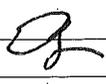


**City Council Action Request**

<p><b>Department:</b> Environmental Services Department/Water Pollution Control Plant</p>	<p><b>CEQA:</b> Not a project, File No. PP10-066 (a) Agreements and Contracts for Purchase of Supplies</p>	<p><b>Coordination:</b> City Attorney's Office, Environmental Services Department/WPCP, City Manager's Budget Office</p> <p>On December 8, 2011 the Treatment Plant Advisory Committee is scheduled to consider this item.</p>	<p><b>CMO Approval:</b> </p> <p><b>Dept. Approval:</b>  Julia Cooper /s/</p>
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**RECOMMENDED ACTION:**

Authorize the City Manager to Amend the existing Open Purchase Order 45620 with Trendtec Inc. (San José, CA), to encumber an additional \$435,000 for a revised total amount not to exceed \$560,000 for continued temporary employment services of up to six Environmental Inspectors and to extend the term through June 30, 2012.

**Desired Outcome:** To provide ongoing environmental inspection services as required for compliance with the San Jose/Santa Clara Water Pollution Control Plant National Pollutant Discharge Elimination System (NPDES) permit, the City's stormwater NPDE permit, and/or federal regulations. Additionally, inadequate inspection coverage increases the risk of pollutants entering the storm and sanitary sewer systems and the Bay.

**BASIS FOR RECOMMENDATION:**

Due to staffing vacancies caused by recent retirements, promotions, and City separations in the Watershed Protection Division's Environmental Enforcement Group, temporary staff is needed to address staffing shortages to conduct permit-required environmental inspections and field sampling for the City's pre-treatment, Fats, Oils, & Grease (FOG) and Watershed Enforcement (stormwater) inspection programs. The vacant positions have not been exempted for hire, as permanent staffing needs are currently being evaluated. However, due to regulatory requirements in effect for 2011-2012, temporary support is needed.

This recommendation is consistent with Budget Office recommendations to utilize temporary staff to complete these permit-required inspections as follows:

- Assist with industrial/commercial, illegal discharge, construction, and restaurant stormwater inspections.
- Assist with Source Control and restaurant wastewater inspections and sampling.
- Assist with Environmental Enforcement database management, data entry, and data analysis.

Recruiting for individuals with the right skill set and expertise is typically not conducive to a competitive solicitation. Therefore, Finance has determined that a unique and unusual situation exists that make the application of the requirements for competitive procurement of a service agreement contrary to the public interest. The recommendation is consistent with Section 4.12.435 of the San José Municipal Code titled "Unique Services" based on which temporary agency has the best qualified candidates for the required positions. In addition, Staff has benchmarked local temporary agency markups and Trendtec has historically offered the most competitive rates.

This Council item is consistent with Council approved Budget Strategy General Principle #2: "We must focus on protecting our vital core City services."

**COST AND FUNDING SOURCE:**

Funds 513 and 446 Environmental Services Department Non-Personal/Equipment appropriation

**FOR QUESTIONS CONTACT:** Mark Giovannetti, Purchasing Division Manager at 408-535-7052