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OCII
office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

450-0242021-002

Agenda Item **No. 5(d)**
Meeting of July 20, 2021

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Sally Oerth, Interim Executive Director

SUBJECT: Authorizing a Personal Services Contract with Langan Engineering and Environmental Services, Inc. for environmental technical support services associated with development and environmental remediation of Hunters Point Shipyard, for a contract term of August 1, 2021, to July 31, 2024, with three one-year options to extend, for a total contract amount not to exceed $1,900,000; Hunters Point Shipyard Redevelopment Project Area

EXECUTIVE SUMMARY

The Office of Community Investment and Infrastructure ("OCII") has concluded a public procurement process, including issuance of a Request for Proposals ("RFP") and convening of a review panel, for environmental technical services related to environmental remediation and redevelopment activities with the Hunters Point Shipyard Redevelopment Project Area ("Project Area"). The panel, consisting of one OCII staff member, one HPS Citizen's Advisory Committee ("CAC") member and an San Francisco Department of Public Health ("SFDPH") staff person, reviewed the proposal and determined that the sole respondent to the RFP, Langan Engineering and Environmental Inc., a New Jersey corporation ("Langan"), demonstrated ample and relevant experience, with a team that is familiar with the Bayview Hunters Point community, and presented detailed information on how the team of consultants will approach the work.

Based on these conclusions, the panel unanimously recommended that OCII seek to enter a contract with Langan for the proposed services.

Staff recommends the Commission authorize the Executive Director to enter a Personal Services Contract with Langan, for environmental technical support services associated with the environmental remediation and redevelopment of the Project Area, for the period covering August 1, 2021 to July 31, 2024 with three additional with one-year options to extend, for a total contract term of up to six years and an amount not to exceed $1,900,000.

London N. Breed
MAYOR

Sally Oerth
INTERIM
EXECUTIVE DIRECTOR

Miguel Bustos
CHAIR

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BACKGROUND

In 1974 the U.S. Navy closed operations at the Hunters Point Naval Shipyard (“Shipyard”), and in 1989 the U.S. Environmental Protection Agency (“US EPA”) placed the Shipyard on the National Priorities List (i.e., listed as a "Superfund" site) under the federal *Comprehensive Environmental Response, Compensation, and Liability Act* (“CERCLA”). In 1992 the Navy entered into a Federal Facilities Agreement (“FFA”) with the USEPA, California Department of Toxic Substances Control (“DTSC”), and the Bay Area Regional Water Quality Control Board, collectively the "Environmental Regulators"). The FFA establishes a procedural framework and schedule for developing, implementing, and monitoring appropriate remediation actions at the Shipyard in accordance with CERCLA and other applicable state and federal laws. Under a conveyance agreement entered between OCII and the Navy, after the Navy and the Environmental Regulators have concurred to a Finding of Suitability to Transfer (“FOST”) for a land parcel within the Shipyard, the Navy will offer the property to OCII.

OCII, together with the City and County of San Francisco (“City”) through SFDPH and City Attorney’s Office, monitors the Navy's environmental remediation activities to ensure that remediation standards are met, and the site is safe for development pursuant to the Hunters Point Shipyard Redevelopment Plan (“Redevelopment Plan”). The Redevelopment Plan divides the Project Area into two phases, known as "HPS Phase 1" and "HPS Phase 2". On issues where specific technical expertise is required, OCII seeks outside expert consultants.

To facilitate the remediation and transfer of land at the Shipyard, the Navy has divided the Shipyard into lettered parcels, based on their environmental characteristics and remedial actions needed. Currently there are a total of 12 parcels (A-1, A-2, B-1, B-2, C, D-1, D-2, E, E-2, F, G, and IR7-18) and three utility corridors (UC-1, UC-2, and UC-3). These parcels (excluding Parcel F) cover approximately 492 land acres located along the southeastern waterfront in San Francisco. The Shipyard also includes 437 water acres offshore, known as Parcel F, which will not be transferred to OCII. To date, the land in HPS Phase 1, Parcels A-1 and A-2, and three parcels in HPS Phase 2 (D-2, UC-1, and UC-2) have been transferred to OCII.

In 1995, the Navy determined, and the Environmental Regulators and the SFDPH agreed, that Parcels A-1 and A-2 (which consisted of soldiers’ barracks and accessory activities during active base use) posed no threat to human health or the environment and required no further action, and in 1999, the US EPA removed Parcels A-1 and A-2 from the Superfund List and confirmed that the these parcels were safe for their intended use as a residential community. In 2004, the Navy transferred Parcel A- 1 and A-2 to OCII, and OCII and its master developer partner have undertaken redevelopment activities in accordance with the Redevelopment Plan requirements for HPS Phase 1. The Navy remains responsible for any remediation and CERCLA activities required at HPS Phase 2.

In 2016, the Navy and the US EPA became aware of anomalies in data provided by one of the Navy’s contractors working at HPS Phase 2. The Navy determined that the Phase 2 data was not reliable and that portions of HPS Phase 2 where the contractor had worked would require retesting. Although the unreliable data and the retesting activities were limited to HPS Phase 2, in July through November of 2018, in response to public concerns and at the request of the City and County of San Francisco City

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and Speaker Nancy Pelosi, the California Department of Public Health ("CDPH") performed a radiological survey to assess the health and safety of the public and the environment at HPS Phase 1. CDPH completed its Final Reports for Phase 1 on February 5, 2019 (Parcel A-1) and April 24, 2019 (Parcel A-2), which concluded that no residents, workers or visitors are being exposed to radiological health and safety hazards.

To address continued concerns and questions from the community regarding the testing conducted at the Shipyard, Mayor Breed, City Attorney Herrera, and SF District 10 Supervisor, Shamann Walton, asked experts from UC San Francisco and UC Berkeley to conduct an impartial analysis of CDPH's procedures. The report concluded that CDPH's health and safety scan was appropriate as a health and safety survey.

DISCUSSION

After many years of work, the Navy, the Environmental Regulators, the City, and OCII anticipate that transfers of parcels from the Navy to OCII will be occurring upon completion of retesting and remediation work, with FOSTs for all the parcels issued in the next five years. A schedule issued from the Spring 2021 Base Closure Team ("BCT") meeting is provided in Exhibit B, BCT Shipyard Transfer Schedule.

Scope of Work

The consultant's scope of work covers review of actions related to the Navy's retesting of parcels within HPS Phase 2, related environmental remediation under CERCLA (if necessary), review of documentation related to both and including draft FOSTs and other documentation prepared as part of the Navy's prospective land transfer process, and consulting on other questions related to environmental remediation and redevelopment within the Project Area. A Personal Services Contract, including the scope of work, is provided as Exhibit 1 to the Resolution accompanying this memorandum.

Generally, the consultant will provide OCII with services to support OCII's understanding of the technical aspects of the Navy's environmental remediation at the Shipyard, which will include review of ongoing re-testing and remediation activities conducted at HPS Phase 2, conduct, draft and/or review environmental assessment studies and other documents, provide technical opinions and participate in meetings including public meetings, as may be needed. The consultant may also be asked to provide on-going monitoring activities related to hazardous substances and waste management and to provide services associated with the environmental clean-up, oversight, and re-testing work at HPS Phase 2. From time to time, and possibly on a regular basis, OCII may request that the consultant work with SFDPH or the City Attorney's office on matters related to environmental assessment and cleanup for OCII sites. In addition, the consultant may be asked to review and support OCII on HPS Phase 1 related matters. The consultant will also be required to:

- Monitor removal and cleanup activities;
- Review reports prepared by independent third parties and prepare miscellaneous reports;
- Attend meetings as directed by OCII staff;
- Attend meetings with OCII staff at environmental regulatory agencies; and

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- Provide Agency staff with other as needed environmental assessment/cleanup expertise.

Proposed Contract Budget

Staff seeks to enter a three-year contract with three, one-year options to renew at the discretion of the OCII Executive Director. The budget for the first three years of the contract is $902,000.00. The maximum amount payable under this contract is one million nine hundred thousand dollars ($1,900,000.00) inclusive of all Extension Terms, if exercised. A budget shall be established for each Extension Term. If the OCII Executive Director approves an Extension Term, maximum payment for each Extension Term shall not exceed $332,622.60.

The proposed annual budget amounts are based on tasks associated with development and completing conveyance of Navy Parcels in accordance with the BCT schedule (See, Attachment B) and are determined to be fair and reasonable within industry rates. Should the timing of the proposed scope of work shift, due to delays or changes in the BCT schedule, budget amounts may be adjusted within the Contract term.

Langan will submit invoices monthly. Costs associated with this contract are an eligible Project Cost as defined in the Phase 1 and Phase 2 DDAs. Accordingly, OCII will seek reimbursement for the costs associated from this Contract from the Developer.

Request for Proposals Issuance

In accordance with the OCII's Purchasing Policy, staff issued an RFP on May 19, 2021, seeking responses from qualified consultants. The RFP was advertised on the OCII website, SF City and County website, through the Hunters Point Shipyard Citizen Advisory Committee ("CAC") electronic mailing list, and in the SF Chronicle.

On May 27, 2021, staff hosted a pre-submittal meeting for prospective proposers; an overview of the history, recent redevelopment activities, and status of the Navy's retesting and cleanup work on the Shipyard was provided at the meeting. Staff also briefly reviewed information provided in the RFP regarding the role and scope of work of the environmental technical services consultant. The meeting concluded with a question-and-answer period. Responses to all questions were posted publicly on the OCII website.

Selection and Vendor Recommendation

OCII received one proposal from Langan Engineering and Environmental Services, Inc. Staff confirmed the proposal's completeness and responsiveness in accordance with the requirements of the RFP and OCII's Purchasing Policy. Subsequently, a panel consisting of one OCII staff member, one HPS CAC member and an SF Department of Public Health staff person reviewed the proposal.

After evaluating Langan's experience, familiarity and expertise with military base closure projects, public sector experience and work with CAC bodies, references, and proposed fees, the panel provided an averaged total score of 98 out of a possible 100 points, and unanimously recommended that OCII seek

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to contract with Langan for the technical services requested in the RFP. As is standard practice, OCII's Contract Compliance Department staff also reviewed the proposal and scores. Langan has complied with OCII's Equal Opportunity Programs, which include the Bayview Hunters Point Employment and Contracting Policy ("BVHP ECP"), the Small Business Enterprise Policy ("SBE"), the Nondiscrimination in Contracts Policy, the Minimum Compensation Policy, and the Health Care Accountability Policy. Langan submitted a proposal that demonstrated ample and relevant experience, a team that is familiar with the Shipyard and the BVHP community, and detailed information on how the team of consultants will approach the work.

In prior contracts, Langan voluntarily opted into the OCII trainee program and trained college students. Four of the trainees are from the Bayview and Visitation Valley neighborhoods. Of the six trainees, three have become full time employees of Langan as Staff Scientists and Field Technicians. Langan has made a commitment to hire additional trainees if this contract is executed. Langan intends to continue to work with OCII and the HPS CAC to hire qualified candidates from the Bayview Hunters Point community and provide them with training opportunities in the environmental and/or geotechnical areas. Langan has demonstrated a continuing commitment to its equal opportunity hiring goals and developing qualified people to create a diverse workforce.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

OCII approval of the contract is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15262. The contract funds the provision of technical services for feasibility and planning studies that will not directly cause a change of the physical environment.

STAFF RECOMMENDATION

Staff recommends the Commission authorize the Executive Director to enter into a Personal Services Contract with Langan Engineering and Environmental Services for the period covering August 1, 2021, to July 31, 2024 with three additional one-year options to extend, for a total contract amount not to exceed $1,900,000.

(Originated by: Kasheica McKinney, Assistant Project Manager)

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Sally Oerth
Interim Executive Director

Attachment A: Hunters Point Shipyard Navy Parcel Map
Attachment B: Hunters Point Shipyard Base Closure Team Projected Parcel Transfer Schedule

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Attachment A

Legend

- Parcel Boundary

Property Transfer Status

- Transferred

Note

Aerial imagery provided by Nearmap.com. Aerial imagery flown on September 6, 2016.

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Feet

HUNTERS POINT NAVAL SHIPYARD
San Francisco, California

LANGAN

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HPNS Schedule Summary May 2021

	B-1 (IR10)	B-1	B-2	B-2 (IR26)	C	D-1	E	E-2	F	G	D-2 and UC's
ROD - Draft			Aug-08		Apr-10	Feb-09	Jun-13	Mar-12	Aug-18	Aug-08	Jun-13
ROD - Draft Final			Nov-08		Aug-10	May-09		Sep-12	Mar-19	Nov-08	
ROD - Final			Jan-09		Oct-10	Sep-09	Dec-13	Nov-12	Jan-22	Feb-09	Jan-14
Non Rad RD - Draft			Feb-10		Mar-11	Mar-10	Jan-17	Jun-13	Jun-22		Oct-15
Non Rad RD - Draft Final			Jul-10		Jul-12	Oct-10	Mar-18	Mar-14	Sep-22		
Non Rad RD - Final			Dec-10		Oct-12	Feb-11	May-18	Aug-14	Oct-22	Oct-10	Apr-16
Non RAD RAWP - Draft	May-21		Sep-12		Sep-21	Sep-13	Apr-23	Jun-21	Jan-25	Sep-12	Apr-16
Non RAD RAWP - Final	Oct-21		Nov-12		Jan-22	Jan-14	Sep-23	Nov-21	Jun-25	Dec-12	Sep-16
Non RAD RACR Draft	Mar-23		Nov-17	Oct-23	Jan-24	May-22	Aug-25	Dec-23	Oct-27	Oct-13	Dec-17
Non RAD RACR Final	Aug-23		Apr-18	Mar-24	May-24	Oct-22	Dec-25	May-24	Feb-28	Mar-14	Jul-18
RAD RAWP - Draft		Dec-20			Mar-21	Apr-22	Jun-21		Mar-22	Apr-19	Mar-20
RAD RAWP - Final		Jun-21			Jul-21	Aug-22	Nov-21		Jul-22	Feb-20	Sep-21
RAD RACSR - Draft		Jan-23			Dec-22	Jun-24	Sep-22		Oct-23	Nov-22	Aug-23
RAD RACSR - Final		May-23			Apr-23	Oct-24	Feb-23		Feb-24	Mar-23	Dec-23
FOST - Draft	Nov-23	Jun-24			Aug-24	Jan-25	Mar-26	Jul-24	May-28	Jun-23	Mar-24
FOST - Final	Feb-24	Sep-24			Dec-24	May-25	Jul-26	Nov-24	Sep-28	Oct-23	Jun-24

Notes:

Parcel D was divided into four Parcels (D-1, D-2, UC-1 and G) during the Proposed Plan for Parcel D.

Parcel UC-3 was developed during the Proposed Plan for Parcel E

For all Parcels; the RAWP and RACR/RACSR dates denote the final RAWP and RACR/RACSR that will be issued for each parcel. RAWPs and RACRs/RACSRs with earlier dates may also be issued.

IR-7/18 was removed from the schedule summary because all milestones have been completed.

There will be no Radiological RACR issued for Parcel E-2, rather a Final Status Survey Report will summarize the remaining radiological actions on the parcel.

Yellow shaded items have been issued.

Orange shaded items indicated a schedule chang