

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 12-4328
CONTRACT AMENDMENT FOR THE)
ST. JOHNS LANDFILL REMEDIAL) Introduced by Metro Chief Operating Officer
INVESTIGATION AND FEASIBILITY STUDY) Martha Bennett, with the concurrence of
) Council President Tom Hughes.

WHEREAS, pursuant to ORS 279A .060 and Metro Code 2.04. 010, the Metro Council is designated as the Public Contract Review Board for the regional government; and

WHEREAS, Metro Code 2.04.046 requires Council approval for personal services contract amendments that exceed twice the amount of the original contract; and

WHEREAS, the Oregon Department of Environmental Quality ("DEQ") has issued Order on Consent LQSW-NWR-02-14 requiring that Metro contract a qualified consultant to perform a Remedial Investigation ("RI") and Feasibility Study ("FS") to identify and address any remaining risks to human health and the environment associated with the St. Johns Landfill; and

WHEREAS, the RI-FS must provide a sufficient basis for DEQ to issue a Record of Decision establishing a final remedy for the site; and

WHEREAS, through an open and competitive Request-for-Proposals procurement process, a selection committee determined that CH2M HILL for that purpose was the highest ranked proposer for performing the RI-FS, and accordingly CH2M HILL was awarded a contract; and

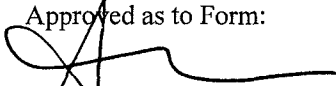
WHEREAS, through the efforts of CH2M HILL consistent with the original contract, Metro has submitted a draft RI Report to DEQ; and additional work is required to complete the RI-FS consistent with the process and objectives established by the Order on Consent, culminating in a Record of Decision; and

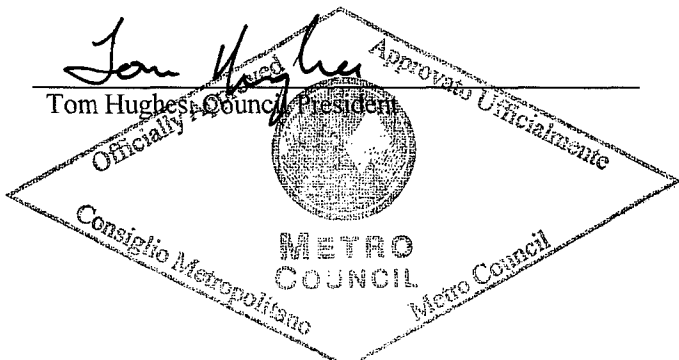
WHEREAS, the original amount of the contract was \$650,000; and now previous amendments increased the total amount to \$1,300,000; and a contract amendment of \$325,000 is proposed to perform additional work necessary to complete the RI-FS; and

WHEREAS, the Metro Procurement Officer recommends amending the existing contract with CH2M HILL because such action is in the best interests of Metro; now therefore

BE IT RESOLVED that the Metro Council, acting as the Metro Contract Review Board authorizes the Chief Operating Officer to execute a contract amendment with CH2M HILL for the purpose of completing the RI-FS, in a form substantially similar to Attachment 1.

ADOPTED by the Metro Contract Review Board this 16th day of February, 2012.

Approved as to Form:

Alison Kean Campbell, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4328, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT TO COMPLETE A REMEDIAL INVESTIGATION AND FEASIBILITY STUDY FOR THE ST. JOHNS LANDFILL

Date: February 6, 2012

Prepared by: Darin Matthews
Paul Vandenberg

BACKGROUND

In 2003 Metro entered into an agreement with the Oregon Department of Environmental Quality (Order on Consent DEQ LQSW-NWR-02-14) whereby Metro must perform an environmental investigation (Remedial Investigation, or RI) to identify any remaining risks to human health and the environment associated with the closed St. Johns Landfill. Unacceptable risks must be addressed through evaluation of feasible alternatives to control or eliminate such risk (Feasibility Study, or FS). Based on the FS and other considerations DEQ will issue a Record of Decision (ROD) prescribing a final remedy for the site. DEQ included the executed consent order in a renewed solid waste disposal site closure permit.

RI-FS Phase 1 involved submission of an RI Proposal to DEQ in 2004, followed by an RI Work Plan in 2005. Metro Council passed Resolution 05-3543 authorizing release of a Request for Proposals (RFP) for the purpose of implementing the DEQ-approved RI Work Plan (RI-FS Phase 2), and executing a contract with the most responsive proposer. Proposals received in response to the RFP were evaluated by a selection committee that included staff and representatives from two other agencies. Interviews were conducted with three finalists and CH2M HILL was selected as the preferred consultant. A contract with CH2M HILL was negotiated and executed in 2005, in the amount of \$650,000, with a scope of work understanding that task detail would evolve with regulatory developments and investigative findings.

RI-FS Phase 2 commenced in the summer of 2005. Since then, nearly \$1.3 million has been expended on 5 years of active field investigation, 16 meetings with DEQ, and submission of 42 distinct work products, including a milestone report – the draft RI Report – submitted to DEQ in 2010. Progress is being made, and Metro and DEQ have recently negotiated a clear path forward to complete the RI-FS. To follow this path, consulting services will be needed to complete a final RI Report, prepare and implement an FS work plan, and provide regulatory and technical support for achieving a DEQ Record of Decision.

During the RI-FS to date, CH2M HILL has developed in-depth knowledge and understanding of complex site conditions and dynamics, which it has applied effectively in conveying technical progress to stakeholders and in progressing through the regulatory process. The cost and time that would be required for a new contractor to develop a comparable level of expertise would be substantial, and as such it would be inefficient to conduct a competitive procurement process for the additional cost needed to complete the project. On this basis, staff recommends that \$325,000.00 be authorized through amendment of the existing agreement with CH2M HILL, rather than through an additional competitive procurement process, and that the contract expiration date be extended to March 28, 2014.

The St. Johns Landfill Closure Account is the funding source for the RI-FS project and any remedial actions stemming from it. Upon completion of the \$36 million landfill cover project in 1996, the account balance was \$7.4 million. Since then, interest earnings and revenue from the sale of methane gas have nearly offset expenditures; the current balance is around \$7.0 million.

A summary of the scope of services to be performed and related costs is included as Attachment 1.

ANALYSIS / INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Metro Code 2.04.046 | ORS Chapter 465 | Order on Consent DEQ LQSW-NWR-02-14
3. **Anticipated Effects** Expert consulting services will continue, ensuring efficient forward progress toward a DEQ Record of Decision.
4. **Budget Impacts** The FY 2011-2012 budget adopted by Council includes \$153,000 for the RI-FS project (Landfill Closure Account – Contracted Professional Services). Staff recommends authorization of the \$325,000 contract amendment to complete the project by March 2014. The landfill closure account contains sufficient appropriations to absorb the costs that will occur this fiscal year. The balance of the costs will be included in the FY 2012-2013 and FY 2013-14 budgets.

RECOMMENDED ACTION

Metro Council, acting as the Metro Public Contract Review Board, approves the contract amendment with CH2M HILL.

ATTACHMENT 1

PROJECT TASK SUMMARY

Proposed Amendment to Contract 926565 St. Johns Landfill Remedial Investigation (RI) – Feasibility Study (FS)

Project Task (a)	Cost (est.)
RI Completion (b)	\$25,000
FS Work Plan	\$70,000
FS Work Plan Implementation (c)	\$230,000
FS Report	\$20,000
Final Settlement Support (d)	\$20,000
DEQ Record of Decision Support	\$15,000
Total	\$380,000
Contract Balance (e)	\$55,000
Contract Amendment Sum Recommended	\$325,000

- (a) Task objectives and process are largely dictated by OAR and federal and state guidance.
- (b) Address DEQ comments on draft RI Report and prepare final report / Meet with DEQ as needed to secure approval of a final RI Report / Conduct stakeholder outreach as appropriate.
- (c) Conduct additional field investigation needed to further characterize the nature and extent of contamination / Perform detailed evaluations of feasible measures to remediate risks.
- (d) Provide technical support to respond to DEQ questions or otherwise to discuss and negotiate final interpretations, evaluations and options –in support of the DEQ RI-FS Staff Report.
- (e) Approximate - as of January 17, 2012.