

Mayor and Council Communication

DATE: 09/22/20

M&C FILE NUMBER: M&C 20-0705

LOG NAME: 60PFAS ANALYTICAL EQUIPMENT

SUBJECT

(ALL) Authorize an Agreement for the Purchase of the Triple Quadrupole LC/MS System, Supporting Equipment and Consumables and Support Services from Agilent Technologies for the Amount Not to Exceed \$700,000.00 for the Water Central Laboratory and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize an agreement for the purchase of a Triple Quadrupole LC/MS System, supporting equipment, and support services manufactured and produced solely by Agilent Technologies in the amount not to exceed \$700,000.00 for the Water Department Central Laboratory; and
2. Adopt the attached Appropriation Ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$700,000.00, transferred from available funds within the Water and Sewer Fund, for the Polyfluoroalkyl Substances Analytical Equipment project (City Project No.102946).

DISCUSSION:

Background: The U.S. Environmental Protection Agency (EPA) finalized two regulatory actions for per- and polyfluoroalkyl substances (PFAS) in late June. The first rule is the statutory implementation of the addition of certain PFAS to the Toxics Release Inventory in accordance with the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020). Under the final rule, applicable facilities will be required to submit information by July 1, 2021, for calendar year 2020.

PFAS are a large group of man-made chemicals used in consumer products and industrial processes. These properties were first used commercially in the 1950's, and they are used in a wide variety of consumer products, including carpets, clothing, non-stick pans, paints, polishes, cleaning products and food packaging. Firefighters and the military use them in fire-suppressing foam.

PFAS are resistant to heat, oils, grease, stains and water properties and is persistent - they do not break down in the environment and they are bio-accumulative, meaning they accumulate faster than they break down.

Exposure to PFAS could occur through:

- public water systems and drinking water wells, soil, and outdoor air near industrial areas with frequent PFAS manufacture, disposal, or use
- indoor air or dust in spaces that contain carpets, textiles, and other consumer products treated with PFAS to resist stains
- surface water (lakes, ponds, etc.) or groundwater receiving run-off or seepage from areas where firefighting foam was often used (like military or civilian airfields)
- fish from contaminated bodies of water
- food items sold in the marketplace
- food packaging

Additionally, the Safe Drinking Water Act (SDWA) requires that EPA monitor for no more than 30 unregulated contaminants every five years. The EPA is committed to monitoring for PFAS in the next Unregulated Contaminant Monitoring Rule (UCMR) 5 cycle. Existing Analytical instrumentation in the Water Central Lab cannot detect PFAS at the levels necessary to ensure regulatory compliance.

Due to insufficient funds remaining in the Water Pay-As-You Go allocation for FY2020, Sewer funding is being used to fund the Water costs required in this Mayor and Council Communication (M&C). Funding of this instrumentation will allow the Water Department to properly monitor drinking and wastewater streams for the presence of PFAS in a timely manner. Failure to fund this package will force the Water Department to rely solely on the use of outside laboratories to ensure regulatory compliance, which poses a risk in terms of obtaining drinking water and wastewater PFAS levels in a timely manner.

BID ADVERTISEMENT - This procurement is exempt from the competitive bidding requirements as provided for under Section 252.022(7)(A) of the Texas Local Government Code because Agilent Technologies is the sole provider and patent holder of the Triple Quadrupole LC/MS System.

ADMINISTRATIVE CHANGE ORDER - An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

M/WBE OFFICE - A waiver of the goal for M/WBE subcontracting requirements was requested by the Water Department and approved by the M/WBE Office because the purchase of goods or services is from sources where subcontracting or supplier opportunities are negligible.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Water & Sewer Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the W&S Capital Projects Fund for the PFAS Analytical Equipment project to support the approval of the above recommendations and purchase agreement. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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