

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING METRO)	RESOLUTION NO. 05-3527
CONTRACT NO. 925089 WITH HART)	
CROWSER, INC., TO PROVIDE INTERIM)	Introduced by Michael Jordan, Chief
CONSULTING SERVICES RELATED TO THE)	Operating Officer, with the concurrence of
REMEDIAL INVESTIGATION OF ST. JOHNS)	David Bragdon, Council President
LANDFILL.)	
)	

WHEREAS, in October 2003 the Oregon Department of Environmental Quality issued a renewed 10-year solid waste disposal site closure permit for St. Johns Landfill, along with a consent order for a Remedial Investigation and Feasibility Study (RI-FS) of the landfill, and

WHEREAS, following a competitive procurement Metro contracted with Hart Crowser, Inc. to carry out the RI-FS, beginning with Phase 1, with options to negotiate contract amendments for Phases 2 and 3, or to procure a new contract through a competitive process for those phases, and

WHEREAS, Phase 1 is nearing completion and staff has determined that procurement of a new contract through a competitive process would be the most effective approach for Phase 2, and

WHEREAS, staff believes that amending the existing contract with Hart Crowser would be the most effective approach for interim consulting services, related to the RI, and needed by Metro between completion of Phase 1 and execution of a Phase 2 contract, and

WHEREAS, Metro Code section 2.04.046(b) requires Metro Council approval of the any amendment of a personal services contract where the amount of the initial amount was greater than \$25,000, and the amendment would increase the total amount payable to an amount more than \$50,000 greater than the initial contract amount, and

WHEREAS, the initial amount of the contract with Hart Crowser was \$48,660, and previous amendments increased the contract amount by \$50,000, to a total amount payable of \$98,660; now, therefore

BE IT RESOLVED

1. That the Metro Council, sitting as the Metro Contract Review Board, pursuant to Section 2.04.046(b) of the Metro Code, authorizes the Chief Operating Officer to execute an amendment of Contract No. 925089 for \$27,000 with Hart Crowser, Inc. for interim consulting services related to the Remedial Investigation of St. Johns Landfill, and

2. That the Metro Council, sitting as the Metro Contract Review Board, directs staff to complete Phase 1 of the Remedial Investigation and Feasibility Study for St. Johns Landfill and return to the Metro Council for authorization to issue an RFP for Phase 2.

ADOPTED by the Metro Council this _____ day of January, 2005

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3527, FOR THE PURPOSE OF AMENDING METRO CONTRACT NO. 925089 WITH HART CROWSER, INC. TO PROVIDE INTERIM CONSULTING SERVICES RELATED TO THE REMEDIAL INVESTIGATION OF ST. JOHNS LANDFILL.

Date: January 4, 2005

Prepared by: Paul Vandenberg

BACKGROUND

In October 2003 the Oregon Department of Environmental Quality (DEQ) issued a renewed 10-year solid waste disposal site closure permit for St. Johns Landfill, along with a consent order for a Remedial Investigation and Feasibility Study (RI-FS) of the landfill. The basis for the consent order was the listing of St. Johns Landfill among other sites in the state that require further investigation of the nature and extent of environmental contamination, and possible cleanup actions or long-term engineered or institutional controls to protect public health or the environment.

Consistent with the consent order, Metro procured the professional services of a qualified consultant to carry out the RI-FS. Metro's current contractor for this work is Hart Crowser, Inc. The RI-FS involves 3 distinct work phases, and the contract with Hart Crowser allows Metro to negotiate amendments for Phases 2 and 3, or to procure new contracts for such through competitive process.

DEQ has approved the RI proposal from Metro, and is currently reviewing Metro's draft RI work plan. Phase 1 will be complete upon DEQ's approval of the work plan. Phase 2 will involve implementation of the RI, and Phase 3 will involve the FS.

Staff has determined that the most effective approach to Phase 2 would be procuring a new contract through competitive process, and that amending the current contract with Hart Crowser would be the most effective approach to provide interim consulting services needed by Metro between completion of Phase 1 and execution of a Phase 2 contract.

The proposed amendment would increase the amount of the current contract by \$27,000, for services that include preparation of the annual environmental monitoring report to DEQ, and any analysis, documentation, or presentations requested by Metro, as needed to address requests for project-related information by DEQ, stakeholders or the public.

The proposed amendment requires approval of the Metro Council, sitting as the Contract Review Board, consistent with Metro Code 2.04.046(b), as described below.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this contract amendment request.

2. Legal Antecedents

Metro Code section 2.04.046(b) requires Metro Council, sitting as the Contract Review Board, approval of any amendment of a personal services contract where the amount of the initial amount was greater than \$25,000, and the amendment would increase the total amount payable to an amount more than \$50,000 greater than the initial contract amount. The amount of the original contract with

Hart Crowser, executed in August 2003, was \$48,660. Previous amendments have increased the contract amount by \$50,000, to a total of \$98,660.

3. Anticipated Effects

The anticipated effect of this authorization is an amendment to Metro contract no. 925089, adding \$27,000 for consulting services during an interim period while a new contract is being procured for RI Phase 2 services.

4. Budget Impacts

For fiscal year 2004-2005, the amount budgeted in the St. Johns Landfill Closure Account for annual review of environmental monitoring methods and results is \$20,800, and the total amount budgeted for various components of the RI-FS is \$158,000.

RECOMMENDED ACTION

1. Authorize the Chief Operating Officer to execute an amendment to Metro contract no. 925089 with Hart Crowser, Inc. to add \$27,000 for interim professional consulting services related to the Remedial Investigation of St. Johns Landfill, and
2. Direct staff to complete Phase 1 of the Remedial Investigation and Feasibility Study and return for Council authorization to issue an RFP for Phase 2.

AMENDMENT NO. 4

This amendment dated as of the last signature date below, hereby amends the Personal Services Agreement between METRO and Hart Crowser, Inc., "Contractor" dated August 1, 2003. In exchange for the promises and other valuable consideration described in the original agreement, subsequent amendments, and this amendment, the parties agree as follows:

1. In addition to all services described under Exhibit A, Scope of Work, Statement of Work, as amended previously, Contractor shall also provide the following services:

Task A. Contractor shall prepare an Annual Environmental Monitoring Report for St. Johns Landfill for monitoring activities conducted during 2004 (AEMR 2004), including all contents specified in Section 5.4 of the DEQ-approved Environmental Monitoring Plan for St. Johns Landfill, and using the same format as the previous AEMR (i.e., AEMR 2003).

To the extent feasible, Metro shall provide all site information needed by Contractor to prepare AEMR 2004. Contractor shall submit a complete draft of AEMR 2004 to Metro by March 25, 2005, unless approved otherwise by Metro, and make changes requested by Metro as necessary to submit a complete final report to DEQ by March 31, 2005. Contractor shall approve the submitted report with an Oregon-registered geologist stamp.

Task B. As requested by Metro, provide analysis and documentation, and make presentations, as necessary to address requests from DEQ, project stakeholders, or the public, for information pertaining to the Remedial Investigation of St. Johns Landfill.

2. Metro agrees to pay Contractor additional consideration for such services in an amount not to exceed TWENTY-SEVEN-THOUSAND and NO/100 Dollars (\$27,000) beyond the agreed payment for service under the original agreement. No payment beyond this additional sum shall be authorized by Metro without specific written amendment to the original agreement. This amendment increases the maximum contract price to ONE-HUNDRED TWENTY-FIVE-THOUSAND, SIX-HUNDRED SIXTY and NO/100 Dollars (\$125,660.00)

Of the TWENTY-SEVEN-THOUSAND and NO/100 Dollars (\$27,000) in additional consideration established through this amendment, Metro payment to Contractor for the completion of Task A shall not exceed FIFTEEN-THOUSAND and NO/100 Dollars (\$15,000), unless approved otherwise by Metro.

All other terms and conditions of the original contract remain in full force and effect, except as modified herein.

HART CROWSER, INC.

METRO

Signature

Signature

Print name and title

Print name and title

Date

Date