

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

FIRST AMENDMENT TO CONTRACT NO. 32630

32630

THIS FIRST AMENDMENT TO CONTRACT NO. 32630 is made and entered, in duplicate, as of July 15, 2013 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on April 23, 2013, by and between ENCON TECHNOLOGIES, INC., a California corporation ("Contractor"), whose address is 12145 Mora Drive, Unit 7, Santa Fe Springs, California 90670, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Alamitos Bay Marina Fuel Dock in the City of Long Beach, California," dated January 18, 2012, and published by City, bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 32630 for the work described in the bid documents; and

WHEREAS, the parties desire to amend the Scope of Work and to increase the amount by \$185,950 for a total revised contract amount not to exceed \$929,739;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the parties agree as follows:

1. Section 2.A of Contract No. 32630 is hereby amended to read as follows:

"2. PRICE AND PAYMENT.

A. City shall pay to Contractor the amount(s) for materials and work identified in Contractor's "Bid for Alamitos Bay Marina Fuel Dock in the City of Long Beach, California," attached hereto as Exhibit "A", and as amended by revisions attached hereto as Exhibit "A-1", for a total contract amount not to exceed \$929,739."

2. The Scope of Work provided under the Contract is hereby amended as more particularly described in Exhibit "A-1", attached hereto and incorporated by this reference.

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IN WITNESS WHEREOF, the parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

ENCON TECHNOLOGIES, INC., a California corporation

June 20, 2014

By [Signature]
Name G. Joseph Scatoloni
Title President

June 20, 2014

By [Signature]
Name John Scatoloni
Title Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

7.15, 2014

By [Signature] **Assistant City Manager**
City Manager

"City"

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

This First Amendment to Contract No. 32630 is approved as to form on 6-25, 2014.

CHARLES PARKIN, Acting City Attorney

By [Signature]
Deputy

EXHIBIT "A"

Contractor shall perform all construction services, and provide all material, equipment, tools and labor, necessary to complete the Project, consisting of **Item Numbers 1, 2, 4, 5, 6, 7 and 8** as described in the following attachment entitled, "Bid to the City of Long Beach Alamitos Bay Marina Fuel Dock", for the total alternate bid amount of \$743,789.

BIDDER'S NAME: ENCON Technologies Inc.

**BID TO THE CITY OF LONG BEACH
ALAMITOS BAY MARINA FUEL DOCK**

In accordance with the Notice Inviting Bids for this Work in the City of Long Beach, California, to be opened on January 18, 2012, at 10:00 a.m., we offer to furnish all necessary labor, tools, materials, appliances and equipment for and perform all Work mentioned in the Notice Inviting Bids, in full compliance with Plans & Specifications No. R-6903 at the prices listed below. We certify that we have examined the site and that the Bid is complete. By signing the Bid, we certify that the Contractor will not submit a claim based on failure to examine the site thoroughly.

The basis for determination of the low bid is the total of Base Bid plus Alternate.

BASE BID

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE (IN FIGURES)	ITEM TOTAL (IN FIGURES)
1.	Plans and Permitting	1	LS	5233.00	5,233.00
2.	UST System Removal	1	LS	211,396.00	211,396.00
3.	Fueling System Installation	1	LS	388,403.00	388,403.00
4.	Storm Drain Replacement	1	LS	1,884.00	1,884.00
5.	Testing and Commissioning	1	LS	16,538.00	16,538.00
6.	Six-month Secondary Containment Testing	1	LS	1,256.00	1,256.00
7.	Allowance for Environmental Remediation and Unforeseen Changes	1	LS	100,000	100,000

TOTAL BASE BID

\$ 724,710

ALTERNATE BID ITEM 1

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE (IN FIGURES)	ITEM TOTAL (IN FIGURES)
8.	Three-Inch Piping Option (to replace Item 3 if chosen)	1	LS	407,482.00	407,482.00

TOTAL ALTERNATE BID ITEM 1

\$ 743,789

EXHIBIT "A-1"

December 18, 2012

Steve Aichele, Project Manager
Alamitos Bay Fueling System Installation
Long Beach, California

RE: Revision to Contract - Project Scope and Cost Changes to Install the New Alamitos Bay Fueling System Equipment, Contract No. POPR12000030 at 227 Marina Drive, Long Beach, California

1.0 Introduction and UST Site Environmental Conditions Overview

This document presents a feasible and viable alternate to the original UST tank closure and installation plan and associated project cost estimate that was based on the results of a thorough Phase I and Phase II Environmental Site Assessment of the subsurface soil and groundwater contaminated conditions present beneath the existing UST tank and piping area. These changes in the UST tank closure and new installation are provided since significant environmental contingent liabilities were defined that would subject the current approach to large unknown change orders and associated schedule and cost changes. The proposed scope of work would eliminate most of the unknown variables and allow the project to be completed within budget and on schedule.

ENCON Technologies Inc., Environmental & Engineering Services (ENCON) performed an Environmental Site Assessment (ESA) file review and limited soil and groundwater testing of the LUST Site located at 227 Marina Drive, Long Beach, California. These conclusions and recommendations were based on record research of the State RWQCB files to define the anticipated site contamination conditions, corrective actions performed by Unocal, and the potential environmental liabilities associated with the leaking underground storage tanks (LUST) and the unauthorized releases reported in 1986 and 1996 by Unocal. The limited ESA Report was prepared by ENCON, under the direction of Mr. G. Joseph Scatoloni, Senior Environmental Engineer and Registered Environmental Assessor II, #20150 for the exclusive use of the City of Long Beach and planning purposes in the closure of the five (5) underground fuel tanks and the installation of the new UST fueling system at the Alamitos Bay Marina, Long Beach, California.

2.0 Historical review Site Environmental Condition Findings

- 1) The Alamitos Bay UST Site (Site) is contaminated with gasoline and diesel fuel contaminants from several documented Unocal unauthorized releases that have contaminated both the soils and groundwater beneath the UST Site. The UST tanks were operated by Unocal Corporation through approximately late 1990s (1996) and during the periods of these reported releases.

- 2) On November 13, 2012, ENCON conducted a ground water investigation by collecting groundwater samples from monitoring wells: MW-1, MW-2, and MW-3. The data showed elevated petroleum hydrocarbon in the gasoline range, TPHg, at 4,600 ug/L in MW-1 and 300 ug/L in MW-3. Fuel oxygenates, MtBE and TBA, were detected in MW-1 and MW-3 at concentrations ranging upto 2,964.3 ug/l. and 858.5 ug/l., respectively. The aromatic hydrocarbon constituents, BTEX, were all below detection limits or trace levels.
- 3) The gasoline and diesel chemical concentrations were reported in soils and ground water above drinking water standards and pose a serious threat to the Bay waters with elevated petroleum hydrocarbons in the gasoline and diesel range, aromatic hydrocarbons, BTEX, and fuel oxygenates, MtBE and TBA.
- 4) However, based on the current Alamitos Bay UST Renovation Project, these residual hydrocarbon sources in soils will be disturbed by the excavation activities to remove and install UST tanks and the gasoline and diesel chemicals will be released to the environment and Bay waters. These conditions will seriously affect the approach and cost of the UST Tank Renovation Project as well as impact the Bay water quality with TPH, BTEX, and MtBE contaminants initiating City, State, and Coastal Commission regulations.
- 5) The UST Tank Renovation Project will be affected by gasoline and diesel fuel releases in the excavation, dewatering, transportation and disposal of contaminated soil and groundwater activities. In addition, major containment procedures to prevent impacting the Alamitos Bay waters, if feasible, will have to be implemented.
- 6) These additional environmental construction costs will be large and unknown and should not be assumed by the City of LB or their fueling contractors for the Alamitos Bay UST Renovation Project.

3.0 Project Design Changes

Change #1- Location of the Two 12,000 Gallon Gasoline and Diesel Fuel Storage Tanks- To prevent the environmental issues from significantly increasing the project cost and most likely increase the time of completion, ENCON recommends that the UST tank site be relocated to a "clean" area where ground water and soils are not contaminated in the adjacent parking lot and hard pipe the product piping underground to the dock area. In addition, the UST tanks should be closed in place rather than removed.

Refer to Figure 1 for the proposed new location of the UST tanks. The new tank area is located approximately 100 feet north of the present UST tank farm in an area that was confirmed to be free of any soil or groundwater contamination. In addition, the soils were confirmed to be non-permeable clays between grade surface to approximately 35 feet bgs that will minimize groundwater intrusion and management and make for a quicker tank installation.

Change #2 – UST Tank Closure In Place - Since the gasoline and diesel chemical sources are relatively stable and pose a low risk to the Alamitos Bay waters at this time, it is ENCON's professional opinion that these UST tanks should not be disturbed and the UST tanks should be closed in place. Once these tanks are properly tripled rinsed and cleaned and filled with concrete slurry, they will be environmentally clean and stable subsurface structures for the Marina area.

Since the five (5) UST tanks can be closed individually, the plan would involve of initially closing the three (3) out-of-compliance UST tanks in January 2013 and the two in-compliance USTs will remain operational until the new UST tank area installed and associated product piping to the existing fueling area. This approach will allow the City of Long Beach to meet the UST compliance schedule and operate the fueling system up to the final stages of the new installation, estimated April 2013.

4.0 Project Cost Estimates

The new project cost estimate breakdown and details can be found in the attached cost revision to contract. The new UST tank system equipment and installation costs increased because of the new tank hole construction costs and 115 feet of new product piping and electrical runs necessary due to the environmental conditions in the intended tank location under the original scope of work. The UST tank closure in place costs decreased from those costs to remove the UST tanks. Also, since shoring was not required for tank closure, the shoring costs were shifted from tank closure cost in the original plan to tank install in the new plan which merely shifts the costs from one area to another.

The following items not in the original scope of work are excluded from this revised scope:

- 1) Power Utilities Repair or Replacement
- 2) Any unknown utilities encountered
- 3) Any unknown obstruction or former tanks encountered

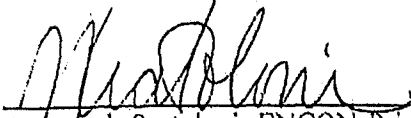
5.0 Project Schedule

February 2013	Closure of the three (3) out-of compliance UST tanks
March 2013- April 2013	Tank installation, piping layout, trenching and piping installation Gangway piping, electrical installation, and dispenser installation
May 2013	Completion of UST tank installation, testing, and ELD testing System change-over Closure in place of the two (2) in-compliance tanks
November 2013	6-month SB 989 secondary containment testing

6.0 Final Comments

This revision to contract is provided for review and approval purposes to the City of Long Beach as it pertains to the Alamitos Bay Fuel System Installation Project. It is not intended for general distribution and any questions or additional information required, please contact Mr. Joe Scatoloni, ENCON Senior Remedial Engineer.

Prepared by:
ENCON Technologies Inc.
Environmental & Engineering Services



G. Joseph Scatoloni, ENCON Principal
Senior Remedial Engineer

ENCON Technologies, Inc.
 Alamos Bay Fuel Dock Upgrade
 Additional Costs Associated With Relocation of UST Tanks Due to Environmental Conditions

1	Site Selection	19,280
	Limited Phase I Research and Environmental Impact Study of Existing UST tank location	9700
	Soil and Groundwater Investigation at new proposed tank location	9580
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2	Excavation of New Tank Location	21,800
	Additional Heavy Equipment Rental Costs Associated with New Excavation	8200
	Additional Labor- Equipment Operator, Field Technicians and Superintendent	13600
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3	Disposal of 1000 tons of excavated soil	25,280
	1000 tons @ 19.88/ton	19880
	Equipment Rental: Loader	2000
	Labor: Equipment Operator	3400
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4	Additional Piping and Trenching (115')	63,325
	Sawcut	1500
	Equipment Rent for Demo and Breakout	2250
	Debris disposal	2000
	Equipment rent for excavation of extended pipe trench	3500
	Disposal of soil from pipe trenches 3 TL	1500
	Pea gravel to bed and backfill pipe trenches - 60 tons pipe trenches	1725
	Dig new trench to new vent location	4500
	Additional pipe material	28650
	Resurface trenches	4000
	Additional Labor- Equipment Operator, Field Technicians and Superintendent	22900
	Less Offset for a original 25' of pipe trench excavation	-9200
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5	Additional Electrical Run	16,900
	Belden cable and wiring	2600
	Conduit and fittings	1750
	Labor: 2 Electricians	12550
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6	Re-draw Drawings to Incorporate Changes for Tank Closure and New Location	4,500
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7	Re-route Existing Water Lines in New Tank Area Location	2,500
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8	Savings Realized From Closure in Place	-37,260
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	Total Costs Associated with Environmental Changes ..	116,325

Electrical Upgrade on Dock

23,000