TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS

DATE: JUNE 19, 2006 CMR:267:06

SUBJECT: APPROVAL OF CONTRACT WITH GEOFF BROSSEAU IN THE AMOUNT OF $100,000 PER YEAR FOR POLLUTION PREVENTION PROGRAM ASSISTANCE FOR THE REGIONAL WATER QUALITY CONTROL PLANT

RECOMMENDATION
Staff recommends that Council:

1. Approve and authorize the City Manager or his designee to execute the attached contract with Geoff Brosseau in the amount of $100,000 for the first contract year for assistance in pollution prevention program assistance (Attachment A); and

2. Authorize the City Manager or his designee to negotiate and execute one or more revisions to the contract with Geoff Brosseau for related, additional work the need for which may develop during the project, the total value of which shall not exceed $10,000 for the first contract year.

3. Authorize the City Manager or his designee to exercise the option to renew the contract for the second and third year, provided the proposed cost of the renewal contract does not exceed the Consumer Price Index for all urban consumers (San Francisco - Oakland - San Jose, CA), the contractor is responsive to the City's needs, and the quality of the contractor's work is acceptable during the first year of the contract.

4. Authorize the City Manager or his designee to negotiate and execute one or more revisions to the second and third years of the contract for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed $10,000 in each year, provided the contract is renewed for those years.

DISCUSSION
Scope of Services Description
The consultant will assist the Regional Water Quality Control Plant in identifying new methods of reducing pollutant discharges to the sanitary sewer system and the storm drain system, as required by regulatory agencies. The consultant will also assist in implementing pollution prevention programs, including ones that have already been identified and ones that are yet to be identified. Examples of those already identified are the Clean Bay Program for vehicle service facilities and training programs for pesticide applicators. Programs needing further development are ones for PCBs and mercury.
A RFP for the project was posted at City Hall and sent to nine consulting firms on March 20, 2006. The bidding period was 22 days. Only one consultant, Geoff Brosseau, submitted a proposal. More responses were not received because of the highly specialized nature of the work, which requires technical knowledge about wastewater and stormwater pollution prevention for vehicle service facilities, alternatives to pesticide use, mercury, PCB and dioxin control, watershed planning, and creek monitoring.

### Summary of Solicitation Process

<table>
<thead>
<tr>
<th>Proposal Description/Number</th>
<th>Industrial Wastewater Discharge Evaluation/RFP Number</th>
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<tbody>
<tr>
<td>Proposed Length of Project</td>
<td>36 months</td>
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<tr>
<td>Number of Proposals Mailed</td>
<td>9</td>
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<tr>
<td>Total Days to Respond to Proposal</td>
<td>22</td>
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<tr>
<td>Number of Proposals Received</td>
<td>1</td>
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</tbody>
</table>

An evaluation committee was not utilized because only one proposal was received. Geoff Brosseau’s proposal and his previous work under contract to the City of Palo Alto demonstrate that he is capable of successfully meeting the project requirements. Staff recommends that the contract be awarded to Geoff Brosseau. Staff, with the concurrence of the City Attorney, has determined that the firm is exempt from complying with the financial disclosure provisions of the City's conflict of interest code, because the firm's range of duties and services to be provided under the contract are limited in scope or are primarily ministerial in nature.

A contingency amount of $10,000 per year is requested for each of the three years of the contract. The most likely additional services are to help develop new control measures for mercury and PCBs. New requirements are being finalized by the State which are likely to trigger new tasks for Palo Alto.

**RESOURCE IMPACT**

Funds are available in the fiscal year 2006-07 operating budget of the Regional Water Quality Control Plant to cover the current year contract and contingency amounts.

**ENVIRONMENTAL REVIEW**

This contract approval does not constitute a project under the California Environmental Quality Act and no environmental review was required.

**ATTACHMENTS**

Attachment A: Contract (includes Scope of Service and Certification of Nondiscrimination)

PREPARED BY:

PHIL BOBEL
Manager, Environmental Compliance Division
DEPARTMENT HEAD:

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GLENN ROBERTS
Director of Public Works

CITY MANAGER APPROVAL:

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EMILY HARRISON
Assistant City Manager