

**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 8, 2013

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 \$85,000. FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND. TOTAL FUNDING SINCE 2012 IS \$225,000.

Report in Brief

Staff is recommending that the Local Reuse Authority (LRA) approve a 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 and negotiate an Environmental Services Cooperative Agreement (ESCA) with the DON to allow privatization of the clean-up activities. 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 2014/2015 budget. 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, 2014 to June 30, 2015. Total funding since 2012, including this agreement, is \$225,000. The Department of Defense, Office of Economic Adjustment (OEA) provided \$95,000 of the total funding.

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 involved in the project as a sub-consultant to David Knisely, our outside Base Realignment and Closure (BRAC) counsel, and has worked on other closed military facilities in Northern California. ERS has been supporting the City staff on negotiations with the DON and regulators on the arsenic clean up within Site 22 on the base and disposition phasing.

**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 \$85,000.
FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE
AUTHORITY (LRA) FROM THE GENERAL FUND. TOTAL FUNDING
SINCE 2012 IS \$225,000.**

July 8, 2014

Page 2

Their 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. They also have extensive experience in 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, 2014 to June 30, 2015.

Task 1. Review and Comment on Navy reports

ERS will review and comment on site investigations and remedial feasibility studies prepared by the Navy consultants in accord with the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). They will also review and assess human health risk from remedies associated with the Navy's Munitions Response Program.

Task 2. Support Staff Negotiations with Federal/State Regulators

Land uses proposed in the City's adopted Reuse Plan (now 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 2014/2015 budget. 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, 2014 to June 30, 2015. Total funding since 2012 including this agreement is \$225,000; an OEA grant provided \$95,000 of the total funding.

**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 \$85,000.
FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE
AUTHORITY (LRA) FROM THE GENERAL FUND. TOTAL FUNDING
SINCE 2012 IS \$225,000.**

July 8, 2014

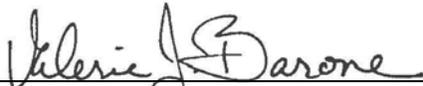
Page 3

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 \$85,000; and authorize the Executive Director of the LRA to execute the agreement.



Valerie J. Barone
City Manager
valerie.barone@cityofconcord.org

Prepared by: Michael W. Wright
Executive Director,
Local Reuse Authority
michael.wright@cityofconcord.org

Attachment 1 – Amendment with Environmental Risk Services Corporation

Intentionally left blank

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

This Second Amendment to Agreement is entered into on July 1, 2014 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Environmental Risk Services Corporation (“CONSULTANT”) and is the second 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 Master 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 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 \$85,000 for a total amount not to exceed **\$225,000** 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, 2014 to June 30, 2015 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