

APPROVED
JUN 16 2010

REPORT OF GENERAL MANAGER

NO. 10-157

DATE June 16, 2010

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 24-HOUR EMERGENCY RESPONSE FOR HAZARDOUS MATERIALS/WASTE MANAGEMENT SERVICES AND ROUTINE CITYWIDE HAZARDOUS WASTE MANAGEMENT - AMENDMENT TO CONTRACT NOS. 3264 AND 3265 WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

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|------------|-------|-----------|------------|
| R. Adams | _____ | F. Mok | _____ |
| V. Israel | _____ | K. Regan | _____ |
| H. Fujita | _____ | *M. Shull | <u>msf</u> |
| S. Huntley | _____ | | |

Regan Adams
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the proposed Amendments to Contract Nos. 3264 and 3265 with Clean Harbors Environmental Services, Inc., substantially in the form on file in the Board Office, for the 24-Hour Emergency Response Hazardous Materials/Waste Management Services and Routine Hazardous Waste Management Services programs, increasing the not-to-exceed amounts for each contract from \$200,000 to \$800,000, subject to approval of the Mayor and the City Attorney as to form;
2. Find that the Department does not have, available in its employ, personnel with sufficient time or the necessary expertise to undertake these specialized professional tasks in a timely manner, and, it is more feasible, economical and in the Department's best interest, to secure these services by contract;

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3. Find that competitive bidding is not practicable or advantageous as it is necessary for the Department to be able to call on contractors to perform this work as-needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;
4. Find that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to these contracts is not reasonably practicable or compatible with the Department's interests of having available as-needed contractors who can provide services in a cost effective and timely manner, and as a result, therefore, under the following Charter Sections 371(e)(2) and 372, the Department is exempt from competitive bidding for the individual projects under these contracts, and may instead assign contractors to various projects on the basis of the availability of the contractor to perform the work, the price to be charged, and the unique expertise of the contractor;
5. Direct the Board Secretary to transmit forthwith the proposed Amendments to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for expedited review and approval as to form; and,
6. Authorize the Board President and Secretary to execute the Amendments upon receipt of the necessary approvals.

SUMMARY:

On November 7, 2008, the Department entered into Contract Nos. 3264 and 3265 with Clean Harbors Environmental Services, Inc., (Clean Harbors) for the citywide 24-hour emergency response hazardous materials/waste management services and citywide routine hazardous waste management services programs. The amount for each contract was not to exceed \$200,000.

The Department has an ongoing need for citywide 24-hour emergency response hazardous materials/waste management services due to the occasional illegal dumping of hazardous materials and major spill incidents from recreational and maintenance facilities and for the management of citywide routine hazardous waste generated during maintenance/repair activities and new construction projects at Department facilities. Waste streams include paints, thinners, oil and other petroleum-based materials, asbestos-containing materials, fertilizers, aerosol cans, pesticides and other products that have exceeded their shelf life, and contaminated absorbents and other materials from spill response incidents. These services are essential to the Department's ability to meet federal and state laws and regulations on the storage, transport and disposal of hazardous wastes, as well as to ensure timely and effective responses to spill incidents and illegal dumpings to protect the health and safety of Department employees and patrons.

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The Department has performed hazardous waste management at a number of facilities but critically needs additional contract capacity to enable it to drain and clean recreational lakes and other waterbodies as part of as-needed maintenance activities which generally involve contaminated water and sediments, with current focus on Reseda Park Lake and Lincoln Park Lake; to quickly respond to incidents involving biological wastes that recently occurred at the Fort MacArthur Museum in Angels Gate Park a few months ago; and to remove sewage materials, a need that is currently required at Ken Malloy Harbor Regional Park and Camp Seely.

Increasing the contract ceiling amounts for both Clean Harbor Contracts Nos. 3264 and 3265 will enable the Department to respond in a timely manner to illegal, toxic discharges to the environment and storm water drainages, and to effectively undertake larger maintenance projects involving hazardous wastes and substances.

FISCAL IMPACT STATEMENT:

Services required under the Clean Harbors contracts are generally on an as-needed basis and are funded through a variety of funding sources including Account 3040 (Contractual Services Account), the Golf Surcharge Fund, and local and State grants.

This report was prepared by Gino Ogtong Management Analyst II and David Attaway, Environmental Specialist II, Planning and Construction Division.