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Title: PFAS INVESTIGATIVE ORDER

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Attachments: 1. Agenda Report, 2. CS-2020-1178BD Draft Professional Services Agreement

Date	Ver.	Action By	Action	Result
11/10/2020	1	ADMINISTRATION COMMITTEE		

FROM: James D. Herberg, General Manager
Originator: Lan C. Wiborg, Director of Environmental Services

SUBJECT:

PFAS INVESTIGATIVE ORDER

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve a Professional Services Agreement to CDM Smith, Inc. (CDM Smith) to provide PFAS Sampling and Analysis Services, Specification No. CS-2020-1178BD, for a total amount not to exceed \$369,006; and
- B. Approve a contingency in the amount of \$55,351 (15%).

BACKGROUND

The Orange County Sanitation District (Sanitation District) received a Per- and Poly-fluoroalkyl Substances (PFAS) Phase III Investigative Order WQ-2020-0015-DWQ (Order) from the State Water Resources Control Board (SWRCB) on July 13, 2020. The SWRCB is authorized by Water Code Sections 13267 and 13383 to require suspected dischargers of PFAS into the environment to furnish technical or monitoring reports of the release or the disposal of waste containing PFAS. The Order requires the Sanitation District to sample and analyze wastewater influent, effluent, and biosolids at both Reclamation Plant No. 1 and Treatment Plant No. 2 quarterly for a period of one year.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent

- Maintain a culture of improving efficiency to reduce the cost to provide the current service level or standard
- Protect Orange County Sanitation District assets
- Commitment to safety & reducing risk in all operations

PROBLEM

PFAS are ubiquitous and can be found in many consumer products used daily, including cosmetics, personal care products, clothing, equipment, and materials. Therefore, there are significant challenges associated with sampling and analyzing for PFAS due to high potential for cross-contamination. In addition, these chemicals are very complex in nature and the Sanitation District has limited experience in sampling and analyzing these chemicals. Therefore, the Sanitation District requires external expert support with the sampling and analysis to ensure the collection, analysis, and reporting are conducted in accordance with the Order. An experienced service provider is also needed to assist the Sanitation District with building internal capacity for PFAS sampling and analysis.

PROPOSED SOLUTION

The Sanitation District proposes hiring the above-listed qualified consulting firm (Consultant) to assist the Sanitation District with meeting the requirements of the Order, which will require the development of work plans, final reports, and presentations associated with the PFAS sampling and analysis for sites located at Reclamation Plant No. 1 and Treatment Plant No. 2. The Sanitation District will also require PFAS sampling and analysis at twelve (12) additional locations to determine PFAS loading to the Sanitation District's facilities. Lastly, the Consultant will provide written documentation to and training for Sanitation District staff on PFAS sampling at select locations within the Sanitation District's facilities and service area.

TIMING CONCERNS

As written, the Order requires the first quarterly sampling event to take place during the second quarter of the Sanitation District's Fiscal Year 2020-2021 (October to December 2020).

However, the SWRCB postponed the project kickoff to the third quarter of Fiscal Year 2020-2021 (January to March 2021), but is requiring the Sanitation District to conduct two sets of sampling events within this timeframe to retain the original project end date.

Board approval of this Professional Service Agreement will enable Sanitation District staff and Consultant to meet the Order's key deadlines.

RAMIFICATIONS OF NOT TAKING ACTION

If a consultant is not hired to conduct the PFAS sampling and analysis, the lack of internal expertise of Sanitation District staff may result in non-compliance with the Order and/or unreliable data.

ADDITIONAL INFORMATION

On July 9, 2020, the Sanitation District issued a Request for Proposals (RFP) to hire a Consultant to provide PFAS Sampling and Analysis Services. The following evaluation criterion were described in

the RFP and used to determine the most qualified firm.

CRITERION	WEIGHT
1. Qualifications of the Firm	30%
2. Staffing and Project Organization	20%
3. Work Plan	20%
4. Oral Interviews	10%
5. Cost	20%

The RFP closed on September 1, 2020. The Sanitation District received responses from eight (8) companies. The RFP evaluation team consisted of three (3) Sanitation District staff and included a Resource Protection Division Engineering Supervisor, Laboratory Principal Environmental Specialist, and Environmental Compliance Senior Regulatory Specialist. This RFP used the individual scoring method. The evaluation team first reviewed and scored the proposals based upon the first three criteria listed above.

Rank	Proposer	Criterion 1 (Max 30%)	Criterion 2 (Max 20%)	Criterion 3 (Max 20%)	Subtotal Score (Max 70%)
1	CDM Smith	24	15	17	56
2	AECOM	20	14	14	48
3	TRC Companies, Inc.	19	13	12	44
4	Parsons	18	10	9	37
5	Geosyntec	17	9	10	36
6	GHD	18	9	9	36
7	Wood Environment	16	11	9	36
8	Trihydro Corp.	15	10	9	34

The three highest ranking firms, CDM Smith, AECOM, and TRC Companies, Inc. (TRC) were selected for interviews. The interviews were conducted from October 7 to October 8, 2020. Following the interviews, the evaluation team ranked the firms based on both the proposals and interviews using the evaluation criteria and weighting listed above.

Rank	Proposer	Subtotal Score (Max 70%)	Interview (Max 10%)	Total Weighted Score (Max 80%)
1	CDM Smith	56	7	63
2	AECOM	48	7	55
3	TRC Companies, Inc.	44	6	50

All proposals were accompanied by a sealed cost proposal. Only the cost proposals for the two highest ranked firms were opened and negotiated.

Rank	Proposer	Subtotal Score (Max 80%)	Cost (Max 20%)	Total Weighted Score (Max 100%)
1	CDM Smith	63	13	76
2	AECOM	55	20	75

Based on these results, staff recommends awarding the Agreement to CDM Smith. The term of this Agreement will begin upon the effective date of the Notice to Proceed.

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of the Sanitation District's Purchasing Ordinance. This item has been budgeted. (FY2020-21 & 2021-22 Budget, Environmental Services Division Program).

ATTACHMENT

The following attachment(s) may be viewed on-line at the Sanitation District's website (www.ocsd.com) with the complete agenda package:

- Draft Professional Services Agreement