



Request for Proposal (RFP) – Soil Bank Feasibility and Model Code Creation

Project Name:	Soil Bank Feasibility Study and Model Code Creation for Certain Regions in Central Washington Impacted by Lead Arsenate Contamination
Release Date:	12/1/2021
Company Name:	Washington State Association of Counties
Address:	206 Tenth Avenue, SE Olympia, WA 98501
Procurement Contact Person(PCP):	Paul Jewell
Telephone Number of PCP:	360.753.1886
Email Address of PCP:	pjewell@wsac.org

1. Background/Introduction

Created in 1906, the Washington State Association of Counties (WSAC) is a voluntary, non-profit association serving Washington's 39 counties. WSAC members include elected county commissioners, council members, and executives.

The Association provides various services to its member counties, including advocacy, training, workshops, and a forum to network and share best practices. The Association also serves as an umbrella for affiliate organizations representing county road engineers, local public health officials, county administrators, county planners, emergency managers, county human service administrators, solid waste managers, clerks of county boards, and others.

Counties have direct responsibility for law enforcement, road maintenance, land use controls, planning and permitting, and other administrative duties for the land areas in the county outside of cities (unincorporated lands). Such lands typically include agriculture, residential, industrial, light commercial, forestry, recreational, or other uses usually found in rural areas. However, unincorporated lands may also have densely zoned and developed properties that are more urban. They may be designated for such growth anticipating future annexation by a city or historically were characterized by such use.

As growth in areas including denser, urban-style uses expands over time, it may encroach on surrounding pre-existing land uses that are not urban. Such pre-existing land uses and corresponding practices may not be compatible with dense urban development and may require remediation before conversion.

Tree fruit orchards have been an important economic and cultural resource in Central Washington communities since the late 1800s. Population growth and increasing demand for housing have resulted in the conversion of historical orchard sites to other nonagricultural uses, including residential developments. Historical application of lead arsenate (LA) pesticides on tree fruit orchards has resulted in the accumulation of lead and arsenic in shallow soil at concentrations above the Washington State cleanup levels. These are levels that may be harmful to human health when properties are used for activities other than agricultural or industrial uses.¹ Most of the impacted areas are in Yakima, Chelan, Douglas, Okanogan, and Benton counties.

Counties work closely with the Washington State Department of Ecology (Ecology) on numerous issues, including the cleanup of contaminated sites. Ecology is charged with implementing the Model Toxics Control Act (MTCA), the environmental cleanup law for Washington State. Counties are charged with permit issuance authority for most land use, development, and construction activities on properties within their jurisdiction. As growth in Central Washington counties creates conversion of historical orchard lands, compliance with MTCA where LA pesticide contamination may be present is required.

To address this issue, Ecology established the Legacy Pesticide Working Group (LPWG) in December 2019.² The LPWG developed a model remedy to address LA pesticide contamination for new residential development, including specific guidance on soil sampling and cleanup methods. Some of the cleanup alternatives included in the model remedy rely upon the availability of clean, replacement soils. One way to ensure clean, replacement soils are available is to create and operate soil banks in the impacted regions.

There are numerous ways to implement the model remedy. However, to implement it effectively in the most efficient manner, it may need to be incorporated into local government permit review processes and development codes. A permit review process that includes the model remedy should be conducted in partnership with Ecology to ensure applicants meet all legal requirements.

Counties and cities are very diverse, even when located within the same region of the state. Their development codes and review processes may vary significantly. However, all counties and cities must meet the same standards for permit review and issuance under state law. Developing a model code for incorporating the model remedy into the development codes and permitting process of a city or county may greatly assist local governments in working with Ecology. It may also assist applicants in meeting legal requirements for addressing LA pesticide contamination while successfully developing new projects.

2. Project Goals and Scope of Services

There are two goals for this project:

¹ Maul Foster Alongi, 2021, *Final Report – Recommended Approach for Managing Lead Arsenate Legacy Pesticide Contamination on Historical Orchards in Central Washington*, Chelan County Department of Natural Resources, pg. 1.

² Maul Foster Alongi, 2021, *Final Report – Recommended Approach for Managing Lead Arsenate Legacy Pesticide Contamination on Historical Orchards in Central Washington*, Chelan County Department of Natural Resources, pg. 3.

- A. To complete a feasibility study for a system of soil banks to replace or mitigate contaminated soil and/or or supply clean topsoil to address lead arsenate contamination on historic orchard land in Central Washington; and
- B. Develop model codes and processes for local government adoption to facilitate implementation of the Ecology model remedy developed by the LPWG.

The model remedy process encourages property owners not to export contaminated soil, but instead to cap soil with hard surfaces or clean soil. In case there is greater need for clean soil, this project will study and assess the feasibility of a local or regional system of soil banks in Central Washington. This could include conversion of an existing solid waste facility, an additional use at an existing facility, or a new facility. Uses for the soil banks include:

- 1. Accepting and storing lead arsenate contaminated soil; and
- 2. Providing clean soil for capping or replacement of lead arsenate contaminated soils.

The feasibility study will also research and document the validity, feasibility, and sustainability of future soil bank locations and operation and maintenance by public, private, or public-private partnership entities. It will include the evaluation of options for the potential beneficial reuse of LA contaminated soil consistent with applicable solid waste regulations.

The minimum elements to be included in the feasibility study are:

- A. Details on total acres of potentially suitable and available sources of clean soil in the Central Washington region.
- B. A complete GIS analysis providing detail on factors that may impact the cost and availability of clean soil in the region, including transportation, storage facility needs and costs, and rates of economic development and growth.
- C. An analysis of public vs. private business and public-private partnership opportunities to provide clean soil, including a clean soil bank, a soil repository, and a soil treatment facility. This analysis should include a regulatory discussion, cost/benefit study of the different business models, including supply and demand, and actionable approaches for Central Washington communities and private interests to achieve such facilities.
- D. A detailed analysis of both clean soil bank facilities and a repository for LA contaminated soils, based on the specific needs of different areas in the regions.
- E. Where soil bank facilities are determined feasible, the analysis should identify potential federal or state grant funding to assist with development and implementation. It should also identify possible locations where LA contaminated soil can be properly disposed or beneficially reused, how to handle precipitates/water ponding, how to retire the soil bank sites that are holding LA contaminated soils, an evaluation of prioritizing the use of clean soil on most LA contaminated properties, the challenges and opportunities of implementing the soil bank concept for both clean locations and repositories for LA contaminated soils, and a discussion of city or county regulatory hurdles that may exist and how they could be addressed, mitigated, or modified.

To facilitate the implementation of the model remedy developed by the LPWG, this project will also create model codes and processes that local government permitting agencies may adopt. These codes and processes are needed to assist local Central Washington cities and counties in creating a uniform, predictable, transparent, and efficient approach to ensure parcels proposed for development that may contain LA contaminants are identified and properly cleaned up or mitigated as part of development or construction.

The model codes and processes creation must include the following:

- A. A public input process and report, including meetings with the LA Steering Committee, local government planning committees, elected officials, building inspectors, community residents, and others involved in development and construction projects within Yakima, Chelan, Okanogan, Douglas, and Benton counties.
- B. An implementation study of the LPWG's model remedy in Central Washington, including representative examples for the study, a process or procedure to implement the model remedy in Central Washington communities, identification of which state or local government department in each jurisdiction would "house" the model codes and processes, a determination of how to incorporate the model codes and processes into local regulatory guidelines or existing regulations, an evaluation of both SEPA and SEPA exemption thresholds and process for specific types of property development, recommendations of what might trigger Ecology enforcement or oversight of property development projects, and recommendations for assuring compliance with the model remedy through the issuance of a building permit, certificate of occupancy, plat approval, or other relevant development permit approval.

The selected firm will work collaboratively with WSAC, Ecology, and the Lead Arsenate Model Remedy Implementation Steering Committee (LA Steering Committee) members who will oversee and assist in designing and directing the project. The selected firm will meet with the LA Steering Committee at regular intervals to provide direction and oversight and receive information. The selected firm will also be expected to work with local Central Washington city and county planning offices to identify potential locations for LA contaminated and removed soils and clean replacement soils. The selected firm will also be expected to attend meetings in Central Washington communities to inform and accept comments on the project.

WSAC will finalize a detailed scope of work after Ecology, and the selected firm has an opportunity to consider the project goals, the contractor's proposal for meeting the goals, and any reasonable limitation that may exist or assumptions that must be made. The final scope of work will be negotiated between WSAC and the selected firm.

The consultant may outline other items deemed necessary to complete the project successfully.

3. Pre-Proposal Meeting and Questions

A pre-proposal webinar meeting will take place on Tuesday, December 14 at 2:00 PM, Pacific time. To facilitate a timely response to questions at the pre-proposal conference, prospective contractors are requested to submit any questions in writing no later than Tuesday, December 7. All questions and requests for an invitation to the webinar may be submitted to the following address:

pjewell@wsac.org

Subject Line: Soil Bank Feasibility and Model Code Development Pre-Proposal Meeting

4. Anticipated Selection Schedule

Representatives of WSAC and Ecology will participate in the contractor selection process.

Within ten days of the submittal deadline, WSAC and Ecology will review the proposals and schedule one-hour interviews with each qualified responding firm. After the initial interviews, WSAC may select a firm or may schedule subsequent interviews.

The final selection is anticipated no later than January 14, 2021.

5. Time and Place of Submission of Proposals

All submissions related to this RFP must be submitted by Tuesday, December 28, 2021, at 3:00 PM.

Submissions must be sent via email in .pdf format to the following email address:

pjewell@wsac.org

Subject Line: Soil Bank Feasibility and Model Code Development Submittal

All submissions must be received no later than the date and time listed above in this section to be considered responsive.

6. Timeline

The anticipated completion date for this project is May 30, 2023, or sooner. WSAC and the selected firm will agree to a schedule before the commencement of the work.

7. Elements of Proposal

All submissions must meet the requirements of this section to be considered. The response to this RFP must be complete. **Partial or incomplete responses will not be considered.** Responses should be concise, clear, and relevant. Submittals must be on standard letter size paper, and pages must be numbered.

A submission must, at a minimum, include the following elements in the following order:

- A. A letter of interest summarizing the proposer's relevant qualifications and experience, or similar experience, in conducting feasibility analyses for both privately and publicly funded projects, and for projects which are a private-public partnership, and creating development codes and permitting processes at the local government level. A demonstrated understanding of land development and construction is preferred, including material sourcing and procurement.
- B. A detailed description of the proposer's relevant experience and qualifications or similar experience and qualifications. Provide a narrative of projects (including project size and

complexity) demonstrating the proposer's experience in performing relevant feasibility analyses, creating development codes and permitting processes for local governments, and working with diverse stakeholders.

- C. Resumes of key personnel.
- D. Describe the research you intend to perform, any models you propose to use, and the anticipated deliverables for the feasibility study and the model codes and processes.
- E. Describe the stakeholder outreach and communication plan you will employ to procure relevant data and feedback.
- F. Explain why the methodology you propose provides the most accurate and reliable feasibility analysis and will assist in creating model codes and processes that can easily be incorporated into jurisdictional regulations and processes to implement the model remedy.
- G. Provide details on how you will include data and input from the LA Steering Committee, including any need or expectations. Ecology is a stakeholder and participant in this project. Any data needs you specifically anticipate being provided by Ecology should also be included.
- H. Provide any other information you believe is relevant to this project.
- I. Provide information on any outstanding characteristics or qualifications that highlight your abilities.
- J. Provide a sample list of at least three (3) projects demonstrating your experience producing the feasibility study and model codes and processes described in Section 2 of this RFP. Include a detailed outline of each project as Attachment A. Attachment A must be submitted with a proposal to be further considered. A detailed outline of the following information shall be provided:
 - a. Description of the project scope.
 - b. Contacts/references for the project, including name, organization, address, phone number, and email address.
 - c. Provide a statement of the project's relevance to the goals and scope of services requested in this RFP.
- K. Additional information and backup detail should be included as appropriate with your proposal.
- L. Proposed schedule for project completion.
- M. Detailed fee proposal to include specific line items and the related cost.

A table of contents with corresponding tabs should be included to identify each section. WSAC reserves the right to reject any or all proposals or waive technicalities and informalities at the sole discretion of WSAC.

8. Evaluation Criteria

The successful firm should (in no particular order):

- Have been operating continuously as a consulting firm assisting government agencies for a minimum of 36 months;
- Possess the education, experience, knowledge, skills, and qualifications necessary to complete the project goals;
- Demonstrate expertise and experience in conducting accurate project feasibility analyses based on private, public, and private-public partnership business models;
- Demonstrate expertise and experience in creating model development codes and permitting processes within Washington State's growth management and project construction legal framework that can be easily adapted and implemented by city and county governments;
- Demonstrate expertise and experience in the role of the Department of Ecology and county and city permitting agencies in regulating projects and complying with legal requirements of state and local development codes, including the Model Toxics Control Act;
- Possess the ability to work productively with a diverse group of stakeholders;
- Provide a competitive cost of services.

9. Miscellaneous

This RFP is not in itself an offer of work. It does not commit WSAC to fund any proposals submitted, nor is WSAC liable for any costs incurred in preparing or researching proposals. Submittal of a proposal does not constitute a contract with WSAC. The contract award will not be final until WSAC and the successful proposer have executed a mutually satisfactory contractual agreement. WSAC reserves the right to offer an award to the next highest-rated proposal if a contract cannot be successfully negotiated or renegotiate or reissue an RFP.

Responders to the RFP will be notified via email upon successful selection of a proposal. Any concerns or appeals of the decision must be made in writing within seven days of selection notification to the procurement contact person.

10. Budget

The anticipated budget for this project is not to exceed \$262,650.00 (Two-hundred sixty-two thousand, six-hundred fifty dollars, and no cents).