

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5c

Date of Meeting December 7, 2010

DATE: December 1, 2010

TO: Tay Yoshitani, Chief Executive Officer

FROM: Paul Meyer, Manger Permitting & Compliance, Seaport Environmental Programs
Marilyn Guthrie, Stormwater Program Manager

SUBJECT: OTAK Contract Amendment for Stormwater Services

Amount of This Request: \$1,509,000 **Source of Funds:** Operating revenues

Est. State and Local Taxes: None **Est. Jobs Generated:** 5

Total Amount of this Contact: \$4,184,000

ACTION REQUESTED:

Requests Port Commission authorization for the Chief Executive Officer to execute an amendment to the professional service contract (OTAK P-00314472) that supports the implementation of the Port's Municipal Stormwater Permit and other stormwater support services. This request is to add \$1,509,000 to this contract for a maximum of \$4,184,000 to continue the ongoing permit compliance work.

The cumulative amendments exceed 50 percent of the value of the initial contract, and, in accordance with RCW 53.19.060, this memo constitutes notification to the Commission. This memo will be placed on file for public inspection at the Port's bid desk.

SYNOPSIS:

This amendment (valued at \$1,509,000) will allow the consultant (OTAK) to perform stormwater support services through the middle of 2012 for a total maximum cost of \$4,184,000. A Request for Qualifications for a new consultant will be issued prior to February 2012, when the new Municipal Stormwater Permit is expected to be in place.

BACKGROUND:

Ecology issued the Phase I Municipal NPDES Stormwater Permit ("the Municipal Stormwater Permit") in February of 2007, with a permit term of 5 years (expires 2012). The Municipal Stormwater Permit requires that Permittees, such as the Port, conduct specific tasks/programs with associated deadlines. Specifically, it requires the development and implementation of a Stormwater Management Program (SWMP) by 2010, and the development of a long-term monitoring program.

Because these programs run through the term of the Permit, it is critical that consultant support is consistently provided until the end of the Permit cycle. This proposed contract amendment will allow the consultant (OTAK) to perform stormwater support services through the middle of

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2012. A Request for Qualifications for a new consultant will be issued prior to February 2012, when the new Municipal Stormwater Permit is expected to be in place.

On April 7, 2007, the Commission approved Seaport Environmental Program's Category C consultant selection process for Stormwater Services Category C Contract (SSC). This authorization was for five years and \$5 million. The scope of work included in this amendment is within the original scope of work and the original contract value authorized by commission in 2007.

The original contract did not include full funding; rather, the Port issued amendments annually. In the past, request for contract amendment occurred annually after Commission approval of the Seaport expense budget. See contract history in Budget/Authorization Summary Table below.

This table also provides information on the use of Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE). Authorization to DBE/MBEs for the total authorization equals at least 34%. Taylor Associate (DBE/MBE) work is \$ 1,700,000 of the total OTAK contract. Other direct contracts with consultants include Phoinix and Gayle Thompson for approximately an addition \$250,000.

PROJECT SCOPE OF WORK AND SCHEDULE:

Scope of Work (SOW):

The SOW for this Service Agreement (SA) amendment was developed to achieve compliance with the requirements of the Municipal Stormwater Permit. The SOW for this SA amendment is a continuation of the program that began in 2007, when the permit was issued to the Port for the first time. It is also within scope to the work outlined in the original authorization presented to the Commission.

Schedule:

This work will begin on January 1, 2011 and be complete by July of 2012.

FINANCIAL IMPLICATIONS:

Source of Funds

Funds for the expenditure required will come from Operating Expenses as is included yearly in the Plan of Finance for the Seaport division approved by Commission.

ENVIRONMENTAL SUSTAINABILITY/COMMUNITY BENEFITS:

Reducing the impacts to stormwater in the Puget Sound area it is the hallmark of responsible environmental stewardship, from the perspectives of both the surrounding communities and the customers that we serve. The Port's stormwater program is a big step in achieving this goal.

The provision of funds for implementation of the Port's Phase I Municipal Stormwater permit is included yearly in the Plan of Finance for the Seaport division approved by Commission.

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BUDGET/AUTHORIZATION SUMMARY TABLE:

Service Agreement Original Amount Not To Exceed	Amendment Number	Amendment Amount	New NTE Total	Explanation
6/7/2007			\$200,000	Original contract
12/20/2007	1	\$400,000	\$600,000	Amendment for 2008 budget.
6/11/2008	2	\$225,000	\$825,000	Addition work added for 2008 – hired Taylor* to implement monitoring program.
9/12/2008	3	\$0	\$0	Bill rate Adjustment
11/26/2008	4	\$800,000	\$1,625,000	Amendment for 2009 budget.
10/05/2009	5	\$950,000	\$2,575,000	Amendment for 2010 budget.
01/06/2010	6	\$100,000	\$2,675,000	Adding in Shilshole Bay Marina tribal monitoring – adding Taylor*.
Current request for authorization	7	1,509,000	\$4,184,000	Amendment for 2011 & 2012 budget.

*Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE) equals at least 34% of original total authorization. Taylor Associate (DBE/MBE) work is \$ 1,700,000 of the total OTAK contract. Other consultants include Phoinix and Gayle Thompson.

ALTERNATIVES CONSIDERED/RECOMMENDED ACTION

1. Undertake a full procurement process to enter into a series of Category III contracts to replace the existing contract.¹This is not the recommended alternative because this scope was included in the original procurement and it would switch consulting firms at the end of a permit cycle. It is important to maintain the same consultant because these programs run through the term of the Permit. It is also important in order to maintain program development consistency and accountability for that development.
2. Modify the existing contracts as identified in this memo. **This is the recommended alternative.**
3. Conduct the activities using Port resources, without outside consultant assistance. There are insufficient staff resources and expertise to conduct these tasks without consultant and laboratory support. This is not the recommended alternative.

PREVIOUS COMMISSION ACTION

On April 7, 2007, the Commission approved Seaport Environmental Program's Category C consultant selection process for Stormwater Services Category C Contract (SSC). The Commission approved establishment of a roster provision of environmental services on an on-call basis for a five year term, to a total of \$5,000,000.00.

¹ If the Commission agrees with staff recommendations and modifies the existing contract, a full procurement will be conducted next year, since the current Commission Authorization will expire in 2012 and the authorized amount (\$5,000,000) is expected to be expended by mid 2012. In addition, it is also expected that Ecology will reissue the Phase I permit and potentially add scope not anticipated in the 2007 Procurement.