

RESOLUTION NO. 2010-14

RESOLUTION AUTHORIZING THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY (“PORT AUTHORITY”) TO ENTER INTO U. S. ENVIRONMENTAL PROTECTION AGENCY (“USEPA”) BROWNFIELD ASSESSMENT PROGRAM ENVIRONMENTAL SERVICES AGREEMENTS WITH ONE OR MORE ENVIRONMENTAL CONSULTANTS (“CONSULTING FIRMS”) TO PERFORM ASSESSMENT WORK RELATED TO THE USEPA BROWNFIELD ASSESSMENT COALITION GRANT

WHEREAS, the Port Authority currently administers an environmental assessment program, known as the USEPA Brownfield Assessment Program (the “Program”);

WHEREAS, the purpose of the Program is to inventory, characterize, and assess sites throughout the County of Hamilton, Ohio, each of which constitutes a “brownfield site,” as such term is defined in Title II, Subtitle A, Section 201 of the Small Business Liability Relief and Brownfield Revitalization Act (the “Act”; Section 101 (39) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (“CERCLA”) [42 U.S.C. 9601(39)]), with respect to the environmental conditions which may be associated with such sites;

WHEREAS, pursuant to Title II, Subtitle A, Section 211(b) of the Act (42 U.S.C. 9604(k)), the Port Authority has been awarded by the USEPA a Hazardous Substance Assessment Grant and a Petroleum Assessment Grant (collectively the “Grant”) under Cooperative Agreement BF-00E00392-0, awarded August 30, 2010, and, pursuant to Port Authority Board Resolution 2010-04, such Cooperative Agreement has been entered into by both USEPA and the Port Authority;

WHEREAS, in order that the Port Authority may fulfill its responsibilities under the Grant in connection with the Program, the Port Authority requires the assistance of one or more Consulting Firms;

WHEREAS, the Port Authority is empowered to pay monies to one or more Consulting Firms under Title II, Subtitle A, Section 211(b) of the Act (42 U.S.C. 9604(b)(2));

WHEREAS, the Port Authority has determined (i) to engage one or more Consulting Firms in order to perform certain professional services, necessary to fulfill the obligations of, and subject to, the Grant, (ii) that the Consulting Firms should perform these professional services due to their knowledge of hazardous substance and petroleum assessments and their prior experience with the Ohio EPA Voluntary Action Program and the USEPA, and (iii) that the selection of the Consulting Firms to perform such professional services pursuant to a Request for Qualifications (“RFQ”) process is consistent with Ohio law, consistent with the Grant, is in the best interests of the Port Authority and will assist the Port Authority in its fulfillment of its economic development activities;

WHEREAS, the Port Authority issued a RFQ for Grant-related professional consulting services, received submittals from several firms and has, after consultation with the City of Cincinnati and Hamilton County, identified certain firms that it believes are qualified to perform Grant-required professional services;

WHEREAS, the selected Consulting Firms possess the relevant professional experience, competence and knowledge, as required under the Act and any regulations promulgated thereunder, to render the professional services required under the Grant, and each such Consulting Firm desires to render such services to the Port Authority;

WHEREAS, the Port Authority and each of the Consulting Firms have determined that an Environmental Services Contract between them is necessary to govern the use of USEPA Grant monies in compliance with the Grant; and,

WHEREAS, the Port Authority desires and intends to (i) enter into one or more USEPA Brownfield Assessment Program Environmental Services Agreements in order that professional consulting services be provided to the Port Authority, and (ii) conduct activities, engage contractors, and provide services in the exercise of its powers as set forth in Ohio Revised Code Chapter 4582, and in furtherance of economic development activities contemplated in Section 13 of Article VII of the Ohio Constitution; and each such Agreement is anticipated to result in payments by the Port Authority to each such Consulting Firm in excess of \$25,000 for their Grant-related professional services and expenses, such funds to come from the Grant;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Port of Greater Cincinnati Development Authority:

Section 1. The President of the Port Authority is hereby authorized to execute one or more USEPA Brownfield Assessment Program Environmental Services Agreements for professional services under the Grant with the Consulting Firms selected through the RFQ process, and such other Consulting Firms that the Port Authority may identify in the future, in a form substantially similar to that which is on file in the Port Authority's offices.

Section 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with the law.

Section 3. This Resolution shall be in full force and effect upon its adoption.

Adopted: December 10, 2010

Yeas: 8

Nays: 0

Chairperson

Attest: _____
Secretary