



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kerrie Romanow  
Matt Cano

**SUBJECT:** SEE BELOW

**DATE:** May 12, 2022

Approved

Date

5/12/2022

**COUNCIL DISTRICT: 4**

**SUBJECT: MASTER SERVICE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR LEGACY LAGOON CLEAN UP PHASE 2 PROJECT AT THE SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY**

## **RECOMMENDATION**

Approve the consultant Master Service Agreement with Kimley-Horn and Associates, Inc. for engineering design and construction support services for Legacy Lagoon Phase 2 (Phase 2 Project) at the San José-Santa Clara Regional Wastewater Facility, for a full term through June 30, 2028, and a maximum not to exceed amount of \$3,000,000, subject to the appropriation of funds.

## **OUTCOME**

Approval of a Master Service Agreement with Kimley-Horn and Associates, Inc. will provide engineering design and construction support services for the Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility (RWF). The Phase 2 Project will allow the City of San José (City) to comply with Site Cleanup Requirements in the Order No. R2-2019-0026 (Order) issued by the San Francisco Bay Regional Water Quality Control Board (Water Board).

## **BACKGROUND**

From 1962 to 1974, the RWF accumulated the residuals from its solids treatment process (biosolids) in a series of 25 bermed lagoons (Legacy Lagoons) located north of the RWF's main operational area (Attachment 1). No additional material has been placed in these lagoons since 1974.

During the period the lagoons were actively used, the RWF treated waste from industrial activities that were not yet subject to pretreatment requirements of the 1972 Clean Water Act. Sampling and analysis of the legacy biosolids over the last 30 years has characterized the biosolids material as potentially hazardous waste under California law due to concentrations of cadmium, lead, and chromium that exceed disposal thresholds. As part of the San José/Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report, adopted on November 19, 2013, the City recognized and approved the remediation of the inactive Legacy Lagoons. Once remediation of the inactive Legacy Lagoons is completed, most of the area would become available for either future operational or capital use.

In August 2019, the Water Board issued Order No. R2-2019 0026 which mandated the City, as the Administrator of the RWF, to remediate the inactive Legacy Lagoons by November 1, 2023. In addition, the Order required prioritization of the cleanup and closure of a subset of the Legacy Lagoons: specifically, L-16 to L-19 by January 2021 to meet the timeline and realignment of the adjacent South Bay Shoreline Levee Project. Pursuant to this requirement, Phase 1 of the two-phased Legacy Lagoon project was completed on time. On September 1, 2020, the Water Board accepted the City's request for a time extension of the Order, recognizing opportunities to incorporate lessons learned from Phase 1 of the project and minimize the potential construction scheduling conflicts with the US Army Corps of Engineers' Shoreline Levee Project; hence, the Water Board agreed to allow a new completion date of no later than November 30, 2027. The approved cleanup approach is to consolidate and cap the biosolids into a smaller footprint within the project area, which is a common practice that balances environmental health, public safety, and cost effectiveness.

During Phase 1, the biosolids material from inactive lagoons L-16 through L-19 was excavated and transported to Lagoons L-9 and L-10 and was consolidated with a temporary cap in accordance with the approved geotechnical recommendations.

The Phase 2 Project will relocate the biosolids material from the remaining inactive lagoons to the consolidation area L-9 through L-12 and will install a permanent cap. The City will also implement the required compensatory mitigation at that time to offset the overall project impacts to waters of the U.S. and California in a manner and for an acreage to be determined in consultation with the regulators. Mitigation will include creation/restoration of habitat, like that which was impacted within the Legacy Lagoons or the purchase of in-kind mitigation credits.

## **ANALYSIS**

The City issued a Request for Proposal (RFP) on December 6, 2021, seeking interested firms to submit proposals for consulting services for engineering design and construction support activities for the Phase 2 Project. A total of 27 firms, including marketing firms, viewed and downloaded the RFP. The City received one proposal from Kimley-Horn and Associates, Inc.

Possible reasons for receiving only one proposal may be due to the nature of the work, timing of the project, resource availability, the lack of familiarity of Phase 1, and location of the project. A five-member panel evaluated the proposal based on the following criteria:

- General Requirements (10%)
- Experience and Qualifications (30%)
- Project Approach (25%)
- Technical Capabilities (25%)
- Classification as Local/small firm (10%)

The panel rated Kimley-Horn and Associates, Inc., as highly qualified with a score of 81 of 100 possible points to provide the required services. References for Kimley-Horn and Associates, Inc. confirmed a positive track record and direct experience in fulfilling the scope of work for the Project. The RFP process encourages participation by awarding additional points to local and small firms, as identified by San José Municipal Code. The selected firm, Kimley-Horn and Associates, Inc. qualified as having a local office in San José. A notice of intent to award was issued on February 16, 2022, and no protests were filed.

## **CONCLUSION**

Based on staff's evaluation of the proposal received from Kimley-Horn and Associates, Inc., staff considers the submitted proposal acceptable and recommends awarding the Phase 2 Project to this firm.

## **EVALUATION AND FOLLOW-UP**

Construction for this Phase 2 Project is anticipated to start in 2024; thus, staff anticipates returning to the Treatment Plant Advisory Committee and City Council for the award of the construction work in the summer of 2024.

## **CLIMATE SMART SAN JOSE**

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

## **PUBLIC OUTREACH**

To solicit contractors, this project was listed on Biddingo. The complete solicitation package and project information for all Department of Public Works construction projects are available on Biddingo for interested contractors, contractor organizations, and builders' exchanges. This memorandum will be posted on the City's website for the May 24, 2022, City Council agenda.

## **COORDINATION**

This project memorandum has been coordinated with the City Attorney's Office, Finance Department, City Manager's Budget Office, and the Planning, Building and Code Enforcement Department.

## **COMMISSION RECOMMENDATION/INPUT**

This item is scheduled to be heard at the Treatment Plant Advisory Committee meeting on May 19, 2022. A supplemental memorandum with the Committee's recommendation will be included in the amended May 24, 2022, City Council meeting agenda.

## **FISCAL/POLICY ALIGNMENT**

This project is consistent with the Plant Master Plan objectives of efficient operations (maximizes long-range efficient use of the RWF's existing facilities and reduces the footprint of the biosolids treatment area), and habitat (reduces long-term threat to habitat).

## **COST SUMMARY/IMPLICATIONS**

Funding for service orders issued under the Master Service Agreement will be made available from the San Jose/Santa Clara Treatment Plant Operations & Maintenance Fund (Fund 513). Funds will be encumbered as needed from various project appropriations when service orders are developed and will not exceed the aggregate amount of \$3,000,000. All encumbrances will be subject to the appropriation of funds.

HONORABLE MAYOR AND CITY COUNCIL

May 12, 2022

**Subject: Master Service Agreement with Kimley-Horn and Associates, Inc. for Legacy Lagoon Clean Up  
Phase 2 Project at the Wastewater Facility**

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**CEQA**

Addendum to San José/Santa Clara Water Pollution Control Plant Master Plan Final  
Environmental Impact Report (Resolution No. 76858), File No. ER20-007.

/s/  
KERRIE ROMANOW  
Director, Environmental Services Department

/s/  
MATT CANO  
Director, Public Works Department

For questions, please contact Amit Mutsuddy, Deputy Director, Environmental Services  
Department, at (408) 635-2007.

Attachment 1: Location Map

Pond A 18 / San Francisco Bay

Active Bio solids Lagoons

Proposed Consolidation of L9 through L12

Phase I of Consolidation implementation of (L16 through L19)

Phase II of Consolidation Implementation (L1 through L-3, L-5 through L-7)

Phase II of Consolidation Implementation (L-15 through L-25)

Zanker Road Landfill

Storm Water Retention Basin

Regional Bomb Disposal Training Area

Regional Wastewater Facility

