



**COMMISSION
AGENDA MEMORANDUM**

Item No. 6c

ACTION ITEM

Date of Meeting July 14, 2020

DATE: June 8, 2020

TO: Stephen P. Metruck, Executive Director

FROM: Sandra Kilroy, Director Maritime Environment & Sustainability
Kathy Bahnick, Manager, Remediation Programs
Joanna Florer, Sr. Environmental Program Manager

SUBJECT: Procurement of Indefinite Delivery, Indefinite Quantity Service Agreements for Maritime Environmental Site Management Support Services

Maximum Value of Contracts: \$4,000,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to procure and execute indefinite delivery, indefinite quantity (IDIQ) contracts for consultant support for environmental services in support of potential future environmental investigations and remediation activities. Two IDIQ contracts will be issued for the not-to-exceed amount of \$2,000,000 each with a five-year contract ordering period for a total maximum value of \$4,000,000. No funding is associated with this authorization.

EXECUTIVE SUMMARY

Port Maritime Environmental Programs provide and manage remediation liability and environmental regulation support services for the Maritime, Economic Development, Joint Venture, Stormwater Utility and the Northwest Seaport Alliance. The service agreements resulting from this request will allow the Port to respond to a range of environmental investigation, characterization and remediation needs.

Existing open-order environmental services agreements are due to expire in March and July 2021. For Environmental Programs to continue to provide these services, new contracts with environmental technical and consultant services providers are needed by March 2021. The contracts will be managed by the Maritime Environmental and Sustainability Department but will be available for use by other Port Divisions.

This request is only for procurement and contracting authority; No funding is requested. Funding will be authorized by the Commission under the annual environmental remediation liabilities authorization process or through project-specific authorizations. Funding for this work was included in the 2020 – 2024 Environmental Remediation Liability (ERL) Program.

Meeting Date: July 14, 2020

JUSTIFICATION

The port's participation in remediation activities supports the Century Agenda goal of being the greenest port and reinforces our commitment of being a responsible steward of community resources and the environment. State and federal laws require elimination of unacceptable levels of environmental risk caused by the presence of contaminants in soil, groundwater, and sediment. From the perspective of the surrounding communities and the customers that we serve, the Port's participation in site remediation is the hallmark of responsible environmental stewardship. Another critical point is that cleanup returns contaminated land to a more productive use.

Diversity in Contracting. For the upcoming procurement, the project team has contacted the Port's Diversity in Contracting Department and will establish a women-and minority-owned business enterprise (WMBE) aspirational goal (likely 15%) and inclusion plan.

DETAILS

Scope of Work

The purpose of these proposed contracts is to provide timely, cost-effective consulting services necessary to perform remediation-related assessments, investigations and other related activities to understand potential liability associated with contamination present at current or potential future Port Facilities. These remediation-related assessments and investigations primarily address contaminated sites regulated under the State's Model Toxics Control Act or Federal Superfund program (CERCLA) requiring specialized services addressing the technical and regulatory needs of these regulations.

IDIQ contracts provide the Port's Maritime Environmental team with flexibility to meet the regulatory requirements and perform necessary technical and specialized assessments. 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 General Delegation of Authority and governed by the CPO-1 policy.

Schedule

Contracts should be executed by March 2021 in order to have a transition period between these new contracts and the current ones. The new contracts will have a five-year ordering period. Each service directive will specify the duration and schedule associated with the task or tasks involved.

Meeting Date: July 14, 2020

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Project work completed by adding Port staff.

Cost Implications: NA

Pros:

- (1) Adding new Port staff to complete these potential projects would reduce the Port’s reliance on outside service contracts and increase the Port’s technical capacity to respond to our internal customers in the long term.

Cons:

- (1) The level of effort and expertise requirements for the potential project work to be completed under this IDIQ is unknown at this time. Therefore, determining proper staff needs to complete this work is not feasible.
- (2) This alternative would add several months to each project schedule to hire or reallocate current staff for each individual project and would impact the ability to meet project and customer needs.
- (3) Potential project work under this IDIQ would most likely require specialized environmental sampling equipment that the Port does not have access to due to the associated capital and maintenance cost.

This is not the recommended alternative.

Alternative 2 – Separate procurement for each project.

Cost Implications: NA

Pros:

- (1) Separate contracts would allow consulting firms multiple opportunities to compete for each individual project.

Cons:

- (1) This alternative would significantly increase overhead and administrative costs to the Port, as we would need to manage more procurement processes and contracts.
- (2) This alternative may add several months to each project schedule to complete the procurement process for each individual project and would impact the ability to meet project and customer needs.
- (3) Costs to the consulting company may increase as they would be responding to multiple procurements.

This is not the recommended alternative.

Meeting Date: July 14, 2020

Alternative 3 – Prepare a single procurement for two IDIQ contracts.

Cost Implications: NA

Pros:

- (1) This alternative would ensure the Port has the necessary professional and specialized technical resources available to complete regulatory required work, and that WMBE participation is part of the criteria.
- (2) This alternative ensures the Port can meet time-critical evaluations and delivery of required and necessary projects.
- (3) This alternative would save time and money because it minimizes the number of procurement processes necessary for timely completion of projects and reduces overhead and administrative costs to the Port.

Cons:

- (1) This alternative would limit the number of opportunities available to firms to compete for this work.

This is the recommended alternative.

FINANCIAL IMPLICATIONS

There is no funding request as part of this authorization. Funding for the associated scope of work and costs is included in the annual Environmental Remedial Liability (ERL) authorization (tax levy) or through project-specific authorizations. Individual service directives will be executed to authorize the consultant to perform any specific work on the contract against approved project or spending authorizations and within the total contract amount.

ATTACHMENTS TO THIS REQUEST

None

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

November 19, 2019 – The Commission authorized 2020 – 2024 Environmental Remediation Liability (ERL) Programs fund for 2020 and approved a five-year spending plan for the 2020 – 2024 ERL program.