

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A	)	RESOLUTION NO. 12-4329
CONTRACT AMENDMENT FOR THE	)	
CENTRAL TRANSFER STATION	)	Introduced by Metro Chief Operating Officer
STORMWATER ASSESSMENT AND SOURCE	)	Martha Bennett, with the concurrence of
CONTROL EVALUATION	)	Council President Tom Hughes.

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010 the Metro Council is designated as the Contract Review Board for the regional government; and

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

WHEREAS, in 2010 Metro entered into an agreement with the Oregon Department of Environmental Quality ("DEQ"), whereby Metro must perform a Stormwater Assessment and Source Control Evaluation ("the Project") to identify and control stormwater contaminants at the Metro Central Transfer Station that may impact the Willamette River; and

WHEREAS, the Project must provide a sufficient basis for DEQ to issue a Source Control Decision establishing any stormwater contaminant control measures needed at the Transfer Station to meet Portland Harbor Superfund project objectives; and

WHEREAS, through an open and competitive Request-for-Proposals procurement process, a selection committee determined that URS Corporation was the highest ranked proposer for providing stormwater consulting and technical services relevant to the Station, and accordingly URS was awarded a contract for that purpose; and

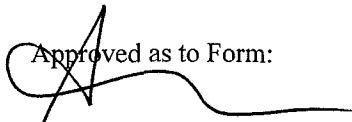
WHEREAS, through the efforts of URS consistent with the original contract, Metro has completed two investigative phases of the Project and is preparing to implement a third phase; and additional work is required to complete the Project, culminating in a Source Control Decision; and

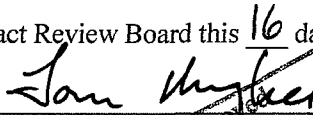
WHEREAS, the original amount of the contract was \$45,000; and now previous amendments increased the total amount to \$90,000; and a contract amendment of \$135,000 is proposed to perform additional work anticipated to complete the Project; and

WHEREAS, the Metro Procurement Officer recommends amending the existing contract with URS Corporation because such action is in the best interests of Metro; and

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

ADOPTED by the Metro Council acting as the Contract Review Board this 16 day of February, 2012.

Approved as to Form:  
  
 \_\_\_\_\_  
 Alison Kean Campbell, Metro Attorney

  
 \_\_\_\_\_  
 Tom Hughes, Council President

Officially Approved  
 Approvato Ufficialmente  
 Consiglio Metropolitan  
 METRO COUNCIL  
 Metro Council

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 12-4329, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT TO COMPLETE A STORMWATER ASSESSMENT AND SOURCE CONTROL EVALUATION FOR THE METRO CENTRAL TRANSFER STATION**

---

Date: February 6, 2012

Prepared by: Darin Matthews  
Paul Vandenberg

## **BACKGROUND**

A 2001 memorandum of understanding between the U.S. Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ) requires that the two agencies define a process to identify and control potential sources of contamination that may impact the Willamette River within the Portland Harbor Superfund project area. Accordingly, the 2005 Portland Harbor Joint Source Control Strategy (JSCS) was developed and implemented.

Consistent with the JSCS, DEQ has been conducting investigations of possible upland sources of contaminants of concern relevant to Portland Harbor. In this process DEQ identified the Metro Central Transfer Station (Central Station) as one possible source of some contaminants of concern. In that context, Metro negotiated and entered into an agreement with DEQ in 2010 (Letter Agreement) whereby Metro must perform an assessment of stormwater quality for Central Station, and as necessary based on the assessment, evaluate and implement control measures for stormwater contaminants. The culmination of this project is a DEQ Source Control Decision, as approved by EPA.

In 2009, prior to the Letter Agreement with DEQ, staff issued a Request-for-Proposals (RFP) for professional consulting services needed to guide Metro in decision-making surrounding anticipated regulatory requirements relating to stormwater collected and discharged from Central Station, in the context of Portland Harbor, including any needed technical and field support. Proposals received in response to the RFP were evaluated and rated by a selection committee of three staff, and URS Corporation was selected as the preferred consultant. A contract with URS was negotiated and executed in 2009, in the amount of \$45,000, with a scope of work understanding that task detail and associated costs would evolve with regulatory developments and investigative findings.

On behalf of Metro, URS has completed two phases of stormwater investigation at Central Station, and is preparing to implement a third phase. This phasing process has allowed DEQ and Metro to adapt and refine workscope detail as the investigation progresses. The primary objective is to identify contaminants detected in the stormwater collection system at Central Station that have been and/or are currently discharged into the municipal sewer system at unacceptable levels, and to evaluate and implement effective controls for any such contamination. Around \$80,000 has been expended on these efforts, and steady progress is being made.

Going forward, consistent with the Letter Agreement, staff expects to complete the investigation and prepare a final report, conduct studies and prepare a comprehensive evaluation of source controls appropriate to the findings of the investigation, and coordinate with DEQ as needed for purposes of the Source Control Decision. Staff estimates that completion of this process will take up to two years.

In the course of the project URS has developed a strong working knowledge of the project's technical aspects, including site operational detail, contaminants of concern in site stormwater, likely sources of contamination, and potential source control measures. Further, URS has developed significant understanding of the stringent regulatory process being followed, and is representing Metro effectively in required meetings with DEQ and other stakeholders. This expertise and the momentum it affords is moving the project efficiently through the regulatory process. For these reasons it would be inopportune and inefficient to conduct a competitive procurement process for the additional cost required to complete the stormwater project at Central Station. As such, staff recommends that \$135,000 be authorized through amendment of the existing agreement with URS, rather than through an additional competitive procurement process, and that the contract expiration date be extended to December 31, 2013.

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

### **ANALYSIS/INFORMATION**

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.046 | Portland Harbor Joint Source Control Strategy (EPA-DEQ, 2005) | Letter Agreement (DEQ-Metro, 2009)
3. **Anticipated Effects** Expert consulting services will continue, ensuring efficient forward progress toward a DEQ Source Control Decision.
4. **Budget Impacts** The FY 2011-2012 budget adopted by Council includes \$125,000 for Contracted professional Services associated with Engineering and Technical Support in the Solid Waste Revenue Fund's operating account. Staff recommends authorization of the \$135,000 contract amendment to complete the project by December 2013. The SW Operating Account is very large and 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 a Public Contract Review Board, approves the contract amendment with URS Corporation.

## ATTACHMENT 1

### PROJECT TASK SUMMARY

#### Proposed Amendment to Contract 929325 Metro Central Transfer Station Stormwater Assessment and Source Control Evaluation

Project Task (a)	Cost (est.)
Phase 3 Investigation (b)	\$45,000
Final Evaluation and Report (c)	\$10,000
Source Control Evaluation (d)	\$85,000
DEQ Source Control Decision Support	\$5,000
Total	\$145,000
Contract Balance (e)	\$10,000
Contract Amendment Sum Recommended	\$135,000

- (a) Task objectives and process are largely dictated by DEQ guidance for evaluating stormwater discharges from upland sites within the Portland Harbor project area.
- (b) Strategic sampling of catch basin sediments and stormwater within the Central Station stormwater collection and management system; Evaluate results and review with DEQ.
- (c) Technical support as needed to respond to DEQ questions or otherwise to discuss and negotiate final interpretations, evaluations and options, as needed to complete the assessment stage.
- (d) Review all data collected and evaluate lines of evidence for on-site sources of contaminants of concern; Evaluate feasible measures to control such contaminants. Collect and evaluate additional data as necessary to monitor and determine the effectiveness of measures implemented.
- (e) Approximate – as of January 17, 2012.