ACTION:

Authorization for the Chief Executive Officer to enter into an Indefinite Delivery, Indefinite Quantity (IDIQ) contract for natural resources consulting services to support Aviation, Seaport, Real Estate, and Capital Development Divisions Service Directives. The IDIQ contract for the services will not exceed \$750,000 over a four (4) year period. No funding is associated with this authorization request.

SYNOPSIS:

In accordance with the Port's strategies to be a high performance organization and to exhibit environmental stewardship through our actions, Aviation Environment Department proposes to advertise and select one qualified firm to provide natural resources consulting services. This contract will support ongoing compliance with requirements of the Airport's §401 Water Quality Certification and §404 Permit for the Master Plan Update (MPU) Projects. These services will also provide natural resource consulting services related to environmental reviews, permit development and compliance, and operations and maintenance for Aviation and Seaport developments and existing facilities. This contract includes a voluntary goal that the contractor team consist of at least one small business in accordance with the Port's small business goals.

BACKGROUND:

The Department of Ecology's §401 Water Quality Certification and the U.S. Army Corps of Engineer's §404 Permit required the Port create, restore, enhance, and preserve over 167 acres of wetlands and wetland buffers as mitigation for impacts related to the construction of the Third Runway and other MPU projects. Mitigation sites are located immediately adjacent to the

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Airport and in Auburn, Washington. Other mitigation completed includes enhancements to Miller Creek and flow augmentation in Des Moines and Walker Creeks during low flow periods.

These permits also require the Port to conduct extensive biological, vegetation, habitat, and other monitoring to ensure the mitigation sites are functioning as designed and are meeting their respective performance standards for a period of up to 15 years after construction. For most sites, 2011 will be the fourth year of performance monitoring. In addition to these performance monitoring requirements, the MPU permits require the development and implementation of corrective actions to be implemented under an adaptive management program where necessary to ensure the goals and standards of the mitigation program are met. These actions could include modifications to surface drainage, landscape alterations, and changes to plant communities.

Natural resources consulting services of this nature are secured through Service Agreements. The Port enters into a substantial number of Service Agreements each year. Each requires a significant amount of time and paperwork to process. Utilizing IDIQ contracts allows a more efficient, cost-effective way to respond to service requests. This type of open order contract is commonly used among many public agencies such as the Corps of Engineers, Navy, Coast Guard, King County, and the Washington State Department of Transportation.

PROJECT DESCRIPTION/SCOPE OF WORK:

This contract will provide support for Port environmental staff's ongoing natural resources monitoring, data collection, assessments, evaluations, analyses and compliance reporting efforts associated with MPU projects §401 and §404 permits. Services to be provided under this contract will include in-stream biological monitoring, in-stream monitoring of habitat enhancements, re-delineation of existing and mitigated wetland boundaries, watershed analyses, floodplain assessments, and statistical analyses.

Port staff routinely meets with regulatory agencies to review monitoring results, interpret permit requirements and assess the program's progress toward meeting mitigation goals, objectives and standards. This contract will provide compliance support including those related to Agency negotiations; development preparation and submission of local, state and federal permit applications; and preparation of documents for compliance with SEPA/NEPA project impact analyses and decision making.

The contract may also provide design and construction management support to adaptive management initiatives for wetland mitigation, stream restoration, habitat enhancements and other natural resources. These services may include preparation of design plans and specifications; review of reports, calculations, modeling and designs prepared by others; providing detailed review comments and recommendations to correct design deficiencies and/or modify original designs; and providing construction installation oversight and inspection.

The IDIQ contract will be procured according to the process detailed in CPO-1, which became effective January 31, 2009. The initial contract period will be for one year from the date of

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execution, with three successive one-year extension options (four year maximum). As indicated above, MPU related compliance monitoring will continue to through at least 2022. The near-term compliance schedule calls for annual biological monitoring, habitat enhancement monitoring 2012 and 2014, and wetland re-delineation in 2012. The IDIQ will allow for up to four years of service in order to support the habitat enhancement monitoring in 2014.

STRATEGIC OBJECTIVES:

This agreement supports the Port's strategy to create a High Performance Organization by providing a cost efficient means secure professional services for tasks which present variable workload and require specialized expertise that cannot be effectively provided by Port staff.

In addition, this agreement supports the Port's strategy to Exhibit Environmental Stewardship through our Actions by ensuring compliance with the Airport's permits of the MPU projects.

FINANCIAL IMPLICATIONS:

Budget/Authorization Summary

The contract will be written with a specific not-to-exceed amount of \$750,000. The Port will authorize work under individual Service Directives as specific work tasks are required and funding for that work is authorized by the Commission.

Individual Service Directives will be negotiated and processed before any work is performed. Service Directives, consisting of a Scope, Fee Agreement and Schedule, will not be established until the project has been approved in accordance with Resolution No. 3605. There are no guarantees that the Port will initiate any Service Directive or that any related projects will be authorized by the Port Commission.

No budget authorization request is associated with this Commission action.

Source of Funds

The costs associated with services to be performed under this IDIQ in 2010 are in the Commission approved 2010 Aviation Division operating budget. Costs for 2011 through 2014 Aviation compliance functions will be included in subsequent annual Aviation Environmental operating budget requests. Funding for natural resources consulting services at other sites will be provided through future individual project or other Aviation department, Seaport, Real Estate, and Capital Development operating budget authorizations.

ECONOMIC IMPACTS:

It is estimated that the natural resources consulting services contract will require approximately 6,000 hours of professional services over a four year period. The contract includes a voluntary

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goal that the contractor team consist of at least one small business in accordance with the Port's Office of Social Responsibility recommendation.

ENVIRONMENTAL SUSTAINABILITY AND COMMUNITY BENEFITS

Services provided through this contract will enable the Port to maintain compliance with existing permits and develop appropriate corrective measures to ensure mitigation sites meet their long-term environmental objectives.

TRIPLE BOTTOM LINE SUMMARY:

This agreement will provide a financially responsible way to ensure the Port meets the permit requirements for construction of the Third Runway and other MPU projects.

PROJECT SCHEDULE:

Each Service Directive will specify the schedule associated with the tasks involved. The agreement itself will be awarded for a maximum of four years. Likely work tasks include in-stream biological monitoring in 2011, 2012, 2013, and 2014; in-stream habitat enhancement monitoring 2012 and 2014, wetland re-delineation in 2012, and on-going permit negotiations support throughout the contract term. The initial contract period will be one year. Work beyond 2011 will only occur if the contract option years are awarded.

ALTERNATIVES CONSIDERED/RECOMMENDED ACTION:

- 1) Do nothing: This alternative would result in an inability to perform specific monitoring task required by the Port's 401 Certification and 404 Permit for MPU projects. Failure to perform required monitoring would be a violation of the permits. This is not the preferred alternative.
- 2) Prepare separate procurements each time natural resources 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. This is not the recommended alternative.
- 3) Prepare one Category III procurement for the specialized service area. This alternative ensures a competitive process, encourages small business participation, and provides staff with the tools needed to respond in a timely manner to requests for service. This is the recommended alternative.

PREVIOUS COMMISSION ACTION:

On November 23, 2009, the Commission authorized the Aviation Division operating expense budget for 2010 which contained \$100,000 for wetland-related consulting services. Related

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work in 2008, 2009 and 2010 has been completed under two separate \$200,000 Category II contracts which were issued in accordance with PUR-2 and did not require or receive Commission authorization for award.