



Legislation Text

File #: 05-3228, **Version:** 1

Recommendation to authorize City Manager to execute an environmental consulting services contract with Earth Tech, Inc. to obtain regulatory closure of various fuel site locations and reimbursements available to the City, for a three-year term, not to exceed \$240,000 for the first year and \$160,000 for each of the next two years, with the provision of two one-year extensions to renew at the City Manager's discretion. (Districts 4,5,6,8)

In 1994, it was determined that five fuel sites located throughout the City were contaminating the groundwater. At that time, the California Regional Water Quality Control Board (CRWQCB) opened cases for each site, and the City became responsible for water testing and reporting to CRWQCB on a quarterly basis, as well as for a plan to resolve the contamination. If the City fails to comply with CRWQCB testing and reporting requirements, the CRWQCB may assess civil liability penalties, resulting in fines up to \$1,000 per day per site pursuant to Section 13268 of the California Water Code. Additional testing, monitoring and reporting expenses may be incurred through 2009 to fully resolve all of the cases. The affected sites are located at:

Tree Farm - 7600 E. Spring Street
Fire Station No.7 - 2295 Elm Street
Fire Station No. 10 -1417 Peterson Avenue
Fire Station No. 11 - 160 E. Market Street
Fire Station No. 17 - 2241 - 2247 Argonne Avenue

The testing process and CRWQCB reporting requirements are complex in nature and require technical expertise; therefore, the City has contracted with various outside engineering firms to perform these services over the years. The primary contractor for the City on these cases, from 1994 through present, has been URS Corporation. In May 2005, in an effort to foster competition and maximize value to the City, the City issued a Request for Proposals to various environmental firms and advertised in a local newspaper soliciting proposals to provide monitoring and remediation assessment services, as well as obtain reimbursements available to the City for all eligible expenses to which the City may be entitled. The City received six proposals and after examining the proposals and interviewing potential consultants, has determined that Earth Tech, Inc. would provide the best overall service required and value to the City.

This matter was reviewed by Deputy City Attorney J. Charles Parkin on August 30,2005 and by Budget Management Officer David Wodynski on September 1, 2005.

City Council authorization to enter into a contract with Earth Tech, Inc. is requested on September 20, 2005, to allow CRWQCB quarterly groundwater testing and reporting requirements to be met and avoid civil liability penalties that could be imposed for noncompliance. The contract term of three years will begin October 1, 2005 through September 30, 2008, with options for two additional one-year extensions.

The contract amount will not exceed \$240,000 for the first year and \$160,000 for each of the next two years, for a total contract amount of \$560,000 for the three-year contract term. These costs are budgeted in the Fiscal Year 2006 Proposed Budget of the Fleet Services Fund (IS 386) in the Department of Public Works. Part of Earth Tech, Inc.'s responsibilities will be to seek expense reimbursement on the City's behalf from the State Leaking Underground Fuel Tank program. The reimbursement funds will be refunded to the Fleet Services Fund (IS 386) and will be utilized for future fuel station projects.

Approve recommendation.

[Respectfully Submitted,]