

**REPORT TO MAYOR AND COUNCIL
SITTING AS THE LOCAL REUSE AUTHORITY**

**TO THE HONORABLE MAYOR AND COUNCIL
SITTING AS THE LOCAL REUSE AUTHORITY:**

DATE: July 14, 2015

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES ASSOCIATED WITH HAZARDOUS MATERIALS MANAGEMENT, REMEDIAL ASSESSMENT REVIEWS, AND RISK MANAGEMENT PLANNING WITH ENVIRONMENTAL RISK SERVICES CORPORATION (ERS) NOT TO EXCEED \$105,000. FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND

Report in Brief

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Master Agreement for Professional Services with Environmental Risk Services Corporation (ERS) to support review of the Department of the Navy (DON) proposed remedies of contaminated sites, prepare a risk management plan for various conveyance methods, conduct field work to collect expanded site data for characterization refinements of Site 22, negotiate an Environmental Services Cooperative Agreement (ESCA) with the DON to allow privatization of the clean-up activities and ND support efforts to select an environmental insurance broker. Funding will be provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the adoption of the FY 2015/2016 budget as amended on January 27, 2015. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The agreement would cover a period of July 1, 2015 to June 30, 2016. Total funding since 2012, including this agreement is \$450,000. The Department of Defense, Office of Economic Adjustment (OEA) provided \$95,000 of the total funding. The balance of the funding comes from a loan from the General Fund to the LRA, which will be repaid.

Background

The LRA requires the services of engineers and scientists who specialize in hazardous waste management and risk management assessments to support technical studies and regulatory agency negotiations. ERS has been supporting the City staff since 2012 on negotiations with the DON and regulators on the arsenic clean up within Site 22 on the base, disposition phasing, risk management and environmental insurance broker selection.

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The amended scope will be integral to the development of a disposition strategy to help direct the transfer of real property in a manner that fits with the proposed land uses of the Area Plan as amended into the General Plan and minimizes liability to the City and developing a privatizing clean-ups using Department of Defense funding.

Discussion

The tasks associated with this scope of services are described below. The period of performance will be July 1, 2015 to June 30, 2016.

Task 1. Develop and Implement a Pilot Test for Site 22 Data Collection

The LRA is considering on-site disposal of contaminated soil from Site 22 and possible privatization of the clean-up. The LRA feels the site characterization needs to be refined to support decision making on both issues. In an effort to control costs for additional data collection ERS will run a pilot test protocol to determine if certain data collection methods can meet EPA protocols and reduce collection costs of a site wide analysis.

Task 2. Support Staff Negotiations with Federal/State Regulators

Land uses proposed in the City's adopted Area Plan are supposed to be given consideration in development of remedies for soil and water contamination. ERS will support City staff in the complicated negotiations to insure that consideration is given.

Task 3. Coordination of Remedial Strategies and Disposition Risk Management/Mitigation and Transfer Strategy Support

ERS will work closely with staff in developing a disposition strategy that reflects remediation requirements for development parcels in the primary context of liability management through risk management/mitigation planning.

Fiscal Impact

Funding will be provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the adoption of the FY 2015/2016 budget as amended on January 27, 2015. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The performance period is July 1, 2015 to June 30, 2016. Total funding since 2012 including this agreement is \$450,000; an OEA grant provided \$95,000 of the

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Public Contact

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff recommends the Local Reuse Authority approve the Master Services Agreement for Professional Services with ERS for a total amount of \$105,000; and authorize the Executive Director of the LRA to execute the agreement.



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Local Reuse Authority
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Attachment 1 – Amendment with Environmental Risk Services Corporation

**FOURTH AMENDMENT TO
MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

This Fourth Amendment to Agreement is entered into on July 1, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Environmental Risk Services Corporation (“CONSULTANT”) and is the fourth amendment to a Master Agreement dated July 24, 2013 referenced as the City’s document No. 5289.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated July 24, 2013 for services to establish a risk management program for the reuse plan for the Concord Naval Weapons Station; and

WHEREAS, the Agreement was amended on April 23, 2014 and was approved by Council as 5289-A, for an additional amount of \$25,000; and

WHEREAS, the Agreement was amended on July 1, 2014 and was approved by Council as 5289-B, for an additional amount of \$85,000 and extending the term to June 30, 2015; and

WHEREAS, the Agreement was amended on February 25, 2015 and was approved by Council as 5289-C, for an additional amount of \$120,000; and

WHEREAS, the parties hereto desire to amend the agreement to provide additional professional services in connection with the preparation of the reuse plan and to extend the term therefore.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

Section 1. Section 5, COMPENSATION, is amended to read as follows:

SECTION 5 - COMPENSATION

5. **COMPENSATION**

With this amendment to the original agreement of July 24, 2013, the CONSULTANT shall be compensated in the additional amount of \$105,000 for a total amount not to exceed **\$450,000** for basic services rendered, as more particularly described in Exhibit A of the original agreement, in accordance with the terms and conditions included therein.

CONSULTANT may submit monthly statements for services rendered. It is intended that payments to CONSULTANT will be made by CITY within thirty (30) days of receipt of invoice.

Section 2. Section 6, TERM, is amended to read as follows:

SECTION 6 - TERM

6. **TERM**

The term of this Agreement, as amended, shall be from July 1, 2015 to June 30, 2016 unless earlier terminated in accordance with the terms of the Agreement.

Except as expressly amended herein all terms and conditions of the Agreement dated July 24, 2013 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Agreement the day and year written above.

CONSULTANT

Dated

By: _____
Mark O'Brien

CITY OF CONCORD

Dated

By: _____
Michael W. Wright
Executive Director
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk

This signature page is part of this fourth amendment to the Master Agreement for Professional Services entered into on July 1, 2015 by and between the City of Concord, a municipal corporation, (hereinafter "City") and Environmental Risk Services Corporation (the "Consultant").