TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS
DATE: JUNE 23, 2008 CMR:286:08
SUBJECT: APPROVAL OF A CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES IN THE TOTAL AMOUNT OF $418,000 PER YEAR FOR THREE YEARS FOR HOUSEHOLD HAZARDOUS WASTE MANAGEMENT AND EMERGENCY RESPONSE SERVICES

RECOMMENDATION
Staff recommends that Council:

1. Approve and authorize the City Manager or his designee to execute the attached contract with Clean Harbors Environmental Services (Clean Harbors) in a not to exceed amount of $418,000 per year for three years for household hazardous waste (HHW), conditionally exempt small quantity generator (CESQG) waste, and 24-hour emergency response services including $380,000 for basic services and $38,000 for additional services (Attachment A).

2. Authorize the City Manager or his designee to extend the contract for up to two additional years, provided the proposed increased cost of the renewal does not exceed the Consumer Price Index for all urban consumers (San Francisco-Oakland-San Jose, California) and the contractor is responsive to the City's needs.

BACKGROUND
Palo Alto’s HHW program began in 1983 when Palo Alto became the second jurisdiction in the state to provide collection of household hazardous wastes to its residents in response to community concerns about toxic wastes in the environment. The objectives of the HHW program were to provide a point of contact for educating the public about the safe use, storage, disposal and alternatives to HHW products, and to help reduce the release of HHW to storm drains, landfill and the sanitary sewer. In 1986, the Tanner Bill (AB 2948) was passed requiring counties to establish hazardous waste management plans (Health & Safety Code 25135-25135.9). In 1987, the Greene Bill (SB 477) was passed requiring each City to either adopt a City hazardous waste management plan or incorporate the County’s plan into the City’s plan.

Household Hazardous Waste Element
In 1989, AB 939 was passed mandating that cities adopt and submit a HHW Element, a document that sets policies, objectives and programs for collection of HHW in compliance with state mandates. Palo Alto’s HHW Element (June 1991) evaluated HHW alternatives and selected the development of a permanent HHW facility to phase out the monthly collection events that were
taking place during that time. At the time, since Palo Alto’s program predated the Santa Clara County Program and the City had a mature, well-run HHW program, Palo Alto decided to continue its own program instead of joining the Santa Clara County HHW Program.

Scope of Services Description
The work to be performed under this contract includes the operation of the City’s ongoing monthly HHW program, a CESQG Program, a door-to-door HHW pickup for physically limited residents program, the consolidation, packaging transportation and recycling of recycling center household batteries and fluorescent tubes and a new weekly appointment-based HHW drop-off program at a new hazardous materials storage locker recently installed at the entrance to the Palo Alto Regional Water Quality Control Plant. The weekly appointment-based drop-off will accommodate residents who are unable to wait for the monthly event due to extenuating circumstances. Part of this scope of work also requires the Contractor to provide for 24-hour hazardous waste emergency spill response services.

Selection Process
A notice inviting formal proposals for the work was posted at City Hall and sent to four pre-qualified contractors. The bidding period was six (6) weeks. Proposals were received from three qualified contractors on April 15, 2008.

<table>
<thead>
<tr>
<th>Summary of Solicitation Process</th>
<th>Household Hazardous Waste and Emergency Response Services/RFP #126154</th>
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</thead>
<tbody>
<tr>
<td>Proposal Description/Number</td>
<td>Proposed Length of Project 36 months</td>
</tr>
<tr>
<td>Number of Proposals Mailed</td>
<td>Number of Proposals Received: 3</td>
</tr>
<tr>
<td>Total Days to Respond to Proposal</td>
<td>Total Days to Respond to Proposal 36</td>
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<tr>
<td>Pre-proposal Meeting Date</td>
<td>Pre-proposal Meeting Date N/A</td>
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An evaluation committee consisting of three staff members from the Public Works Operations Division reviewed the proposal to ensure that the firm was responsive to the criteria identified in the RFP. The criteria used to select the recommended firm included:

- Quality and completeness of proposal;
- Quality, performance and effectiveness of the solution and services to be provided by the Proposer;
- Proposers’ experience, including the experience of staff to be assigned to the project, the engagements of similar scope and complexity;
- Cost to the City;
- Proposer’s financial stability;
- Proposer’s ability to perform the work within the time specified;
• Proposer’s prior record of performance with city or others; and

• Proposer’s compliance with applicable laws, regulations, policies (including City Council policies), guidelines and orders governing prior or existing contracts performed by the contractor.

Based on these criteria, Clean Harbors was selected as the best rated proposer. Clean Harbor’s cost proposal was also the lowest out of the three proposals received. Clean Harbors has been providing the household hazardous waste collection and disposal services for Palo Alto for the last several years.

**RESOURCE IMPACT**
Funds have been budgeted for this contract in the Refuse Fund.

**POLICY IMPLICATIONS**
This project does not represent any change to existing City policies. The HHW program is an integral part of the City’s Comprehensive Plan relating to environmental concerns. Some of the comprehensive plan HHW references include:

- **GOAL N-6:** An Environment Free of the Damaging Effects of Biological and Chemical Hazardous Materials. “Palo Alto will also continue its household hazardous waste collection programs and will strive to make these programs more convenient and accessible to residents” (page N-21).

- **PROGRAMS N-23 and N-28** relate to water quality issues and list Best Management Practices (BMPs) necessary to achieve the program objectives. Water quality issues of concern include the illegal disposal of pharmaceuticals, pesticides, poisons and other environmentally harmful chemicals into the sanitary sewer via sinks or toilets. The HHW Program is one of the primary BMPs listed in the plan necessary to meet these clean water objectives (page N-16).

- **PROGRAM N-48:** “Continue sponsoring a regular household hazardous waste collection event” (page N-22).

- **PROGRAM N-50:** “Continue the program that allows small quantity generators to dispose of hazardous waste at cost” (page N-22).

Palo Alto’s HHW program meets these objectives by providing convenient and safe collection and proper disposal of the HHW as well as encouraging the use of safer, less toxic products and the reuse of these products.

**ENVIRONMENTAL REVIEW**
The HHW program was reviewed in the Negative Declaration for the Source Reduction and Recycling Element and Household Hazardous Waste Element approved by Council on June 6, 1991 (Negative Declaration No. 91-EIA-12). The CESQG program was reviewed in the Negative
Declaration for the implementation of the program approved by Council on June 24, 1993 (Negative Declaration No. 93-EIA-22).

**ATTACHMENTS**
Attachment A: Contract
Attachment B: Certification of Nondiscrimination

**PREPARED BY:**

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Director of Public Works

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