

DATE: July 29, 2008

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization for the City Manager to Execute a Professional Services Agreement for the Tank Remediation Study of Various Underground Storage Tank Removal Sites in Hayward and Appropriation of Additional Funds

RECOMMENDATION

That Council adopts the attached resolutions:

1. Authorizing the City Manager to execute a Professional Services Agreement with ERS Consultants for the Tank Remediation Study of Various Underground Storage Tank Removal Sites in Hayward for an amount not to exceed \$74,000; and
2. Appropriating an additional \$50,000 to the project budget in order to complete this project.

BACKGROUND

As an agent of the San Francisco Regional Water Quality Control Board (RWQCB), the Hayward Fire Department (HFD) oversees site contamination cases in Hayward that involve releases of petroleum or petroleum-related products from underground storage tanks (USTs). HFD staff works with identified responsible parties to ensure that known cases of releases are investigated, monitored, and remediated in accordance with UST corrective action regulations. When the sites are remediated, HFD makes a recommendation to the RWQCB for case closure.

Presently, the City of Hayward has six open site-contamination cases in various stages of investigation and cleanup (see attachment). For each case, the USTs were removed and certain levels of contamination were identified from soil and groundwater sampling at the time of UST removal. The sites require further investigation and possible monitoring and cleanup.

DISCUSSION

Initially, a Request for Proposal (RFP) to provide consultant services for the remediation study was sent to four potential environmental firms in the Bay Area. The consultant's proposed work will consist of meeting with HFD to discuss the history and status of the six sites and the requirements for identifying and mitigating the associated issues; undertaking the necessary field tests to determine the scope of work for each site; preparing a comprehensive remediation

program/work plan for each site; and providing a cost estimate and implementation schedule for each site.

From the four RFP's sent out, staff received only one proposal, which was from ACC Environmental Consultants. One of the other firms, Geomatrix, indicated that due to their current workload, they were unable to respond to our request. During negotiations with ACC, staff was informed that the only two staff geologists at the consulting firm were leaving ACC to work for the firm of ERS in Walnut Creek. Subsequently, ACC does not have any registered geologists currently working for their firm. To avoid further delay to the project, staff requested a proposal from ERS.

ERS provided a scope of work and identified the expected level of effort that will be needed to conduct the remediation investigation. For each site, they provided a detailed list of tasks and a schedule for the work. ERS' staff geologists have performed a substantial amount of similar subsurface investigations in the Bay Area, and they have extensive experience in working with the Hayward Fire Department, the California Department of Toxic Substances Control (DTSC), and the San Francisco RWQCB. When employed with ACC, the geologists provided consultant services on various projects for the City of Hayward. They have proven to be very knowledgeable and fully capable of handling this type of investigation. They have always provided quality work and have been responsive to our needs.

ERS has submitted a proposal of \$74,000 for the remediation study, which is less than the original proposal from ACC. The "not-to-exceed" amount includes \$62,000 for basic services and \$12,000 for additional services that might be needed. Staff considers ERS' level of effort and fees quite reasonable and recommends executing an agreement with them for this project.

FISCAL AND ECONOMIC IMPACT

Consultant Services	\$74,000
Contract Administration	\$16,000
Total	<u>\$ 90,000</u>

The approved FY 2009 Capital Improvement Program includes \$40,000 in the Capital Improvement Fund for this project. An additional appropriation of \$50,000 from the Capital Improvement Fund Balance is being requested to cover the consultant fees and staff charges necessary to complete this project. Because two of the sites are Sewer Fund facilities, approximately \$36,000 will be reimbursed from the Sewer Fund. It is anticipated that the sampling to be performed for this remediation study will support full regulatory closure with no further action required. However, in the event that areas of soil or groundwater contamination still remain, additional funding will be necessary for the monitoring and remediation required prior to site closure.

PUBLIC CONTACT

Not applicable.

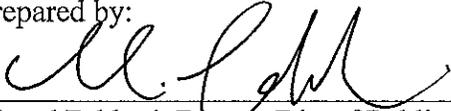
SCHEDULE

The work will begin immediately upon execution of the professional services agreement. It is anticipated that the study will be completed within eight weeks.

Begin Work
End Work

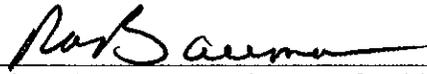
August 4, 2008
September 26, 2008

Prepared by:



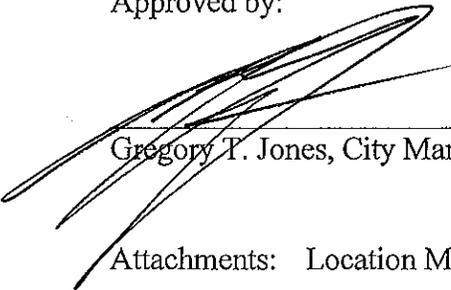
Morad Fakhrai, Deputy Dir. of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:

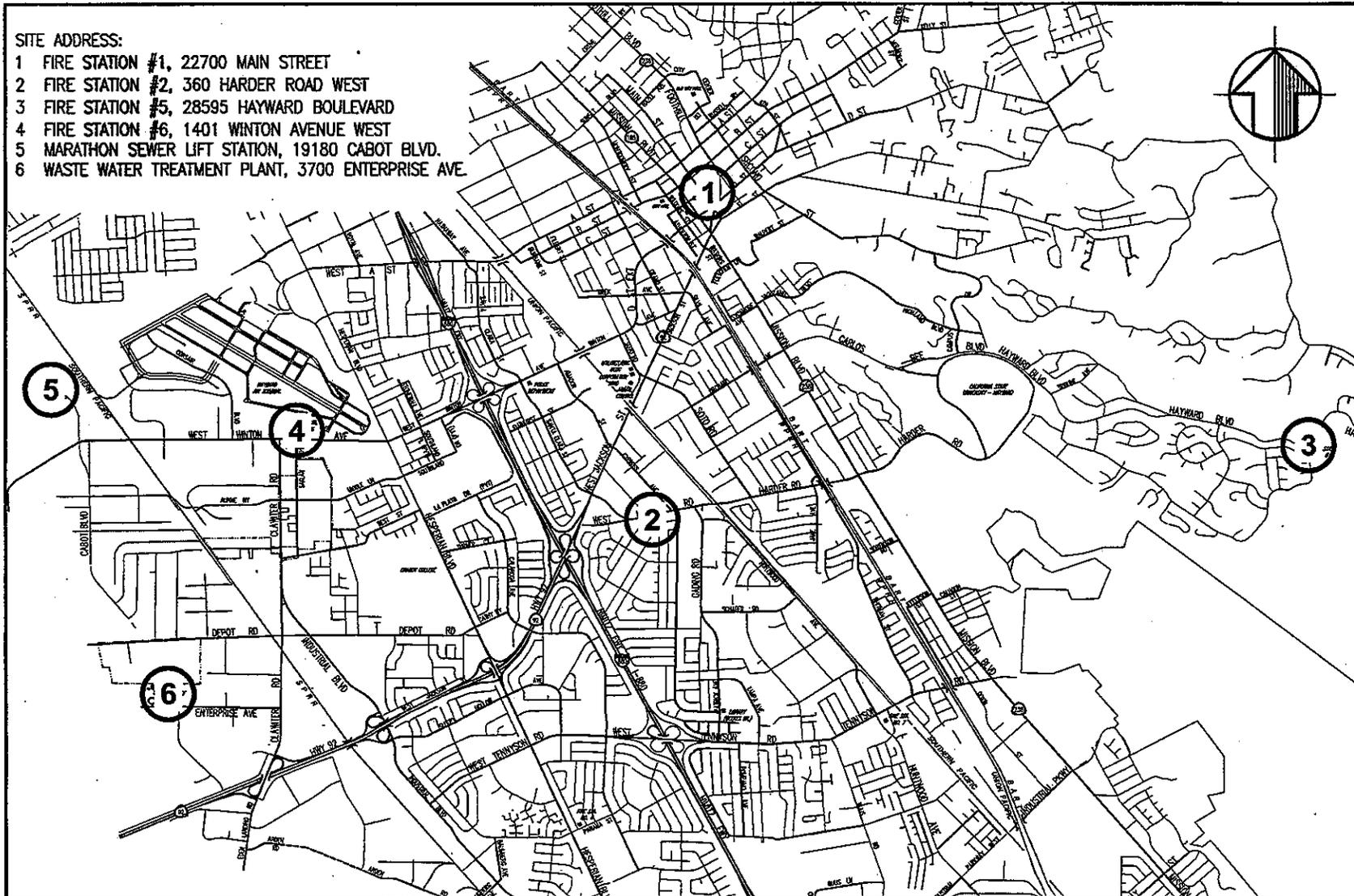


Gregory T. Jones, City Manager

Attachments: Location Map

SITE ADDRESS:

- 1 FIRE STATION #1, 22700 MAIN STREET
- 2 FIRE STATION #2, 360 HARDER ROAD WEST
- 3 FIRE STATION #5, 28595 HAYWARD BOULEVARD
- 4 FIRE STATION #6, 1401 WINTON AVENUE WEST
- 5 MARATHON SEWER LIFT STATION, 19180 CABOT BLVD.
- 6 WASTE WATER TREATMENT PLANT, 3700 ENTERPRISE AVE.



REMEDIATION STUDY - PROJECT NO. 6977
LOCATION MAP

Exhibit A

DRAFT

*NH
7/21/08*

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member Henson

RESOLUTION AMENDING RESOLUTION 08-098, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2008-09, RELATING TO AN APPROPRIATION OF FUNDS FROM THE CAPITAL IMPROVEMENT FUND (FUND 410) FOR THE TANK REMEDIATION STUDY OF VARIOUS UNDERGROUND STORAGE TANK REMOVAL SITES, PROJECT NO. 6977

BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 08-098, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2008-09, is hereby amended by approving an additional appropriation of \$50,000 from the Capital Improvement Fund (Fund 410) to the Tank Remediation Study of Various Underground Storage Tank Removal Sites, Project No. 6977.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward