

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

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

DATE: March 25, 2014

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES ASSOCIATED WITH HAZARDOUS MATERIALS MANAGEMENT AND REMEDIAL ASSESSMENT REVIEWS WITH ERLER & KALINOWSKI, INC. (EKI) NOT TO EXCEED \$5,850 (GENERAL FUND). TOTAL FUNDING SINCE 2010 IS \$124,850.

Report in Brief

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Master Agreement for Professional Services with Erler & Kalinowski, Inc. (EKI) to support continued review of the Department of the Navy (DON) proposed remedies of contaminated sites and conduct of human health risk assessments on the Concord Naval Weapons Station (CNWS). The funding will come from a loan to the LRA from the General Fund. The loan was approved and appropriated by the City Council on December 10, 2013. The loan will be repaid with interest from land sales or leases within the former CNWS. The agreement will cover a performance period of July 24, 2013 to August 31, 2014. Previous funding of \$34,000 was provided through the Department of Defense, Office of Economic Adjustment (OEA) grants, \$85,000 was provided through redevelopment funds.

Background

Adopting the Concord Reuse Project Area Plan and amending the General Plan has allowed the LRA to proceed with negotiations with the DON and regulators on the land conveyance and ultimate development of the former CNWS. Those negotiations include: development and implementation of a remediation strategy that would ensure clean up levels match the proposed land uses in the Area Plan. The LRA requires the specialized services of engineers and scientists who specialize in hazardous waste management and public health risk assessments to support technical studies and regulatory agency negotiations. EKI has been involved in the project in this role since 2010 and has developed the mitigation and mitigation monitoring requirements associated with for the diverse land use proposed in the Area Plan and the LRA's conveyance application.

**APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR
PROFESSIONAL SERVICES ASSOCIATED WITH HAZARDOUS
MATERIALS MANAGEMENT AND REMEDIAL ASSESSMENT REVIEWS
WITH ERLER & KALINOWSKI, INC. (EKI) NOT TO EXCEED \$5,850
(GENERAL FUND). TOTAL FUNDING SINCE 2010 IS \$124,850.**

March 25, 2014

Page 2

EKI has been supporting the City staff on negotiations with the Navy and regulators on all areas of contamination but in particular the arsenic clean up within Site 22 on the base.

Their scope continues to be integral to the development of disposition terms 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.

Discussion

The tasks associated with this scope of services are as follows:

Task 1. Review and Comment on Navy reports

EKI 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). The 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 are supposed to be given consideration in development of remedies for soil and water contamination. EKI will support City staff in the complicated negotiations to insure that consideration is given.

Task 3. Coordination of Remedial Strategies and Disposition—/Attendance at Restoration Advisory Board Meetings

EKI will attend regularly scheduled restoration advisory board meetings (RAB) for the Inland area of the CNWS. They will also work closely with staff in developing a disposition strategy that reflects remediation requirements for development parcels but also for other lands conveyed for public benefit.

Fiscal Impact

Funding for this amendment to the Master Agreement is provided by a loan to the LRA from the General Fund. The loan was approved and appropriated by the City Council on December 10, 2013. The loan will be repaid with interest through land sales and leases within the former CNWS. This agreement performance period will be July 24, 2013 to August 31, 2014. Total funding including this amendment since 2010 is \$124,850. The funding was supported by a grant from OEA (\$34,000) and the former Redevelopment Agency (\$85,000).

**APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR
PROFESSIONAL SERVICES ASSOCIATED WITH HAZARDOUS
MATERIALS MANAGEMENT AND REMEDIAL ASSESSMENT REVIEWS
WITH ERLER & KALINOWSKI, INC. (EKI) NOT TO EXCEED \$5,850
(GENERAL FUND). TOTAL FUNDING SINCE 2010 IS \$124,850.**

March 25, 2014

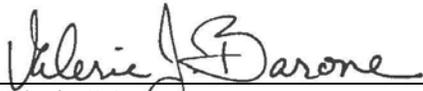
Page 3

Public Contact

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff recommends the Local Reuse Authority approve an amendment to the Master Services Agreement for Professional Services with Erler & Kalinowski, Inc. for a total amount of \$5,850; 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 No. 1 – Amendment with Erler & Kalinowski, Inc.

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

This Second Amendment to Agreement is entered into on February 1, 2014 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Erler & Kalinowski, Inc. (“CONSULTANT”) and is the second amendment to a Master Agreement dated July 24, 2013 referenced as the City’s document No. 5288.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated July 24, 2013 for services to support the preparation of a reuse plan for the Concord Naval Weapons Station; and

WHEREAS, the Master Agreement has been amended on November 12, 2013; and

WHEREAS, the parties hereto desire to amend the agreement to provide for additional compensation 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 hereby 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 \$5,850.00 for a total amount not to exceed **\$55,850** 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.

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: _____
Michelle King
Vice President

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 amendment to the Master Agreement for Professional Services entered into on July 24, 2013 by and between the City of Concord, a municipal corporation, (hereinafter "City") and Erler & Kalinowski, Inc. (the "Consultant").