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**Title:** Approve a Fourth Amendment to the Agreement with Provost and Pritchard Engineering Group, Inc., amending the scope of work for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane from Groundwater Wells (Citywide)

**Sponsors:** Department of Public Utilities

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**Attachments:** 1. Attachment 1 - 4th Amendment to Agreement.pdf, 2. Attachment 2 - Original Consultant Agreement, First, Second, and Third Amendment.pdf

Date	Ver.	Action By	Action	Result
6/13/2019	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**June 13, 2019**

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Department of Public Utilities

**THROUGH:** DEJAN PAVIC, PE, Public Utilities Manager  
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**SUBJECT**

Approve a Fourth Amendment to the Agreement with Provost and Pritchard Engineering Group, Inc., amending the scope of work for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane from Groundwater Wells (Citywide)

**RECOMMENDATIONS**

Staff recommends that City Council approve a Fourth Amendment to the Agreement with Provost and Pritchard Engineering Group, Inc., (Consultant) for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane(TCP) from Groundwater Wells (Project) and authorize the Director of Public Utilities, or designee, to execute the amendment on behalf of the City of Fresno

(City).

## **EXECUTIVE SUMMARY**

The Fourth Amendment to the Agreement with the Consultant will modify the contract scope of work by adding remedial investigation to Feasibility Study activities to determine the nature and extent of TCP contamination in groundwater and also reduce the number of wells selected for remedial design activities. The change in scope of work will not impact the total cost of the Agreement with the Consultant. On September 27, 2018, the City Council accepted entering into the funding Agreement with the State Water Resources Control Board (SWRCB) Proposition 1 Sustainability Groundwater Planning Grant Program (Grant) and approved a Third Amendment to the Agreement with the Consultant which covers the cost of the amended scope of work for the Project, as specified in the Fourth Amendment to the Agreement.

## **BACKGROUND**

In 2018, the State of California (State) established new groundwater regulations, setting the allowable maximum contaminant level at 5 parts per trillion (ppt) for TCP present in drinking water. TCP was widely used in the 1950's and 1960's as a byproduct of the application of chemicals during soil fumigation. Due to the chemicals low adsorption rate, the product does not adhere to soil after spray application which resulted in the chemical leaching into the groundwater. Any water containing elevated levels of TCP require advance levels of treatment prior to consumption.

In 2017 the State notified the City of upcoming groundwater regulations for TCP were being implemented and any continued use of TCP impacted groundwater above the Maximum Contamination Limit (MCL) of 5 parts per trillion (ppt) would require advanced treatment systems. The TCP Mitigation Feasibility Report, dated May 18, 2018, reported that 40 of the City's 260 active water wells have shown the presence of TCP above the MCL. City's utilization of surface water supplies has lessened the burden on underground water resources. However, groundwater will continue to be a necessary component of the overall City water system.

On January 31, 2017, the City hired the Consultant to provide a mitigation Feasibility Study for prioritizing well treatment options for compliance with this new State regulation. The scope of work included investigating City's well sites, TCP treatment options available, well prioritization for upgrades, and conducting field studies to evaluate TCP cleanup effectiveness. The cost for the initial work was \$268,000. A draft of the report was completed in May 2018 and sent to the State for their review and approval. On April 4, 2017, the City submitted an application to the SWRCB for the Grant, which would provide funding for programs associated with groundwater treatment. This program makes \$86 million available to develop and implement sustainable groundwater planning projects. Groundwater impacted with TCP qualifies for these Grant funds.

On December 8, 2017, a First Amendment to the Agreement was approved for preliminary design activities for Pump Station 70. The cost of this work was \$99,000. Pump Station 70 is water well impacted with various constituents, including TCP and requires continuous operation due to prior agreement. This required an expedited well design work at this site.

On January 2, 2018, the City was approved by the SWRCB to receive a \$891,500 Grant. The SWRCB also determined that the City maintains a Disadvantaged Community status, which qualifies the City for the minimum 10% grant match obligation of \$99,100. Grant funding has been structured

to offset costs the City incurred in development of the initial TCP Study and will also fund the next phase of remedial engineering design on five TCP impacted water wells.

On February 8, 2018, a Second Amendment to the Agreement was executed to extend the timeline for completion of the work to September 1, 2018. This amendment did not add any additional funding to the contract.

On October 4, 2018, a Third Amendment to the Agreement was executed for completion of the design activities related to the Grant. The scope of work included remediation system design, construction documents, bidding services and planning grant assistance for five City wells. The cost of this work was \$677,000, amending the contract value to \$1,044,000. All work related to the Third Amendment to Agreement will be completed in 480 calendar days from the authorization to proceed, which corresponds to the work schedule established in the Grant.

As a condition of the Grant, the State has requested the City expand the original scope of work to include a remedial investigation of the nature and extent of the TCP distribution in groundwater that is impacting the subject potable water wells. This would include identifying potential critical areas impacted with TCP (Study Areas), define the geological and hydrological conditions in the selected Study Areas, define the nature of the extent of the potential non-TCP contaminates that might affect potential treatment designs, develop site conceptual models for each Study Area and evaluate the mitigation by pumping strategies for the effected wells. In order to comply with the requirements of the Grant and stay within the confines of the original funding guidelines, staff has negotiated an increase in scope of work to include all the items listed above and removal of two out of five wells from the remedial design activities. The contract will now have a total of three wells included in the scope of work. The net addition/subtraction to the scope of work resulted in no net change in cost to the contract, which remains at \$1,044,000.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, the approval of the amendment does not qualify as a “project” for the purpose of CEQA.

## **LOCAL PREFERENCE**

Local preference does not apply to this action because this is an amendment to an existing agreement.

## **FISCAL IMPACT**

There is no impact the General Fund. This Project is Citywide. Funding for this Project is included in the Grant to mitigate TCP in groundwater. The matching funds required for this Project have been appropriated from retained earnings in Water Division’s Fiscal Year 2019 Water Enterprise Fund 40101. The Project was also included in the water rate model used to create the five-year utility rate plan that was adopted by the City Council on February 26, 2015.

### **Attachments:**

Attachment 1 - Fourth Amendment to Agreement

Attachment 2 - Original Consultant Agreement, First, Second, and Third Amendment to Agreement