

BEFORE THE METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 88-870
AN EXEMPTION TO THE PUBLIC CON-)	
TRACTING PROCEDURE SET OUT IN)	Introduced by Rena Cusma,
METRO CODE SECTION 2.04.010 ET SEQ.))	Executive Officer
FOR THE PURPOSE OF REQUESTING)	
PROPOSALS FROM A HAZARDOUS WASTE)	
MANAGEMENT FIRM TO ASSIST METRO)	
IN EXECUTING A HOUSEHOLD HAZARD-)	
OUS WASTE COLLECTION DAY)	

WHEREAS, The Metropolitan Service District will be sponsoring a regional Household Hazardous Waste Collection Day and is in need of requesting proposals from hazardous waste transportation, storage and disposal firms to assist with the event; and

WHEREAS, A Household Hazardous Waste Collection Day involves many variables in the type, quantities and treatment of materials collected, it is necessary to have the ability to negotiate the terms of agreement with a firm before signing a contract; and

WHEREAS, Metro Code Section 2.04.010(c) allows an exemption to the competitive bidding process upon findings: (1) that it is unlikely that such exemption will encourage favoritism or substantially diminish competition; and (2) that awarding the contract pursuant to the exemption may result in a substantial cost savings to Metro considering appropriate factors; and

WHEREAS, It is unlikely that an exemption will encourage favoritism or substantially diminish competition because (1) a Request for Proposals process will be utilized for contracting with a hazardous waste management firm(s); (2) the invitation to submit proposals will be advertised; (3) Request for Proposals will be sent

to all known hazardous waste management vendors; and (4) cost will be a factor in the selection of the firm(s); and

WHEREAS, The exemption will result in substantial cost savings to Metro because (1) proposers will be allowed to recommend and Metro will be allowed to negotiate for cost saving features such as recycling and re-use options; (2) proposers will be allowed to recommend alternate and/or additional management and safety procedures which could lessen Metro's liability and result in consequent cost savings; (3) ambiguities exist regarding the exact quantities and types of hazardous waste which might be received during the event which makes the competitive bid process less likely to result in cost savings; and (4) other cost savings and safety features may be proposed (such as on-site management) which could also result in substantial cost savings to Metro; now, therefore,

BE IT RESOLVED,

That an exemption from the public contracting procedure is hereby granted for requesting proposals from hazardous waste management firms because the Metropolitan Service District Contract Review Board finds that the requirements of Metro Code Section 2.04.010(c) have been met.

ADOPTED by the Metropolitan Service District Contract Review Board this 25th day of February, 1988.


Mike Ragsdale, Presiding Officer

JS/sm
8953C/531
02/10/88

CONSIDERATION OF RESOLUTION NO. 88-870, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE PUBLIC CONTRACTING PROCEDURE SET OUT IN METRO CODE SECTION 2.04.010 ET SEQ. FOR THE PURPOSE OF REQUESTING PROPOSALS FROM HAZARDOUS WASTE MANAGEMENT FIRMS TO HANDLE THE RECYCLING, TREATMENT, STORAGE, AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTES FROM A METRO-SPONSORED REGIONAL COLLECTION DAY

Date: February 4, 1988

Presented by: Joan Saroka

FACTUAL BACKGROUND AND ANALYSIS

On August 28, 1986, the Metro Council adopted a Hazardous Waste Management Plan. One element of the Plan is to provide alternative recycling and disposal options to homeowners and residents of the region for their household hazardous materials. A pilot project was conducted on November 15 and 16, 1986, at two East Multnomah County locations. Metro contracted with a hazardous waste transportation firm to handle the waste disposal.

A wide variety of materials were accepted at the pilot project collection day. The materials ranged from pesticides with DDT and 245T (both materials contain dioxins) to oil-based paints (some containing lead). The number of drums estimated in the contract to handle the materials was substantially lower than the final need. The overall cost of the event was more than \$30,000 higher than expected.

In order to hold a regional household hazardous waste collection event at four locations throughout the region it may be necessary to hire more than one contractor. A regional event will attract more people and, therefore, more materials. Our strategic plan is to request proposals from firms handling hazardous wastes in order to ensure that materials that can be recycled, get recycled, and that certain materials get treated before final disposal. It is also necessary to ensure that all materials are transported and disposed of according to all federal, state and local regulations.

We request the opportunity to negotiate how the collected materials get handled and to negotiate the price of all recycling, treatment and disposal options. This is essential due to the unknown variety and unknown quantity of the materials that will be brought to the sites during the collection day. Unless the Metro Contract Review Board approves this request for an exemption the

only method that could be used to obtain the necessary contractual services needed would be a Request for Bids. Because too many factors including the types of hazardous waste to be received and volumes are unknown the bid procedure would not be feasible.

The decision for requesting proposals from hazardous waste management firms would be based on a combination of the following:

- On-site management during the collection event
- Recycling options the firm can offer in-house
- Recycling options and rates using other firms
- Treatment options and rates
- Storage options and rates
- Re-use options
- Disposal options
- Establishing different rates for different materials
- Insurance liability requirements
- Waste generator status

To pursue a Request for Proposals would yield the best solutions to holding a Household Hazardous Waste Collection Day. The benefit to Metro is the opportunity to work with a firm(s) to provide safe, effective, creative, financially responsible and legal solutions for reducing the amount of waste going to a hazardous waste facility, giving people in the region the opportunity to get the materials out of their homes and to prevent the materials from going into the St. Johns Landfill.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 88-870.

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The motion carried and the resolution was adopted.

6. CONSIDERATION OF MINUTES

Motion: Councilor DeJardin moved to approve the minutes of January 28, 1988. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilor Bonner, Cooper and Van Bergen were absent.

The motion carried and the minutes were approved.

7. CONSIDERATION OF CONTESTED CASE NO. 87-2: ANGEL PROPERTY

Motion: Councilor Knowles moved, seconded by Councilor Collier, to defer the matter to March 10, 1988.

Councilor Knowles explained when he learned Councilor Bonner would not be attending this meeting, he had determined there would not be enough votes to adopt an order in support of the hearings officer's findings or to adopt an ordinance in support of findings to amend the Urban Growth Boundary.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Bonner was absent.

The motion carried.

8. RESOLUTIONS

REFERRED FROM THE INTERNAL AFFAIRS COMMITTEE:

8.1 Consideration of Resolution No. 88-870, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.04.010 et seq. for the Purpose of Requesting Proposals from Hazardous Waste Management Firms to Handle the Recycling, Treatment, Storage and Disposal of Household Hazardous Wastes from a Metro-Sponsored Regional Collection Day

Presiding Officer Ragsdale, Chair of the Council Internal Affairs Committee, reported that at their meeting of February 25, the Committee had unanimously recommended the Council adopt the resolution. Vickie Rocker, Public Affairs Director, then summarized staff's written report.

Motion: Councilor Waker moved, seconded by Councilor Hansen, to adopt Resolution No. 88-870.

Councilor Kirkpatrick questioned why the Public Affairs Department -- instead of the Solid Waste Department -- was coordinating the hazardous waste collection day project. Ms. Rucker responded that Public Affairs was very involved in the 1986 project because the collection day had served to raise the awareness of the community about household hazardous waste. The Public Affairs Department had volunteered to coordinate the 1988 program due to the heavy Solid Waste Department workload. Ms. Rucker's staff would work with Bob Martin, Solid Waste engineer, on the project. Councilor Kirkpatrick thought it inappropriate for the Solid Waste Department not to coordinate the collection day project.

In response to Councilor Van Bergen's question, Ms. Rucker explained staff was seeking the exemption because the City of Seattle, who had conducted similar programs, had demonstrated significant money could be saved by negotiating the management contract. Different types of materials required different handling methods and money could be saved by identifying each type of material and related handling costs.

Councilor Van Bergen was concerned that bidding competition could be decreased or eliminated if an exemption was granted. Ms. Rucker responded that Metro had been contacted by four prospective bidders about the project and the specifications had been prepared as not to exclude firms from bidding. She acknowledged, however, that Seattle and other areas had experienced limited bidding on their projects.

Councilor DeJardin suggested Metro contact the Umatilla Army Base to see if some of the waste collected by Metro could be burned at the Umatilla incinerator.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Bonner was absent.

The motion carried and Resolution No. 88-870 was adopted.

8.2 Consideration of Resolution No. 88-835, for the Purpose of Adopting a Policy to Establish that the Portland/Metropolitan County Transfer Station and Recycling Center be Privately Owned and Operated Facility and that Notice be Posted to Request that Potential Vendors Obtain Land Use Permits for Proposed Transfer Station Sites (Referred from the Solid Waste Committee)

Presiding Officer Ragsdale announced the resolution had been placed on the Council agenda in advance of the March 18 Solid Waste Commit-