

FORT ORD REUSE AUTHORITY

Resolution 19-05

Contractors Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. are Uniquely Qualified to Provide Long-Term Obligation Support Services Until 2028 Pursuant to an Amendment to the Environmental Services Cooperative Agreement ("ESCA"), between the U.S. Army ("Army") and FORA; 2) the Issuance of a Request for Proposals to these Uniquely Qualified Firms to Propose Terms for the Provision of these Support Services is Appropriate; and 3) the Executive Officer is Authorized to Enter into a Contract for Said Services on a Limited Competition Basis.

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, in 2007, FORA and the Army entered into an ESCA for removal of remnant Munitions and Explosives of Concern ("MEC") on 3,340 acres ("ESCA parcels") of the former Fort Ord.
- B. WHEREAS, in 2005, FORA competitively selected Arcadis and their team of contractors Weston Solutions, Inc. and Westcliffe Engineers, Inc. to perform MEC remediation services.
- C. WHEREAS, in 2007, FORA entered a Remedial Services Agreement ("RSA") with Arcadis for services that would terminate once ESCA parcels have received Regulatory Certificates of Completion for the MEC work.
- D. WHEREAS, in 2007, FORA also entered an Administrative Order on Consent ("AOC") with the U.S. Environmental Protection Agency and California Department of Toxic Substance Control (collectively referred to as "Regulators") defining FORA's regulatory obligation to complete the Army's "ESCA parcels" MEC remediation obligation.
- E. WHEREAS, in 2017, for the term after Regulatory Certificates of Completion are issued through June 30, 2028, FORA and the Army amended the ESCA so that FORA will provide the Army with (1) ESCA property long-term Land Use Control ("LUC") Management and (2) Post-Closure MEC Find Assessment Services ("Long-Term Obligation Support Services"), with FORA contracting out for these services for an amount not to exceed \$1,328,741, such funds to be provided by the Army.
- F. WHEREAS, in 2019, after significant work under the RSA, Army received Regulatory Certificates of Completion on the ESCA parcels.
- G. WHEREAS, in 2019, upon Regulatory Certificates of Completion receipt, Arcadis and FORA's RSA terminates.
- H. WHEREAS, in 2019, after Regulatory Certificates of Completion have been issued, FORA is under contract with the Army to provide Long-Term Obligation Support Services associated with the ESCA parcels until June 30, 2028.
- I. WHEREAS, inasmuch as the Army is funding costs associated with FORA's ESCA Long-Term Obligation Support Services, the purpose of this Resolution is to authorize FORA staff to enter into a contract with limited competition that will satisfy those obligations.

J. WHEREAS, in 2019, the firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. are uniquely qualified to provide Long-Term Obligation Support Services due to:

1. These contractors having direct experience with the ESCA parcels in developing, implementing and completing all ESCA required documentation to receive Regulatory Certificates of Completion since 2007 including MEC Remediation Work Plans, MEC Hazard Assessments, Records of Decision, Land Use Control Plan/Operations and Maintenance Plans;
2. Since these contractors performed the RSA, they have developed unique instructional and operational knowledge of the ESCA documents, affected property and LUCs;
3. These contractors created and processed the first and only MEC Find Assessment applicable to ESCA parcels and which received subsequent Regulatory Approval;
4. The 12-year relationship with the Regulators, the impacted jurisdictions, local stakeholders, and the Army establish a special and irreplaceable knowledge base; and
5. These contractors have been recognized in public and in industry review for their professional, qualified, efficient and careful practices in performing the highly specialized and complex requirements of the MEC remediation services.

K. WHEREAS, on June 30, 2020, FORA is anticipated to transition and FORA's ESCA responsibilities will be assumed by an ESCA successor.

NOW THEREFORE the Board hereby resolves that:

1. The contracting firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. are uniquely qualified to provide FORA and/or its ESCA Successor with Long-Term Obligation Support Services.
2. A Request for Proposals is authorized to be issued to the firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. to provide Long-Term Obligation Support Services under contract to FORA and its successor until June 30, 2028.
3. The FORA Executive Officer is authorized to accept proposals from each of these firms to provide FORA and its successor with multiple qualified contractors to support Long-Term Obligation Support Services until June 30, 2028, thereby allowing flexibility for FORA or its successor to mix and match contractor, staffing and availability with ESCA property management, at a cost not to exceed \$1,328,741.

Upon motion by Adams seconded by Gaglioti, the foregoing Resolution was passed on this 10th day of May, 2019, by the following vote:

AYES: PARKER, ADAMS, GAGLIOTI, O'CONNELL, MORTON, HAFFA, WIZARD, CARBONE, REIMERS.

NOES:

ABSTENTIONS:

ABSENT: PHILLIPS, OGLESBY, GUNTER, GARFIELD.

ATTEST:


Michael A. Houlemard, Jr., Secretary


Supervisor Jane Parker, Chair