

**NORTH SLOPE BOROUGH
RESOLUTION SERIAL NO. 35-2024**

**A RESOLUTION WAIVING COMPETITIVE BIDDING
FOR A CHANGE ORDER TO NORTH SLOPE
BOROUGH CONTRACT NO. 2021-132 WITH UMIAQ
ENVIRONMENTAL, LLC FOR AREA WIDE
ENVIRONMENTAL CLEANUP SERVICES FY2021-
2025**

WHEREAS, the North Slope Borough (Borough) Department of Public Works (Public Works) provides maintenance and operation services to the residents of all North Slope Borough communities under the authority of North Slope Borough Municipal Code (NSBMC) Chapter 16.02; and

WHEREAS, Public Works is charged with administering the Borough's bulk fuels resources; providing electrical, water, wastewater, and solid waste utilities; roadway maintenance; transit and other services to include training personnel area-wide on bulk fuels transfer procedure and spill response practices; and

WHEREAS, the Borough received a notice regarding past alleged violations of environmental regulations from the United States Environmental Protection Agency (EPA) and the State of Alaska Department of Environmental Conservation (DEC), which offered the Borough an opportunity for settlement by levy of an agreement to the terms and conditions of a Compliance Order through the provision of a Consent Decree (CD) from the EPA and Compliance Order by Consent (COBC) from the DEC; and

WHEREAS, Public Works, in order to meet the Borough's environmental cleanup responsibilities and maintain compliance with the authorities having jurisdiction, has found it is in the best interest of the Borough to secure the services of UMIAQ Environmental, LLC (UMIAQ) through the competitive bids process for technical services to support the Borough's environmental compliance needs; and

WHEREAS, the Borough has awarded UMIAQ a Contract through the competitive bids process under Contract No. 2021-132 (Contract) to provide critical environmental cleanup support in the best interests of the Borough in all villages, under which the Contract has been funded for a total sum of \$15,000,000 at present with the contract completion date of June 30, 2025; and

WHEREAS, the Contract ensures that the Borough meets compliance measure specific to the Resource Conservation and Recovery Act (RCRA), Clean Water Act (CWA), Prevention Preparedness and Response Program (PPR), and Contaminated Sites Program (CS), as identified and prescribed in the CD and COBC; and

WHEREAS, the Contract is in need of additional funding, and it is in the best interest of the Borough to sustain these services to meet environmental cleanup objectives

without interruption, and a continuation of services, if approved, will require a Change Order to the Contract and an increase in the Contract sum; and

WHEREAS, Public Works has identified costs to support additional delivery of services for Borough compliance with regulations and meet CD and COBC obligations through UMIAQ's environmental support services in an additional amount of \$15,000,000 for Fiscal Year 2025, which exceeds the Mayor's authority to sign; and

WHEREAS, NSBMC § 2.36.180(A)(1)(f) allows the Assembly and the Mayor to make a best interest determination to authorize negotiations for supplies, materials, equipment, or services when there are unforeseen conditions and the time required for competitive bidding will produce delays in an on-going project, the costs of which will outweigh any potential advantage that might be produced by competitive bidding; and

WHEREAS, UMIAQ has demonstrated a long-term relationship with the Borough based on loyalty and trust and a commitment to providing dependable critical services that the Borough may rely on.

NOW, THEREFORE, BE IT RESOLVED THAT,

The North Slope Borough Assembly authorizes the Mayor to negotiate and execute a Change Order to North Slope Borough Contract No. 2021-132 with UMIAQ Environmental, LLC for Area Wide Environmental Cleanup Services FY2021-2025 Project in an amount not to exceed \$15,000,000 (fifteen million dollars) for Fiscal Year 2025.

INTRODUCED: _____

ADOPTED: _____

Crawford A. Patkotak, President

Date: _____

ATTEST:

Sheila Burke, Borough Clerk

Date: _____

Josiah A. Patkotak, Mayor

Date: _____