

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to enter into one or more contracts with the lowest responsible bidder(s) qualified to perform laboratory analytical services relating to toxic substances in the Delaware River and Bay.

WHEREAS, pursuant to Article 5 of the Delaware River Basin Compact (the “Compact”), the Commission has adopted and periodically updates Water Quality Regulations that, among other things, restrict and control the discharge of certain toxic pollutants into the waters of the Basin;

WHEREAS, pursuant to Compact sections 3.9 “Coordination and Cooperation,” and 5.1, “Pollution Control—General Powers,” the Commission also works with the signatory parties, their agencies, and dischargers, both to control the discharge of pollutants, including toxic chemicals, to the shared waters of the Estuary and Bay, and to monitor ambient water, sediment and fish tissue in these waters for pollutants, including toxic substances;

WHEREAS, Resolution No. 2023-04 reauthorizing the Toxics Advisory Committee identified ambient screening surveys, the review and development of fish tissue data, and chronic toxicity testing in ambient waters, among other initiatives, to assess and control toxic substances in the Delaware River;

WHEREAS, periodic monitoring of polychlorinated biphenyls (“PCBs”), in particular, is necessary to measure progress achieved through the implementation of the TMDLs developed by DRBC and established by the U.S. Environmental Protection Agency (“EPA”) for PCBs in DRBC Water Quality Zones 2 through 6;

WHEREAS, monitoring for toxic substances in ambient water, sediment and fish tissue is periodically included in DRBC’s work plan under its Clean Water Act Section 106 grant administered by EPA Region III;

WHEREAS, the Commission requires the services of a third-party laboratory to perform certain analytical services that neither the Commission nor its member state laboratories can perform; and

WHEREAS, the Commission’s current contract for analytical services for toxic substances and emerging contaminants will expire on December 31, 2024; and

WHEREAS, in response to a Request for Proposals (the “RFP”) for analytical services – water, sediment, and fish tissue, issued by the Commission on June 20, 2024, relating to the control of toxic substances, the Commission received four proposals, which the staff is currently reviewing; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized to select and enter into one or more contracts with the most qualified vendor(s) that has or have submitted a conforming proposal and acceptable cost estimates for the analyses of water, sediment, and fish tissue, utilizing methods and detection limits as specified by the Commission within the RFP.

2. The initial term of such contract(s) shall be three (3) years, with an option for two additional years.
3. The total cost of the contract or contracts executed under this authorization shall not exceed the Clean Water Act Section 106 grant amount allocated for this purpose or such additional amount, if any, as may be awarded to or allocated by the Commission for this purpose and included by the Commission in its approved annual expense budget.
4. This Resolution for the Minutes shall take effect immediately.

ADOPTED: September 5, 2024