


COUNCIL COMMUNICATION

	Number:	21-036	Meeting:	January 25, 2021
	Agenda Item:	8	Roll Call:	21-0071
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approving exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Barker Lemar & Associates, Inc. d/b/a Evora Consulting, LTD, for Dico 2021 Annual Services – Operation, Maintenance, and Sampling of On-Site Groundwater Remediation Treatment System, not to exceed \$120,000.

SYNOPSIS:

Recommend approval of exception to the Engineering Department’s RFP process for good cause and approval of the PSA with Barker, Lemar & Associates, Inc. d/b/a Evora Consulting, LTD (Mary Thomsen, President/CEO, 1801 Industrial Circle, West Des Moines, Iowa 50266), for a total cost not to exceed \$120,000, based on hourly rates, to:

- Perform routine operation and maintenance associated with the current groundwater remediation (i.e. pump and treat) system.
- Prepare and submit monthly operations and discharge reports to Environmental Protection Agency (EPA), Iowa Department of Natural Resources (IDNR), Polk County, and the City.
- Perform training for Des Moines Water Works (DMWW) staff on groundwater sampling procedures.
- Prepare and submit semi-annual groundwater monitoring reports to the EPA.
- Update Air and National Pollutant Discharge Elimination System (ANPDES) permits as required.
- Participate in meetings and provide technical assistance associated with the site to the City.

FISCAL IMPACT:

Amount: \$120,000

Funding Source: 2021-22 Pending CIP, Miscellaneous, Dico Site Improvements, MS023

ADDITIONAL INFORMATION:

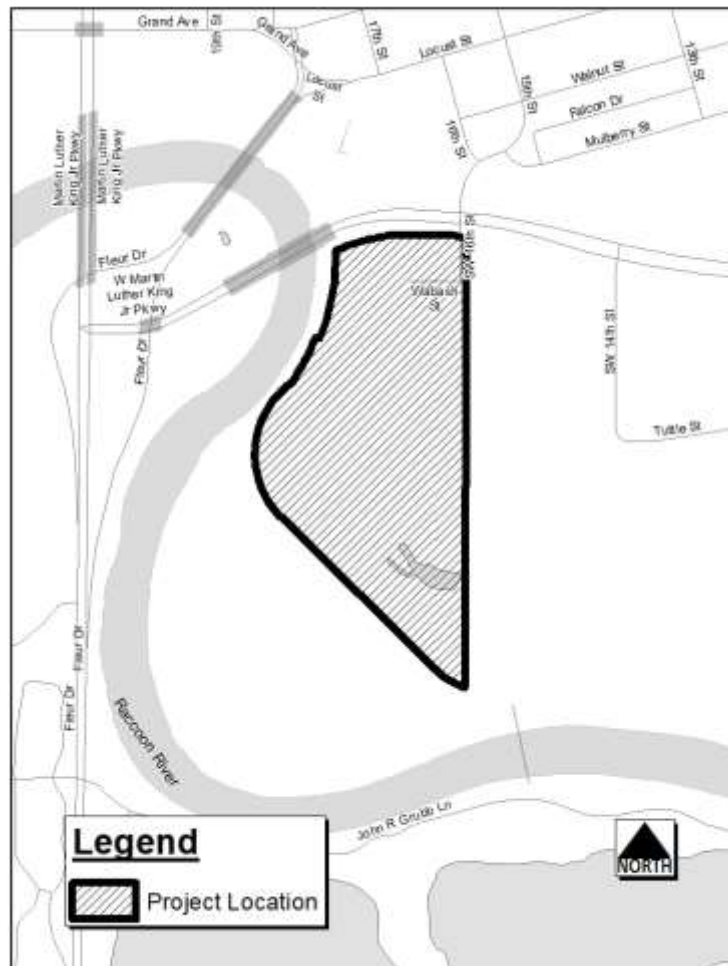
- The Dico industrial property is located east of the Raccoon River, south of West Martin Luther King Jr. Parkway, and west of SW 16th Street. Prior uses of the site included a grey iron foundry, steel wheel and manufacturing plant, chemical and herbicide distribution, and pesticide formulation processes. During these processes, various contaminants were released into the soil and groundwater. Industrial activities discontinued by 1979, and the plant ceased operations in 1995.

- In 1983 the EPA classified the site as a “Super Fund” site due to groundwater contamination. DMWW closed water extraction wells in the area, and by 1987 a pump and treat system was operational to help remediate the contaminated groundwater.
- In the 1990’s, remedial plans implemented by Dico included cleaning inside of buildings, removal of railroad tracks, and constructing an asphalt ‘cap’ over contaminated soils. The south two (2) buildings on the site were demolished and removed, except for floors and footings that remained as part of the ‘cap’ to keep contaminants encapsulated.
- Numerous groundwater monitoring wells located on the site are routinely checked and sampled for contaminants. Several extraction water wells located on the site are checked and periodically sampled.
- On September 14, 2020, by Roll Call Number 20-1490, City Council approved a Consent Decree regarding the Des Moines TCE Superfund Site to accept title to the Dico Property and assume responsibility for performance of certain response actions.
- In exchange for accepting the Dico Property, the City will:
 - Operate and maintain the existing groundwater treatment system, including sampling and reporting.
 - Operate and maintain the replacement optimized groundwater treatment system to be placed by EPA, including sampling and reporting.
 - Operate and maintain the existing asphalt cap, including annual inspections.
 - Subject to EPA approval, the City may choose to grade the site with clean fill material over the asphalt cap.
 - Prepare the following for EPA approval:
 - Soil/Materials Management Plan in the event the cap is breached.
 - Quality Assurance Project Plan.
 - Health and Safety Plan.
 - Operation and Maintenance Plans.
 - Execute, record and comply with environmental covenant that places limitation on activity and use on the Dico property.
- Professional services of an environmental consultant are needed to:
 - Perform routine operation and maintenance associated with the current groundwater remediation (i.e. pump and treat) system.
 - Prepare and submit monthly operations and discharge reports to EPA, IDNR, Polk County, and the City.
 - Perform training for DMWW staff on groundwater sampling procedures.
 - Prepare and submit semi-annual groundwater monitoring reports to the EPA.
 - Update ANPDES permits as required.
 - Participate in meetings and provide technical assistance associated with the site to the City.

These services are required for the City to fulfill the ongoing sampling, reporting, and operation of the pump and treat system obligations agreed to in the consent decree between United States Department of Justice (DOJ) and EPA, Dico, Inc., Titan Tire Corporation, Titan International, Inc. and the City of Des Moines. On-site services will not begin until the property has been transferred to the City. This is anticipated to occur in the near future, pending court approval of the consent decree and completion of title work.

- The City Engineer recommends that good cause exists to exempt the procurement of these professional services from the Engineering Department’s RFP process, including advertisement. Barker Lemar & Associates, Inc./Evora LTD is qualified to perform the professional services to complete Dico 2021 Annual Services – Operation, Maintenance, and Sampling of On-Site Groundwater Remediation Treatment System based on:
 - The consultant was previously selected through the Engineering Department’s Fiscal Year (FY) 2019/20-2020/21 On-Call Environmental Engineering Services RFP process.
 - The consultant has prepared a Phase I Environmental Site Assessment for this property.
 - The consultant has historical knowledge of the site and prepared previous reports for the City.
 - The consultant is currently performing environmental consulting services to prepare a Quality Assurance Plan and initial reporting to the EPA and IDNR.
 - The consultant’s familiarity with the City requirements and processes.
 - The consultant’s capacity to provide services for continued operation and monitoring of the existing groundwater monitoring wells, extraction wells, and the existing and future pump and treat system.

- City staff have negotiated a PSA with Barker Lemar & Associates, Inc. d/b/a Evora Consulting, LTD for a total cost not to exceed \$120,000, based on hourly rates, to provide professional services for Dico 2021 Annual Services – Operation, Maintenance, and Sampling of On-Site Groundwater Remediation Treatment System.



PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2020

Roll Call Number: [20-1490](#)

Action: [Consent](#) Decree regarding the Des Moines TCE Superfund Site to accept title to the Dico property and assume responsibility for performance of certain response actions. ([Council Communication No. 20-389](#)) Moved by Mandelbaum to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

City staff do not anticipate any future Council actions on this PSA at this time; however, unanticipated changes to this PSA will require a Supplemental Agreement, which may require Council action. Additional services may be required to respond to EPA requirements and possible development activity.

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