

APPROVED
SEP 17 2008

REPORT OF GENERAL MANAGER

NO. 08-257

DATE September 17, 2008

**BOARD OF COMMISSIONERS
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 - AS NEEDED PERSONAL SERVICES CONTRACTS

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|------------------|----------------|
| R. Adams _____ | J. Kolb _____ |
| H. Fujita _____ | F. Mok _____ |
| S. Huntley _____ | K. Regan _____ |
| V. Israel _____ | M. Shull _____ |

CM J.M.S.

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

- 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 with several contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive bidding process for each individual project to be performed;
- Approve the Personal Services Contracts (Contracts), between the City of Los Angeles, Department of Recreation and Parks (Department) and the following vendors for 24-hour emergency response hazardous materials/waste management services and the "Citywide Routine Hazardous Waste Management Services Program", substantially in the form on file in the Board Office, specifying the terms and conditions for a contract expiring on May 14, 2011, subject to review and approval by the City Attorney as to form;

24- Hour Emergency Response Hazardous Materials/Waste Management Contractors under contract with the Department of Public Works, Bureau of Sanitation (DPW/BOS):

- Clean Harbors Environmental Services, Inc. (DPW/BOS Contract No. C-113382)
- United Pumping Service, Inc. (DPW/BOS Contract No. C-113381)

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Citywide Routine Hazardous Waste Management Services Program Contractor under contract with the Department of Public Works, Bureau of Sanitation (DPW/BOS):

- Clean Harbors Environmental Services, Inc. (DPW/BOS Contract No. C-113379)
 - PSC Environmental Services, LLC (DPW/BOS Contract No. C-113380)
3. 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, 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;
 4. Direct the Board Secretary to transmit forthwith the Contracts to the City Attorney for expedited review and approval as to form; and,
 5. Authorize the Board President and Secretary to execute the Contracts upon receipt of the necessary approvals.

SUMMARY:

The Department has an ongoing need for 24-hour emergency response hazardous materials/waste management services due to the occasional illegal dumping of hazardous materials and major spill incidents that occur at recreational and maintenance facilities. In addition, the Department requires access to hazardous waste management services to properly manage routine hazardous wastes generated during maintenance and 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.

Over the last several years, the Department had access to emergency response and routine hazardous waste management services by "piggybacking" on vendor contracts obtained by the Department of General Services through competitive bidding. However, the City Attorney has determined that these contracts were not set up for such personal services, but, rather, for the purchase of

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commodities and equipment. Consequently, City departments can no longer piggyback on these types of contracts to obtain such services and must enter into contracts for personal services. The Department of Public Works, Bureau of Sanitation (DPW/BOS) took on the responsibility of obtaining new contracts via the request for proposal (RFP) process for emergency response and routine hazardous waste management services that were executed in May 2008, but, unfortunately, did not include the other City departments that have been making use of these services over the years as parties to the contracts. The Department of Recreation and Parks and other City departments, however, can have access to the above-referenced contracts by entering into a personal service contract with the vendors that references or “piggy-backs off of” the DPW/BOS contract. DPW/BOS has granted permission to the Department to reference its contracts in the Department’s personal services contracts, making the contracting process more cost-effective and time-efficient than entering into separate personal services contracts with the vendors. The City Attorney has previously approved similar contracts for other hazardous materials work needed by the Department.

These new contracts must be executed by the contractors and the Board President and Secretary, and will be issued separate Contract Numbers by the City Clerk. The contracts will each have a cost ceiling of \$200,000 and will expire on May 14, 2011, the expiration date of the new DPW/BOS contracts. The Department will then use the new contract numbers to obtain bids for specific work orders following the terms outlined in the referenced DPW/BOS contracts.

FISCAL IMPACT STATEMENT:

These contracts will enable the Department to avoid illegal, toxic discharges to the environment and storm water drainages, and to minimize potential employee and public health impacts. There will be no direct fiscal impact to the Department’s General Fund. Funding for as-needed hazardous waste management services will be available from Fund 302, Account 3040, and other existing accounts, primarily environmental and maintenance and repair/construction accounts that include allocations for hazardous waste management.

This board report was prepared by Peggy Nguyen, Environmental Specialist, Planning and Development Division.