

Date: January 26, 2022

To: Board of Directors

From: Sam Desue, Jr.



Subject: RESOLUTION NO. 22-01-03 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH US ECOLOGY DBA NRC ENVIRONMENTAL (NRC) FOR STORM AND WASTEWATER DISPOSAL SERVICES

1. **Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a contract with US Ecology, dba NRC Environmental (NRC), to remove and dispose of storm and wastewater at various TriMet garages, transit centers, park and ride lots and other facilities (Contract).

2. **Type of Agenda Item**

- Initial Contract
 Contract Modification
 Other _____

3. **Type of Contract Procurement**

- Low Bid / Invitation to Bid (ITB)
 Request for Proposals (RFP) (inc. CM/GC)
 Request for Qualifications (RFQ) (Personal Services)
 Other (inc. sole source):

4. **Reason for Board Action**

Board authorization is required for all goods and services contracts obligating TriMet to pay in excess of \$1,000,000.

5. **Type of Action**

- Resolution
 Ordinance 1st Reading
 Ordinance 2nd Reading
 Other _____

6. **Background**

TriMet performs vehicle washing and other maintenance activities at its garages, which generate oily wastewater and solids that must be captured and properly disposed of, in order to ensure that TriMet's environmental protection infrastructure continues to function

properly. Similarly, all other TriMet facilities, park and ride lots, and transit centers have stormwater catch basins and filtering treatment systems that must be regularly cleaned and maintained, and their contents disposed of.

The Oregon Department of Environmental Quality (DEQ) and other local jurisdictions have issued TriMet industrial storm and wastewater permits to allow TriMet to discharge treated water into local storm and sanitary sewer systems, provided that TriMet does not exceed the maximum contaminant limits established in the permits. Accordingly, TriMet must regularly clean the oil/water separators, sumps, and catch basins at its facilities to meet its permit requirements and keep the stormwater sufficiently clean. Given the expansion of TriMet's transit system, acquisition of new facilities (e.g., Columbia Bus Base), and implementation of stricter environmental permit requirements, TriMet's annual demand for these environmental services has increased significantly since the last solicitation. Therefore, a new solicitation for the expanded work became necessary.

7. **Description of Procurement Process**

TriMet issued an Invitation to Bid (ITB) for storm and wastewater disposal services on November 19, 2021, with bids due on December 14, 2021. The ITB was publicly advertised on TriMet's eProcurement System (TriP\$). TriMet received four bids in response to the ITB as follows:

Contractor	Stated Bid Price
<i>Independent Cost Estimate</i>	<i>\$2,130,000</i>
NRC Environmental	\$1,304,850
River City Environmental	\$2,130,250
Lovett Services	\$2,305,500
EnviroServe	\$2,550,750

TriMet determined that NRC was the lowest responsive and responsible bidder, and its bid was found to be fair and reasonable based on competition, and comparison with TriMet's Independent Cost Estimate (ICE) of \$2,130,000 for the 5-year Contract term. The ICE was based on amounts paid by TriMet for the same services over the last five years, including more frequent storm and wastewater service activities, and price escalation. Because NRC recently completed an upgrade to its own wastewater treatment plant, NRC's internalization of these costs allowed it to pass on significant savings to TriMet, resulting in a bid that was 38.74% lower than TriMet's ICE. Accordingly, staff recommends award of the Contract to NRC.

The proposed Contract with NRC will be for a 5-year term, with TriMet retaining the unilateral option to terminate for convenience if the Contract needs to be terminated for any reason during that period. Price adjustments will be permitted on an annual basis, which will be capped at the Consumer Price Index for Urban Workers (CPI-W). The total Contract price will be based on TriMet's actual requirements and quantities of storm and wastewater needing to be disposed of during the 5-year Contract term.

8. **Diversity**

NRC's current workforce of 420 employees is 14.5% female and 41.7% minority. If subcontracting opportunities arise during the performance of this Contract, NRC has identified the following six Certified Small Businesses to work with:

- NW Traffic Control
- Apex Environmental Consulting Services
- Statewide Rent-a-Fend of Oregon
- White Shield, Rush Locates
- Dirt and Aggregate Interchange

9. **Financial/Budget Impact**

The services are included as a line item in the Safety and Security Division's annual operating budget.

10. **Impact if Not Approved**

If the Board does not approve the Resolution, it will delay TriMet's performance of essential and environmentally sensitive services. Although the services may be re-procured, it is highly unlikely that re-soliciting will achieve better quality, price, or Certified Small Business participation. Further, NRC's prices are fair and reasonable, and it is well qualified to handle TriMet's increased wastewater removal and disposal requirements. Contract award to NRC is strongly recommended.

RESOLUTION NO. 22-01-03

**RESOLUTION NO. 22-01-03 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH US ECOLOGY DBA NRC ENVIRONMENTAL (NRC) FOR
STORM AND WASTEWATER DISPOSAL SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with US Ecology, dba NRC Environmental (NRC), for the procurement of storm and wastewater disposal services (Contract); and

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize goods and services contracts obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of the Contract exceeds \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in the amount of not more than \$1,304,850, with the total amount to be based on actual services utilized through the Contract's January 31, 2027, termination.

Dated: January 26, 2022

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:
Gregory E. Skillman

Legal Department