

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )	Resolution No. 92-1600
THE EXECUTIVE OFFICER TO )	
APPROVE AN AMENDMENT TO THE )	Introduced by Rena Cusma,
AGREEMENT WITH MARX/KNOLL )	Executive Officer
DENIGHT & DODGE TO PRODUCE )	
TWO HANDBOOKS IN COOPERATION )	
WITH THE OREGON DEPARTMENT )	
ENVIRONMENTAL QUALITY )	

WHEREAS, Metro adopted a Hazardous Waste Management Plan on August 28, 1986, Resolution No. 86-676; and

WHEREAS, A major objective of the Plan is to reduce the volume and toxicity of waste landfilled in the Metro region, an objective consistent with the state of Oregon waste management hierarchy; and

WHEREAS, Since the closure of St. Johns Landfill and the opening of the Columbia Ridge Landfill in eastern Oregon, Metro has banned many hazardous wastes and other special materials from its disposal and transfer facilities; and

WHEREAS, Chapter 833 Oregon Laws, 1989, Section 73(5), allows the Oregon Department of Environmental Quality (DEQ) to contract with Metro for projects related to hazardous waste reduction; and

WHEREAS, The DEQ conducts an ongoing public information campaign within the state of Oregon for two categories of commercial hazardous waste generators: Conditionally Exempt Generators (CEG's) and Small Quantity Generators (SQG's) – approximately 50 percent of these generators are within the Metropolitan Service District; and

WHEREAS, A major element of the campaign is production of instruction handbooks for CEG's and SQG's to educate these groups about hazardous waste reduction and safe handling and disposal of hazardous waste materials; and

WHEREAS, After conducting a competitive process, Metro has entered into a two-year consulting contract with the advertising firm of Marx/Knoll, Denight & Dodge to assist the District to provide an effective public information campaign to reduce the volume and toxicity of waste landfilled within the region; and

WHEREAS, In order to ensure a high quality product and economize resources, the Department and Metro agree that Marx/Knoll, Denight & Dodge, serving as Metro's agent, should work together to cooperatively produce the CEG and SQG handbooks;

WHEREAS, the DEQ has signed an intergovernmental agreement with Metro to pay for the full cost of this project; now, therefore,

BE IT RESOLVED,

That the Contract Review Board hereby authorizes the executive officer to approve Amendment No. 1 to the agreement with Marx/Knoll, Denight & Dodge, attached hereto as Exhibit A, to produce handbooks for two types of commercial hazardous waste generators.

ADOPTED by the Contract Review Board of the Metropolitan Service District this 9<sup>th</sup> day of April, 1992.

  
\_\_\_\_\_  
Jim Gardner, Presiding Officer

Exhibit A  
Contract No. 902012  
Amendment No. 1

This is an amendment to the agreement effective August 23, 1991, by and between the Metropolitan Service District (METRO) AND MARX/KNOLL, DENIGHT & DODGE (Contractor). The agreement shall be amended as follows:

1. The Scope of Work shall be expanded to cover the work described below:
  - a. Contractor shall provide the design and mechanical art for a 52-page "Small Quantity Generators' (SQG) Handbook;" two-color with self cover. The handbook shall include two large illustrations and approximately 26 small illustrations.
  - b. Contractor shall provide the design and mechanical art for a 16-page "Conditionally Exempt Generators' (CEG) Handbook;" two-color with self cover. The handbook shall include two large and four smaller illustrations.
2. The contract sum shall increase by \$30,277.50 for a total revised contract sum not to exceed \$230,277.50.

All other terms and conditions of the agreement shall remain the same.

METROPOLITAN SERVICE DISTRICT

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

Date: \_\_\_\_\_

MARX/KNOLL, DENIGHT & DODGE

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

Date: \_\_\_\_\_

**INTERGOVERNMENTAL AGREEMENT**

This Agreement, dated this 23rd day of March, 1992, is between the METROPOLITAN SERVICE DISTRICT (Metro) and the State of Oregon acting by and through the DEPARTMENT OF ENVIRONMENTAL QUALITY, hereafter called the Department.

**RECITALS:**

1. Metro adopted a Hazardous Waste Management Plan on August 28, 1986, Resolution No. 86-676.
2. A major objective of the Plan is to reduce the volume and toxicity of waste landfilled in the Metro region. This objective is consistent with the state of Oregon waste management hierarchy.
3. Since the closure of St. Johns Landfill and the opening of the Columbia Ridge Landfill in eastern Oregon, Metro has banned many hazardous wastes and other special materials from its disposal and transfer facilities.
4. Chapter 833 Oregon Laws, 1989, Section 73(5), allows the Department to contract with Metro for Portland area projects related to hazardous waste reduction.
5. The Department conducts an ongoing public information campaign within the state of Oregon for all hazardous waste handlers with emphasis on two categories of hazardous waste generators: Conditionally Exempt Generators

(CEG's) and Small Quantity Generators (SQG's). Approximately 50 percent of these generators are within the Metropolitan Service District.

6. A major element of the above campaign is production of instruction handbooks for CEG's and SQG's to educate these groups about hazardous waste reduction and safe handling and disposal of hazardous waste materials.

7. After conducting a competitive process, Metro has entered into a two-year consulting contract with the advertising firm of Marx/Knoll, Denight & Dodge (M/KD&D) to assist the District to provide an effective public information campaign to reduce the volume and toxicity of waste landfilled within the region.

8. In order to ensure a high quality product and economize resources, the Department and Metro agree that M/KD&D, serving as Metro's agent, should work together to cooperatively produce the CEG and SQG handbooks.

## **METRO AND THE DEPARTMENT HEREBY AGREE AS FOLLOWS:**

### **1. Scope of Metro Services**

a. Metro will work with DEQ and M/KD&D in completing the handbooks project by ensuring that M/KD&D produces the work described in this agreement according to a schedule acceptable to Metro and the Department.

b. Metro will approve, in consultation with DEQ, all phases of work covered under this agreement in a timely manner to ensure that dollars paid to M/KD&D are appropriate for work completed.

## 2. Scope of the Department Services

a. The Department will provide Metro and its agent, M/KD&D, with drafts of the CEG and SQG handbook documents suitable for computer editing and formatting.

b. The Department will approve all phases of work covered under this agreement in a timely manner.

c. The Department will pay Metro for the work covered under this agreement according to the provisions of Paragraph 3, "Terms of Payment."

d. The Department will produce 10,000 copies of the CEG Handbook and 5,000 copies of the SQG handbook (first printing), approximately 50 percent of which will be distributed to hazardous waste generators in the Metro region.

## 3. Terms of Payment

a. The total amount payable under this contract shall not exceed thirty thousand and two hundred and seventy-seven and 50/100ths dollars (\$30,277.50).

b. At the completion of the project, Metro shall invoice the Department for the actual cost of the project (not to exceed \$30,277.50) incurred by M/KD&D. Metro does not seek payment for its role in this project.

c. The Department shall make full payment to Metro within forty-five (45) days upon receipt and approval of Metro's itemized invoice, and upon receipt and acceptance of the CEG and SQG handbooks..

4. **Effective and Termination Dates.** This agreement shall be effective as of the 23rd day of March, 1992, and shall terminate on June 30, 1992.



5. **Liability.** The Department agrees to be responsible for any damage or any third party liability which may arise from duties performed under this agreement (subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution Article XI, Section 7, to the extent of liability arising out of the negligence of the Department).

6. **Workers' Compensation Insurance.** All employers working under this agreement are subject employers that will comply with ORS 656.017.

7. **Severability.** If any provision of this agreement is found to be illegal or unenforceable, this agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken.

8. **Amendments.** Metro and the Department may amend this Agreement at any time only by written amendment executed by the Department and Metro.

9. **Integration.** This agreement contains the entire agreement between Metro and the Department and supersedes all prior written or oral discussions or agreements.

10. **Public Law Constraints.** Both parties shall comply with all relevant laws of the state of Oregon and to the extent those provisions apply to this agreement, they are incorporated herein by reference.

METROPOLITAN SERVICE  
DISTRICT

By: 

Title: Deputy Executive Officer

Date: 3-23-92

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

By: 

Title: Division Administrator

Date: 3-13-92

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 92-1600, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE AN AMENDMENT TO THE AGREEMENT WITH MARX/KNOLL, DENIGHT AND DODGE TO PRODUCE TWO HAZARDOUS WASTE HANDBOOKS IN COOPERATION WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

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Date: April 9, 1992

Presented by: Councilor Hansen

**Committee Recommendation:** At the April 7 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 92-1600. Voting in favor: Councilors Buchanan, Hansen, McFarland, Van Bergen and Wyers.

**Committee Issues/Discussion:** Vicki Rocker, Public Affairs Department explained that Metro had agreed to let the DEQ use our existing contract with Marx/Knoll, Denight and Dodge to have two hazardous waste handbooks developed. She noted that DEQ had been impressed with the work of the agency and was anxious to use them to develop these handbooks.

Rocker noted that Metro has no involvement in the development, content or distribution of the handbook. The work has been completed and Metro has paid the agency. The passage of the resolution will approve the intergovernmental agreement with DEQ that allow them to reimburse Metro for the cost of the work (\$30,277.50).



## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 92-1600, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE AN AMENDMENT TO THE AGREEMENT WITH MARX/KNOLL, DENIGHT & DODGE TO PRODUCE TWO HAZARDOUS WASTE HANDBOOKS IN COOPERATION WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

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Date: March 19, 1992

Presented by: Vickie Rocker  
Bob Martin

#### PROPOSED ACTION

Adopt Resolution No. 92-1600, authorizing the executive officer to approve a \$30,277.50 contract amendment with Marx/Knoll, Denight & Dodge, Metro's waste reduction advertising consultant. The scope of work would be expanded to produce two hazardous waste handbooks in cooperation with the Oregon Department of Environmental Quality (DEQ). Metro Code Section 2.04.054 (a)(3) requires the Council to authorize this amendment. See Exhibit A for a copy of the amendment.

The DEQ has signed an intergovernmental agreement (see Exhibit B) to pay the full cost of this project.

#### BACKGROUND AND ANALYSIS

The DEQ has signed an intergovernmental agreement with Metro to produce two high quality, user friendly handbooks for two types of commercial hazardous waste generators: 1) Conditionally Exempt Generators; and 2) Small Quantity Generators. Resolution No, 92-1600 would authorize Metro's waste reduction advertising consultant to perform the work. The handbooks will instruct generators about source reduction, recycling and proper disposal of hazardous materials. In addition to promoting source reduction and recycling, Metro is especially interested in proper disposal of these materials because many hazardous materials are no longer accepted at the region's transfer stations.

The DEQ has requested use of Metro's waste reduction promotion contractor because of the high quality materials it has produced for the public. Chapter 833 Oregon Laws, 1989, Section 73(5), allows the DEQ to contract with Metro for projects related to hazardous waste reduction.

## BUDGET IMPACT

This project was not anticipated in the FY 1991-92 budget process. This agreement would terminate in FY 1991-92. The financial impact will be minimal. The \$30,277.50 revenue received from the DEQ will offset the \$30,277.50 expense charged to the Solid Waste Revenue Fund, Operations Division.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 92-1600.

Exhibit A: Amendment No. 1 to M/JD&D Contract  
Exhibit B: Intergovernmental agreement with the DEQ