

**APPROVED**

REPORT OF GENERAL MANAGER

NO. 14-233

SEP 03 2014

DATE September 3, 2014

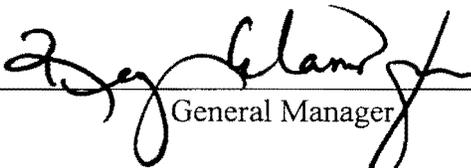
BOARD OF RECREATION  
AND PARK COMMISSIONERS

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED PERSONAL SERVICE CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. FOR ROUTINE AND EMERGENCY RESPONSE HAZARDOUS WASTE MANAGEMENT SERVICES

R. Adams	_____	V. Israel	_____
*R. Barajas	<u>RSB</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Find, in accordance with Charter Section 1022, that the Department of Recreation and Parks (Department) does not have available in its employ personnel with sufficient time or the necessary technical training, expertise and certifications to properly cleanup, package, transport, treat and dispose of hazardous substances and wastes in a safe, timely and legal manner, and it is more feasible, economical and in the Department's best interest to have these services performed by a qualified independent contractor on an as-needed basis;
2. Find pursuant to Charter Section 371(e)(8) that the Department may piggyback on the Department of Public Works, Bureau of Sanitation's Contract No. C-121334 for provision of the required hazardous waste management services because contracts for cooperative arrangements with other governmental agencies for the utilization of the purchasing contracts, and professional, scientific, expert or technical services contracts of those agencies and any implementing agreements are an exception to the City's competitive bidding requirements;
3. Approve a proposed Personal Service Contract between the Department and Clean Harbors Environmental Services, Inc., (Clean Harbors) for as-needed routine and emergency response hazardous waste management services, substantially in the form on file in the Board Office, subject to the approval of the Mayor and the City Attorney as to form;

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4. Direct the Board Secretary to transmit forthwith the Contract to the Mayor for approval, in accordance with Executive Directive No. 3, and concurrently to the City Attorney for expedited review and approval as to form; and,
5. Authorize the Board President and Secretary to execute the Contract upon receipt of the necessary approvals.

SUMMARY:

The Department has an essential need for the off-site disposal of hazardous and non-hazardous wastes to authorized treatment, storage and disposal facilities in compliance with local, state and federal environmental and public health laws. These wastes are routinely generated at various Department facilities during maintenance, construction and recreational programming activities and include: paints, solvents, oil and other petroleum-based materials, asbestos-containing materials, batteries, compressed gas cylinders, aerosol cans, sharps, fluorescent tubes, pesticides and various other products that are no longer useable, contaminated rags and absorbents from the cleanup of work-related spills, and effluents from wash rack clarifiers and septic tanks. As a larger concern, the Department also needs the ability to promptly respond to occasional incidents of accidental spills and illegal dumping of hazardous and toxic substances in order to protect park property, employees, patrons, and wildlife.

The proper disposal of routine hazardous waste streams and the response to emergency spill incidents require the services of independent contractors who have the specialized knowledge, credentials, equipment and other technical capabilities to respond in a timely and legal manner. The most recent contracts the Department had for performing these services were with Clean Harbors Environmental Services, Inc., PSC Environmental Services LLC, and United Pumping Services, Inc., through an approval to “piggyback” on the contracts from Department of Public Works Bureau of Sanitation (DPW/BOS), and authorization from the Board on September 17, 2008 (Board Report No. 08-257). These contracts expired on May 14, 2011.

This cooperative arrangement to piggyback on the existing contracts of City departments as well as other governmental agencies is allowed under Charter Section 371(e)(8) as an exception to the City’s competitive bidding process. The using departments must establish their own contract, contract number and cost ceiling and utilize the same prices, terms and conditions set forth in the piggyback contract. This process is more timely and efficient than distributing a new Request for Proposal (RFP) for the required services.

Since 2011, while DPW/BOS has been working on issuing new RFPs for citywide routine and emergency response hazardous waste management services, the Department has been using Authority for Expenditures (AFEs) and other authorizations to secure these services. In July 2014, DPW/BOS informed the City departments that their Solid Resources Citywide

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Recycling Division is allowing them to piggyback off its contract with Clean Harbors (No. C-121334 and associated Task Directive 1), on file in the Board Office, which has a provision for routine and emergency response hazardous waste management services. The RFP for these services was distributed in August 2010 and a contract was executed with Clean Harbors in November 2012.

Staff is recommending that the Board authorize the Department to piggyback on the DPW/BOS contract with Clean Harbors (No. C-121334) until such time that DPW/BOS establishes separate contracts for routine and emergency response hazardous waste management services. The Department's personal service contract with Clean Harbors will have a total annual cost ceiling of \$500,000.00 and will expire on November 1, 2017, as specified in the DPW/BOS contract. However, DPW/BOS has the option to extend their contract for two additional 3-year terms; if either of these options are exercised, the contract with the Department will automatically be extended for the same term.

### FISCAL IMPACT STATEMENT:

Services provided under the Clean Harbors contract will be on an as-needed basis and will be primarily funded through Fund 302, Department 88, Account 3040, Contractual Services, and Fund 52H (RAP Golf Special Account), Department 89, Account Numbers to be determined.

This report was prepared by David Attaway, Environmental Supervisor, and reviewed by Cathie Santo Domingo, Superintendent, Planning, Construction and Maintenance Branch.