


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Environmental Services	<b>CEQA:</b> Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.	<b>Coordination:</b> City Attorney's Office; City Manager's Budget Office  The Treatment Plant Advisory Committee will consider this item on February 11, 2021	<b>Dept. Approval:</b> /s/ Kerrie Romanow
<b>Council District(s):</b> City-Wide			<b>CMO Approval:</b>  2/1/2021

**SUBJECT: SECOND AMENDMENT TO THE MASTER CONSULTANT AGREEMENT WITH GOLDER ASSOCIATES FOR ENVIRONMENTAL SUPPORT SERVICES**

**RECOMMENDATION:**

Approve the Second Amendment to the Master Consultant Agreement with Golder Associates (Master Agreement) for environmental consulting services, increasing the amount of compensation by \$250,000, for a total agreement not to exceed \$1,250,000 with no extension in the term of the agreement, set to expire on June 30, 2021.

**BASIS FOR RECOMMENDATION:**

On April 25, 2017, after a competitive procurement, Council awarded Golder Associates (Golder) the Master Agreement for Consultant Services totaling \$500,000. On May 21, 2019, Council authorized a First Amendment to the Master Agreement increasing the total in the Master Agreement to \$1,000,000. The Environmental Services Department (ESD) has issued 31 Service Orders to date, totaling \$886,198 for various projects, including operation and maintenance of the landfill gas flare and collection system at the former Singleton Road Landfill (\$420,000), repair of the groundwater extraction system at the SAP Center (\$75,000), contamination investigations at the San José Fire Training Facility (\$140,000) and a solvent investigation at the former Nine Par property across from the Regional Wastewater Facility (\$70,000) and a variety of other environmental support work (\$180,000 plus). The \$500,000 capacity of the previous amendment was used much quicker than expected mainly due to the unanticipated emergency repairs and increased maintenance on the Singleton Road Landfill gas flare due to an ageing system that is in need of replacement exacerbated by the growing incidents of vandalism over the last year. Incidents include but are not limited to the destruction of the flare control panel and electrical box, theft of propane that is needed to start the flare, repeated fence cuts, and large grassfires that have damaged the flare and collection system. The City has been issued three Notices of Violations from the Bay Area Air Quality Management District over the last 18 months due to the inability to meet flare permit operating conditions, which may result in fines. Neighbors have also been experiencing an increase in homeless break-ins and encounters.

The purpose of this increase is to allow Golder to assist Public Works on the design and construction bid to replace the flare and rebuild the collection system that are at the end of their useful lifespan. But more importantly, the increase will allow much needed replacement to prevent inoperability that would lead to even more costly emergency repairs, additional regulatory violations, and further risk of landfill gases migrating into the surrounding neighborhood causing a potential explosive condition. With this amendment, Golder will continue its work enabling the City to operate the landfill gas flare to ensure the safety of nearby residents and ensure that the City meets regulatory operating requirements. Golder has developed a specialized knowledge of the site and equipment and has successfully responded to numerous emergency callouts when the flare has failed in the past several years, but most notably over the last year. Without this contract increase, Public Works will need to spend an additional six months or more procuring a consultant to help design and prepare construction bid documentation for the replacement and rebuild. This would increase

the risk of vandalism and permit violations. It is critical to accelerate the rebuild of the landfill gas flare and collection system over the next year to prevent further issues, improve onsite security, and ensure regulatory compliance.

Increasing the Master Agreement's maximum total compensation from \$1,000,000 to \$1,250,000 will allow the City to continue to expedite the needed rebuild of the flare and collection system to meet the regulatory requirements and ensure public safety in the most cost effective and timely manner. The City is preparing a new Request for Quotations (RFQ) which is expected to be released in the Spring, 2021.

Climate Smart San José: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: No commission recommendation or input is associated with this memo. This item is scheduled to be heard at the February 11, 2021 TPAC meeting.

**COST AND FUNDING SOURCE:**

Services performed by Golder under this agreement will be authorized by Service Orders. An appropriation is not required for execution of the Master Consultant Agreement but is required for each Service Order authorized under this agreement. The source of funding is 001 – General Fund (Story Road Landfill)  
\$250,000

**FOR QUESTIONS CONTACT:** Jennifer Voccola-Brown, Environmental Sustainability Manager at 408-975-2594