

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

March 14, 2023

FROM

DONALD DAY, Director, Project & Facilities Management Department

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Amendment to Contract with Tetra Tech, Inc. for Chino Airport Groundwater Remediation Project

RECOMMENDATION(S)

Approve **Amendment No. 2** to **Contract No. 18-144** with Tetra Tech, Inc. to continue professional services related to the Chino Airport Groundwater Remediation Project, expanding the Scope of Services to better define the current and additional tasks needed to comply with the Cleanup and Abatement Order from the Regional Water Quality Control Board – Santa Ana Region, and to update the Notices section of the Contract, increasing the contract amount by \$5,954,434, from \$6,381,741 to a total amount of \$12,336,175, and extending the contract term for an additional five years, for the total contract term of April 1, 2018 to March 31, 2028. (Presenter: Donald Day, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). To date, the Board of Supervisors (Board) allocated \$46,000,000 of Discretionary General Funding for expenses associated with the groundwater investigation and remedial project, known as the Chino Airport Groundwater Remedial Action Project (Project), including \$36,000,000 in a capital improvement program project budget plus \$10,000,000 set aside in the Chino Plume Needs Reserve (Reserve). On August 9, 2022 (Item No. 18), the Board approved the use of \$15,000,000 from the Reserve to fund the Project for property acquisitions and consultant services, leaving \$10,000,000 in the Reserve for future use. Sufficient appropriation exists in the Project (WBSE 10.10.0556) to fund the increased contract amount of \$5,954,433.60.

BACKGROUND INFORMATION

On October 31, 1990, the Regional Water Quality Control Board – Santa Ana Region (Water Board) issued Clean-up and Abatement Order No. 90-134 to the County for suspected contamination of groundwater beneath and near the Chino Airport (Airport). The groundwater is suspected to have been contaminated due to past usage of volatile organic compounds (VOCs) by prior occupants of the Airport property. The County complied with this order by conducting

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activities at the Airport to identify potential sources of contamination, by characterizing identified source areas and remediating discovered soil contamination within the confines of the Airport.

On February 12, 2002 (Item No. 43), the County awarded a contract to Tetra Tech, Inc. (Tetra Tech) for consultant services through a Request for Proposal (RFP) process. Under the contract, Tetra Tech prepared various work plans to investigate and characterize the soils and the groundwater contamination beneath the Airport. During 2003-04, this work included installation of groundwater monitoring wells and commencement of a groundwater sampling program to determine the extent of the groundwater contamination. In 2004-05, Tetra Tech investigated soils at the Airport and installed additional groundwater monitoring wells on the Airport property.

On October 17, 2006 (Item No. 16), the County awarded a new contract to Tetra Tech to continue the characterization work as the previous work identified the Airport property as a likely source of contamination. The contract with Tetra Tech allowed the County to maintain its project monitoring continuity and retention of a firm knowledgeable with the Water Board's requirements. The contract approved in 2006 was amended several times in order to increase the scope of work as Tetra Tech's work helped the County understand the extent of groundwater contamination at and around the Airport property. For example, starting in 2007, Tetra Tech began investigation of possible groundwater contamination downgradient of the Airport property.

In June 2008, the Water Board issued Clean-up and Abatement Order No. R8-2008-0064, which required the County to conduct additional soil and groundwater investigations and develop remedial action plans for containment and mitigation of VOCs in groundwater downgradient of the Airport. The County has complied with this order with continuing assistance from Tetra Tech. Work by Tetra Tech to delineate the vertical and horizontal extent of the VOC impacts continued from 2008 through 2012. The impacts were documented by reports Tetra Tech submitted to the Water Board in December 2014 and April 2015. Based on this characterization and delineation work, Tetra Tech prepared for the County a Feasibility Study, which was submitted timely to the Water Board, pursuant to the 2008 Order, on August 8, 2016.

On January 11, 2017, the Water Board issued Cleanup and Abatement Order (CAO) No. R8-2017-0011, which supersedes the previous order issued in 2008, and continues the requirements for the County to complete the groundwater investigation and added a new reporting requirement.

As part of the investigation, Tetra Tech assisted the County in preparation of a Final Feasibility Study (May 2017) to identify and evaluate options to properly mitigate environmental impacts from past operations and historic activities at the Airport. The result of the Final Feasibility Study was preparation of the Interim Remedial Action Plan (IRAP), which identifies the work required to remediate the VOCs found in groundwater. The purpose of the IRAP is to summarize the environmental conditions at the Airport and use technical data to explain the selection of the preferred remedial actions that will protect public health and the environment. The IRAP was developed as required by CAO No. R8-2017-0011.

On March 20, 2018 (Item No. 47), the Board approved Contract No. 18-144 with Tetra Tech in the amount of \$3,510,540.63, for the period April 1, 2018 through March 31, 2023, to continue the provision of consulting services including remedial design and construction oversight, by Tetra Tech relating to the 2017 Water Board's Cleanup and Abatement Order.

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The IRAP was approved by the Board on January 29, 2019 (Item No. 24), and after multiple reviews by the Water Board, the IRAP was submitted to the Water Board for final approval in May of 2020. The IRAP was approved by the Water Board on November 4, 2020.

On November 16, 2021 (Item No. 30), the Board approved Amendment No. 1 to Contract No. 18-144 increasing the contract amount by \$2,871,200.76, for a total contract amount of \$6,381,741.39, with no other changes to the contract or the contract term.

As the Project progresses, modifications to implementation requiring Tetra Tech's assistance has expanded due to the Water Board's additional investigation requirements. The County is also implementing the remedial action plan, and will commence construction of the onsite wells and conveyance piping in the first half of 2023. Additionally, it is anticipated that offsite wells and conveyance piping construction will commence later in 2023, for which Tetra Tech is providing construction management and oversight. Tetra Tech also has and will continue to provide litigation support when needed. The recommended amendment, and the Attachment A, Scope of Services, more fully describe the current and additional tasks by Tetra Tech to continue to assist, which includes: (1) construction administration for well installations and destructions; (2) numerical groundwater modeling and reporting; (3) preliminary remedial design; (4) finalization of the Water Board required remedial action work plan; (5) final design and permitting to implement the remedial action that requires permits from multiple entities; (6) assistance with construction bid documents; (7) construction oversight for Phase I and II of the remedy; (8) continued groundwater monitoring; (9) plume mitigation support and strategic planning; (10) community outreach support; (11) operations, maintenance and monitoring of the remedy; (12) additional Water Board required investigations to comply with the CAO; (13) expansion of the final remedy; (14) various Airport development tasks; and (15) litigation support as necessary.

The total contract amount is \$12,336,174.99 as reflected in Table A-1 of Attachment A, Scope of Services. The Attachment also reflects the extended contract period for five additional years from April 1, 2023 to March 31, 2028.

The recommended amendment also updates Section 13, Notices to accurately reflect Project Management and Facilities Department as the contracting department and to identify Tetra Tech's current address.

Approval of the recommended Amendment No. 2 to Contract No. 18-144 with Tetra Tech will continue the services needed to proceed with the implementation of the Chino Airport Remedial Project. Completion of this work will meet the County goals to ensure development of a well-planned, balanced, and sustainable County as well as provide for the safety, health and social service needs of County residents by ensuring completion of required actions for remediation of the groundwater at the Airport.

PROCUREMENT

In 2002, as a result of a competitive bid process, the County awarded an initial consultant agreement to Tetra Tech to investigate groundwater conditions at the Chino Airport. On October 17, 2006 (Item No. 16), the Board approved Contract No. 06-1034 with Tetra Tech to perform additional investigation, required by the Water Board, to identify sources of pollution and to characterize the plume. The contract was amended eight times, the last on December 20, 2016 (Item No. 9), for a total contract amount of \$3,744,993.

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A new, non-competitive Contract No. 18-144 was entered into with Tetra Tech on March 20, 2018 (Item No. 47), to provide consultant services relating to the Chino Airport Remedial Project for \$3,510,540.63, for the period April 1, 2018 through March 31, 2023. The contract was amended on November 16, 2021 (Item No. 30), to increase the contract amount by \$2,871,200.76 to a total amount of \$6,381,741.39. The recommended amendment will extend the contract term for an additional five years, increase the contract amount by \$5,954,433.60, and further delineates and defines the Scope of Services of Tetra Tech needed to implement the Water Board approved remedy and additional investigative requirements, oversee construction of the on and offsite wells and conveyance piping for the remedy, and continue to provide litigation support as necessary.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Maria Insixiengmay, Deputy County Counsel, 387-5455) on February 16, 2023; Special Districts (Charles Brammer, Senior Project Manager, 361-0475) on February 28, 2023; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on February 16, 2023; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285, Ericka Rodarte, Administrative Analyst, 387-4919, and Carl Lofton, Administrative Analyst, 387-5404) on February 27, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on February 27 2023.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 14, 2023



cc: PFMD- Wissert w/agree
Contractor- C/O PFMD w/agree
File- w/agree w/attach
LA 03/17/2023