

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXEMPTING ) Resolution No. 89-1095  
AN AMENDMENT OF A PERSONAL )  
SERVICES AGREEMENT WITH ) Introduced by Rena Cusma,  
SWEET-EDWARDS/EMCON, INC., FROM ) Executive Officer  
COMPETITIVE PROCUREMENT PROCEDURES )

WHEREAS, The Council of the Metropolitan Service District has authorized a Personal Services Agreement with Sweet-Edwards/EMCON, Inc. in connection with the closure of St. Johns Landfill; and

WHEREAS, It is desirable to obtain additional technical information to help Metro and the Oregon Department of Environmental Quality better determine policy for closure of the St. Johns Landfill; and

WHEREAS, Time constraints make it impractical to solicit proposals; now, therefore,

BE IT RESOLVED

That the Contract Review Board of the Metropolitan Service District exempts Personal Services Agreement Amendment #1 described in Exhibit A attached hereto from the competitive procurement procedures of Metro Code Section 2.04.053.

Adopted by the Contract Review Board of the Metropolitan Service District this 25th day of May, 1989.

  
Mike Ragsdale, Presiding Officer

**AMENDMENT NO. 1**

This agreement amends the Personal Services Agreement between the METROPOLITAN SERVICE DISTRICT and SWEET-EDWARDS/EMCON, INC. dated August 9, 1988.

The parties hereto agree as follows:

- A. The following section shall be added to the Scope of Work.

**Additional Work**

Contractor shall perform the following tasks:

- TASK 1:** Extend the survey of beneficial uses of ground water to all areas surrounding the landfill not already covered by a beneficial use survey and within the area bounded on the north by the Portland Harbor of the Columbia River, on the southeast, by North Portland Boulevard, on the southwest by Columbia Boulevard, and by the Willamette River on the north and northwest.
- TASK 2:** Test one "D" series groundwater monitoring well to determine if the current siltation problem in those wells can be cured by inserting an inner well casing and screen.
- TASK 3:** Determine the minimum mean sea level elevation in Bybee Lake necessary to prevent contaminated groundwater from migrating into it from St. Johns Landfill.
- TASK 4:** To better characterize groundwater flow patterns during all seasons of the year continue to measure water levels in selected monitoring wells once each month during July, August, September, and October 1989. Submit a letter report evaluating the results and all supporting data, notes, and calculations to Metro by October 31, 1989.
- TASK 5:** Using existing information about the St. Johns Landfill, nearby areas or other landfills, estimate the particulate emission rate and ambient air quality impact both on site and off site resulting from closure activities at the St. Johns Landfill.

- TASK 6: Review and present information about the vertical and horizontal leachate collection wells at Cedar Hills Landfill, King County, Washington as well as available information from other landfills to determine if a similar program would be a significant benefit at the St. Johns Landfill. Also, develop a leachate head reduction timeline projecting how leachate head would diminish after capping St. Johns Landfill with a geomembrane of plastic material.
- TASK 7: Evaluate the feasibility of deleting the access road from between subareas 4 and 5 and providing access to the southeast corner of the landfill via an improved dike road. Determine the impact on available landfill capacity if the road is eliminated and subarea 4 and 5 initial contours are connected. Present a drawing of the revised grading plan.
- TASK 8: Research and describe various options for establishing an alternative compliance boundary for the landfill as allowed under existing Department of Environmental Quality and proposed Environmental Protection Agency regulations.
- TASK 9: Based on information from Task 3 and assuming a geomembrane landfill cover, compare the present and future environmental impact of leachate from St. Johns Landfill on North Slough and Bybee Lake with and without a perimeter leachate collection system if (A) tidegates are installed to flush Bybee Lake and North Slough as described in the draft Smith and Bybee Lake Management Plan and/or (B) flow is augmented by pumped groundwater or Columbia River water or (C) neither action is taken. Recommend the most cost effective method of managing present and future environmental impacts on surrounding surface water.
- TASK 10: Incorporate the results and interpretations from tasks 1, 2, 3, 5, 6, 7, 8, and 9 into the final report described in Task 9 of Phase One and Task 8 of Phase Two or a separate report due no later than June 26, 1989.

- B. The termination date for the August 9, 1989 Personal Services Agreement shall be extended from June 30, 1989 to October 15, 1989. The deadline for the final report described in Task 9 of phase one and Task 8 of phase two shall be extended from April 30, 1989 to May 31, 1989.
- C. The maximum sum in item 1, page 2 of the Personal Services Agreement shall be increased from TWO HUNDRED NINETY FIVE THOUSAND TWO HUNDRED NINETY AND NO/100THS (\$295,290.00) DOLLARS to THREE HUNDRED FORTY FIVE THOUSAND FOUR HUNDRED NINETY AND NO/100THS (\$345,490) DOLLARS.
- D. All other terms and conditions of the original agreement remain in full force and effect.

SWEET-EDWARDS/EMCON, INC.

METROPOLITAN SERVICE DISTRICT

BY: \_\_\_\_\_

By: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

SOLID WASTE COMMITTEE REPORT

Agenda Item 6.5

Meeting Date May 25, 1989

RESOLUTION NO. 89-1095, FOR THE PURPOSE OF EXEMPTING AN AMENDMENT OF A PERSONAL SERVICES AGREEMENT WITH SWEET EDWARDS/EMCON, INC., FROM THE COMPETITIVE PROCUREMENT PROCESS

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May 10, 1989

Presented by: Councilor  
Judy Wyers

COMMITTEE RECOMMENDATION: The Solid Waste Committee voted unanimously to recommend Council adoption of Resolution No. 89-1095. Councilors voting: Hansen, Kelley, Buchanan, Ragsdale and Wyers. This action taken May 9, 1989.

COMMITTEE DISCUSSION/ISSUES: Adoption of Resolution 89-1095 would add \$50,200 in additional services to the Agreement with Sweet-Edwards/EMCON, Inc. for engineering investigations and evaluations of the St. John Landfill in connection with the closure process. This firm has completed two draft reports which have been reviewed by regulatory agencies and other interested parties. The reviews have raised questions and have suggested additional tasks to be performed. For example, the DEQ has asked for information about particulate air quality. A list of the recommended additional work is shown in Exhibit A attached to Resolution No. 89-1095.

Solid Waste staff indicated that there is not sufficient time to solicit and evaluate competitive proposals and recommends an exemption from the competitive procurement procedures.

There were no issues raised or debated by the Solid Waste Committee.

JW:RB:pa  
A:\RAYB.077

STAFF REPORT

Agenda Item No. 6.5  
Meeting Date: May 25, 1989

CONSIDERATION OF RESOLUTION NO. 89-1095 FOR THE PURPOSE  
OF EXEMPTING AN AMENDMENT OF A PERSONAL SERVICES  
AGREEMENT WITH SWEET-EDWARDS/EMCON, INC., FROM THE  
COMPETITIVE PROCUREMENT PROCEDURES

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Date: May 1, 1989

PRESENTED BY: Bob Martin  
Dennis O'Neil

PROPOSED ACTION

Resolution No. 89-1095 exempts from the competitive procurement procedures an amendment of a Personal Services Agreement with Sweet-Edwards/EMCON, Inc. to add additional services to the Scope of Work, increase the fee limit from \$295,290 to \$345,490, and extend the termination date from June 30, 1989 to October 31, 1989.

FACTUAL BACKGROUND AND ANALYSIS

Metro entered into a Personal Services Agreement in August 1988 with Sweet-Edwards/EMCON, Inc. for hydrogeologic and engineering investigations and evaluations of the St. Johns Landfill in connection with the closure process. This firm has completed two draft reports which have been reviewed by regulatory agencies and other interested parties.

The review by the Oregon Department of Environmental Quality (DEQ) and other interested parties has yielded questions to be answered when the closure plan is produced. For example, the DEQ Air Quality Division has asked for information about the impact of closure activities on particulate air quality.

Originally, the closure recommendations were to be submitted to the Council in May 1989 and submitted to DEQ by June 30, 1989. These dates are mandated by the DEQ Solid Waste Site Closure Permit. However, a letter was recently submitted to DEQ which requested a delay to allow submission to the Council in June and submission to DEQ by August 11, 1989. No response has been received to date.

If competitive proposals were solicited for the tasks listed in the amendment, it is estimated that a contract could not be ready for execution before the middle or end of June. In addition, a new contractor, no matter how qualified, would have to review the voluminous existing information in order to become familiar with the project. This could take until the middle or end of July. Then, another month would have to be added to actually gather and report the information. Thus, the information would not be available in time to meet even the delayed time line of June submission to the Council.

The St Johns Closure Project has been designed to meet externally mandated deadlines yet allow ample time for comments and questions by interested parties so that a reasonably thorough closure plan can be produced.

It is important the deliberate momentum of the project be maintained and that Metro be perceived to be responsive to interested parties. Therefore, this unusual request is made for an exemption from the Code requirements.

#### **BUDGET IMPACT**

Although the amendment causes the total cost of the closure study to rise above the total FY 1988-89 budget estimate for this project of \$323,000, it is expected that sufficient funds will remain in the St. Johns Final Improvements line item to cover the added cost.

#### **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 89-1095.