



Cover Memorandum/Staff Report

File #: 25-135

Agenda Date: 2/18/2025

Item #: 6.P.1.

TO: Mayor and Commissioners
FROM: Missie Barletto, Public Works Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 18, 2025

APPROVAL OF RESOLUTION NO. 10-25 TO AWARD AN AGREEMENT WITH NFA SOLUTIONS GROUP, INC. PURSUANT TO A BID WAIVER FOR DETAILED SITE ASSESSMENT SERVICES DUE TO SOIL CONTAMINATION FOR A TOTAL OF \$125,000

Recommended Action:

Motion to approve Resolution No. 10-25 to award an Agreement with NFA Solutions Group, Inc. pursuant to a Bid Waiver for Detailed Site Assessment Services Due to Soil Contamination for a total of \$125,000.

Background:

On November 10, 2021, the City of Delray Beach (City) was alerted to a petroleum product contamination at the fuel dispensers at the Public Works compound. This contamination required the City to initiate a Formal Site Assessment (FSA) in accordance with county and state requirements.

The Public Works Department (Public Works) obtained three (3) quotes for a Formal Site Assessment (FSA) from NFA Solutions Group (NFA Solutions), Capstone Engineering, and Envirospec, Inc. NFA Solutions was awarded the Purchase Order (PO) for these services in the amount of \$23,988.00.

As the liaison between the City and Palm Beach County Department of Environmental Services (DERM), NFA provides Site Assessment Reports (SAR) to ERM for review. Following review of each SAR, DERM may recommend additional services to ensure compliance with local and state regulations.

In August 2024, the Florida Department of Environmental Protection (FDEP) and DERM informed the City that quarterly groundwater sampling from eight (8) existing wells is required for at least one (1) year.

On January 14, 2025, a Bid Waiver was approved to allow NFA to continue to provide site assessment services due to their familiarization with the project and continued representation as the City's liaison to DERM. To ensure compliance with the City's procurement policies as well as compliance with local and state testing requirements, staff recommends approval of this agreement.

The proposal for one year of quarterly groundwater sampling is \$18,402.00. Due to the unpredictable outcome of sampling, staff is requesting an annual allocation of \$25,000 to facilitate these services without interruption and in accordance with requests from FDEP and DERM. The cumulative

agreement value is as follows:

Estimated Agreement Value		
Initial Term	Upon Execution - January 14, 2030	\$125,000
TOTAL		\$125,000

The City, at its sole discretion, reserves the right to terminate this agreement with or without cause immediately upon providing written notice to the contractor. Upon receipt of such notice, the contractor shall not incur any additional costs under the agreement. The City shall be liable only for reasonable costs incurred by the contractor prior to the date of the notice of termination. The City shall be the sole judge of "reasonable costs."

This motion is in accordance with the Code of Ordinances Section 36.02, Commission Approval Required; and Purchasing Policies and Procedures, Limited or No Competition Acquisitions.

Attachments:

1. Resolution No. 25-10
2. Exhibit A to Resolution No. 25-10
3. Agreement BW2025-002
4. Exhibit A to Agreement BW2025-002
5. Legal Review Checklist

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source:

501-43-000-549.52-51 (Outside Service)

Timing of Request:

Timely approval is requested to authorize the next scheduled sampling.