

BEFORE THE CONTRACT REVIEW BOARD
OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 91-1384
AN EXEMPTION TO METRO CODE)	
CHAPTER 2.04.053(a), PERSONAL)	INTRODUCED BY RENA CUSMA,
SERVICES CONTRACTS SELECTION)	EXECUTIVE OFFICER
PROCESS, AND AUTHORIZING A)	
SOLE-SOURCE CONTRACT WITH)	
ENVIRONMENTAL DEFENSE FUND FOR A)	
PUBLIC INFORMATION CAMPAIGN FOR)	
RECYCLING)	

WHEREAS, The Metropolitan Service District (Metro) plans to participate in a national public information campaign for recycling; and

WHEREAS, Environmental Defense Fund, under contract with the United States Environmental Protection Agency and with the assistance of the Ad Council, has designed public service advertisements for national use that can be tailored for regional use; and

WHEREAS, the Environmental Defense Fund can prepare these ads for Metro with the Metro logo and phone number and can distribute these ads to local news, television and radio media through the Ad Council's listings; and

WHEREAS, utilizing the existing ads saves a considerable amount of money over designing new ads, as the costs of design and review by national advertising experts is being shared among users; and

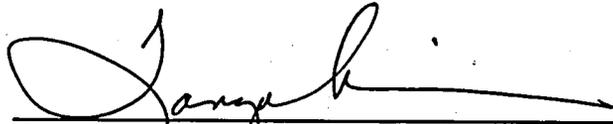
WHEREAS, Environmental Defense Fund is the only organization that is qualified to perform the services as outlined in the contractual Scope of Work; and

WHEREAS, The Executive Officer has reviewed the contract with Environmental Defense Fund to provide a public advertising campaign for recycling in the Metro area and hereby forwards the Agreement to the Council for approval; now, therefore,

BE IT RESOLVED,

The Contract Review Board hereby exempts the attached contract (Exhibit "A" hereto) with Environmental Defense Fund from the competitive proposal requirement pursuant to Metro Code Chapter 2.04.053(a), because the board finds Environmental Defense Fund is the sole provider of the required services.

ADOPTED by the Contract Review Board of the Metropolitan Service District this 10th day of January, 1990.


(Tanya Collier, Presiding Officer)

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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 91-1384 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.053(a), PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH ENVIRONMENTAL DEFENSE FUND FOR A RECYCLING PUBLIC INFORMATION CAMPAIGN

Date: January 2, 1991

Presented by: Debbie Gorham

PROPOSED ACTION

Adoption of Resolution No. 91-1384 would authorize an exemption to competitive proposal procedures and authorize the execution of a personal services contract with the Environmental Defense Fund for a recycling public information campaign.

The proposed contract is designated a "B" contract in the Council-approved Contract List of the fiscal year 1990-91 Budget. Because a sole-source contract is proposed, Council approval is necessary.

FACTUAL BACKGROUND AND ANALYSIS

The Solid Waste Department is proposing a recycling public information campaign in the Portland Metropolitan Area coordinated with the 1990 Environmental Defense Fund (EDF)'s national recycling campaign.

EDF's campaign is produced by the Ad Council, a national nonprofit advertising agency who creates public service announcements. The Ad Council has produced some of the most visible public service advertising (i.e., "Kick the Habit"; recently, "Stop Using Words That Hurt") and has vast marketing experience from some of the advertising industry's top executives.

EDF began their national recycling public information campaign with funding from the U.S. Environmental Protection Agency (EPA) in 1989. The EPA views this campaign as their primary and most visible recycling initiative. Ads have appeared over the last year in national newspapers and magazines (such as Time, as well as on prime time television and radio.)

EDF is one of the most successful and respected environmental groups in the country, and the only organization known to have recycling promotion expertise in coalition with the Ad Council, and national EPA campaigns.

It is proposed that Metro enter into a new personal services contract with EDF to include the Metro logo and Recycling

Information Center phone number on EDF recycling ads placed locally. The length of the proposed contract is one-half year.

EDF will prepare and distribute public service recycling campaign material to all Portland metropolitan area media listed in the Ad Council's Public Service distribution list, for targeted use between January, 1991 and June 30, 1991.

Sole-Source Justification

The Environmental Defense Fund (EDF) is the only organization identified by Solid Waste Department staff that is coordinating a national recycling public information campaign. Tapping into this national campaign will bring high-quality media exposure to the Metro area without the high costs of initiating such a campaign from scratch. Coordination with the national campaign will also ensure more successful advertising, as Metro will be capitalizing on the current national campaign, with the current expertise and marketing experience provided by the Ad Council. The design, lay-out, and distribution of such advertisements, and the effectiveness, would cost a considerable amount more money for any other organization to initiate.

BUDGET IMPACT

A total of \$24,404 is budgeted for this contract in fiscal year 1990-91. The contract provides that costs shall not exceed \$23,000. The \$23,000 covers design and lay-out of camera-ready copies of public service advertising for the print media, and videos for television and radio. All advertisements will have the Metro logo and phone number prominently displayed. These will be distributed to all Portland media listed in the Ad Council's Public Service distribution list.

A copy of the budget for the EDF/Ad Council campaign is attached as Attachment A. \$23,000 is Metro's contribution to the total \$528,560 cost of the nationwide campaign.

Draft scripts and print advertising are also attached (Attachment B). Final scripts, videos, and camera-ready advertising is expected to be approved by the Ad Council by the end of December 1990.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1384.

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1384, AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.053(A), PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH ENVIRONMENTAL DEFENSE FUND FOR A RECYCLING PUBLIC INFORMATION CAMPAIGN

Date: January 4, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the January 4, 1991 meeting, the Committee voted 3-0 to recommend Council adoption of Resolution No. 1384. Voting in favor were Councilors Buchanan, DeJardin and Wyers. Councilors Collier and Saucy were excused.

Committee Issues/Discussion: Debbie Gorham, Waste Reduction Manager, explained that the Solid Waste Department is requesting approval to enter into a sole-source contract with the Environmental Defense Fund to participate in a national advertising campaign to promote recycling. Metro will pay the Fund \$23,000, and the Fund will air nationally-produced ads which include the Metro logo and the telephone number for the Recycling Information Center. Ms. Gorham said sole-source approval is justified because the Environmental Defense Fund is the only group running a national recycling campaign of this type.

Councilor Wyers indicated her concern that although the Council recently adopted incentives to encourage market development, the type of ads contemplated might result in an increase in the supply of materials for which there is no market.

Estle Harlan, representing the Tri-County Council, requested that haulers be given the opportunity to review and comment on Metro ads before they are released. She said that Metro ads sometimes have been confusing, misleading or inaccurate, and that haulers receive complaint calls although they have had no voice in the content of the ads. She said that the Solid Waste Department has not been aware of the content of some of the ads.

Chair DeJardin said that this type of problem will not recur, and that a process will be developed to make certain that the various groups impacted by Metro ads are involved before the ads are released.

SOLID WASTE COMMITTEE REPORT
Resolution No. 91-1384
January 4, 1991
Page 2

Correction to Resolution number

The Clerk of the Council has designated this Resolution as No. 91-1384. Previous designations of this Resolution as No. 90-1519 (Solid Waste Department staff report and revised Solid Waste Committee agenda for January 2, 1991) and No. 90-1510 (proposed Resolution submitted by Solid Waste Department) are erroneous.

/klf

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this _____ day of _____ 19__, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and The Environmental Defense Fund, hereinafter referred to as "CONTRACTOR," whose address is 257 Park Avenue South, New York, NY 10010, for the period of January 2, 1991, through June 30, 1991, and for any extensions thereafter pursuant to written agreement of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws Chapter 684.

4. To maintain records relating to the Scope of work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411.

In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR

services are those of an independent contractor as provided under Chapter 864 Oregon Laws, 1979.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of TWENTY THREE THOUSAND AND NO/100THS (\$23,000.00) DOLLARS and in the manner and at the time designated in the Scope of Work; and
2. To provide full information regarding its requirements for the Scope of Work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days written notice without waiving any claims or remedies it may have against CONTRACTOR;
2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;
3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;
4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

5. That this Agreement may be amended only by the written agreement of both parties.

ENVIRONMENTAL DEFENSE FUND

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

EPV:JC
OCTOBER 24, 1990
CONTRACT\ENVIRDEF.CNT

SCOPE OF WORK
Contract No. 901519

1. Contractor will prepare and distribute Environmental Defense Fund public service recycling campaign material to all Metro region media listed in the Ad Council's Public Service distribution list. Media list includes newspapers, television and radio stations.
2. All campaign materials shall have been reviewed and approved by the Ad Council, in coordination with the national recycling campaign funded by the U.S Environmental Protection Agency.
3. Period of distribution shall be January 3, 1991, through December 31, 1991.
4. All distributed material shall reference Metro's sponsorship and Metro's Recycling Information Center telephone number, 224-5555.
5. Contractor shall send Metro a minimum of four periodic monthly reports that measure advertisements used in the Portland Metropolitan Area. This shall include newspaper clippings; periodic monthly reports from Broadcast Advertisers Report; and a list of radio stations intending to use the advertisement.
6. Contractor shall submit invoices to Metro as follows:

January, 1991	\$7,666.67
February, 1991	7,666.67
March, 1991	7,666.66
6. Metro Payment will be made within thirty days of submitted invoice.

AD COUNCIL/EDF RECYCLING CAMPAIGN BUDGET
FY 91

8/17/90

PRODUCTION

All-new materials for television, radio, newspaper, and magazine		\$220,030
Television	\$175,360	
Radio	29,600	
Newspaper	5,880	
Magazine	9,190	

DISTRIBUTION

For all media nationwide		44,000
Television	\$ 10,000	
Radio	14,000	
Newspaper	12,000	
Magazine	8,000	

OTHER

BAR Reports		12,500
Miscellaneous Ad Council campaign costs		27,000
Reproduction, shipping fees, mailing costs, clipping services, Ad Council toll-free media service, bulletins, etc.		
Ad Council fees (12% of all above)		36,424

FULFILLMENT

Toll-free service/contract		15,000
Keying in		5,000
Postage, lettershop/mailing, labels		5,625
Messengers, shipping, miscellaneous		5,000

OVERHEAD & RELATED COSTS

Personnel		105,701
Office costs		10,870
Overhead		31,710
Travel		10,000

TOTAL

\$528,560

PROGRAM PLANS CONTINGENT UPON SUFFICIENT FUNDING

RADIO RECYCLING CAMPAIGN (:60)
"If We Threw Away Everything" [CW/Recycle]

(ORX: outdoor ambience, car coming to stop, doors opening)

ANN

Imagine if you threw away everything
after you used it...

TED

Thanks for the ride, Bob.

(SFX: car doors close)

BOB

No problem. Here -- help me get her in
the dumpster.

TED

Sure...

(SFX: men groan under strain, crash of car/scene
change to indoor ambience, TV in bg.)

WOM

Honey, don't leave your clothes lying
on the floor like that...

MAN

Alright, alright.

(SFX: whump of clothes in garbage can)

MAN

There -- in the wastebasket just like
yours. Happy now?

(SFX: scene change/different indoor ambience,
clock ticking in bg.)

MAN 2

What a great book -- she can really
write.

"If We Throw Away Everything" - 2.

WOM 2

I'd love to read it.

MAN 2

No problem...

(SFX: book hitting wastebasket)

MAN 2

I'll buy you a copy!

(SFX out, Music: medium-tempo theme up and under)

ANN

You don't need to stop and think how wasteful that would be...but have you ever stopped and thought about the things you do throw away?

Take glass bottles. If you recycle a glass bottle instead of just throwing it away, you save enough energy to light a 100-watt bulb for 4 hours.

And aluminum cans. Recycle one of those, and you save enough energy to operate this radio you're listening to right now for 3 hours!

(SFX: kitchen ambience)

MAN

Great meal, honey. Here, let me clear.

(SFX: crash of glass and plates)

ANN

Isn't it time you thought about recycling? It's easy to do, and it can make a big difference. So dial 1-800-CALL EDF and find out how you can start today.

Recycling. It's the everyday way to save the world.

A message from the Ad Council and the Environmental Defense Fund.

(Music resolve)



Park City Plaza • Bridgeport, CT 06604-4277 • (203) 384-9443
FAX (203) 367-9346

COPY

**RADIO RECYCLING CAMPAIGN (:60)
"Indoor Trash and Field Championships"**

(SFX: indoor stadium ambience)

AL

Welcome back to the Indoor Trash and Field Championships -- where we're underway in the always exciting 1-Meter Garbage Toss...

DAN

Julie Simmons from Silent Spring College is up next -- she's going to attempt a one-handed recycle of an empty soda can and the paper bag it came in.

AL

Interesting choice, Dan -- the garbage toss and the recycle move have just about the same degree of difficulty, but Julia must hit 2 cans to recycle while in the garbage toss she only has to hit one can.

DAN

Exactly, but she's a veteran re-cyclist, she placed 2nd in last year's Tour De Bris, and I think she's got a bright future in trash. She appears ready... here she goes...

(SFX: clunk, clunk/audience cheers wildly)

DAN

She's done it! The soda can and the paper bag, both dropped perfectly into their respective bins. Oh my!!!

(SFX: cheering sustains under ANN)

ANN

If you know how to toss out garbage, you know how to recycle. To find out how you can start recycling today, dial (cont.)

"Indoor Trash and Field Championships" - 2.

ANN (cont.)

1-800-CALL-EDF.

(SFX: loudspeaker voice gives scores in
background: "Five-nine...six-oh...")

DAN

And look at that -- a perfect score from
the Soviet judge!

AL

Not surprising, Ted -- the Russian
judge is 10 years old, and he's obviously
concerned about his future, too!

ANN

Recycling: it's the everyday way to save
the world. A message from the Ad Council
and the Environmental Defense Fund.

(SFX: cheering fades)

{CW/Recycle4}

COMMERCIAL WORKS

A Division of the American Comedy Network

Park City Plaza • Bridgeport, CT 06604 4277 • (203) 384-9447
FAX (203) 367-9346

COPY

RADIO RECYCLING CAMPAIGN (:60) "Only One Person"

(Music: rhythmic instrumental theme, starts low in background and builds steadily)

1 VOX

Look, I'm only one person, so if I start recycling my garbage, it's not going to make a big difference.

2 VOX

Besides, I don't create that much garbage anyway. Like I said, I'm just one person.

5 VOX

Now...the big corporations -- they're the people who should be worried about recycling. They've got lots of people.

10 VOX

The building where I work, for instance. There must be two hundred people in it -- and I don't think any of them recycle.

25 VOX

So why pick on me? It's not going to change anything if I start recycling. Like I keep tellin' you -- I'm just one person!

(Music stab, continues underneath)

ANN

If you've ever thought about recycling, you're not alone. Every day, hundreds of Americans are learning how easy it is to stop throwing out garbage, and start recycling. If you'd like to find out how you can start recycling in your area, dial 1-800-CALL-EDF today. Yes, you're only one person. But you'd be surprised how many people are just like you.

Recycling...

"Only One Person" - 2.

50 VOX

It's the everyday way to save the world.

ANN

A message from the Ad Council and the
Environmental Defense Fund.

(Music resolve)

[CW/Recycle5]



Park City Plaza • Bridgeport, CT 06604-4877 • (203) 364-9443
Fax: (203) 367-0746

COPY

**RADIO RECYCLING CAMPAIGN (:60)
"Recycling Class"**

(Note: this has been written specifically for a
John Cleese type as TEACHER)

MAN

Hi -- I'm here for the recycling class.

TEA

Very good. Do you have the check?

MAN

The check?

TEA

Yes, you see...since recycling is an extremely difficult process to learn, many students drop out before the course is completed. So, I must request the class fee in advance.

MAN

Oh, right.

(SFX: passing of bills)

Here you go.

TEA

Excellent. Have a seat. (Ahem)

(SFX: chair scrapes across floor)

Now...when one tosses out garbage, one simply drops the trash in a single wastebasket like so...

(SFX: single "whump" of trash landing in bucket)

But when we recycle...we separate the trash and deposit it into two respective bins, thusly...

(SFX: two "whumps" of trash hitting 2 bins)

"Recycling class" - 2.

TEA

Any questions?

MAN

No.

TEA

Excellent. Here you go then.

(SFX: paper snap)

MAN

What's this?

TEA

Your diploma. You've just learned how to recycle. Good day!

MAN

Wait a second. That's easy!

TEA

Perhaps you'd like to sign up for the graduate course then?

MAN

Graduate course!

ANN

Advanced Recycling -- you learn how to use 3 wastebaskets. Quite challenging, really.

MAN

I want my money back!

TEA

Sorry...that kind of recycling we don't do.

(SFX: door slam/Music: medium-tempo instrumental theme up and under)

NOV-19-98 MON 16:21 EDF-NY

P. 10

OCT-30-98 TUE 11:13 ADVERTISING COUNCIL

P. 04
PCG/aa

10-29-98 12:40PM NEWCITY

"Recycling Class" - 3.

ANN
(with smile in voice)

Recycling is easy, and you can make a big difference by starting right now. To learn how you can recycle in your area, dial 1-800-CALL-EDF.

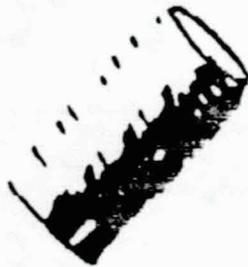
Recycling: it's the everyday way to save the world.

A message from the Ad Council and the Environmental Defense Fund.

[CW/Recycled]



Recycling
is easy. You've
almost been doing
it for years.



Recycling.
It's one of the
easiest
ways you personally can help
save our world.
Recycling will not only
help keep
us from being buried
in our own trash,
It saves natural resources and reduces
pollution. If you'd
like to know
more, send a postcard to the
Environmental
Defense Fund for a free recycling
action guide. The
address is EDF, Recycling,
257 Park Avenue South,
New York, NY 10010.
Why not start recycling today?
After all, you've
been going
through the motions
for years.



The
everyday way
to save
the world.

ENVIRONMENTAL DEFENSE FUND 

CANS BOTTLES PAPER PLASTIC

You just separated your trash.

Recycling is easy. Isn't it?
There's nothing
difficult about
recycling.
In fact, it's one of
the easiest
ways you
personally can make
the world
a better place.

Recycling
not
only keeps us
from being
buried in our own
trash, it
saves natural resources
and reduces pollution.
If you'd like to
know more, send
a postcard to
the Environmental
Defense Fund
for a free
recycling action
guide. The
address is
EDF-Recycling.

257 Park Ave So.,
New York, NY,
10010. You'll
find taking the
first step
toward recycling
can be
as easy in practice
as it is
here on paper.

RECYCLE
It's the everyday way to save the world.

ENVIRONMENTAL DEFENSE FUND 

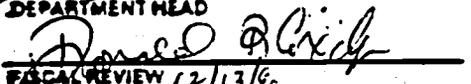
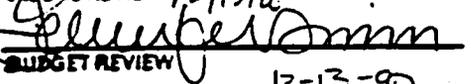
If
everyone
recycled
this much
of their daily paper,
we'd save
9,000
trees a year.



- 10 A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
- 12 WILL INSURANCE CERTIFICATE BE REQUIRED? YES - NO
- 13 WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
- 14 LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____

16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW  DEPARTMENT HEAD  FISCAL REVIEW 12/13/90  BUDGET REVIEW 12-13-90	CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____ 1. _____ COUNCILOR 2. _____ COUNCILOR 3. _____ COUNCILOR	COUNCIL REVIEW (IF REQUIRED) DATE _____
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LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____