

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)	RESOLUTION NO. 12-4336
AS THE METRO CONTRACT REVIEW BOARD,)	
FOR THE PURPOSE OF APPROVING A SOLE)	
SOURCE CONTRACT FOR THE PROCUREMENT)	Introduced by Chief Operating Officer
OF AN INDEPENDENT CEMETERY)	Martha J. Bennett, with the concurrence of
OPERATIONS CONSULTANT)	Council President Tom Hughes

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

WHEREAS, Metro owns and operates a system of 14 public Pioneer Cemeteries, conducting an estimated 130 interments a year; and

WHEREAS, the Metro Pioneer Cemeteries Program has, over time, refined and strengthened its interment verification, grave opening and cemetery soil handling procedures, and has recently established more vigorous policies and procedures governing the inadvertent discovery of human remains and funerary objects; and

WHEREAS, it has been determined that an independent cemetery consultant is now needed to perform a best industry practices review of Metro's excavation, interment and soil management policies and procedures; and

WHEREAS, the conduct of cemetery operations are typically confidential and trade secret, and a unique and distinct base of knowledge is required in order to discern best management practices, and the Chief Operating Officer has determined that Paul Elvig is a nationally recognized provider of this type of service; and


WHEREAS, Mr. Elvig possesses over 22 years of cemetery operations experience, in addition to 12 years of service with the State of Washington Cemetery Board as a Licensing and Compliance Manager. Working with cemeteries throughout the country, Mr. Elvig has developed a high level of expertise that would make it impractical to procure these services competitively; and

WHEREAS, the Metro Procurement Officer believes that specialized experience and unique qualifications of this consultant warrants the use of a sole source contract, that it would be impractical to conduct a competitive solicitation process to procure a consultant having such expertise; and that such action is in accordance with the Oregon state law providing for sole source procurements (ORS 279B.075) and Metro Code Section 2.04.062; and

WHEREAS, Metro Code Section 2.04.062 provides that Metro may award a contract for services without competition when the Metro Contract Review Board determines that the needed services are available from only one source; now therefore

BE IT RESOLVED that the Metro Council acting as the Metro Contract Review Board authorizes the Metro Chief Operating Officer to negotiate and execute a sole source contract with Paul Elvig for the purpose of providing a best practices review of Metro's cemetery interment and soil a management policies and procedures.

ADOPTED by the Metro Council Contract Review Board this 22nd day of March 2012.


Tom Hughes, Council President
COUNCIL
Совет метро
Metro Council

Approved as to Form:



Alison Kean Campbell, Metro Attorney

STAFF REPORT

in consideration of RESOLUTION no. 12-4336, FOR THE PURPOSE OF APPROVING A SOLE SOURCE CONTRACT FOR THE PROCUREMENT OF A CEMETERY OPERATIONS CONSULTANT

Date: March 13, 2012

Prepared by:
Rachel Fox, 797-1856
Tim Collier, 797-1913

BACKGROUND

Metro operates a system of 14 Pioneer Cemeteries, conducting roughly 130 interments annually. Metro Pioneer Cemeteries staff, Parks and Environmental Services staff and the Office of the Metro Attorney have, over time, refined and strengthened the interment verification, grave opening and cemetery soil handling procedures that Metro inherited from Multnomah County when it received the Pioneer Cemeteries in 1995. Beginning in 2011, after the discovery of human remains at Metro's soil storage site in Fairview, Metro Pioneer Cemeteries established more vigorous policies and procedural safeguards governing the inadvertent discovery of human remains and funerary objects, and created an interment verification and soil management plan. This plan was presented to Metro's Chief Operating Officer in December, 2011, and after contract negotiations with the grave opening and closing contractor, Suhor Industries, in January 2012, the soil management plan went into effect February 1, 2012.

Metro senior leadership requested that an independent consultant examine Metro's interment verification and soil management practices. Metro requests that the consultant advise Metro if these practices meet or exceed industry best practices and make suggestions for improvements that are compatible with sustainable operations.

Staff has made inquiry throughout the cemetery and funeral industry and determined that Paul Elvig of Everett, WA has the required knowledge and expertise to perform this work. Furthermore, Metro's Chief Operating Officer has determined that he is uniquely qualified to perform the service required by this contract. Therefore, it is recommended that a sole source contract be awarded without a competitive RFP process. Mr. Elvig's unique qualifications are noted in Attachment 1. The Metro Procurement Officer believes that the specialized and unique function of this consultant warrants the use of a sole source contract, and that such action is in accordance with Metro Code Section 2.04.02 and the Oregon Public Contracting Code, ORS Chapter 279B.075, providing for sole source procurements.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.062, 2.04.010, ORS 279A.060, ORS 279B.075.
3. **Anticipated Effects** Procurement process will be expedited, allowing for a contract to be executed promptly.

4. **Budget Impacts** The cost of this service is not anticipated to exceed \$20,000. Budget authority for this action will be approved with the adoption of Resolution 12-4336.

RECOMMENDED ACTION

It is recommended that the Metro Council, acting as Public Contract Review Board, approve the entry into a sole source contract with Paul Elvig.

PAUL M. ELVIG

Evergreen-Washelli Memorial Park and Funeral Home *(retired)*
Seattle, Washington

(Home) 425-743-2127 (cell) 425-361-5332

paul@elvig.org

Professional Background

1990 to date **Evergreen-Washelli Memorial Park and Funeral Home – Seattle, WA**

- 1,500 case per year funeral home
- 1,400 burials per year endowment care cemetery
- 850 case per year crematory
- 95-102 employee facility

Chairman, Endowment Care Board of Trustees *2004 to date*

General Manager, *2005-07 (Retired 12-31-2007)*

President & CEO, *2004-05*

Vice President of Administration, *1990-2004*

Portfolios:

- Corporate development
- At-need cemetery and funeral sales and service
- Governmental and legal affairs
- Employee & customer dispute resolution

1978 - 1990 **Department of Licensing – Program Manager**

Portfolios

- Cemetery Board, *1978-90*
 - o Brought criminal and administrative charges against offenders – jail time for two
 - o Re-wrote and organized Revised Code of Washington, submitted same to the 1987 session of the Legislature – passed & signed intact by Governor Gardner
 - o Audited all state endowment care and pre-arrangement trust funds
 - o Investigated and processed all consumer complaints
- Funeral Directors and Embalmers Board, *1988-90*
 - o Licensed all funeral directors and embalmers
 - o Issued all establishment and pre-arrangement sales licenses
 - o Redesigned the state board examination tests
 - o Developed board Washington Administrative Codes regarding standards
 - o Brought unprofessional conduct charges against licensed parties (4)

1969 – 1987*

Greenacres Memorial Park and Funeral Home, Ferndale, WA

Manager

- 300 case per year endowment care cemetery
- 150 case per year funeral home

* *(1978-87 duties split between State Cemetery Board and Greenacres)*

Trade and Regulation Association Activities

- 1990 - Date **International Cemetery, Crematory and Funeral Association (ICCFA a
7,700 member trade association)**
- President 2007-08
 - Vice President – Products and Services 1 yr – Industry Relations 3-yrs
– Membership 2-years
 - Industry spokesperson before the House Energy & Commerce Subcommittee
January 2010 re: H.R. 3655, the Bereaved Consumers Bill of Rights Act
 - Industry spokesperson before the House Veterans Affairs Committee -- hearing
– National Cemeteries and Memorialization – April 2005 - Washington DC
 - Industry spokesperson before the Senate Special Committee on Aging – hearing
April 2000 – Washington DC
 - Industry spokesperson before the Federal Trade Commission – November
1999 and June 2002 – Washington DC
- 1991 - 1999 **Washington State Cemetery and Funeral Association – Board of Directors**
- President 1994-96
 - Testimony before various committees of the Washington and Idaho legislatures
... licensing/oversight issues
 - Revised Code Of Washington review and legislative recommendation
- 1986 – 1990 **National Cemetery Regulators Association**
President 1987-89
Federal Trade Commission hearings representative 1988
- Conducted nationwide pre-paid, out-of-state stored merchandise on-sight audits
(Minnesota, South Carolina and Arkansas)
- 1969 – date **Unique Funeral/Cemetery industry activities**
- Supervised over 40 “permitted” disinterments in Whatcom County
 - Re-constructed destroyed cemetery records from the ‘50s & ‘60s for bankruptcy
proceedings
 - Directed by a federal court to oversee 100 plus disinterments at Highland
Memorial Park – Everett – bankruptcy proceedings
 - 1981 & 1996 “Person-of-the-Year” recipient – Washington State Cemetery and
Funeral Association
- Community Activities**
- President – Camas-Washougal Jaycees 1967-8
 - President Bellingham Jaycees 1974-5
 - Whatcom County Rural Library Board 1980-1988 (Chair 1984-88)
 - Chair – Whatcom County Republicans 1975-1978
 - Chair – Snohomish County Republicans 1992-1996
 - Presidential Electoral College 1976 and 1980
 - Toastmasters
 - Church activities ... Adult Sunday School ... Former Elder

PUBLISHED ARTICLES

ICCFA Magazine (International Cemetery, Cremation and Funeral Association) – August-September 2011: *My 90 minutes with '60 Minutes'*

ICCFA Magazine – July 2011: *New cemetery for a forgotten people*

ICCFA Magazine – February 2010: *A day in D. C. Looking for friends in Washington*

ICCFA Magazine – January 2010: *How a librarian hired by funeral directors learned to run a cemetery*

The Insider – Washington Cemetery & Funeral Association – January 2010 *“Mr. Elvig goes to Washington ... again”*

Encyclopedia of Death & the Human Experience - Burial Laws (Contributor within 2-volume encyclopedia by Clifton Bryant & Dennis Peck editors) - Sage Reference Publications – 2009

ICCFA Magazine - August-September 2009: *Take care with people wanting to ‘cash out’ graves, prearrangements*

ICCFA Magazine – June 2009: *When a memory trumped the rules*

The Insider – Washington Cemetery & Funeral Association – January 2009: *“I Have This Choice Lot”*

The Insider – Washington Cemetery & Funeral Association - December 2008: *Driftwood –Breaking the rules*

ICCFA Magazine – August-September 2008: *Capitol Hill Diary ... AK-47s, Congressional offices and sore feet*

ICCFA Magazine – March-April 2008: *Former librarian knows where he’ll be ‘filed’*

ICCFA Magazine – March-April 2008: *President’s letter: Planning for the ICCFA’s future*

ICCFA Magazine – January 2008: *President’s letter: Gaining friends by association*

American Cemetery – January 2008: *ICCFA President’s State of the Industry – challenges and opportunities abound*

ICCFA Magazine – December 2007: *President’s letter: Steering the ICCFA to welcome the future*

ICCFA Magazine – November 2007: *President’s letter: Advance shopping/selling is good for all*

ICCFA Magazine – October 2007: *President’s letter: Let’s find something else to argue about*

ICCFA Magazine – August-September 2007: *President’s letter: Advice from a former state bureaucrat*

ICCFA Magazine – June 2007: *President’s letter: Seeing the convention through fresh eyes*

ICCFA Magazine – May 2007: *President’s letter: Now, that’s personal*

International Cemetery & Funeral Management – January 2005: *Betting On Success: It’s More than Luck*

International Cemetery & Funeral Management – August-September 2005: *Washington, D.C. – in and out*

International Cemetery & Funeral Management – June 2005: *Washington report (by Fells) ICFA testifies on burial benefits (on Elvig)*

International Cemetery & Funeral Management – August-September 2004: *Getting to Know You ... Getting To Know All About You*

The Insider – Washington Cemetery & Funeral Association – August 2004: *A Friend remembers Dave Daly*

International Cemetery & Funeral Management – February 2002: *Seven Steps to Building a Relationship with Your Congressional Delegation – your business will depend on it*

International Cemetery & Funeral Management – January 2000: *Washington report (by Fells) FTC Funeral Rule Workshop Provides Insights by the Participants (on Elvig)*

The Western Reporter – December 1990: *Is Your Cemetery's Growth on Target?*

The Washington State Cemetarian – April 1989 – *Cemetery Board adopts Rules – Grants Authority*

Note: Paul Elvig wrote numerous articles in cemetery/funeral journals through the 1980's and 1990's ... locating copies can be difficult, but not impossible

CONGRESSIONAL & FEDERAL AGENCY TESTIMONY OF RECORD

January 27, 2010 U. S. House Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection, representing the International Cemetery, Cremation and Funeral Association regarding H.R. 3655; directing the FTC to expand regulation to cemeteries and third-party sellers. Testimony is published and video recorded which is available over the web from the House Committee.

April 20, 2005 U. S. House Committee on Veteran's Affairs Subcommittee on Disability Assistance and Memorial Affairs – Represented the Funeral and Cemetery Industries regarding veteran's death benefits and memorial funding. Testimony is published and recorded available by web.

June 7, 2002 Federal Trade Commission hearing in DC on the Telemarketing Sales Rule – Represented the International Cemetery and Funeral Association in testimony, published record and recorded FTC hearing regarding the use of TSR as it relates to the industry.

April 11, 2000 US Senate Special Committee on Aging hearing held in DC – official spokesman for the ICFA – testimony both written and recorded by C-SPAN. In addition to prepared remarks, responded to US Senators questions.

November 1999 Federal Trade Commission hearing in DC regarding expansion of the Funeral Rule to Cemeteries. Official spokesman for the ICFA – testimony both written and recorded by FTC staff.

1988 Federal Trade Commission hearing held in San Francisco regarding expanding the Funeral Rule. Represented the National Regulators Association regarding state oversight.

Other Personal Information

Employment Prior to Cemetery/Funeral Industry: Public Library Systems

Resides: 315 138th PL SE, Everett, WA 98208

Personal: Age 69, Married 29 years, Children ages 27 and 24

Google search will provide some photos and addition public activities