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COMMISSION

AGENDA MEMORANDUM Item No. 8d

ACTION ITEM Date of Meeting April 11, 2023

DATE: March 29, 2023

TO: Stephen P. Metruck, Executive Director

FROM: Dave Soike, Deputy Executive Director

Jermaine Murray, Director, Port Construction Services

SUBJECT: IDIQ Contracts for Regulated Materials Management Services

Amount of this request: \$0

Total requested project cost: \$3,000,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to execute up to two (2) indefinite delivery, indefinite quantity (IDIQ) contracts for regulated materials management services to support project, operational and safety needs of all Port divisions and the Northwest Seaport Alliance, for a total amount not-to-exceed \$3,000,000. There is no budget request associated with this authorization. Each contract will have an ordering period of five years.

EXECUTIVE SUMMARY

This memorandum requests authorization to execute contracts with consulting firms to provide the Port with regulated materials management (RMM) support at Port of Seattle and Northwest Seaport Alliance facilities. It is necessary to arrange for new publicly competed contracts because existing contracts are expiring. Regulated materials (e.g., asbestos, lead and other heavy metals, PCBs, refrigerants) are managed by the Port RMM Program. The program also provides industrial hygiene services (e.g., indoor air quality, mold assessment and abatement, water intrusion assessment, employee exposure assessment, COVID Safety Plan review).

The primary concerns of the RMM Program are:

- (1) The health and safety of the public and Port employees, tenants and contractors;
- (2) Regulatory compliance during routine Port operations; and
- (3) Regulatory compliance during construction or maintenance projects.

The Port RMM Program is implemented by a team of qualified Port staff in Port Construction Services (PCS) and Marine Maintenance. In order to achieve regulatory compliance and a safe working environment, the RMM Program also requires a variety of RMM consulting services.

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COMMISSION AGENDA – Action Item No. 8d Page 2 of 5

Meeting Date: April 11, 2023

These services include:

- (1) Regulated materials program management;
- (2) Regulated materials surveys or “good faith” inspections;
- (3) Regulated materials abatement design services;
- (4) Regulated materials project and abatement monitoring services; and
- (5) Industrial hygiene services.

Charges to the proposed RMM Support Services contracts will be funded by projects that have previously been authorized by the Commission under separate requests. Consequently, there is no budget or funding request associated with this authorization.

JUSTIFICATION

Regulated materials (asbestos, lead and other heavy metals, PCBs, refrigerants) and industrial hygiene issues (mold, indoor air quality, employee exposure) must be managed by building owners in accordance with a complex and comprehensive set of federal, state and local regulations. Port Construction Services (PCS) manages the Port's Regulated Materials Management (RMM) Program using a combination of Port staff from PCS and Marine Maintenance, and specialized consultants who are well versed in regulatory issues and industry standards for RMM and industrial hygiene.

Prior to any construction, demolition, renovation or maintenance project, the Port is required to perform a “good faith” inspection to determine if asbestos or other regulated materials will be disturbed by the work. Hazards in the work area must then be communicated to individuals with the potential for exposure in the form of reports and awareness training. During projects that disturb regulated materials, continuous third-party monitoring is necessary to maintain regulatory compliance and a safe environment for staff, tenants, contractors and the public.

The scope of services in these contracts will allow the Port of Seattle and Northwest Seaport Alliance to achieve our safety objectives and ensure regulatory compliance.

These contracts will also contribute to the Century Agenda, Strategy 6: Be a highly effective public agency. As stated in Strategy 6, the Port is dedicated to employee safety. The primary objective of the services provided by these contracts is employee, tenant, and public safety. A safe working environment will also allow the Port to set the standard for high-quality, cost-effective, and timely delivery of capital programs.

Diversity in Contracting

These contracts will contribute to the Port's goal of increasing the participation of women and minority business enterprises (WMBE) in our contracting for public works, consulting services, supplies, material, equipment, and other services. The Diversity in Contracting Department has set an aspirational goal of 12% WMBE participation for each of these contracts.

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COMMISSION AGENDA – Action Item No. 8d Page 3 of 5
Meeting Date: April 11, 2023

DETAILS

The Port RMM Program is implemented by a team of qualified Port staff in PCS and Marine Maintenance. In order to achieve regulatory compliance and a safe working environment, the RMM Program also requires a variety of RMM consulting services.

Indefinite delivery, indefinite quantity (IDIQ) contracts provide the Port with the flexibility to meet RMM and industrial hygiene needs as they arise. Individual service directives are issued to accomplish specific RMM tasks, on an as-needed or on-call basis, for a defined period, up to a defined dollar amount.

Scope of Work

The intent of these IDIQ contracts will be to provide comprehensive RMM support services for all Port of Seattle and Northwest Seaport Alliance facilities. RMM support services will include, but will not be limited to:

- (1) Regulated materials surveys (good faith inspections);
- (2) Regulated materials design services;
- (3) Abatement cost estimating;
- (4) Abatement project monitoring and project oversight inspection services;
- (5) Contractor quality control monitoring and inspections;
- (6) Construction management support services;
- (7) Support and coordination of RMM work for Operations and Maintenance (O&M) activities and capital projects;
- (8) Construction Safety Plan reviews and site safety inspections for construction projects;
- (9) Safety training, including asbestos, lead and silica awareness;
- (10) Industrial hygiene – indoor air quality assessment;
- (11) Industrial hygiene – mold assessment and abatement and
- (12) Industrial hygiene – employee exposure assessment.

Schedule

We anticipate executing contracts in Quarter 3 of 2023. Each contract will have an ordering period of five years, ending in Quarter 3 of 2028. During that time, the Port may authorize work through service directives if there is sufficient capacity remaining on the contract at the time of service directive execution to complete all of the work. Work on service directives executed within the ordering period may be completed after expiration of the ordering period.

Activity

Commission authorization 2023 Quarter 2
Procurement complete 2023 Quarter 3
Contract ordering period start 2023 Quarter 3
Contract ordering period end 2028 Quarter 3

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COMMISSION AGENDA – Action Item No. 8d Page 4 of 5
Meeting Date: April 11, 2023

Cost Breakdown

Charges to these contracts will be funded by projects that have previously been authorized by the Commission under separate requests. Consequently, there is no budget or funding request associated with this authorization.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Prepare a separate procurement for each of the above services.

Pros:

- (1) Smaller scopes of work reduce contract amounts and the resources needed to procure each contract.
- (2) Higher potential for small business and WMBE participation with smaller scopes of work.

Cons:

- (1) The dollar amount associated with each individual RMM service may not require a competitive procurement process for each contract.
 - (2) Scopes of work may be too small and reduce interest from potential bidders.
 - (3) This option would not be the most efficient use of Port resources, as it would result in procurement and management of multiple low dollar contracts for related services.
- This is not the recommended alternative.

Alternative 2 – Provide the necessary services with Port staff.

Pros:

- (1) Around-the-clock coverage for regulated materials and industrial hygiene issues.
- (2) Consistent report formats for good faith inspections, abatement closeout reports, assessment reports, and other air monitoring reports.

Cons:

- (1) During project work, the Port often experiences spikes that require around-the-clock coverage. Providing Port staff to respond to these needs on an on-call basis would require PCS to hire additional full-time staff for swing and graveyard shifts. Since the need for these services is intermittent and dependent on project schedules, there would be periods of time where these individuals would not have work. As full-time employees, they would be paid a salary regardless. This would not be an efficient use of the Port's resources.
 - (2) Some of the referenced work requires specialized certifications that are not practical for Port staff to maintain.
 - (3) Consultants provide a form of "third-party insurance" by verifying regulated materials controls and abatement work on behalf of the Port. This minimizes the Port's risk associated with RMM work. Providing Port staff to perform verification would eliminate the benefits of third-party verification.
- This is not the recommended alternative.

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COMMISSION AGENDA – Action Item No. 8d Page 5 of 5

Meeting Date: April 11, 2023

Alternative 3 – Prepare one Category III Procurement that includes all the above services in the scope of work, and issues two indefinite delivery, indefinite quantity (IDIQ) contracts.

Pros:

- (1) This alternative ensures a competitive process.
- (2) This alternative provides Port staff with the information and tools needed to respond in a timely manner for requested services.
- (3) This alternative provides the resources to cover multiple projects simultaneously.
- (4) This alternative allows for intermittent coverage as dictated by project needs.

Cons:

- (1) Lower potential for small business and WMBE participation; however, participation by subcontractors (e.g., laboratories, industrial hygiene services) that are small businesses or WMBE firms is likely.

This is the recommended alternative.

FINANCIAL IMPLICATIONS

Charges to these contracts will be funded by projects that have previously been authorized by the Commission under separate requests. Consequently, there is no budget or funding request associated with this authorization.

ADDITIONAL BACKGROUND

In 2020, the Port issued a contract for industrial hygiene services (amount: \$100,000). That contract expired in August 2022. In 2021, the Port issued two contracts (amounts: \$500,000 each) for RMM services. These contracts will expire on February 26, 2024. However, contract capacity is forecasted to be fully expended in September 2023.

ATTACHMENTS TO THIS REQUEST

None
PREVIOUS COMMISSION ACTIONS OR BRIEFINGS
None

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