

AGENDA REPORT

Resolution: Authorization to Award the Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials Contract to Patriot Environmental Services for a potential maximum of \$1,200,000 for the Period Commencing July 1, 2021 and Ending June 30, 2022, 2023, or 2024. **(Environmental Programs & Planning)**

MEETING DATE: 4/22/2021

AMOUNT: \$1,200,000 (Total Contract Amount)
Operating Expense

PARTIES INVOLVED: Patriot Environmental Services,
Richmond, CA (Josh Teves, Vice President)

SUBMITTED BY: Richard Sinkoff, Director of Environmental Programs & Planning

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This Agenda Report seeks authorization to award the Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials contract to Patriot Environmental Services for a potential maximum of \$1,200,000 for the period commencing July 1, 2021 and ending June 30, 2022, 2023, or 2024.

BACKGROUND

The Port of Oakland Division of Environmental Programs and Planning (EP&P) manages environmental compliance for the Port of Oakland (Port), including its Hazardous Waste Management Program. The Port routinely generates hazardous waste, including exempted categories such as Universal Waste (i.e., batteries, light bulbs, and aerosol canisters) particularly in its vehicle and property maintenance operations. Over the last six years, the Port generated an annual average 30 to 40 tons of hazardous waste. During this period, the Port spent an average of \$400,000 per year on disposal of hazardous waste, excluding wastes generated as part of specific development projects. The Port's primary waste streams include waste oil, rubber waste, and miscellaneous chemicals.

To comply with State and federal regulations regarding storage, removal, and disposal, the Port routinely contracts with specialized hazardous waste management companies. The scope of work also includes performing hazardous materials surveys and assisting Port staff in determining waste reduction and consolidation strategies.

ANAYSIS

Port staff conducted the solicitation pursuant to its public works bid process. Port staff issued the solicitation notice on January 15, 2021, for *Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials* services. Staff posted the solicitation on the Port's website at the following link:

<http://www.portfoakland.com/business/bids-RFQs/rfq-engineering/>.

The Port held a pre-bid meeting on February 1, 2021. Bids were due on February 17, 2021. Representatives from six firms attended the pre-bid meeting.

Only one respondent – Patriot Environmental Services (Patriot) - submitted a formal bid. Port staff believe that the specialized scope of services, the qualifications required to perform services as well as the potential liquidated damages included in the bidding documents may have affected the response. Due to the nature of hazardous waste disposal, the Port requires a rapid response time from a contractor to meet regulatory timeframes and minimize Port liability. For the past two bidding solicitations (in 2014 and 2017), only 1 and 3 contractors, respectively, submitted a bid.

For this solicitation, Patriot Environmental Services was the lowest, responsible bidder. Port staff evaluated the formal bid based on criteria set forth in the solicitation and determined that it was responsive and reasonably priced, based upon a comparison to previous, similar contracts. The Port Social Responsibility Division (SRD) completed its analysis and determined that the bidder is a Port-certified Local Business Area (LBA) firm.

Patriot Environmental Services is the incumbent contract holder and currently provides hazardous waste services to the Port. It is headquartered in Long Beach, California, and maintains a local office in Richmond, California. Patriot has approximately 70 employees, and specializes in hazardous waste management, waste characterization, environmental and emergency response services. This work requires specialized registrations and licenses for hazardous materials and wastes. Patriot staff also generally maintain HAZWOPER licenses, which is a specialized certification required to work in potentially dangerous settings including hazardous or contaminated areas.

The proposed contract is for a potential maximum of \$1,200,000 for the period commencing July 1, 2021 and ending June 30, 2022, 2023, or 2024. The Port will allocate \$400,000 per year to the contract, which is based on recent annual expenditures on previous contracts. The Port will review Patriot's work on annual basis. Based upon the review, the Port will have the option to engage Patriot for the subsequent year.

BUDGET & STAFFING

Costs for Hazardous Waste management are included in the Port's operating budget.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The proposed contract is not part of the Port's Capital Improvement Program (CIP). Therefore, provisions of the MAPLA do not apply to this work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: *Improve Customer Service* by keeping facilities clean for Port staff, tenants and workers.
- Goal: *Modernize and Maintain Infrastructure* by minimizing Port waste streams.
- Goal: *Strengthen Safety and Security* by removing hazardous wastes.
- Goal: *Serve Our Community* by disposing of hazardous wastes.
- Goal: *Care for Our Environment* by removing hazardous wastes to reduce the potential for an unauthorized release.

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the proposed contract is a public works contract covered by State of California prevailing wage rules and the prevailing rate of wage is higher than the wage required by the Living Wage Regulations.

SUSTAINABILITY

Port staff has reviewed the Port's 2000 Sustainability Policy. The Port will encourage the selected firm to incorporate sustainable practices into its work, including paperless reporting to the Port, utilizing technology in the field to reduce paper, and helping the Port to notify tenants and employees of hazardous/universal waste issues without creating paper waste. In addition, the selected firm will assist the Port in waste reduction and consolidation strategies.

ENVIRONMENTAL

Port staff reviewed the proposed action – award a contract for hazardous and universal waste services for the Port of Oakland - in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility

that authorizing this contract will result in a physical change in the environment, and therefore this action is not subject to CEQA. No further environmental review is required for this action.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility. Therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This project is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not a capital improvement construction project.

OPTIONS

- Approve the recommendation as described in this Agenda Report. This would reduce processing time for hazardous and Universal Waste management and ensure the Port's ability to provide uninterrupted service for hazardous and universal waste services, preventing potential delays to Port projects or operations. This is the recommended action.
- Reject the recommendation as described in this Agenda Report and direct Port staff to solicit new proposals for the work. The current on-call contract will expire on June 30, 2021. Soliciting new bids will increase the time to establish the contracts, require use of additional Port staff time and may result in delays in responding efficiently to urgent work and ongoing projects after June 30, 2021.

RECOMMENDATION

- Adopt a resolution authorizing the Executive Director to award the Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials contract to Patriot Environmental Services for a potential maximum of \$1,200,000, for the period commencing July 1, 2021 and ending June 30, 2022, 2023, or 2024.