

AGENDA REPORT

2003 SEP 11 PM 2: 20

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Oakland Fire Department
DATE: September 23, 2003

RE: REPORT AND RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BOYKIN CONSULTING SERVICES TO CONDUCT HAZARDOUS MATERIALS INSPECTIONS IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$70,000) FOR A 12 MONTH TERM UPON APPROVAL BY CITY COUNCIL.

SUMMARY


The following staff report is provided to request authorization for the City Manager to enter into a professional service contract in an amount not to exceed \$70,000 with Boykin Consulting Services (BSC). BSC will provide temporary inspection staff for Fire Department's Certified Unified Program Agency (CUPA).

As a result of changes in State of California and U.S Environmental Protection Agency environmental laws, the City is required to increase the number and types of inspections regarding the storage, handling and disposal of hazardous materials performed by Fire Department, Office of Emergency Services CUPA program inspectors. In addition, 500 additional storm water inspections are needed by the City's Public Works Agency to enforce the City of Oakland's Clean Water Program; and to ensure the City's compliance with its National Pollutant Discharge Elimination System (NPDES) permit. The OFD/OES conducts these inspections under an agreement with the Public Works Agency.

BCS will provide two subcontractors to perform industrial business facility inspections. The primary focus will be to perform inspections on new hazardous materials facilities for compliance in the following areas:

- Hazardous materials storage
- Hazardous waste generation and disposal
- Hazardous waste treatment facilities
- Clean water/ storm water
- Uniform Fire code

The inspection services provided by BSC are needed while staff conducts the recruitment process to fill the current vacant Hazardous Materials Inspector position. The benefits of these inspections are increased public safety and additional revenue to continue the support of the CUPA Program.

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FISCAL IMPACTS

There is no impact to the general fund. The OFD/OES has identified budgeted funds to implement the contract. Funding of the program is based on fees collected from regulated businesses. Fees collected are currently sufficient to fund the program and are identified in fund account numbers Org. 20711, fund 1740, project number P39510. The CUPA program is mandated by Council to be cost recovering. Staff finds and determines that the contract will not result in the loss of employment or salary by any person having permanent status.

BACKGROUND

BCS has provided hazardous materials consulting services to various jurisdictions within Alameda County including Oakland, Berkeley, Newark, Union City, Fremont, Livermore, Pleasanton and Alameda County Environmental Health. They have provided contract CUPA inspections services to the City of Santa Clara, San Rafael, Newark, Union City, Livermore and Pleasanton. This contract is for a limited duration and the contract inspectors' role would focus on identifying new operating hazardous materials businesses within the City. This is to ensure that these businesses are operating in a safe and consistent manner.

Additionally the City will retain an option to obtain as needed administrative and technical consulting services in relation to hazardous materials regulatory matters.

KEY ISSUES AND IMPACTS

The OFD/OES is the Administering agency responsible for the coordination, and implementation of all local, state and regional regulations, ordinances, requirements, and guidelines related to CUPA programs and clean water/storm water requirements within the City of Oakland required by federal, state and local laws.

Priority inspections will be made on new businesses that have not been inspected by OFD/OES. Businesses that have not had a hazardous materials inspection pose a threat to the residents living near these businesses in the following manner;

- Improper painting of vehicles inside and outside of a building resulting in odor complaints and potential health problems for residents,
- Improper storage poses a risk of erratic fire behavior;
- Improper disposal and illegal dumping of hazardous wastes generated by these businesses pose a threat to the environment and requires the City to expend funds to properly dispose the materials.

The responsibility of the CUPA program is to protect the public and the environment from the improper use, handling and storage of hazardous substances and to ensure that hazardous waste is either properly recycled or is disposed of properly. In addition, OFD/OES provides technical assistance, training and educational materials to businesses to promote the use of less hazardous products and recycling. Funding for the CUPA program is obtained from regulated businesses by collecting fees from permits, registration, inspections, and re-inspections. The program is cost recovering and has no impact on the General Fund.

SUSTAINABLE OPPORTUNITIES

It is essential that the City continue with the implementation of the hazardous materials management program by performing hazardous materials inspections. The inspections provide for the following sustainable opportunities;

Economics: Inspections are one means of ensuring that hazardous materials facilities operate in a safe manner. Jobs generated by these facilities provide income to the local economy and access to higher paying skilled work for residents.

Environmental: During facility visits Hazardous Materials inspectors provide educational materials to facility operators regarding waste reduction and how to minimize the use of hazardous materials in their processes.

Social Equity: The type of specialized inspections performed by our office helps to ensure that both the business and residential community living next to these facilities can be protected and served in a manner that facilitates emergency response in an effective, professional manner.

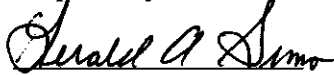
DISABILITY AND SENIOR CITIZENS ACCESS

This agreement has no immediate impact on persons with disabilities or the senior citizen communities and does not in any way conflict with the Americans with Disabilities Act and the Older Americans Act, and other applicable laws.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to approve a professional services contract with BCS in an amount not to exceed Seventy Thousand dollars (\$70,000) to perform additional CUPA inspections to assure that OFD inspects all necessary and required facilities for hazardous materials compliance in the City of Oakland.

Respectfully submitted,



GERALD A. SIMON

Chief, Fire Department

Prepared by: Henry R. Renteria
Manager, Emergency Services
Office of Emergency Services

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE


OFFICE OF THE CITY MANAGER

Item: 6
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FILED
OFFICE OF THE CITY CLERK
OAKLAND
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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____



2/3 Vote Required

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BOYKIN CONSULTING SERVICES FOR CONDUCTING HAZARDOUS MATERIALS INSPECTIONS IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$70,000) FOR A 12 MONTH TERM UPON APPROVAL BY CITY COUNCIL

WHEREAS, the City is required to increase the number of inspections as a result of the increasing number of new businesses that handle hazardous materials/waste in Oakland, changes in state law that increase the frequency of mandated inspections, two hundred additional storm water inspections needed by the City's Public Works Agency to enforce the City of Oakland's Clean Water Program; and to coordinate the administration and enforcement of the new hazardous materials management programs; and

WHEREAS, Boykin Consulting Services is experienced in and has provided hazardous materials consulting and inspection services to various jurisdictions within Alameda County, including Alameda County Environmental Health, cities of Berkeley, Fremont, Livermore, Pleasanton, Santa Clara, Newark and Union City; and

WHEREAS, Boykin Consulting Services employs inspectors qualified to perform the needed inspection services; and

WHEREAS, the City Council finds and determines that the contract is in the public interest because of economy or better performance; and

WHEREAS, the City Council finds and determines that the contract will not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the City Manager, or her designated representative, is hereby authorized to enter a professional services agreement with Boykin Consulting Services, a consultant qualified to provide hazardous materials and other needed inspections, in an amount not to exceed seventy thousand dollars (\$70,000) for a period of 12 months; and, be it

FURTHER RESOLVED: That the agreement will be reviewed for form and legality by the City Attorney and placed in the office of the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA, SEPTEMBER _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, WAN, QUAN, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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