

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 14, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. SOUTH CORRIDOR STUDY BRIEFING Brandman

4. MPAC COMMUNICATIONS

5. CONSENT AGENDA

5.1 Consideration of Minutes for the March 7, 2002 Metro Council Regular Meeting.

6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 02-937A**, For the Purpose of Amending Metro Code Chapter 5.04 Related to Supporting Markets for Recyclable Materials and Making Related Changes to Metro Code Chapter 2.19 to Establish a Recycling Business Assistance Advisory Committee. McLain

7. CONTRACT REVIEW BOARD

7.1 **Resolution No. 02-3165**, For the Purpose of Authorizing the Release of a Request for Proposals for Implementation of the First Year of a Marketing and Communications Plan to Increase the Salvage and Recycling of Construction and Demolition Debris. Park

8. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for Week of March 14, 2002 (PDX CABLE)

	Sunday (3/17)	Monday (3/18)	Tuesday (3/19)	Wednesday (3/20)	Thursday (3/14)	Friday (3/15)	Saturday (3/16)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 PM				2:00 PM (previous meeting)	
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)					1:00 AM		
CHANNEL 30 (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)					1:00 AM		
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 PM	8:30 PM					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
CHANNEL 32 (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.

<i>Portland Cable Access</i>	www.pcatv.org	<i>(503) 288-1515</i>
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<i>West Linn Cable Access</i>	www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm	<i>(503) 650-0275</i>
<i>Milwaukie Cable Access</i>		<i>(503) 652-4408</i>

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 5.1

Consideration of the March 7, 2002 Regular Metro Council Meeting minutes.

**Metro Council Meeting
Thursday, March 14, 2002
Metro Council Chamber**

Agenda Item Number 6.1

Ordinance No. 02- 937A, For the Purpose of Amending Metro code Chapter 5.04 Related to Supporting Markets for Recyclable Materials and Making Related Changes to Metro Code Chapter 2.19 to Establish a Recycling Business Assistance Advisory Committee.

Second Reading

Metro Council Meeting
Thursday, March 14, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 02-937A
CODE CHAPTER 5.04 RELATED TO)
SUPPORTING MARKETS FOR RECYCLABLE) Introduced by:
MATERIALS AND MAKING RELATED CHANGES) Mike Burton, Executive Officer
TO METRO CODE CHAPTER 2.19 TO)
ESTABLISH A RECYCLING BUSINESS)
ASSISTANCE ADVISORY COMMITTEE)

WHEREAS, support for recycling markets is an element of Waste Reduction Goal 9 of the Regional Solid Waste Management Plan; and,

WHEREAS, the Metro Council finds that the recycling goals of the Regional Solid Waste Management Plan cannot be met without an expansion of demand for recyclable materials; and,

WHEREAS, the expansion of demand for recyclable materials is identified as primarily a private-sector activity in the Regional Solid Waste Management Plan; and,

WHEREAS, the Metro Council finds that private recycling businesses have difficulty accessing capital from time to time; and,

WHEREAS, the Metro Council appropriated \$500,000 in FY 2001-2002 to be used for loans and grants to enterprises that use recyclable materials to make new products; and,

WHEREAS, it is the policy of the Council to approve procedures that address program administration, scope, selection criteria and evaluation prior to disbursement of funds for recycling market development; and,

WHEREAS, this ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. All sections of Metro Code Chapter 5.04 are repealed and Sections 3 through 8 of this Ordinance are adopted in lieu thereof.

Section 2. Metro Code Chapter 5.04 shall be re-titled "Recycling Business Assistance Program."

Section 3. Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(b) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and accepted by the Oregon Department of Environmental Quality (DEQ).

Section 4. Policy and Purpose

(a) It is the policy of the district to support the creation, expansion, preservation, and diversification of markets for recyclable materials, in partial fulfillment of waste reduction requirements set out in the Regional Solid Waste Management Plan and in Oregon law.

(b) It is further policy of the district that support for recyclable materials markets shall:

- (1) Be based on the solid waste management hierarchy to first reduce, second reuse, third recycle, fourth compost, and lastly recover materials diverted from solid waste; and
- (2) Be directed toward enterprises that are ultimately self-sustaining.

Section 5. Funding and Budget

(a) The Metro Council shall create a separate account within the solid waste operating fund entitled "Recycling Business Assistance Account" to fund projects and proposals to further the policy expressed in this chapter. The Metro Council may from time to time appropriate funds to this account. Funds not disbursed in any one budget year shall be carried forward. Revenue accruing to the account shall be invested in accordance with Metro Code chapter 2.06.

(b) As part of Metro's annual budget process, the Executive Officer shall propose a budget for the Recycling Business Assistance Program for approval by the Council.

Section 6. Administration

(a) The Executive Officer shall administer the Recycling Business Assistance Program and shall:

- (1) Receive and consider the advice of the Recycling Business Assistance Advisory Committee on all aspects of program administration;
- (2) Publish the criteria for selecting projects, persons and businesses to be provided loans or grants, consistent with Section 7 of this Ordinance;
- (3) Review applications for loans and grants;
- (4) Prior to making a determination to approve or deny an application for a loan or a grant, receive and consider the recommendations of the Recycling Business Assistance Advisory Committee regarding each such application;
- (5) Approve or deny applications for loans and grants, consistent with Section 7 of this Ordinance; and

- (6) Provide a semi-annual report to the Council that includes information regarding the projects, persons and business that have received loans and grants, the amounts of funds disbursed for each loan or grant, and the history and current status of all outstanding loans and grants.
- (b) The Recycling Business Assistance Advisory Committee shall:
- (1) Make recommendations to the Executive Officer regarding criteria for selecting projects, persons and businesses to be provided loans or grants;
 - (2) Review applications for loans and grants;
 - (3) Make recommendations to the Executive Officer regarding approval or denial of such loans and grants; and
 - (4) Advise the Executive Officer on all other matters as necessary to fulfill the intent of this chapter.

Section 7. Application Process, Criteria and Approval of Loans and Grants

- (a) There shall be an open public process for solicitation of loan and grant applications.
- (b) Any person may submit proposals for funding. Applications must be in writing and must address all criteria set forth in this Section.
- (c) All applications shall be reviewed and any recommendation to approve or deny an application for a loan or grant shall include the reasons for acceptance or rejection of the application.
- (d) Proposals recommended for approval shall be consistent with the Regional Solid Waste Management Plan and the policy and purposes of this Chapter.
- (e) Loans and grants shall not be approved if the loan or grant proceeds will be used to substitute for projects or programs funded by other sources.
- (f) Proposals that best enhance the waste reduction goals of the Regional Solid Waste Management Plan will receive priority consideration for approval.
- (g) Proposals shall be directed to the aid of private, for-profit and nonprofit businesses and shall increase or improve one or more of the following:
 - (1) The amount of locally-generated materials that are diverted from the waste stream and recycled;
 - (2) The number of uses for locally-generated recyclable materials;
 - (3) Use of feedstock from locally-generated recyclable materials rather than virgin materials;
 - (4) Markets for locally-generated recyclable materials; and
 - (5) Technology for the use of locally-generated recyclable material.

(h) Funds may not be provided for:

- (1) The cost of preparing loan or grant applications, proposals, stock or debt offerings, formation of partnerships, incorporations or other forms of business or other financing;
- (2) Ongoing costs or expenses;
- (3) Payment of fines, penalties, arrears, judgments or other such obligations; or
- (4) Proposals that degrade the quality of air, water and land resources.

(i) The Executive Officer may establish additional criteria for loan or grant approval and may seek recommendations regarding such criteria from the Recycling Business Assistance Advisory Committee.

(j) Prior to approval of an application for a loan or grant, the Executive Officer shall provide written notification to the Metro Council of the Executive Officer's intent to approve the loan or grant. The Executive Officer's notification shall provide the loan or grant applicant's name and address, describe the project for which the loan or grant is intended, provide the amount requested, and summarize the Recycling Business Assistance Advisory Committee's recommendation, the Executive Officer's evaluation of the criteria for approval established in this Section, and any other relevant issues considered during the Executive Officer's review of the application. After receiving the Executive Officer's notification, the Council also may review copies of the application and any contents of the application file. Within ten (10) calendar days of receiving the Executive Officer's notification, the Council may request to consider the application. If such request is made, the Executive Officer shall not approve the application or disburse any loan or grant proceeds without the Council's approval. If the Council does not request to review the application within ten (10) calendar days of receiving the Executive Officer's notification, the Executive Officer may approve the application and may disburse the approved loan or grant proceeds.

(k) It is the policy of Metro to provide equal opportunity to all applicants for the recycling business assistance loans and grants for which provision is made in this chapter. Metro shall not discriminate against any applicant on the basis of race, color, national origin, gender, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

Section 8. Staff Support

The Regional Environmental Management Department shall:

(a) Provide administrative and staff support to the Recycling Business Assistance Advisory Committee. Additional technical assistance may be acquired following Metro's contract procedures. The Regional Environmental Management Department shall ensure that no funds shall be expended, disbursed or advanced from the Recycling Business Assistance Account for any administrative or staff support purpose or additional technical assistance. It is the intent of the Council that the entire amount set aside each year be disbursed for loans or grants promoting the purpose of this chapter and that all overhead and staff support expenses necessary for implementing the program be borne by the solid waste operating fund separate from the Recycling Business Assistance Account.

(b) Ensure compliance with all federal and state law relating to lending and the provision of loans and grants by a government entity.

Section 9. Section 10 is added to and made a part of Metro Code Chapter 2.19.

Section 10. Recycling Business Assistance Advisory Committee (RBAAC)

(a) Purpose. The purpose of the Recycling Business Assistance Advisory Committee is to advise the Executive Officer regarding administration of the Recycling Business Assistance Program pursuant to Metro Code Chapter 5.04.

(b) Membership. The committee shall be composed of seven members as follows:

- (1) An employee of Regional Environmental Management Department, who shall serve as committee chair;
- (2) A member of the Metro Council, who shall serve as vice-chair;
- (3) Two persons who have knowledge and experience in recycling principles, practices, and markets or end-uses for recyclable materials;
- (4) One person who has knowledge and experience managing a business;
- (5) One person who has knowledge of lending principles and practices and who is currently active in the private lending industry; and
- (6) One person who has knowledge of lending or grant-making principles and practices.

(c) Appointments. The Metro councilor serving on the committee shall be appointed by the Council Presiding Officer.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

Ordinance No. 02-937A, For the Purpose of Amending Metro Code Chapter 5.04 Related to Supporting Markets for Recyclable Materials and Making Related Changes to Metro Code Chapter 2.19 to Establish a Recycling Business Assistance Advisory Committee.

January 5, 2002

Presenter: Terry Petersen

DESCRIPTION

This Ordinance amends Metro Code Chapter 5.04, to establish an evaluation and award process for recycling market development. In a related change, this ordinance also amends Metro Code Chapter 2.19 to create an advisory committee for the recycling market development program.

EXISTING LAW

Any amendment of Metro Code, in this case, Chapters 2.19 and 5.04, requires an ordinance approved by Metro Council, pursuant to Metro Charter Section 39(1). The provisions of the current Metro Code Chapter 5.04, adopted in 1988, governed Metro's first recycling market development program, "1% for Recycling," which awarded grants to private firms that used locally generated recyclable materials. The "1%" program has been unfunded and defunct for almost 10 years.

BACKGROUND

In the FY 2001-02 budget, the Council appropriated \$500,000 toward recycling market development. It was the Council's expectation that loans would be emphasized over grants in this round of funding. The Council also expected the Regional Environmental Management Department to develop an administrative process, including evaluation criteria and creation of an independent advisory committee, for the award of recycling market development funds.

This ordinance responds to Council's expectations by creating the Recycling Business Assistance Program (RBAP). This ordinance also will establish the Recycling Business Assistance Advisory Committee (RBAAC) in Metro Code Chapter 2.19. The RBAAC will be comprised of experts in lending and recycling markets, and will include a member of the Council as a voting member.

BUDGET IMPACT

Council has already appropriated funds for this program in FY 2001-02. REM has resources to pay for unbudgeted Administrative Services Department (ASD) and Office of General Counsel (OGC) hours through transfer of funds. However, it is noted that this program's claim on ASD and OGC staff time, added to multiple requests from other programs, contributes to a cumulative budget impact.

OUTSTANDING QUESTIONS

Ordinance 02-937A delegates decision authority to the Executive Officer based on advisory committee recommendation, but provides for notice to Council and Council opportunity to review. Metro has other examples of significant funding decisions being made by the Executive Officer drawing on recommendations from an advisory committee that has a Councilor member (e.g., the Enhancement Grant and Transit-Oriented Development Grant programs). As with the TOD Grants, the Council will receive

notice of the Executive Officer's intention to approve a loan or grant and will have 10 days' opportunity to decide to review that decision. This approach preserves Council authority over expenditure of public monies, but also reduces two barriers that have been of concern: time and confidentiality. A full legislative process adds 6 to 8 weeks from decision to award; private lenders typically take less time than this from *application* to award. Business opportunities and decisions can become moot with this much delay. Second, there is risk that proprietary information will be revealed during the public process. There will only be a Council process in cases where Council finds reason to object to or examine a decision.

The Ordinance includes other safeguards in this delegation of authority:

- ◆ Council will consider the program budget for approval each year [Section 5[b)].
- ◆ Evaluation and award criteria are set forth in Metro Code (sections 4 and 7 of the Ordinance). Section 6[a][5] provides that the Executive Officer will approve or deny applications consistent with the criteria in Section 7. Section 7[c] of the ordinance requires the Executive Officer to provide the reasons for approving or denying an application.
- ◆ The Advisory Committee will be comprised of lending and recycling industry professionals and a Metro Councilor who will understand how to implement the criteria (Section 10[b]).
- ◆ The Executive Officer must report twice a year to the Council on the status of the program (Section 6[a][6]).

This set of safeguards is designed to ensure that the intent of the Council is carried out in implementing the market development program, while being responsive to the needs of the industry.

Loans approved through this program likely will involve more innovative terms than conventional loans from private banks. The Recycling Business Assistance Program is designed to assist businesses that cannot obtain sufficient, affordable capital from conventional lending institutions. The ordinance also establishes a requirement of not competing with private lenders, which means not taking business from them. Typically, banks and other lending institutions will refuse to make, or will charge high interest rates for, loans to companies that have brief tenure, low profit margins, specialty equipment, debt/equity ratios that do not meet conservative guidelines, or that operate in unfamiliar industries. RBAP applicants will have to document that their efforts to secure sufficient, affordable private funding were not successful or that the financing costs would have compromised their business viability.

All loans made through this program will be secured with sufficient collateral. All applicants will be investigated and analyzed by Regional Environmental Management staff and by professional lenders to ensure acceptable risk factors. No loans will be made without a reasonable certainty of the borrower's ability to repay. Compared with most grant programs, this process offers not only an exceptionally high level of scrutiny, but also will recover funds for future use. Although there is some risk of default, the means will be in place to recover defaulted funds through liquidation proceedings.

Council intended this program would assume some level of risk for the likely benefit of advancing the Metro region's recycling and recovery rate goals.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 02-937A.

Agenda Item Number 7.1

Resolution No. 02-3165, For the Purpose of Authorizing the Release of A Request for Proposals for Implementation of the First Year of a Marketing and Communications Plan to Increase the Salvage and Recycling of Construction and Demolition Debris.

Contact Review Board

Metro Council Meeting
Thursday, March 14, 2002
Metro Council Chamber

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 02-3165
RELEASE OF A REQUEST FOR PROPOSALS FOR)	
IMPLEMENTATION OF THE FIRST YEAR OF A)	Introduced by: Mike Burton,
MARKETING AND COMMUNICATIONS PLAN TO)	Executive Officer
INCREASE THE SALVAGE AND RECYCLING OF)	
CONSTRUCTION AND DEMOLITION DEBRIS)	

WHEREAS, the adopted FY 2001-02 Regional Environmental Management Budget anticipated two separate \$50,000 contracts totaling \$100,000 for construction and demolition debris salvage and recycling marketing and communications; and,

WHEREAS, for the reasons described in the accompanying staff report, it is appropriate to combine the two anticipated projects into one as contained in the attached request for proposals; and,

WHEREAS, Metro Code 2.04.026(b) requires Council approval of contracts in excess of \$50,000 that are not anticipated in the approved budget; and,

WHEREAS, the contractor will be selected by an open and competitive proposal and selection process; now therefore,

BE IT RESOLVED:

- 1) That the Metro Council authorizes the release of the RFP for implementation of the first year of a marketing and communications plan to increase the salvage and recycling of construction and demolition debris, attached as Exhibit A; and,
- 2) The Metro Council authorizes the Executive Officer to execute a multi-year contract with the most qualified proposer for the first year of the marketing and communications plan to increase the salvage and recycling of construction and demolition debris.

ADOPTED by the Metro Contract Review Board this ____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3165 FOR THE PURPOSE OF AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR IMPLEMENTATION OF THE FIRST YEAR OF A MARKETING AND COMMUNICATIONS PLAN TO INCREASE THE SALVAGE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

Date: February 4, 2002

Presented by: Terry Petersen

PROPOSED ACTION

Resolution No. 02-3165 would authorize the Executive Officer to release a request for proposals (RFP) for implementation of the first year of a marketing and communications plan to increase the salvage and recycling of construction and demolition debris and to enter into an agreement with the most qualified and cost-effective proposer.

EXISTING LAW

Metro Code 2.04.026(b) requires Council approval of contracts in excess of \$50,000 that are not anticipated in the approved budget.

FACTUAL BACKGROUND AND ANALYSIS

According to a recent study of the region's waste performed by the State Department of Environmental Quality (DEQ), construction and demolition (C&D) waste represents 26%, or 281,000 tons, of the region's overall waste stream being disposed of in landfills.

Over the past 10 years, Metro, local governments, solid waste haulers and recycling companies have instituted a variety of education and outreach programs aimed at expanding source-separated recycling and salvage at construction and demolition sites. Examples of these individual projects include the Earth-Wise Builder program, one-page job-site recycling case studies and the "Recycling Pays" video. Although Metro has had some short-term success with these early C&D projects, staff and the C&D task force strongly believe that the long-range success of these efforts depends upon these programs being well-connected, sustained over a longer time period and better coordinated with the activities of other partners such as construction industry associations.

Metro's Regional Solid Waste Management Plan (RSWMP) calls for significant expansion of waste prevention and recycling activities by contractors, builders and others in the building industry within the region in order to reach regional recycling goals. The State-of-the-Plan Report (1999) estimates that an additional 92,000 tons must be recovered from the C&D sector over 1998 recovery levels to meet the region's recycling goals.

In 1999, the Regional Waste Reduction Initiative C&D Task Force (comprised of Metro and local government staff) was formed to evaluate current recovery, identify areas for improvement, and develop and implement programs and incentives to address these issues. The Task Force's 1999-2002 work plan identified the need for ongoing industry education about salvage and recycling

methods as a priority. The 2001-02 C&D work plan was adopted by Council as part of the Year 12 Partnership Plan for Waste Reduction.

This project is the second portion of a two-stage project. The first stage was the creation of a three-year information and marketing plan for expanding salvage and deconstruction and promoting source-separated recycling efforts. A team of consultants created this three-year plan in FY 2000-01 (see Attachment A to RFP # 02-1009-REM). The scope of work in the RFP includes the tasks required to implement Year One of this information and marketing plan. Years Two and Three will be implemented through a separate contract, providing staff the flexibility to fine-tune this project over time and allowing for changes in yearly budget allocations.

REM staff spent summer and fall 2001 preparing to release this RFP. Preparation work included creating the "tools" that will be used in the implementation of the marketing and communications plan: The Construction Industry Recycling Toolkit, Toolkit Find It map of facilities, Toolkit Carpenters Pencil, Metro construction site recycling interactive web-site (www.metro-region.org/recycling) and the Construction Industry Recycling Toolkit Planners Guide.

The scope of work for this RFP is based on a comprehensive strategy that includes:

- Developing lasting partnerships with local building industry associations, Chambers of Commerce and business associations.
- Working cooperatively with local building permit centers, building material retailers and wholesalers to distribute Metro C&D literature, such as the Construction Industry Recycling Toolkit and the Construction Industry Recycling Toolkit Planners Guide.
- Creating direct outreach opportunities through a series of construction managers forums.
- Creating interest in waste reduction by placing articles/case studies in local industry publications.

The work was originally budgeted as two separate contracts. They were combined in the recommended RFP due to the economies of scale available. The project would begin in April 2002 and be completed by June 30, 2003.

BUDGET IMPACT

The budget for the RFP is \$100,000 and is listed in the REM FY 2001-2002 budget as two separate line items under contracted professional services: C&D Recycling Outreach-Expand (\$50,000); and, C&D Salvage Outreach-Expand (\$50,000).

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 02-3165.

Request for Proposals for

Implementation of the First Year of
the Marketing and Communications
Plan to Increase the Salvage and
Recycling of Construction and
Demolition Debris

RFP #02-1009-REM

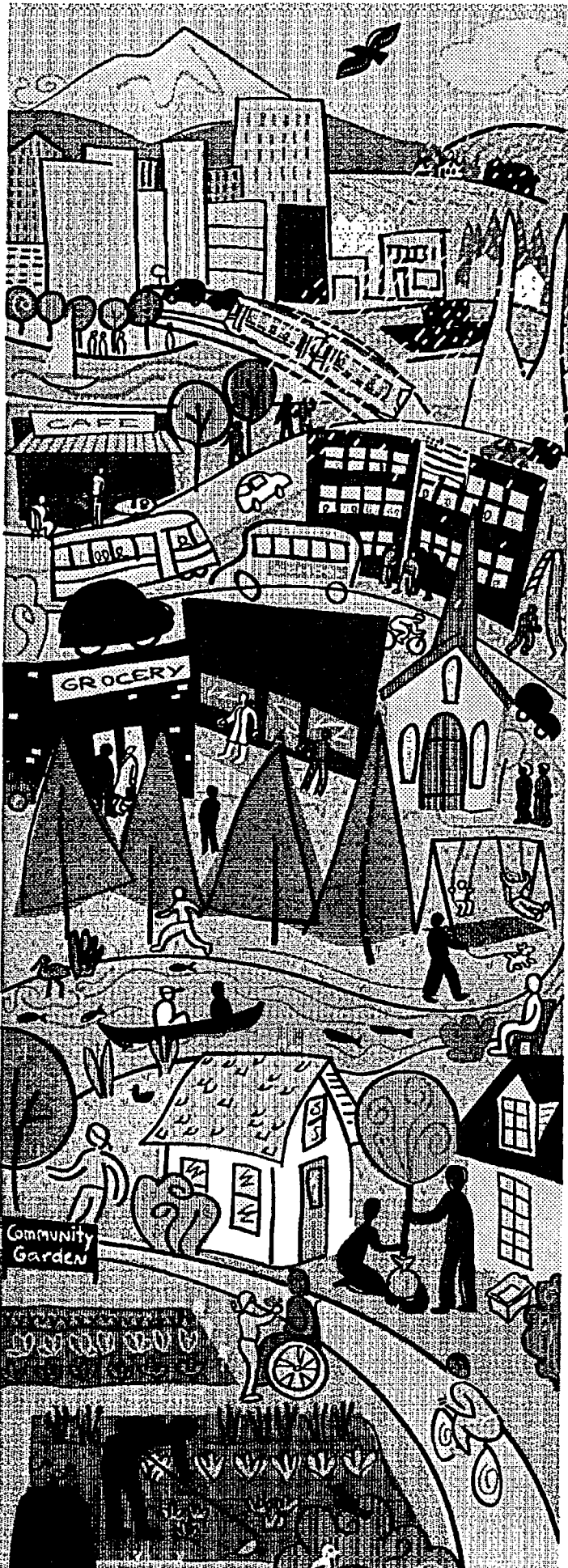
Prepared by:
METRO

*Regional Environmental Management
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REQUEST FOR PROPOSALS

FOR

Implementation of the First Year of the Marketing and Communications Plan to Increase the Salvage and Recycling of Construction and Demolition Debris

(RFP #02-1009-REM)

February, 2002

METRO
Regional Environmental Management Department
600 NE Grand Avenue
Portland, OR 97232-2736
(503) 797-1650

**REQUEST FOR PROPOSALS
IMPLEMENTATION OF THE FIRST YEAR OF THE MARKETING AND
COMMUNICATIONS PLAN TO INCREASE THE SALVAGE AND RECYCLING OF
CONSTRUCTION AND DEMOLITION DEBRIS**

I. INTRODUCTION

The Regional Environmental Management Department (REM) of Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals to develop and implement long-term outreach strategies, tactics and implementation plans to increase source-separated recycling and salvage/deconstruction at construction and demolition sites.

Metro is the regional government responsible for coordinating the region's solid waste and recycling systems. This includes developing a regional solid waste plan, implementing waste reduction programs and providing technical assistance to local governments and others on waste reduction strategies. Metro is also responsible for regulating the disposal of solid waste generated within its boundaries. City and county local governments are responsible for regulating solid waste collection within their jurisdictions. Local jurisdictions also ensure households and businesses are provided with recycling collection and other waste reduction services.

Proposals will be received at the reception desk of REM, Attention: Bryce Jacobson, 600 NE Grand Avenue, Portland, OR 97232, until 4:00 PM on March 28, 2002.

II. BACKGROUND

According to a recent study of the region's waste conducted by the state Department of Environmental Quality, C&D (construction and demolition) waste represents 26%, or 281,000 tons, of the region's overall waste stream being disposed in landfills. Other national research projects estimate that over 50% of C&D material is generated during demolition activities.

To reach regional recycling goals, Metro's Regional Solid Waste Management Plan calls for significant expansion of waste prevention and recycling activities by contractors, builders and others in the building industry within the region. The State-of-the-Plan Report (1999) estimates that an additional 92,000 tons must be recovered from the C&D sector over 1998 recovery levels to meet the region's recycling goals.

Over the past 10 years, Metro, local governments, solid waste haulers and recycling companies have instituted a variety of programs aimed at expanding source-separated recycling and salvage at construction and demolition sites. Although some of these programs and projects were successful, they were not well-connected nor have they been sustained over time.

In 1999, the regional C&D task force (Task Force), comprised of local government and Metro staff, was formed to evaluate current recovery, identify areas for improvement, and develop and

implement programs and incentives to address these issues. Substantial funding for C&D programs have been allocated in 2000-01 and 2001-02, and has been requested for 2002-03.

III. PROJECT SUMMARY

The C&D industry is large and complex, and recycling is rarely a high priority. To make an impact on this sector's waste-handling practices will require a comprehensive strategy to meet the industry on its own ground. The elements of this strategy and the scope of work for this RFP include:

- Building partnerships with local industry associations, chambers of commerce and business associations.
- Working cooperatively with local building permit centers, building material retailers and wholesalers to distribute Metro C&D literature.
- Creating direct outreach opportunities through a series of managers' forums.
- Creating interest in waste reduction by placing articles/case studies in local industry publications.

This project is the second part of a two-stage project. The first stage was the creation of a three-year information and marketing plan for expanding salvage and deconstruction and promoting source-separated recycling efforts. This RFP includes the tasks required to implement Year One of this information and marketing plan (see Attachment A). The project will begin in April 2002 and be completed by June 30, 2003. Metro's intent is to have 20% of the scope of work completed by June 30, 2002.

IV. PROJECT METHODOLOGY

The contractor chosen to work on this project will use the existing marketing and communications plan and implement a modified version of the first year of this plan. The Task Force believes the scope of services described in Section VI are an effective method of achieving project goals. Although proposals with minor revisions to the plan will be accepted, the Task Force is not interested in proposals departing greatly from the approach outlined in the scope of services for this RFP.

V. PROJECT OBJECTIVES

Successful completion of this project will result in:

1. Increasing the target audience's awareness and knowledge of waste/recycling practices. Using this information, the target audience will recycle more and dispose of less. We anticipate a measurable regionwide increase in the quantity of C&D debris that is recycled or recovered from construction and demolition sites.
2. Increasing the target audience's awareness and knowledge of salvage and deconstruction practices. Using this information, the target audience will utilize salvage and deconstruction practices more frequently. We anticipate a measurable regionwide increase in the

deconstruction of buildings and in the quantity of material salvaged for reuse from selective and whole-structure demolition.

Note: Throughout this document the phrase "C&D recycling" will mean both of the activities associated with these objectives.

VI. SCOPE OF SERVICES

The Task Force is seeking proposals from qualified firms to meet the project objectives as described in Section V. The project objectives will be achieved in a variety of ways: by preparing draft text for publications related to construction and demolition recovery; by developing relationships with affected trade groups, permitting offices, retailers and business organizations; by developing direct outreach; and by implementing an earned media effort.

Below are the tasks and deliverables that are required for successful completion of this project which will begin in April 2002 and end June 30, 2003.

Task 1. Participate in project preparation meeting.

The Contractor will meet with the Task Force to review the data and background information leading to the creation of Attachment A and discuss the work tasks for years One through Three.

Task Force responsibilities:

- Provide appropriate background materials and staff for meeting.

Budget:

- The Task Force estimates that these tasks will comprise approximately 2% of the project.

Contractor deliverables:

- One meeting with the C&D task force.

Task 2. Develop project evaluation and measurement plan for Tasks 4 - 9.

The Contractor and the Task Force will co-develop a document listing measurable outcomes for Tasks 4 – 9 in this scope of services. The Contractor will track and report on the measures relating to the level of effort or completion of tasks, e.g., quantities of literature pieces distributed, number of stories or ads placed in industry newsletters, number of industry association members present for breakfast meetings, increase in number of calls to Metro Recycling Information about C&D recycling, etc.

Task Force responsibilities:

- Assist in the development of the project evaluation and measurement plan.
- Create and administer separate phone or intercept survey instrument(s) to evaluate changes in industry behavior and attitudes related to C&D debris, changes in quantities of materials

entering used building material markets, and changes in quantities of C&D debris entering local landfills, material recovery facilities and transfer stations.

Budget:

- The Task Force estimates these tasks will comprise approximately 3% of the project.

Contractor deliverables:

- Draft evaluation and measurement plan.

Task 3. Create text for use in partnerships with related associations, organizations, offices and centers.

As outlined in Tasks 4 – 10, working with partners will allow the Task Force to broaden its reach, while also adding third-party credibility through industry involvement. The Contractor will develop text for packets for organization partnerships; the packets will include canned articles, art, advertisements, fact sheet, Toolkit and Planners Guide, which will be bundled into a presentation folder. Metro will produce the materials. Contractor activities will include:

- Writing six canned articles for organization newsletters.
- Writing text for three advertisements for organization publications.
- Writing text for a Toolkit poster, which will reinforce outreach messages, be highly visible and attention-getting, and suitable for display in locations ranging from building permit offices to construction sites.
- Writing text for a Toolkit fact sheet.
- Writing text for presentation folders and their components.

Task Force responsibilities:

- Approve distribution plan for partner packet.
- Provide background and reference material for packet components.
- Review, edit and approve text for each element of the packet.
- Provide graphic design and printing services for all elements of the partner packet.

Budget:

- The Task Force estimates these tasks will comprise approximately 10% of the project.

Contractor deliverables:

- Written distribution plan for partner packet.
- Six canned articles for organization newsletters.
- Text for three advertisements for organization publications.
- Text for Toolkit poster.
- Text for Toolkit fact sheet.
- Text for presentation folders.
- Text for components of the partner packet.
- Weekly written progress reports.

Task 4. Develop and implement partnerships with industry associations and green building organizations.

Partnerships are the key to developing a sustainable outreach and messaging effort with a broad reach to increase recycling and salvage in construction and demolition projects. The Task Force's research and experience suggests that outreach efforts such as these are more effective when government initiatives are coupled with third-party endorsements. The Task Force's qualitative research indicates that associations are open to this kind of partnership and see an advantage in recycling.

Contractor will meet with each of the following industry associations and green building organizations individually to identify ways to educate its membership about construction and demolition recycling and salvage and to determine the level of partnership that is necessary, desirable and practicable. Working partnerships will be developed with at least four industry associations and at least one green building organization.

Industry associations:

- Associated Builders and Contractors
- Associated General Contractors
- Construction Specifications Institute
- Oregon Remodelers Association
- Metro Home Builders Association
- American Institute of Architects
- Oregon Building Industries Association

Green building organizations:

- City of Portland Office of Sustainable Development
- Northwest Ecobuilding Guild
- U.S. Green Building Council

For those associations/organizations for whom a partnership is deemed necessary, desirable and practicable, the Contractor will develop a written plan that describes the tasks and timelines and identifies respective responsibilities for the working relationship and its elements.

The Contractor responsibilities may include:

- Providing canned or specially written articles for association/organization newsletters.
- Presenting information to association/organization members at meetings.
- Incorporating recycling/salvage criteria into association awards.
- Developing demonstration projects to highlight savings from salvage or recycling of C&D debris.

Task Force responsibilities:

- Make appropriate Task Force staff available for association meetings and presentations to industry.
- Approve plans for partnerships with industry associations and green building organizations and all work products.

- Provide topics for articles, sources for interviews/photos and review, edit and approve text for articles and criteria for association awards.

Budget:

- The Task Force estimates that these tasks would comprise approximately 20% of the project.

Contractor deliverables:

- Written plans for each association/organization with whom a partnership is developed.
- Implementation of contractor elements of plans for the period of the contract.
- Weekly written progress reports.

Task 5. Develop and implement partnerships with permitting and plan centers.

Permitting centers are ideal locations to provide C&D recycling and salvage information, primarily because contractors in a permit center are at a point in their planning process where it is feasible to build in recycling or salvage.

The Contractor will work with the Tri-County Permitting Consortium to create a unified regional C&D recycling and salvage information/notification process. The Contractor will develop a partnership with the consortium to utilize the consortium's distribution channels for speaking and outreach opportunities. Individual Task Force members will work with their local governments permit centers to ensure that the C&D Toolkit and map are available to industry customers. Task Force members will ask for permission to post the outreach posters in a location that is clearly visible from the permit center line or waiting area. Task Force members will be responsible for keeping the permit centers stocked with Toolkit materials throughout the term of this contract.

Subscription services/plan centers are also ideal locations to reach the target audience. The Contractor will form partnerships with subscription services/plan centers to ensure the Toolkit, Planners Guide and other C&D materials are available at subscription service locations such as *The Daily Journal of Commerce* and the *Business Journal*. The Contractor will be responsible for keeping the subscription service/plan centers stocked with Toolkit materials throughout the term of this contract.

Based on the outcome of the initial meetings with the Tri-County Permitting Consortium and subscription services/plan centers, for those associations/organizations for whom a partnership is deemed necessary, desirable and practicable, the Contractor will develop a written plan that describes the tasks and timelines and identifies respective responsibilities for the working relationship and its elements.

Task Force responsibilities:

- Approach local permit center staff and arrange for the installation of Toolkit posters and distribution of Toolkit materials.
- Make appropriate Task Force staff available for with Tri-County Consortium and subscription services/plan centers.

- Approve plans for partnerships with the consortium and subscription services/plan centers and all work products.
- Make appropriate Task Force staff available for meetings and presentations to plan center/permitting staff

Budget:

- The Task Force estimates these tasks comprise approximately 5% of the project.

Contractor deliverables:

- Written plans for partnerships with the consortium and subscription services/plan centers.
- Implementation of contractor elements of plans for the period of the contract.
- Weekly written progress reports.

Task 6. Develop and implement partnerships with an individual retailer/wholesaler or a consortium of retailers wholesalers.

Many retailers/wholesalers, including those supplying contractors, are becoming interested in promoting environmental issues as a way to increase sales. Home Depot, as an example, sells certified forest products and educates its customers about environmental purchasing. A partnership with the Task Force provides these retailers an opportunity to expand their environmental message. The Task Force benefits from the endorsement of the retailers and reaches a larger audience with the outreach message.

Based on advice from the Task Force, the Contractor will identify one of the large retailers/wholesalers, approach and meet with that company, and offer it the option to “own” the retailer/wholesaler C&D promotion program for its chain of retail/wholesale locations. Ownership of the promotion program would include opportunities for company logo placement on all outreach materials. If the “first-tier” organization declines the leadership role, the Contractor, with advice from the Task Force, will approach and meet a second large retailer/wholesaler with the same intention. If that attempt is unsuccessful, the Contractor will approach and meet with other suppliers to form a consortium of construction industry suppliers to perform the same role.

Possible partners include Home Depot, Lowe’s, Parr Lumber, Supply One, White Cap, Tualatin Valley Builders Supply, Lumberman’s, Environmental Building Supply and others. (Lowe’s entered the Portland market in April 2001 and may be more open to partnerships as it builds relationships in the local community.) The nature of each partnership will vary depending on the level of interest and the ability to participate.

Partnership tasks could include but are not limited to siting in-store kiosks, distributing the Toolkit, displaying Toolkit posters, printing recycling and salvage messages on receipts, and providing other materials.

The Contractor will provide a rough sketch for an in-store display kiosk, and will deliver to and install custom-designed kiosks at participating retailers/wholesalers. The Contractor will stock

participating stores with Toolkit literature or will find industry vendors who regularly visit these retail outlets with which the contractor could contract with to restock store displays.

Based on the outcome of the initial meetings with construction suppliers, for those associations/organizations for whom a partnership is deemed necessary, desirable and practicable, the Contractor will develop a written plan that describes the tasks and timelines and identifies respective responsibilities for the working relationship and its elements.

Task Force responsibilities:

- Approve plans for retailer partnership(s) and all work products.
- Make appropriate Task Force staff available for meetings and presentations to suppliers.
- Fund the design and production of in-store kiosks.

Budget:

- The Task Force estimates that these tasks would comprise approximately 15% of the project.

Contractor deliverables:

- Written plans for each of the participating retailers/wholesalers.
- Preliminary rough sketch for the design of kiosk.
- Implementation of contractor elements of plans for the period of the contract.
- Weekly written progress reports.

Task 7. Develop and implement partnerships with business associations/Chambers of Commerce.

To reach commercial property owners who make decisions on tenant improvements or new construction, the Contractor will approach and meet with business associations and Chambers of Commerce to develop partnerships to educate their memberships about C&D recycling and salvage options. The Contractor will work with each organization to determine its needs and interests. Possible resources include a customized presentation to staff or members at meetings, Toolkit talking points for organizational leaders and members, canned articles and camera-ready art/advertisements for newsletters.

The Contractor will approach and meet with the following organizations:

Chambers of Commerce:

- Portland
- Beaverton
- Forest Grove
- HillsboroNorth
- Clackamas County
- TigardTualatin
- Wilsonville
- Oregon City
- Gresham

Business associations:

- Central Eastside Industrial Council
- Portland Area Business Association
- Portland Association of Building Owners and Managers
- Northwest Industrial Neighborhood Association
- Metropolitan Business Association

Working partnerships will be developed with at least six Chambers of Commerce and three business associations.

Based on the outcome of the initial meetings with Chambers of Commerce and business associations, for those associations/organizations for whom a partnership is deemed necessary, desirable and practicable, the Contractor will develop a written plan that describes the tasks and timelines and identifies respective responsibilities for the working relationship and its elements.

The Contractor will be responsible for providing participating chambers and business associations with Toolkit literature, and providing canned articles and camera-ready advertisements described in Task 3 as needed.

Task Force responsibilities:

- Approve plans for partnerships with business associations and Chambers of Commerce and all work products.
- Make appropriate Task Force staff available for meetings and presentations to chambers and associations.

Budget:

- The regional C&D task force estimates that these tasks would comprise approximately 15% of the project.

Contractor deliverables:

- Written plans for each participating Chamber of Commerce and business association.
- Implementation of contractor elements of plans for the period of the contract.
- Weekly written progress reports.

Task 8. Create direct outreach opportunities through a series of forums.

Reaching a busy audience demands that we go to them, rather than waiting for them to come to us. Through forums for owners and managers of construction contracting firms, the Toolkit outreach program will create visibility, build awareness and deliver C&D recycling and salvage information to our key audiences.

Research indicates that most construction contractors get their information through word of mouth and that their most trusted source of information is the management in their own company. The Contractor will identify owners and key managers in our target audience and host and develop the

agenda for four informational breakfast meetings on C&D salvage and recycling opportunities. The Contractor, with the Task Force, will identify industry leaders who are already recycling C&D materials and will invite several to give short presentations about how recycling is working for their respective companies. Additional presentations will focus on salvage success stories and on the value of the Toolkit.

Task Force responsibilities:

- Make Task Force staff available for presentations at managers' forums.
- Approve agenda, mailing list and promotion plan for forums.
- Provide funding for the event space rental and food/catering.

Budget:

- The Task Force estimates these tasks will comprise approximately 5% of the project.

Contractor deliverables:

- Draft agenda, mailing list and promotion plan for forums.
- Facilitation of meetings.
- Weekly written progress reports.

Task 9. Implement an earned media outreach effort.

Articles in the news media have the dual benefit of imparting "news-you-can-use" to our target audiences and of creating general public visibility and awareness. There is a relatively small list of key publications that will be most effective in reaching the various audience groups.

The Daily Journal of Commerce (DJC) was mentioned most frequently by industry audiences as a trusted source of information. The Contractor will approach and meet with DJC staff to place six articles about C&D recycling, including a story on the launch of this outreach effort and profiles of companies or projects that are effectively using recycling and salvage techniques.

The Business Journal, The Oregonian and *Portland Tribune* business sections will be most effective in reaching commercial property owners, and will also reach contractors, developers and architects. The Contractor will approach and meet with each publication about preparing a special section, series or feature on C&D recycling, including defining the scale of the issue, sharing case studies of companies or projects, and publishing editorials or opinion pieces of the importance of C&D recycling.

Based on the outcome of the initial meetings with the above-mentioned media, the Contractor will create and carry out a plan with each participating publication detailing tasks, timelines and deliverables.

Task Force responsibilities:

- Make appropriate Task Force staff available for meetings with media staff.
- Approve preliminary earned media outreach plan.
- Approve industry representatives to be interviewed for stories.

- Approve and edit any written releases or other information that will go to media.
- Make appropriate Task Force members available for meetings and interviews.

Budget:

- The Task Force estimates that these tasks would comprise approximately 20% of the project.

Contractor deliverables:

- Written plan for earned media outreach.
- Implementation of contractor elements of earned media outreach for the period of the contract.
- Weekly written or oral progress reports on the percent complete for the above items.

Task 10. Prepare a final report.

The Contractor will create a final project report that summarizes the results, successes, failures, evaluation and measurement, and future opportunities for this project.

Task Force responsibilities:

- Review and edit draft copy of final report.

Budget:

- The Task Force estimates these tasks will comprise approximately 5% of the project.

Contractor deliverables:

- Draft final report.
- Final report.

Summary of tasks

Task number	Description	Percent of project budget
1	Preparation meeting	2%
2	Project evaluation and measurement	3%
3	Outreach material preparation	10%
4	Partnerships with industry associations and green building organizations	20%
5	Partnerships with permitting and plan centers	5%
6	Partnerships with retailers/wholesalers	15%
7	Partnerships with business associations/Chambers of Commerce	15%
8	Direct outreach	5%
9	Earned media outreach	20%
10	Final report	5%
Total		100%

VII. QUALIFICATIONS/EXPERIENCE

The Task Force is seeking proposals from firms with expertise in implementing marketing plans for construction industry practices and/or products. The successful proposer should be knowledgeable about regional solid waste issues affecting building industries and be able to use this information to form partnerships with the target audience. The proposer shall be skilled in developing effective strategies for communicating with a variety of business types and organizations within the building industry.

Proposals will be considered only from firm(s) that are qualified to perform this work. Minimum qualifications include:

- Demonstrated ability to market products or practices to a specialized audience.
- Demonstrated ability to launch regionwide promotional outreach efforts in the Metro region.
- Familiarity, or previous working relationship, with staff of local building industry groups and construction and demolition contracting firms.

The Task Force would entertain proposals submitted by more than one firm if the full complement of skills required is not available from a single candidate or firm. An RFP distribution list is available to candidates by calling REM at (503) 797-1650.

VIII. PROPOSAL INSTRUCTIONS

Proposers must follow all guidelines and include all of the information outlined in this section. Failure to do so may result in rejection of the proposal as non-responsive.

A. Proposal submittal process

Proposals are due no later than 4:00 p.m. (PST), Thursday March 28, 2002. Proposals received after this deadline will not receive consideration. Mail or hand deliver the proposal to:

Metro
Regional Environmental Management
Attn: Bryce Jacobson
600 NE Grand Avenue
Portland, OR 97232-2736

Proposers must provide 7 (seven) copies of the proposal. Proposals must be double-sided and on (20% post-consumer) recycled-content and recyclable white paper with no binding other than staples. No waxed or plastic page dividers or non-recyclable materials should be included in the proposal.

B. Questions about RFP

Questions concerning the preparation of proposals or requests should be directed to Bryce Jacobson at (503) 797-1663, the project manager for this RFP. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment, will be furnished to all parties receiving this RFP. If, in the opinion of Metro, the revisions or amendments will require substantial changes in the proposals, the due date may be extended by Metro. Metro will not respond to questions received after March 25, 2002.

Additional copies of the RFP can be obtained from the REM front desk staff at (503) 797-1650.

C. Information release

All proposers are hereby advised that Metro may solicit and secure background information based on the information, including references, provided in response to this RFP. By submitting a proposal, all proposers agree to such activity and release Metro from all claims arising from such activity.

D. Minority-and women-owned business program

In the event that any subcontracts are to be used in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100.

Copies of that document are available from the Risk and Contracts Management Division of Administrative Services Department, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232; or call (503) 797-1816.

IX. PROPOSAL CONTENTS

The proposal must concisely describe the ability of the proposer to perform the work requested, in the format outlined below. The content of the proposal should demonstrate the proposer's understanding of the background conditions and intent of the RFP, and should be complete and concise. The proposal should include the following sections:

A. Transmittal letter

Include a letter of transmittal identifying who will be assigned to the project, who will be project manager, the principal place of business, any subcontractors, a list of all materials and enclosures included in response to this RFP and the length of time the proposal is valid (must be a minimum of ninety [90] days).

B. Understanding of project

In one paragraph, state your understanding of this project, including the project objectives and describe your general approach for meeting the objectives outlined in Section V of this RFP, and accomplishing the tasks described in the Section VI, Scope of Services.

C. Approach/project work plan

Describe how the project will be completed within the given time frame. Provide a breakdown of the tasks, deliverables, and percentage of the projects budget each task will require in a manner similar to section VI. Include a schedule for completing the tasks in terms of days and identify tasks that can be accomplished simultaneously.

D. Staffing/experience

Identify the specific personnel assigned to major project tasks, their roles in relation to the work required, special qualifications they may bring to the project. Include resumes of individuals proposed for this contract. Describe the roles you propose or require for the Task Force and others not on the proposing team.

Provide several samples of recent projects you have completed that are similar to this project. In addition, provide client contact information; the person's name, his/her title, role in the project and telephone number. Identify persons on the proposed project team who worked on each of the other projects listed, and their respective roles. Describe the manner in which your firm has gained the minimal qualifications listed in Section V.

E. Budget

The budget for the required tasks in the Scope of Services is not to exceed \$100,000.

Present the following information: Proposed method and timing of compensation, hourly rates for personnel assigned to the project, total personnel expenditures, support services and subconsultant fees (if any). Requested expenses should also be listed. Provide a breakout of costs to accomplish each of the project's tasks.

G. Exceptions and comments

To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specific aspect of this RFP or standard contract are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

X. GENERAL PROPOSAL/CONTRACT CONDITIONS

A. Limitation and award

This RFP does not commit the Task Force to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. The Task Force reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources or to cancel all or part of this RFP.

B. Billing procedures

Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of the Task Force and Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.

C. Validity period and authority

The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address and telephone number of an individual or individuals with authority to bind any company contracted with during the period in which The Task Force is evaluating the proposal.

XI. EVALUATION OF PROPOSALS

Evaluation procedure

Proposals that comply with the proposal instructions will be evaluated. The Task Force will review and rank proposals on the evaluation criteria and points described below, and may request additional information and/or interview proposers as necessary. One proposer will be selected and contract negotiations will be conducted. If these negotiations proceed satisfactorily, the proposer will be awarded a contract. If negotiations are unsuccessful, the second highest ranked proposer may be selected for contract negotiations, and so on.

Points possible

- 30 points: Project Work Plan/Approach
- Demonstrates understanding of project objectives.
 - Demonstrates sound research methodology

- 45 points: Proposer Qualifications/Experience
- Ability of proposer to demonstrate how he/she meets or exceeds the minimum qualifications/experience listed in Section VII.
 - Project staffing skills and experience.

- 25 points: Budget Proposal
- Projected cost/benefit of proposed work plan/approach.
 - Reasonable budget and schedule parameters.
 -

(100 total points)

XII. NOTICE TO ALL PROPOSERS, STANDARD AGREEMENT

The personal services agreement that follows is a standard agreement approved for use by the Metro Office of General Counsel. This is the contract the successful proposer will enter into with Metro; it is included for your review before you submit a proposal.

\\MRC-FILES\FILES\OLD\NET\METRO\1\REMSHARE\JACO\2001 STUFF\2001 C&D TASK FORCE DRAFT RFP\RW EDITS.DOC

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and _____ referred to herein as "Contractor," located at _____.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective on the last signature date below and shall remain in effect until and including _____, unless terminated or extended as provided in this Agreement.

2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A — Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed _____ AND _____/100THS DOLLARS (\$_____).

4. **Insurance.**

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability shall be a minimum of \$1,000,000 per occurrence. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance coverage shall be a minimum of \$1,000,000 per occurrence.

b. **Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.** Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the

work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$1,000,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

f. Contractor shall provide Metro with a certificate of insurance complying with this article and naming Metro as an additional insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss,

damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the State of Oregon and shall be conducted in the Circuit Court of the state of Oregon for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor seven days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

METRO

By _____

By _____

Title _____

Title _____

Date _____

Date _____

Exhibit A

Scope of Work

1. Statement of Work.

2. Payment, Billing and Term.

Contractor shall provide services for a maximum price not to exceed _____ AND NO/100 DOLLARS (\$0,000.00). Payment shall be made in a lump sum payment following receipt of invoice from Contractor that identifies costs of services. The maximum price includes all fees, costs, and expenses of whatever nature. Upon request, Contractor shall provide Metro with an expense summary sheet.

In the event Metro wishes for Contractor to provide services or materials after the maximum contract price has been reached, Contractor shall provide such services or materials pursuant to amendment at the same unit prices that Contractor utilized as of the date of this Agreement, and which Contractor utilizes to submit requests for payment pursuant to this Scope of Work. Metro may, in its sole discretion and upon written notice to Contractor, extend the term of this contract for a period not to exceed 12 months. During such extended term all terms and conditions of this contract shall continue in full force and effect.

The maximum price includes all fees, costs and expenses of whatever nature. Each of Metro's payments to Contractor shall equal the percentage of the work Contractor accomplished during the billing period. Contractor's billing statements will include an itemized statement of unit prices for labor, materials, and equipment, will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention Regional Environmental Management Department. Metro will pay Contractor within 30 days of receipt of an approved billing statement.

Attachment A

Cover Page

Metro C&D Task Force Progress to Date

Metropolitan Group and Riley Research Group created this three-year outreach and marketing plan in 2000-01. This document is provided as a reference to this RFP, but is not a part of the scope of services described in Section VI.

The Task Force has been working to create some of the tools called for in the Metropolitan Group report. It is important to note that during the course of this work, the Task Force has chosen to make several departures from the Metropolitan Group's report, specifically:

- Most of the tasks described in the scope of services for this RFP are similar to the tasks described in Attachment A, but they have been prioritized and edited for this RFP. Tasks directed towards the audience of residential homeowners/do-it-yourselfers have been significantly reduced. Some tasks that appear in Attachment A have been omitted from this RFP or will be implemented in FY 2003-04.
- The Task Force has chosen a somewhat different approach regarding the development of the publication referred to in Attachment A as the "trade kit." First, the Task Force has developed the idea of a "Toolkit" rather than the "Trade Kit." The Task Force separated the "Toolkit" into two (2) products each with different primary audiences:
 1. *"The Construction Industry Recycling Toolkit, A Directory of Recycling and Salvage Options"* has been developed for contractors and their field staff to assist them when making job-site decisions about managing job-site debris.
 2. The *"Planners Guide"* is intended to be used by architects, developers, product specifiers and property owners. The *Planners Guide* includes specification language, evaluation forms and other tools this audience will need to increase salvage and recycling opportunities on an upcoming job. The *Planners Guide* packet will also include a copy of *"The Construction Industry Recycling Toolkit, A Directory of Recycling and Salvage Options."* The *Planners Guide* is currently in draft form.
- The Task Force has chosen not to use the "Think Big" slogan cited extensively in Attachment A. Instead, the "Toolkit" theme is being used to connect the family of publications used in this project. Attachment B includes the finished copies or drafts of the pieces completed to date.
- In October 2001, the Task Force mailed 15,000 of the Toolkit/map/pencil/survey card packets to all licensed construction contractors in the Metro region. Some media coverage of the Toolkit mailing and the unveiling of a new interactive web site version of the Toolkit has taken place.

MINUTES OF THE METRO COUNCIL MEETING

March 7, 2002

Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon

Councilors Absent: Rex Burkholder, Rod Monroe

Presiding Officer Hosticka convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Aleksey Kasyan, 17045 SW Johnson Street, Beaverton, OR 97006, raised questions concerning limited cab service in Beaverton. They were not allowed to pick up people in Portland. They felt as they were being discriminated against. They would like to have the same rights as other drivers in the region.

Councilor Bragdon said they had received letters from cab drivers in Beaverton, Mayor Rob Drake, and other elected officials from the area concerning this issue. What was being proposed was good for business and customers.

Councilor Park asked Councilor Bragdon to describe the background of the issue.

Councilor Bragdon said this was similar to a contractor business license program at Metro for contractors in the region. What was being proposed by the cab drivers in Beaverton was something similar, a more efficient system.

Presiding Officer Hosticka said they had asked the Transportation Committee to consider this issue. He thanked the cab drivers for coming and testifying.

3. TRANSITION ADVISORY TASK FORCE REPORT AND RECOMMENDATIONS - MOVED TO THE 3/21/02 COUNCIL MEETING**4. EXECUTIVE OFFICER COMMUNICATIONS**

Mike Burton, Executive Officer, asked Marv Fjordbeck to present information on the ballot title.

Mr. Fjordeck, Senior Assistant Counsel, said that the judge had ordered changes in the ballot title (a copy of this is included in the record). This was the final word and no further appeals were possible.

Dan Cooper, General Counsel, explained the process for challenging the ballot title. He noted that the judge had changed the title not the person who had challenged the title.

Councilor Atherton remarked that the re-written title spoke to Metro's intent.

Mr. Burton noted an article in today's Oregonian that Lake Oswego Council supported parks funding. He then presented the proposed FY 02-03 Budget (a copy of the power point presentation is included in the record). The presentation included a historical perspective, the critical funding needs, proposed initiatives, deficits, significant goals and conclusions. He acknowledged all of those who had put the budget together.

Councilor Bragdon applauded Mr. Burton's leadership on initiating a Transportation Investment Task Force to address regional transportation funding issues.

5. CONSENT AGENDA

5.1 Consideration of minutes of the February 28, 2002 Regular Council Meeting.

Motion: **Councilor Atherton** moved to adopt the meeting minutes of the January 17, 2002, Regular Council meeting.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed with Councilors Burkholder and Monroe absent from the vote.

6. ORDINANCES – FIRST READING - PUBLIC HEARING

6.1 Ordinance No 02-940, For the purpose of Adopting the Annual Budget for Fiscal Year 2002-03, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-940 to the Budget and Finance Committee. He then opened a public hearing. No one came forward. Presiding Officer Hosticka closed the public hearing.

7. RESOLUTIONS

7.1 Resolution No. 02-3171A, For the purpose of Directing the Executive Officer to Submit a Petition to the Land Conservation and Development Commission for a Declaration Ruling Under ORS 183.410 on the Application of Goal 14 and ORS 197-298 to the Expansion by Metro of the Urban Growth Boundary.

Motion: **Councilor Park** moved to adopt Resolution No. 02-3171A.

Seconded: **Councilor McLain** seconded the motion.

Councilor Park said they were submitting a declaratory petition to LCDC. He explained why this resolution was necessary. They were seeking approval that this strategy met with state law. He noted the questions in Exhibit A, which asked the Commission if Metro was on the right track. The questions were open-ended; the answers would allow Metro to proceed. He spoke to what the resolution was and what it was not. They were seeking equitability for the citizens of the region.

Presiding Officer Hosticka opened a public hearing on Resolution No. 02-3171A.

Matthew Udziela, Associate Planner with Cogan, Owens, Cogan, 813 SW Alder St., Suite 320, Portland OR 97205 spoke to the resolution (a copy of his presentation points were included in the meeting record). He suggested several amendments concerning Goal 14 and ORS 197.298. He thought the council's general approach was very good.

Councilor McLain asked about the higher versus lower priority land issue? They already knew the answer to that question as far as State law now. She wondered if this was an issue of higher priority land in one part of the region and lower priority land in another part of the region.

Mr. Udziela said it was within the sub-region not regionally. For example, if the higher priority land, the exception land was not productive because of slope, parcelization, serviceability, etc., then could you go to lower priority land within that sub-region?

Councilor McLain asked if Mr. Udziela was using the State definition of higher priority and lower priority land?

Mr. Udziela responded yes.

Councilor Park spoke to Question 5 indicating that the question had been asked it in a broader fashion. It applied the statutory priorities for inclusion of land with the Urban Growth Boundary on a sub-regional basis.

Councilor Bragdon said some of the suggestions were pretty common sense in terms of enumerating what the regional centers were. Would language integrating the witness's suggestions change the intent?

Councilor Park said they were seeking guidance as to not only which ones but how many, how small could you go, how large could you go. As noted in the staff report, DLCD had been working on some preliminary language that would re-write Goal 14. The preliminary language suggested that the sub-region had to be a fairly large area with a contiguous border of approximately 30 miles. Metro was trying to get verification since it was a draft of the rule and the rule was never finished or adopted because of the Ballot Measure 7 question. They were not trying to tie the Commission's hands; they were asking in an open-fashion, which would allow DLCD to give Metro some feedback. The Commission may suggest doing it on 38 centers or that Metro could not do it at all. It was the methodology of the question. Without constraining the Commission to just the ones mentioned in the Framework Plan, they were leaving the questions open-ended.

Councilor Bragdon said the more open-ended the more time it might take. In terms of the Commission coming back with a declaratory ruling, given the list of questions, would the questions be responded to all at once?

Mr. Cooper said they didn't have to answer any of the questions, they could choose to answer some or all of them. The amount of time wasn't within Metro's control. They wanted to get the process started by asking the questions.

Councilor Atherton asked Mr. Udziela his reasoning behind striking region and adding 'within the urban growth boundary'.

Mr. Udziela responded that it would clarify what region they were talking about because Clark County was within the region too. Clark County was studied as a regional center also but was not within the UGB expansion decision.

Councilor Atherton said he hadn't thought about Clark County, but these were some of the questions they were trying to get at. Were new lands that were added a part of a sub-region?

Councilor McLain asked if Mr. Udziela was speaking for Cogan, Owens, Cogan or for clients.

Mr. Udziela said they had been working with clients but they had also been involved in planning issues for a long time so they were interested in these issues as a firm. The issue of the Urban Growth Boundary expansion was a key decision that would be made that would effect many factors in the region. The firm had a general interest in these issues.

Councilor McLain said, as she looked at Mr. Udziela's questions, she noticed that he had set up a dichotomy in the two different types of questions being asked. One, he was focusing on the centers and what they were within the UGB, specifically the 38 as he described them. Second, he talked about individual communities such as Wilsonville, Cornelius and Forest Grove. In that question, he had set out an example community. Did he think that caused more confusion? Was he getting the specificity he wanted if they decided to add those questions where he had given them two different kernels?

Mr. Udziela responded that in referring to question #4 he understood it in two different ways, without the individual communities, e.g. language, what you had was only two jurisdictional sub-regions. Then you look at the map of the UGB; of course, Wilsonville, Forest Grove and Cornelius were the two smaller pieces of the three-piece region. If you left the language out then that was what the intent of it was. If you put the individuals communities e.g. in then what it showed that the intent was, could you do sub-regions by jurisdictions? Those were two examples. You could list all of the jurisdictions in the region but it showed what the intent was because those were two different intents.

Presiding Officer Hosticka said they did need to clarify the intent. As it was explained to him, the reason why Wilsonville and Forest Grove/Cornelius were specifically identified was because they were islands that were not contiguous to the rest of the Urban Growth Boundary. If they weren't part of the region they would have their own urban growth boundaries. He suggested having Councilor Park address the intent of that question so it clarified what they were getting to.

Councilors Park said those two particular areas were unique within the region. Sherwood was a peninsula; it did not have a cherry stem. It was contiguous with the Urban Growth Boundary. The question about utilizing individual communities as sub-region had been addressed already in the courts. He deferred to Mr. Cooper on this issue. He commented to Councilor Bragdon that Mr. Benner had prepared 55 questions that were then paired down to eleven questions.

Presiding Officer Hosticka asked Mr. Cooper to address the intent of question #4.

Mr. Cooper responded the intent expressed by Councilor Park was the one they had discussed on a staff level. It was not a question whether or not every individual city in the region could be considered a sub-region. It was the specific example of the Forest Grove/Cornelius UGB island that was separated from the rest of the UGB. Wilsonville was the other example of that. He said it was their intention in preparing the declaratory ruling that that would be the factual justification question that they were asking. He did not think they needed a motion to amend the question to

express that unless the Council wanted them to ask a more detailed question that got to all of the other 21 cities. The question they understood from this was the two islands that sat outside the large UGB were the examples they were asking about.

Councilor McLain said in light of what they had heard from the State on the issue of separation of community not being a valid issue, she wanted Mr. Cooper to explain further what he had just said.

Mr. Cooper explained the history of the separation of communities not being a valid issue. In the urban reserve case, the Council did not include exception land that had been studied within the urban reserves on the ground that a Regional Framework Plan, regional urban growth goals and objective policy called for separations of communities. When the urban reserve decision was appealed, one of the grounds for remanding it back and ultimately having the Council decide it was not going forward any further with urban reserves was that, that single policy alone that was in the Regional Framework Plan was not a sufficient reason to override the State priority of land for including lands in the urban reserves or in the Urban Growth Boundary. The question that they were asking now was, notwithstanding that one single factor alone as an isolated policy that they knew was not a sufficient reason for overriding the priority statute, they had a collection of policies in the Regional Framework Plan that translated into a wide policy basis. They had the capability of analyzing the region through the tools they had as to future impacts based on town centers, regional centers, central cities, centers that added up the 32 sub-components. Using those tools, if they came up with, not just one single objective but, a whole balanced objective that could show that the region as a whole and each of these sub-regional part sub-centers performed as good or better if they were going over the priority land statute and bringing in farmland before they exhausted the entire supply of exception land around the map, was that a valid policy? There was language in a different court case in the Rosemont case where LUBA and the Court of Appeals suggested that a coherent policy basis for sub-regional approach would be a valid reason to only look at a portion of the boundary and not the entire boundary. That was the general question. To the extent that Forest Grove/Cornelius could be considered a sub-region because it contained a town center and was in a geographical separated area, that was the question. The fact that there was also a separation of community's issue between Cornelius and Hillsboro where there was a gap in the UGB was just one small component of it. It was because they thought that if they looked at the entire gamut, all the planning policies they had, as they would interface with the sub-regional issue, the suggestion was that was a valid way. They wanted that confirmed. One single plan, policy alone was the question in the urban reserve decision and they knew one single one was not enough. The question was how many were enough?

Councilor McLain said her concern was that she wanted to make sure that they understood that Metro was asking that comprehensive question, that Metro was not simply asking what she thought was a very simplistic question and that was the separation issue which she thought they already had an answer to.

Mr. Cooper said the statements he made were a summary of the policy paper that was attached which was the methodology.

Councilor McLain said if it was not there, they should have on record here that that was Metro's intent and the intent of the Council if the resolution was passed.

Mr. Cooper said they would make sure they would get that flavor into the legal petition.

Presiding Officer Hosticka closed the public hearing.

Councilor Park asked Meg Fernekes, from DLCD staff, to speak to the resolution.

Ms. Fernekes, DLCD Field Representative for the Portland Field Office, said they had been following these discussions intensively with both legal and planning staff, They welcomed such a petition. As it was mentioned, there was a fair amount of discretion as to how they handled the request but were interested in making this a win/win situation for both the State, State Land Use Planning program and Metro's Regional Framework Plan.

Councilor McLain said she appreciated Ms. Fernekes comment. She planned on voting yes. She thought what Ms. Fernekes had just said was very important because choosing not to rule or choosing not to have further conversation or choosing not to continue to have more direction or specificity on what the State believed was reasonable and good work in Metro's periodic review would not be helpful. She thought they were saying that they were being supportive of each other continuing this dialogue. She found it a good place to start. Having had the experience of speaking in Forest Grove, Cornelius and Hillsboro this week, the questions that they were asking her was what if they didn't choose to do a ruling or what if they choose not to give Metro helpful answers. This was where she needed some guidance. If this process was not the right process or this request was not the right request then she needed some guidance on how they could follow up with a second request. She hoped that the timing issue was such that they could get an answer that will provide Metro with the needed information or an opportunity to ask that question.

Ms. Fernekes said they, as staff, were committed to providing an answer as expeditiously as possible. She thought their new director would be briefing the Commission at the March meeting and with a recommended action item at the April meeting. They wanted to make sure that it was the right policy framework for Metro to work from.

Councilor Bragdon asked if there would be an action item on the April agenda?

Ms. Fernekes said she couldn't say that but there would be an agenda item at the April meeting. They would then go into a lot of policy brainstorming so Metro got what they needed and DLCD got what they needed. She thought a decision in April would be premature.

Presiding Officer Hosticka said the major intent expressed in the resolution was to get clarity on what the rules were as far as what Metro could do, couldn't do and how they might go about doing it. Anyone who tried to read intent as to what Metro was likely to do once they got that guidance shouldn't do that in this resolution. They still reserved, for further discussion, what the actual policy directions that the Council might pursue once they got answers from DLCD on these questions. They were discussing how they got clarity so that they knew what their options were and what paths they may or may not pursue.

Councilor Park closed by saying that this was a good piece of work. He noted that one of the things imbedded in this was that if they did find a way to define sub-regions and if they did find that there were inequities that potential could be corrected through a variety of actions, it may be expansion or changes in policies within those sub-regions. One of the things he was hoping was that the Commission would put in place was some type of governor that once a condition of the sub-region that was out of balance was identified that that became the nominator that you were trying to adjust up to. He hoped the guidelines put in place would help this issue. He hoped that if this resolution passed, they would get clarification from the Commission that would allow Metro to continue their work towards their Urban Growth Boundary decision. He urged an aye vote.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed with Councilors Burkholder and Monroe absent from the vote.

8. COUNCILOR COMMUNICATION

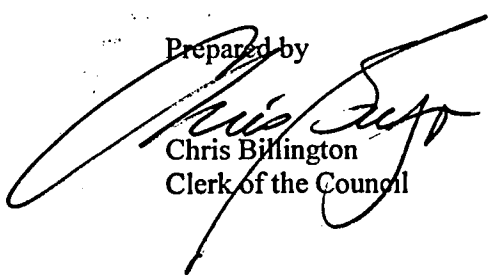
Councilor McLain reported to the Council her attendance at the Regional Water Consortium. She spoke to the issues that they had discussed particularly how conservation fit into the plan.

Councilor Park spoke to the Growth Conference at the Convention Center on March 15th and 16th in the region. He encouraged the citizens of the region to participate.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:14 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 7,
2002**

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
MINUTES	2/28/02	MINUTES OF THE METRO COUNCIL MEETING OF 2/28/02 PRESENTED TO COUNCIL FOR APPROVAL	030702C-01
POWER POINT PRESENTATION	3/7/02	FY 2002-03 BUDGET POWER POINT PRESENTATION MADE BY MIKE BURTON TO METRO COUNCIL	030702C-02
BALLOT TITLE	3/7/02	BALLOT TITLE CHANGE AMENDING CHARTER FROM LEGAL STAFF TO METRO COUNCIL	030702C-03
RESOLUTION NO. 02-3171A	3/7/02	TO METRO COUNCIL FROM PLANNING DEPT/LEGAL COUNSEL	030702C-04
PRESENTATION POINTS ON RESOLUTION NO. 02-3171A	3/7/02	TALKING POINTS OF MATTHEW UDZIELA, COGAN, OWENS, COGAN TO METRO COUNCIL CONCERNING RESOLUTION NO. 02-3171A	030702C-05

SOLID WASTE AND RECYCLING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 02-3165, FOR THE PURPOSE OF AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR IMPLEMENTATION OF THE FIRST YEAR OF A MARKETING AND COMMUNICATIONS PLAN TO INCREASE THE SALVAGE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

Date: March 11, 2002

Presented by: Councilor Park

Committee Recommendation: At its March 6 meeting, the committee considered Resolution No. 01-3165 and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilors Bragdon, McLain, Park and Chair Atherton.

Background: Metro Code section 2.04.054 authorizes the use of a request for proposals contracting process provided that findings are made that the use of such an approach does not discourage competition.

Construction salvage demolition debris has long been recognized as major components of the region's wastestream that are not being adequately recycled. These materials are among those that have been specifically targeted by the REM Department's Waste Reduction and Recycling Initiatives program for additional education, marketing and communications work.

Committee Discussion:

Bryce Jacobsen, REM Solid Waste Planner, presented the staff report. He noted that he is the manager of the REM Department's construction and demolition debris recycling and waste reduction program. Construction and demolition make up about 26% of the region's wastestream and about 50-60% of this material that could be recycled is currently being landfilled. Most of the material is either gathered in drop boxes or direct hauled for disposal.

He explained that the purpose of the proposed resolution is to issue an RFP from which a vendor will be selected to initiate the first year's work as part of a comprehensive, long-term (three years) marketing and communications program to improve the recycling of construction and demolition debris. Jacobsen noted that a recent survey found that generators of construction and demolition debris are not well informed or motivated concerning recycling opportunities and that recycling is not a high priority. The goal of the work proposed in the RFP will be to create a well-coordinated, connected and sustainable program.

The program will be tailored to specific audiences and establish long term relationships with trade associations, chambers of commerce, local government construction permit centers and building material retailers. Better use of business media, such as the Daily Journal of Commerce and the Business Journal also would be developed.

Councilor McLain indicated that it appeared that the staff was headed in the right direction, but expressed concern over the need for performance measures and an adequate review of the results generated by the proposed scope of work. She expressed interest in amending the resolution at Council to provide such performance measures. (Note: following the meeting staff agreed to amend the resolution staff report to require a report to the Council on the effectiveness of the proposed scope of work prior to releasing an RFP for the second year of the project. Councilor McLain accepted this change as meeting her intent.)

Chair Atherton questioned whether more vendor evaluation points should be given to the nature of the proposed work plan. Jacobsen responded that the scope of work outlines nature of the work to be completed in great detail. Chair Atherton also noted that there is a need to address the impact of dry waste landfill facilities outside of the district boundaries on the effectiveness of dry waste recycling.

STAFF REPORT (REVISED 03/11/02)

IN CONSIDERATION OF RESOLUTION NO. 02-3165 FOR THE PURPOSE OF AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR IMPLEMENTATION OF THE FIRST YEAR OF A MARKETING AND COMMUNICATIONS PLAN TO INCREASE THE SALVAGE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

Date: February 4, 2002

Presented by: Terry Petersen

PROPOSED ACTION

Resolution No. 02-3165 would authorize the Executive Officer to release a request for proposals (RFP) for implementation of the first year of a marketing and communications plan to increase the salvage and recycling of construction and demolition debris and to enter into an agreement with the most qualified and cost-effective proposer.

EXISTING LAW

Metro Code 2.04.026(b) requires Council approval of contracts in excess of \$50,000 that are not anticipated in the approved budget.

FACTUAL BACKGROUND AND ANALYSIS

According to a recent study of the region's waste performed by the State Department of Environmental Quality (DEQ), construction and demolition (C&D) waste represents 26%, or 281,000 tons, of the region's overall waste stream being disposed of in landfills.

Over the past 10 years, Metro, local governments, solid waste haulers and recycling companies have instituted a variety of education and outreach programs aimed at expanding source-separated recycling and salvage at construction and demolition sites. Examples of these individual projects include the Earth-Wise Builder program, one-page job-site recycling case studies and the "Recycling Pays" video. Although Metro has had some short-term success with these early C&D projects, staff and the C&D task force strongly believe that the long-range success of these efforts depends upon these programs being well-connected, sustained over a longer time period and better coordinated with the activities of other partners such as construction industry associations.

Metro's Regional Solid Waste Management Plan (RSWMP) calls for significant expansion of waste prevention and recycling activities by contractors, builders and others in the building industry within the region in order to reach regional recycling goals. The State-of-the-Plan Report (1999) estimates that an additional 92,000 tons must be recovered from the C&D sector over 1998 recovery levels to meet the region's recycling goals.

In 1999, the Regional Waste Reduction Initiative C&D Task Force (comprised of Metro and local government staff) was formed to evaluate current recovery, identify areas for improvement, and develop and implement programs and incentives to address these issues. The Task Force's 1999-2002 work plan identified the need for ongoing industry education about salvage and recycling

methods as a priority. The 2001-02 C&D work plan was adopted by Council as part of the Year 12 Partnership Plan for Waste Reduction.

This project is the second portion of a two-stage project. The first stage was the creation of a three-year information and marketing plan for expanding salvage and deconstruction and promoting source-separated recycling efforts. A team of consultants created this three-year plan in FY 2000-01 (see Attachment A to RFP # 02-1009-REM). The scope of work in the RFP includes the tasks required to implement Year One of this information and marketing plan. Years Two and Three will be implemented through a separate contract, providing staff the flexibility to fine-tune this project over time and allowing for changes in yearly budget allocations.

By June 30, 2003, staff will have completed the survey and measurement work described on Page Three of the RFP. Before the release of the RFP for the second year of this project, staff will provide a written update to the Metro Solid Waste and Recycling Committee on the Year One project findings and the measured effect on salvage and recycling behavior.

REM staff spent summer and fall 2001 preparing to release this RFP. Preparation work included creating the "tools" that will be used in the implementation of the marketing and communications plan: The Construction Industry Recycling Toolkit, Toolkit Find It map of facilities, Toolkit Carpenters Pencil, Metro construction site recycling interactive web-site (www.metro-region.org/recycling) and the Construction Industry Recycling Toolkit Planners Guide.

The scope of work for this RFP is based on a comprehensive strategy that includes:

- Developing lasting partnerships with local building industry associations, Chambers of Commerce and business associations.
- Working cooperatively with local building permit centers, building material retailers and wholesalers to distribute Metro C&D literature, such as the Construction Industry Recycling Toolkit and the Construction Industry Recycling Toolkit Planners Guide.
- Creating direct outreach opportunities through a series of construction managers forums.
- Creating interest in waste reduction by placing articles/case studies in local industry publications.

The work was originally budgeted as two separate contracts. They were combined in the recommended RFP due to the economies of scale available. The project would begin in April 2002 and be completed by June 30, 2003.

BUDGET IMPACT

The budget for the RFP is \$100,000 and is listed in the REM FY 2001-2002 budget as two separate line items under contracted professional services: C&D Recycling Outreach-Expand (\$50,000); and, C&D Salvage Outreach-Expand (\$50,000).

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 02-3165.

SOLID WASTE AND RECYCLING COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 02-937A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.04 RELATED TO SUPPORTING MARKETS FOR RECYCLABLE MATERIALS AND MAKING RELATED CHANGES TO METRO CODE CHAPTER TO ESTABLISH A RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE

Date: March 11, 2002

Presented by: Councilor McLain

Committee Recommendation: At its March 6 meeting, the committee considered Ordinance No. 02-937A, and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilors Bragdon, McLain, Park and Chair Atherton.

Background: Metro Code Chapter 5.04 originally addressed the purpose and process by which Metro provided grants to various parties under the old 1% for Recycling Program and the subsequent limited recycling business grant program. The proposed ordinance provides the implementing processes and procedures for a new larger scale recycling business loan and grant program. The program has a spending authorization of \$500,000 for the current fiscal year. The ordinance also establishes an advisory committee that will provide technical assistance in the evaluation of loan and grant applications and make recommendations concerning their disposition.

Committee Discussion:

Steve Engel, Recycling Business Loan and Grant Program Manager, presented the staff report. He noted that the loan and grant will meet a critical need for capital funding of recycling businesses. The proposed ordinance will establish loan and grant criteria that are specified tailored to start-up recycling businesses. He explained that many such businesses find it difficult to obtain "conventional" financing, in part, because lending institutions do not have the expertise to evaluate their businesses. Engel explained that the proposed ordinance will establish processes and procedures that will hopefully allow the program to become self-sustaining.

The ordinance had been previously scheduled at the committee's February 20 meeting, but it was removed from the agenda to provide an opportunity for the ordinance to be reformatted to more clearly outline its provisions and to add two amendments proposed by Councilor McLain. The amendments added language to provide an opportunity for Council review of any proposed loan or grant and to clarify that funding for the program would be considered annually during the budget review process. The "A" version of the ordinance included this reformatting and the proposed amendments.

Green Ribbon Committee Recommendation 3/12/02

At the March 12 special meeting called at the suggestion of Metro Council Presiding Officer Carl Hosticka, the Green Ribbon Committee recommended that the Council try to fund key activities called out in the first two years of their Dec. 6 Report. The committee recommended:

- additional landbanking (\$120,000)
- capital development master planning and land use approval processes (\$350,000)
- restoration and small capital improvements (\$250,000).

This will require an additional \$720,000 per year which is the equivalent of an additional \$.61/ton for two years with a sunset at the end of the second year. This excise tax increase would be in addition to the \$1.00/ton increase proposed by Metro Executive Officer Mike Burton. However, if their recommended programs could be funded in some other way, such funding would satisfy their recommendation.

The Green Ribbon Committee has also recommended that the Council give them a new directive to begin discussions on identifying a long-term funding source for the remainder of the GRC recommendation to be acted upon before the end of the two year time-frame.