

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

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

DATE: November 3, 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 \$50,000. TOTAL FUNDING SINCE 2012 INCLUDING THIS AGREEMENT IS \$500,000; AN OEA GRANT PROVIDED \$95,000 OF THE TOTAL FUNDING (FUNDING PROVIDED BY AN EXISTING LOAN TO THE LOCAL REUSE AUTHORITY 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 authorize the additional expenditure of up to \$50,000. The performance period is July 1, 2015 – June 30, 2016, and the term of the Agreement is not changed 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.

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 \$500,000. 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 re

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**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.

**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**

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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**

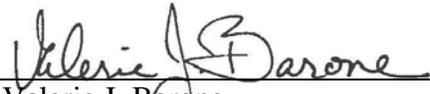
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**Public Contact**

Agenda has been posted in accordance with legal requirements.

**Recommendation for Action**

Staff recommends the Local Reuse Authority approve the amendment to the Master Services Agreement for Professional Services with ERS for a total amount of \$50,000; and authorize the Executive Director of the LRA to execute the agreement.

  
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Prepared by: Guy S. Bjerke  
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**FIFTH AMENDMENT TO  
MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

**This Fifth Amendment to Agreement** is entered into on November 1, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Environmental Risk Services Corporation (“CONSULTANT”) and is the fifth 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 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 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 \$50,000 for a total amount not to exceed **\$500,000** 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.

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: \_\_\_\_\_  
Guy S. Bjerke  
Executive Director  
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

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

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

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