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Title: Actions related to Amendment No. 14 to the Engineering and Related Environmental Support Services Agreement with ERM-West, Inc.:

1. Affirm the City Manager’s determination that ERM-West, Inc., is uniquely qualified to perform environmental and remedial services at Fresno Yosemite International Airport
2. Approve Amendment No. 14 to the Agreement between City of Fresno and ERM-West, Inc., to provide ongoing engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport for an amount not to exceed \$361,014, for a total contract amount of \$4,674,925 (Council District 4)

Sponsors: Airports Department

Indexes:

Code sections:

Attachments: 1. ERM-West Site Map (Accessible).pdf, 2. ERM-West Amendment 14 to 2006 Agreement.pdf, 3. ERM-West Uniquely Qualified Memo.pdf

Date	Ver.	Action By	Action	Result
3/10/2022	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: HENRY L. THOMPSON, Director of Aviation
Airports Department

THROUGH: MARK W. DAVIS, Airports Planning Manager
Airports Department

BY: RICHARD L. MADRIGAL, Airports Projects Supervisor
Airports Department

SUBJECT

Actions related to Amendment No. 14 to the Engineering and Related Environmental Support Services Agreement with ERM-West, Inc.:

1. Affirm the City Manager’s determination that ERM-West, Inc., is uniquely qualified to perform environmental and remedial services at Fresno Yosemite International Airport
2. Approve Amendment No. 14 to the Agreement between City of Fresno and ERM-West, Inc., to provide ongoing engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport for an amount not to exceed \$361,014, for a total contract amount of \$4,674,925 (Council District 4)

RECOMMENDATION

Staff recommends that City Council affirm the City Manager's determination that ERM-West, Inc., is uniquely qualified to perform environmental and remedial services associated with groundwater contamination emanating from Fresno Yosemite International Airport (FAT) and to authorize the Director of Aviation or designee to execute Amendment No. 14 to the Agreement with ERM-West, Inc. (ERM) for remediation actions in calendar year 2022 in an amount not to exceed \$361,014.

EXECUTIVE SUMMARY

Environmental clean-up of groundwater contamination that emanated from a military aircraft maintenance facility, at the then named Hammer Field, currently FAT, has been ongoing for 31 years. An Operating Agreement entered by the City, United States Army Corps of Engineers (USACE), and The Boeing Company pursuant to a Settlement Agreement ensures that the ongoing clean-up is coordinated by the parties including the selection and retention of consultants and contractors. The parties have determined that ERM continues to be the most qualified consultant to manage the clean-up effort and the required coordination with the Central Valley Regional Water Quality Control Board (CVRWQCB). One of the conditions of the Settlement Agreement requires that the City execute all related agreements entered under the Operating Agreement on behalf of all parties. Amendment No. 14 is for work in calendar year 2022.

BACKGROUND

Oversight for the clean-up is accomplished through the California Department of Toxic Substances Control and CVRWQCB. Financial responsibility for the clean-up has been negotiated and cost allocations are identified in the Settlement Agreement reached among the City, USACE and Boeing. Under the terms of the Settlement Agreement the USACE was deemed responsible for 68%, Boeing for 22%, and the City for 10% of total clean-up costs beginning September 16, 2010, and to remain in effect until the State is satisfied that the clean-up is complete. The Operating Agreement entered by the City, USACE, and Boeing pursuant to the Settlement Agreement ensures that the ongoing clean-up is coordinated by the parties including the selection and retention of consultants and contractors.

The USACE and their subcontractor, North American Aviation (subsequently bought by Boeing), operated an extensive aircraft maintenance facility on what was then called Hammer Field in the late 1940s through the 1950s. Groundwater contamination emanating from the former North American Aviation site was discovered in the 1980s. Clean-up activities began in 1990 and have included the installation of a soil vapor extraction system, monitoring wells, water treatment systems, related piping, operations and maintenance, system monitoring, and coordination with the State. The extent of clean-up at and around FAT is shown on the attached site map.

Substantial progress has been made over the years, including a recent determination by the State that the soil vapor extraction system has successfully removed the source area contamination (P-3 hangar), which was decommissioned and removed in 2012. However, completion of the overall clean-up effort and 100% clearance by the State is still many years away. It is anticipated that the City will propose additional amendments to this Agreement in the future.

In regard to the past work that ERM has performed for the City our experience has been that they have performed professionally and have maintained a very productive working relationship with the

USACE, Boeing, and the State of California. ERM-West, Inc., is a California corporation and they continue to operate out of their Fresno office for this project.

The current Agreement with ERM, the parties' remediation contractor identified in the Settlement Agreement, was executed on December 21, 2006, and included work through calendar year 2010. Amendment No. 1 was executed on February 4, 2011, and included work through calendar year 2011. Amendment No. 2 was executed on February 17, 2012, and included work through calendar year 2012. Amendment No. 3 was executed on December 11, 2012, and included work through calendar year 2013. Amendment No. 4 was executed on September 16, 2013, and included additional work for the installation of a replacement injection well, known as HFIW-2. Amendment No. 5 was executed on January 30, 2014, and included work through calendar year 2014. Amendment No. 6 was executed on September 8, 2014, and included additional work for the decommissioning of nine monitoring wells which had gone dry due to receding regional groundwater levels, and for the repair of five well boxes. Amendment No. 7 was executed on February 2, 2015, and included work through calendar year 2015. Amendment No. 8 was executed on March 21, 2016, and included work through calendar year 2016. Amendment No. 9 was executed on December 8, 2016, and included work through calendar year 2017. Amendment No. 10 was executed on March 27, 2018, and included work through calendar year 2018. Amendment No. 11 was executed on March 16, 2019, and included work through calendar year 2019. Amendment No. 12 was executed on February 27, 2020. Amendment No. 13 was executed on December 10, 2020, and included work through calendar year 2021. The parties, pursuant to the Operating Agreement, concur with the City retaining and contracting with ERM-West to perform the scope of work in Amendment No. 14, which has been mandated by the State. (Refer to attached Amendment No. 14.)

With the execution of Amendment No. 14 for an amount not to exceed \$361,014 the total fee for satisfactory performance of all services required or rendered pursuant to the Agreement and all successive amendments, shall not exceed \$4,674,925. The City Attorney has reviewed Amendment No. 14 and has approved as to form.

ENVIRONMENTAL FINDINGS

Findings of Class 1, Class 7, and Class 30 Categorical Exemptions for this item were approved by the City Council on January 13, 2011. The activities contemplated by the award of this amendment were encompassed by the previous findings of Categorical Exemptions. Therefore, all necessary environmental review required by CEQA has been completed.

LOCAL PREFERENCE

Local Preference was not implemented because this is an amendment to an existing contract.

FISCAL IMPACT

The City's financial responsibility for Amendment No. 14 is \$36,101 (10% of total cost). Funding will be provided by Airport Revenues and is partially included in the Department's FY 2022 adopted budget. The remaining amount will be included in the Department's FY 2023 budget request. There is no impact to the City's General Fund from this action.

Attachments:

- Site Map

- Amendment No. 14
- Uniquely Qualified Memo