

BOARD MEETING DATE: November 6, 2015

AGENDA NO. 12

PROPOSAL: Recognize Revenue and Amend Contract for Technical Advisor Services to Community Members of Exide Technologies Advisory Group

SYNOPSIS: Since April, the California Department of Toxic Substances Control (DTSC) and SCAQMD have worked cooperatively to establish a contract to secure the services of a technical advisor to assist community representatives of the Exide Technologies Advisory Group. A \$50,000 sole source contract was executed between SCAQMD and L. Everett, LLC under SCAQMD's Executive Officer's authority. This action is to recognize revenue from DTSC to SCAQMD in the amount of \$50,000, and to appropriate those funds to increase the contract amount to \$100,000.

COMMITTEE: Administrative, October 9, 2015; Recommended for Approval

RECOMMENDED ACTIONS:

1. Recognize revenue of \$50,000 from DTSC and upon receipt appropriate \$50,000 into Legislative and Public Affairs Fiscal Year 2015-16 Professional and Special Services Budget; and,
2. Authorize the Chairman to amend the contract with L. Everett, LLC to add \$50,000, for a total amount not to exceed \$100,000.

Barry R. Wallerstein, D.Env.
Executive Officer

LBS:DJA:RAR:jf

Background

DTSC and SCAQMD are overseeing the closure of, and remediation of lead contamination associated with a battery recycling plant operated by Exide Technologies in the City of Vernon.

SCAQMD has also joined with DTSC to form the Exide Technologies Advisory Group (Advisory Group). The Advisory Group is co-chaired by DTSC, SCAQMD and a community representative; and its membership includes representatives of the affected communities, environmental justice organizations, academia, and state and local elected officials.

The purpose of this Advisory Group is to create a forum for diverse interests of the community to discuss the oversight of closure and cleanup work on and around the Exide facility. Committee meetings present opportunities for community interests to be considered early on by the oversight agencies, and keep the community informed about data, plans and work progress throughout the cleanup process.

Since April, DTSC and SCAQMD have worked cooperatively to establish a contract for a technical advisor to work with the affected communities through the Advisory Group. The technical advisor will assist community representative members of the Advisory Group on scientific and engineering matters related to the closure and remediation project.

The agencies and the Advisory Group have selected Dr. James T. Wells of L. Everett & Associates, LLC to serve as the technical advisor to the community representatives of the Advisory Group. Dr. James T. Wells is a recognized expert in environmental forensics specifically as it relates to the origin, cause, timing and evolution of subsurface contamination. Both SCAQMD and DTSC concur that Dr. Wells is an appropriate person to help the community members of the Advisory Group understand and provide informed interface on technical issues associated with the Exide closure and remediation project.

Proposal

This action is to recognize revenue in the amount of \$50,000 from DTSC as its cost share contribution and to increase the SCAQMD and L. Everett & Associates, LLC Contract (C16053) from \$50,000 to \$100,000. Under this contract, Dr. James T. Wells will inform the community members of the Advisory Group on the scientific and engineering matters related to closure and remediation actions related to the battery recycling plant operated by Exide Technologies in the City of Vernon.

Sole Source Justification

Section VIII.B.2 of the Procurement Policy and Procedure identifies four major provisions under which a sole source award may be justified when project funding does not come from federal monies. For the L. Everett, LLC contract, a sole source recommendation is made under provision B.2.d and on the basis that Dr. James T Wells is a recognized expert in environmental forensics specifically as it relates to the origin cause, timing and evolution of surface contamination and under provision B.2.d(1) projects involving cost-sharing by multiple sponsors.

Resources Impacts

This contract was initiated in the amount of \$50,000 with funding from the Legislative and Public Affairs FY 2015-16 budget. The increase in the contract amount will be funded by DTSC. The contract increase will therefore have no additional resources impact upon SCAQMD.