



## Staff Report

**Date:** May 11, 2016

**To:** City Council/City Council Sitting as the Local Reuse Authority

**From:** Valerie J. Barone, City Manager

**Prepared by:** Guy Bjerke, Director of Community Reuse Planning  
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**Subject:** **Consideration of 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 \$30,000 (Funding will be provided by a Loan to the Local Reuse Authority (LRA) from the General Fund)**

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### 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 authorize the additional expenditure of up to \$30,000. The term of the Agreement is not changing under this amendment.

The ERS scope of work includes 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 to represent the City and provide broker support in the placement of insurance coverage's and selection of an environmental insurance broker.

### Recommended Action

Staff recommends the Local Reuse Authority approve the amendment to the Master Services Agreement for Professional Services with ERS for a total amount of \$30,000; and authorize the Executive Director of the LRA to execute the agreement.

## **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.

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, while minimizing potential liability to the City and enabling the privatizing of clean-ups using Department of Defense funding.

## **Analysis**

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

### **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 Contaminated Soil Disposition Risk Management/Mitigation and Transfer Strategy Support**

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

## **Financial 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. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). Total funding since 2012, including this agreement is \$530,000. The Department of Defense, Office of Economic Adjustment (OEA) provided

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\$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.

**Public Contact**

The Agenda has been posted in accordance with legal requirements.

**Attachment**

1. Amendment with Environmental Risk Services Corporation

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

This Sixth Amendment to Master Agreement For Professional Services (“Sixth Amendment”) is entered into on May 3, 2016 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Environmental Risk Services Corporation (“CONSULTANT”) and is the sixth amendment to a Master Agreement dated July 24, 2013 referenced as the City’s document No. 5289 (as previously amended, the “Agreement”).

**WHEREAS**, the CITY and CONSULTANT entered into the Agreement 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 Agreement was amended on July 1, 2015 and was approved by Council as 5289-D, for an additional amount of \$105,000 and extending the term to June 30, 2016; and

**WHEREAS**, the Agreement was amended on November 1, 2015 and was approved by Council as 5289-E, for an additional amount of \$50,000; and

**WHEREAS**, the parties hereto desire to execute this Sixth Amendment to the Agreement (“Sixth Amendment) amending the Agreement to provide additional professional services in connection with the preparation of the reuse plan.

**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 Sixth Amendment to the Agreement, the CONSULTANT shall be compensated in the additional amount of \$30,000 for a total amount not to exceed **\$530,000** 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.** Except as expressly amended herein all terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Sixth Amendment as of the day and year written above.

**CONSULTANT**

\_\_\_\_\_  
Dated

By: \_\_\_\_\_  
Mark O'Brien

**CITY OF CONCORD**

\_\_\_\_\_  
Dated

By: \_\_\_\_\_  
Guy Bjerke  
Executive Director  
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Clerk

This signature page is part of this Sixth Amendment to the Master Agreement for Professional Services entered into on May 3, 2016 by and between the City of Concord, a municipal corporation, (hereinafter "City") and Environmental Risk Services Corporation (the "Consultant").