



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 20-0192, Version: 1

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### REPORT TO COUNCIL

#### **SUBJECT**

Award a Contract to Pacific Eco-Risk, Inc. in an amount of \$350,000 for Chronic Toxicity Testing Services at the Water Pollution Control Plant (F20-071)

#### **REPORT IN BRIEF**

Approval is requested to award a contract in an amount not-to exceed \$350,000 to Pacific Eco-Risk of Fairfield, California for Chronic Toxicity Testing Services at the Water Pollution Control Plant for a three-year period, and to delegate authority to the City Manager to renew the contract annually for two (2) additional one-year periods within budgeted amounts and provided pricing and service remain acceptable.

#### **EXISTING POLICY**

Pursuant to Section 2.08.040 of the Sunnyvale Municipal Code, City Council approval is required for the procurement of goods and/or services exceeding \$100,000 in any one transaction. Consistent with the provision of Sunnyvale Municipal Code Section 2.08.070(b)(1), contracts for the procurement of professional or specialized services may be exempted from the competitive proposal process.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **BACKGROUND AND DISCUSSION**

The City of Sunnyvale Water Pollution Control Plant (WPCP) is required to conduct monthly toxicity monitoring for National Pollutant Discharge Elimination System (NPDES) Permit compliance using a single test species, *Thalassiosira pseudonana*. Accelerated (biweekly) monitoring is triggered by exceeding either a single sample maximum result of 2.0 chronic toxicity units (TUc) or a three-sample median result of 1.0 TUc. Accelerated monitoring and resultant follow-up investigations are conducted in accordance with the City prepared Toxicity Reduction Evaluation (TRE) Workplan and in consultation with the contract laboratory.

Consistent with the City's procurement policy, market research was conducted to identify local environmental laboratories that offered toxicity testing services for *Thalassiosira pseudonana*. Three laboratories that offer aquatic toxicity testing services, Eurofins, McCampbell Analytical, Inc and Pacific Eco-Risk, were identified. Pacific Eco-Risk is the only aquatic toxicology laboratory in the greater San Francisco Bay Area that performs the unique and specialized toxicity testing for *Thalassiosira* required to meet NPDES Permit regulations, which the City's WPCP Lab is not certified to perform.

The City has successfully contracted with Pacific Eco-Risk for many years to conduct chronic toxicity testing of the WPCP effluent and special studies related to toxicity identification/toxicity reduction evaluation (TIE/TRE) investigations. Pacific Eco-Risk is currently the only local laboratory providing this unique accredited toxicity test with *Thalassiosira* and related TIE/TRE testing, and additionally its proximity to Sunnyvale allows them to provide on-site sample pick-up services on the same day of sample collection, thus ensuring that tests are initiated within the test method specified hold time of 36 hours. Considering these factors, it is recommended that a three-year contract be awarded to Pacific Eco-Risk in accordance under Section 2.08.070(b)(1) of the Sunnyvale Municipal Code, which allows a competitive bid exemption for this type of specialized service. Additionally, staff recommends authorizing the City Manager to renew for two additional one-year periods within budgeted amounts and provided pricing and service remain acceptable.

### **FISCAL IMPACT**

The total value of the three-year contract will be \$350,000. This amount will cover for routine monthly chronic toxicity testing. The services will be required over a three-year period, renewable annually thereafter at the City's discretion for up to an additional two years (five-years total).

### **Funding Source**

Budgeted funds are available in Program 366 - Regulatory Programs. This Program is funded by the Wastewater Management Fund.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

Take the following actions:

- Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount of \$350,000 to Pacific Eco-Risk, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Authorize the City Manager to renew the contract for two (2) additional one-year periods within budgeted amounts and provided pricing and service remain acceptable.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Timothy J. Kirby, Director of Finance

Reviewed by: Ramana Chinnakotla, Director of Environmental Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Draft Consultant Services Agreement