



Office of the City Manager

CONSENT CALENDAR
April 25, 2017

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Phillip L. Harrington, Director, Department of Public Works
Subject: Contract No. 7996C Amendment: Clean Harbors Environmental Services, Inc. for Hazardous Waste Removal

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$50,000 to Contract No. 7996C with Clean Harbors Environmental Services, Inc. to provide continued hazardous waste management, removal and disposal services for the City of Berkeley, for a total contract amount not to exceed \$650,000; and to extend the contract term through December 31, 2017.

FISCAL IMPACTS OF RECOMMENDATION

Staff estimates an expenditure of \$50,000 during this contract extension, but this amount may need to be increased depending upon the amount of hazardous waste generated and needed emergency spill response. Funding is available in remaining FY 2017 budgets and in baseline FY 2018 budgets in the following Fund accounts listed below:

Parks, Recreation and Waterfront Fund 825-5403-450-30-39	\$8,000
General Fund/Environmental Health Fund 010-540-410-30-39.....	\$3,000
Zero Waste Fund 820-5403-432-30 39.....	\$34,000
Measure B Street & Road Local Fund 391-5403-431-30-39.....	\$1,000
<u>Building Maintenance Fund 866-5403-410-30-39</u>	<u>\$4,000</u>
Estimated Contract Amendment Expenditures	\$50,000

The contract amendment has been entered into the Contract Management System as CMS No. PISY8.

CURRENT SITUATION AND ITS EFFECTS

Clean Harbors Environmental Services, Inc. (Clean Harbors) removes hazardous waste generated or illegally disposed of, at the City’s Solid Waste Management Center and Transfer Station (Transfer Station), Corporation Yard and Marina. In addition, Clean Harbors is able to respond to hazardous material emergencies that exceed the City’s Fire Department and Hazardous Materials Response Team’s capabilities to remove and dispose of hazardous waste and materials located on City property. Services under this

contract include classification, packaging, recycling, treatment and disposal of hazardous and universal waste abandoned in and generated by the City; emergency response, clean up and disposal services for accidental hazardous substances releases.

Due to unforeseen circumstances, there has been increased utilization of Clean Harbor's services which has depleted the contract amount faster than originally anticipated. Notably, a vehicle collision at Aquatic Park located at 80 Bolivar Drive required a rapid response to minimize environmental impacts. In addition, the volume of contaminated soil removed during a construction project at the Transfer Station substantially exceeded estimates.

BACKGROUND

The City issued a Request for Proposals in March 2008 and selected Clean Harbors as the most responsive and qualified vendor to meet the needs of the City. Clean Harbors provides similar services to other local area municipalities; manages Alameda County's Household Hazardous Waste Program; and offers a broad range of services and resources.

The City generates hazardous waste through routine business processes including vehicle, street and building maintenance. Additionally, hazardous waste is occasionally abandoned or spilled onto city streets posing a risk to the public. The City must have access to the services of a licensed hazardous waste contractor compliant with all federal, State and local regulations, whom is available to provide services to mitigate these risks, as well as the protection afforded by a full service hazardous waste firm for the cleanup of potentially large, highly toxic or more complex hazardous waste cleanup efforts.

On November 18, 2008 by Resolution No. 64,261-N.S., Council authorized the City Manager to enter into Contract No. 7996 with Clean Harbors to provide these services in an amount not to exceed \$200,000.

On October 26, 2010 by Resolution No. 65,078-N.S., Council authorized the City Manager to amend Contract No.7996A for a new total not to exceed \$400,000 and extend the contract to June 30, 2013.

On March 25, 2014 by Resolution No. 66,505-N.S., the Council authorized the City Manager to amend Contract No. 7996B for a new total not to exceed \$600,000 and extend the contract to June 30, 2017.

On December 24, 2014, the City Manager authorized to amend Contract N. 7996B to modify the scope of services and include services provided by Safety-Kleen, Inc., which company Clean Harbors purchased during the contract term.

A Request for Proposals for Hazardous Waste Services was issued on March 16, 2017. Until a new contract is executed, this proposed contract amendment with Clean Harbors will allow the City continued access to resources necessary to respond to environmental releases and to properly manage and dispose of hazardous waste.

ENVIRONMENTAL SUSTAINABILITY

Clean Harbors employs the most advanced technologies to recycle, treat and dispose of waste materials. This company has been proven to dispose of hazardous waste responsibly, thereby minimizing the potential for accidental release of such materials into wastewater or evaporation into the atmosphere.

RATIONALE FOR RECOMMENDATION

The contract amendment will allow for the continued proper disposal and management of hazardous waste and spill response until the City contracts with a new vendor. State and federal regulations require all hazardous and universal waste be disposed of according to strict guidelines. The City has neither the staff nor equipment in-house to provide these services. Clean Harbors has provided excellent, cost effective, and timely service to the City.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Phillip L. Harrington, Director, Department of Public Works (510) 981-6303
Joy Brown, Environmental Compliance Specialist (510) 981-6629

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 7996C AMENDMENT: CLEAN HARBORS ENVIRONMENTAL SERVICES FOR REMOVAL, RECYCLING, TREATMENT AND DISPOSAL OF HAZARDOUS WASTE

WHEREAS, Clean Harbors Environmental Services, Inc. has provided reliable hazardous waste removal, recycling, treatment and disposal during the contract term; and

WHEREAS, in 2008 the City requested proposals for Citywide hazardous waste management and disposal services and Clean Harbors was selected as the most qualified firm to provide these services; and

WHEREAS, on November 18, 2008, by Resolution No. 64,261-N.S., the City Council authorized the City Manager to enter into a contract with Clean Harbors to provide these services in an amount not to exceed \$200,000; and

WHEREAS, on October 26, 2010, by Resolution No. 65,078-N.S., the City Council authorized the City Manager to amend Contract No.7996 for a new total not to exceed \$400,000 and to extend the contract; and

WHEREAS, on March 25, 2014, by Resolution No. 66,505-N.S. the City Council authorized the City Manager to amend Contract No. 7996A for a new total not to exceed \$600,000 and to extend the contract to June 30, 2017; and

WHEREAS, on December 24, 2014 the City Manager authorized to amend Contract N. 7996B to modify the scope of services to include services provided by Safety-Kleen, Inc., which company Clean Harbors purchased during the contract term; and

WHEREAS, hazardous waste must be properly managed, recycled and disposed of and Clean Harbors has provided excellent service during the contract term; and

WHEREAS, funds have been identified from each of the participating departments and divisions in the amount of \$50,000, with current funds available and funds subject to appropriation in the FY18 budget, and the contract amendment has been entered into the Citywide contract database as CMS No. PISY8.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 7996C with Clean Harbors for as-needed hazardous waste management, removal, recycling, treatment and disposal during the contract term, increasing the contract amount by \$50,000 for a total amount not to exceed \$650,000, and extending the term of the contract to December 31, 2017 (CMS No PISY8). A record signature copy of said contract and any amendments to be on file in the City Clerk Department.