

COOPERATIVE AGREEMENT MODIFICATION

MODIFICATION NO: P00010

AGREEMENT NO: W9128F-07-2-0162

EFFECTIVE DATE: 31 March 2019

PR NO: W31RYO90771220

This is a **bilateral** modification (supplemental agreement) reflecting other agreements of the parties, modifying the terms and conditions of the Cooperative Agreement. The Recipient **is required** to execute and return one copy of this modification to the Grants Officer.

DESCRIPTION OF MODIFICATION

The purpose of this modification is to effect mutually agreed changes to the Cooperative Agreement, pursuant to the amendment of Title 10, United States Code §2701(d), as enacted by the National Defense Authorization Act.

--- SEE CONTINUATION PAGE(S) ---

ACCOUNTING AND APPROPRIATION DATA: 097 NA X 2008 0516 000 50C1 CCS: NA A0 2008 08 8130 63A42007000
01110 2540 K680J0 NA LB41LF

INCREASE \$343,455.00

EXECUTION OF MODIFICATION

FOR THE RECIPIENT:

Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933-6006

FOR THE UNITED STATES OF AMERICA:

U.S. Army Corps of Engineers, Huntsville Center
ATTN: CEHNC-CTB/Sharon Butler
5021 Bradford Drive
Huntsville, AL 35805

(SIGNATURE)

(SIGNATURE)

MICHAEL A. HOULEMARD, JR.

(NAME)

SHARON H. BUTLER

(NAME)

EXECUTIVE OFFICER

(TITLE)

GRANTS OFFICER

(TITLE)

(DATE)

(DATE)

The purpose of this Modification is to amend the Environmental Services Agreement (ESCA) to add additional requirements and add funding in the amount of \$343,455. CLINs No. 0001A, 0001B & 0003A are being added as “variable price” line items to address the work required for Items Related to Achieve Site Closure, Items Not-Related to Achieve Site Closure and Items Related to Achieve Site Closure and Items Not-Related to Achieve Site Closure Administrative Cost starting March 31, 2019 for ESCA efforts requiring incremental resource commitments. Payments to FORA will be verified and the Army’s representative will confirm the validity of the monthly Progress Report in 15 working days or less. No response from the Army within the designated time frame will constitute confirmation of validity. As a result of this modification, the maximum funding obligation has been increased by \$343,455 from \$106,162,391 to \$106,505,846.

- A. **Revise Section B, Paragraph 2.1. as follows:** The federally funded term of this ESCA shall begin upon the effective date until 30 June 2028 (or as identified in Table 1 below).
- B. **Revise Section B, Paragraph 5.1. as follows:** The maximum funding obligation of the Government to the recipient for the terms of this agreement is \$106,505,846.

TABLE 1

Description	Period of Performance	Original Obligation	New Obligation	Maximum Obligation
Line Item No. 0001 Environmental Services	1 March 2007 – 30 June 2028	\$95,760,532	N/A	\$95,760,532
Line Item No. 0001A Environmental Services Post-Cost-Cap Insurance - Hourly	31 March 2019 – 31 July 2019		\$192,201	\$192,201
Line Item No. 0001B Environmental Services Post-Cost-Cap Insurance - Lump-Sum	31 March 2019 – 31 July 2019		\$134,899	\$134,899
Line Item No. 0002 Department of Toxic Substance Control (DTSC and United States EPA) Technical Oversight Services	1 March 2007 – 31 Dec 2019	4,301,568	N/A	4,301,568

Line Item No. 0003 FORA ESCA Administrative Funds	1 April 2017 – 30 June 2020	\$1,865,848	N/A	\$1,865,848
Line Item No. 0003A FORA ESCA Administrative Oversight Post- Cost-Cap Insurance	31 March 2019 – 31 July 2019	N/A	\$16,355	\$16,355
Line Item No. 0004 Post-Closure MEC Find Assessments	1 Jul 2020 – 30 June 2028	\$528,651	N/A	\$528,651
Line Item No. 0005 Long Term/LUCs Management	1 Jul 2020 – 30 June 2028	\$3,705,792	N/A	\$3,705,792
Total Obligation		\$106,162,391	\$343,455	\$106,505,846

C. Add Section F as follows:

Section F

**ESCA Related Items to Achieve Site Closure Post-Insurance March 30, 2019 Expiration
And
ESCA Not-Related Items to Achieve Site Closure Post-Insurance March 30, 2019 Expiration
Scope of Work**

1. ESCA Related Items to Achieve Site Closure Post-Insurance March 30, 2019 Expiration

Scope and Assumptions

- FORA Admin Support
 - FORA Management/Review
 - FORA Administrative support
 - FORA Accounting support

ARCADIS/Weston/Westcliffe Scope

- Program Management (Arcadis, Weston, and Westcliffe)
 - Program Management and Coordination
 - Meetings and Conference Calls
 - FORA Conference Call Preparation and Participation

- Agency Conference Call Preparation and Participation
 - Team Coordination Conference Call Preparation and Participation
 - Monthly Regulatory Meeting Preparation and Participation (convert to Conference Calls)
- Monthly AOC Reporting to EPA
- DTSC and EPA Program Support
 - Agency management briefings, coordination, and correspondence
- EPA Certificates of Completion Coordination
 - Seaside, Parker Flats Phase II, and Future East Garrison MRAs
- Correspondence Management
- Documentation Management
- Project File transmittal to FORA
- MRA Site Closeout Coordination with FORA
 - Seaside, Parker Flats Phase II, and Future East Garrison MRAs
- NPL Delisting Documentation
 - Army mapping, categorization, and documentation summary confirmation review
 - Army, EPA, and FORA coordination support to complete above summary
- Administrative Support
 - Contracting
 - Project Set-up and Financial Management
 - Account Tracking
 - Invoicing
- Land Use Controls Implementation Plan / Operation and Maintenance Plan (LUCIP/OMP)
 - Group 1 and Track 2 / Phase I Parker Flats MRA LUCIP/OMP Consistency Coordination
 - Agency and Army Coordination
 - Plug-In/2-into-1 Plan Approach and Completion
 - Comparison Matrix
- Statements of MEC Removal
 - Seaside, Parker Flats Phase II, and Future East Garrison MRAs
 - Army BRAC and Army HQ review and comment revisions coordination
 - USATCES review and comment revisions coordination
 - DDESB acknowledgement receipt coordination
- DTSC Remedial Action Completion Form Support
 - Seaside, Parker Flats Phase II, and Future East Garrison MRAs
- Covenants to Restrict Use of Property (CRUPs)
 - CRUP Re-Organization Coordination with DTSC
 - CRUP revisions and reviews

Assumptions

- Arcadis subcontractor travel costs not included
- MMRP database submittals acknowledged as complete with Army
- Habitat database submittals through 2018 acknowledged as complete with Army
- Community outreach program complete (no effort after March 30, 2019)
 - No jurisdiction training support
 - No public meetings or Army Bus Tour/Open House support

- No FORA support
 - No social media and website support
- No Record of Decision (ROD) Amendment or Explanation of Significant Differences (ESD) required for Group 1 and Track 2 / Phase I Parker Flats MRA LUCIP/OMP Consistency Completion
- Final Group 1 and Group 4 LUCIP/OMPs submitted
- Pre-certification Inspections complete with Army, EPA, and DTSC
 - Seaside, Parker Flats MRA Phase II, and Future East Garrison MRAs
- Statements of MEC Removal review complete with FORA
 - Seaside, Parker Flats MRA Phase II, and Future East Garrison MRAs
- Statements of MEC Removal DDESB receipt acknowledgement for Interim Action Ranges MRA received by March 30, 2019
- CRUP Covenantor resolution complete between Army, DTSC, and FORA
- Legal descriptions complete to support CRUPs and deeds by March 30, 2019
 - Laguna Seca Parking MRA
 - Interim Action Ranges MRA
 - Parker Flats MRA Track 2/Phase I
 - Parker Flats MRA Phase II
 - Seaside MRA
 - Future East Garrison MRA
- FORA long-term obligations addressed separately

2. ESCA Not-Related Items to Achieve Site Closure Post-Insurance March 30, 2019 Expiration

Scope and Assumptions

- FORA Admin Support
 - FORA Management/Review
 - FORA Administrative support
 - FORA Accounting support

ARCADIS/Westcliff/Weston Scope

- Property Management Support (non-transferred property)
 - Fence and signage inspections
 - Repair and maintenance
 - FORA signage removal at property transfer
- Habitat monitoring program continuation (non-transferred property)
 - Erosion inspections and mitigation measures
 - Future East Garrison and Parker Flats MRAs
 - Weed inspections and mitigation measures
 - Future East Garrison and Parker Flats MRAs
 - Habitat monitoring surveys
 - Future East Garrison MRA
 - 2019 Draft and Final annual natural resources report submittal to Army
 - 2019 Draft and Final annual natural resources database submittal to Army
- Interim Action Ranges MRA habitat restoration monitoring program continuation
 - Erosion inspections and mitigation measures
 - Weed inspections and mitigation measures
 - Habitat restoration monitoring surveys
 - Adaptive management
 - 2019 Draft and Final annual natural resources report submittal to Army
 - 2019 Draft and Final annual natural resources database submittal to Army

Assumptions

- FORA transfers ESCA properties to jurisdictions by December 31, 2019
- FORA or their successor are required to fulfill the ESCA Habitat Monitoring and Reporting obligations (not the jurisdictions)
- Remaining FORA responsibilities transfer to jurisdictions with transfer
- Participation in 2020 Army/US Fish and Wildlife annual meeting not included
- FORA long-term obligations addressed separately

Exclusions:

- Habitat monitoring continuation following property transfer to Jurisdictions
- Interim Action Ranges MRA habitat restoration monitoring continuation following property transfer to Jurisdictions

- D. All other terms and conditions of the original Fort Ord ESCA, and associated Technical Specifications and Requirement Statement (TSRS) remain in effect and the Recipient responsibilities remain unchanged.**