

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 7.2  
FOR THE MEETING OF: June 10, 2010**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Authorize the Executive Director to execute Amendment No. 1 to Agreement No. 07-01-ENV-002 between the Transbay Joint Powers Authority (TJPA) and Environmental Resources Management (ERM) for a one-year performance extension of as-needed environmental consulting services for the Transbay Transit Center Program (Program), at no additional cost.

**SUMMARY:**

On January 18, 2007, the TJPA issued a request for qualifications (RFQ) for a consultant to provide as-needed environmental consulting services for the Transbay Transit Center Program. On February 5, 2007, the TJPA received ten responses to the RFQ. On February 23, 2007, ERM was notified that the selection committee, consisting of technical experts who reviewed, evaluated, and scored the responses, identified ERM as one of the top-rated respondents, and ERM and the other two top-ranked respondents were invited to begin negotiations for professional services agreements with the TJPA. On July 19, 2007, the TJPA Board awarded an agreement to ERM for a maximum compensation of \$1,147,000 for as-needed environmental consulting services (Agreement). The Agreement has a term of three years, with an option to extend for two additional years. ERM was given Notice to Proceed on their first task order on August 23, 2007. As-needed environmental consulting services contracts were also awarded to Treadwell & Rollo and Geomatrix in 2007 under the same RFQ process. Treadwell & Rollo and Geomatrix have completed or will complete their remaining scope of work by the completion of their contract terms later this year.

ERM's scope of work under their Agreement has included providing hazardous materials surveys and soil investigations of properties to be acquired for the Program along the Bus Ramp alignment, as well as property parcels that will be transferred to the San Francisco Redevelopment Agency for development. Because their scope includes surveys and assessments of certain properties that have not yet been acquired, ERM will be unable to complete this work within the term of the Agreement, which will expire on August 22, 2010. To date, ERM has invoiced \$280,845 for ten task orders. The cost of the remaining surveys and investigations is estimated at \$100,000, and is included in the maximum \$1,147,000 contract value; it is expected that the contract will close out well under budget. Accordingly, Amendment No. 1 extends the initial term of the Agreement, as specified in Agreement Article 2, Term of the Agreement, from August 22, 2010, to August 22, 2011. Agreement Article 4, Services Contractor Agrees to Perform, and Article 5, Compensation, remain unchanged.

**ENCLOSURES:**

1. Resolution
2. Amendment No. 1 to Agreement

**RECOMMENDATIONS:**

Staff recommends that the Board of Directors authorize the Executive Director to execute Amendment No. 1 to Agreement 07-01-ENV-002 extending the Agreement term for one year.

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

WHEREAS, On July 19, 2007, the Transbay Joint Powers Authority (TJPA) Board of Directors unanimously resolved to authorize the Executive Director to execute an agreement (Agreement) with Environmental Resources Management (ERM) for as-needed environmental consulting services for the Transbay Transit Center Program; and

WHEREAS, As part of the Agreement, ERM agreed to perform such as-needed environmental consulting services for the Transbay Transit Center Program; and

WHEREAS, The TJPA Executive Director and TJPA Staff, working with ERM, have determined that the successful completion of the scope of work covered by the Agreement requires additional time; and

WHEREAS, Authorizing such time requires an amendment to the Agreement, which does not change the scope, price, or deliverables under the Agreement; now, therefore be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute Amendment No. 1 to the Agreement with Environmental Resources Management (ERM) to extend the term from August 22, 2010, to August 22, 2011, with no change to the scope, price, or deliverables under the Agreement.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 10, 2010.

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Secretary, Transbay Joint Powers Authority

**Agreement Amendment No. 01**  
**between**  
**Transbay Joint Powers Authority**  
**and**  
**Environmental Resources Management**  
**to Furnish**  
**As-Needed Environmental Consulting Services**  
**for**  
**The Transbay Transit Center Program**  
**(Agreement No. 07-01-ENV-002)**

THIS Amendment No. 1 to the Professional Services Agreement to furnish as-needed environmental consulting services dated July 19, 2007 (“Agreement”) is entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2010 by and between the TRANSBAY JOINT POWERS AUTHORITY (“TJPA”) and Environmental Resources Management (the “Contractor”).

**Recitals**

A. On January 18, 2007, the TJPA issued a Request for Qualifications for As-Needed Environmental Consulting Services (Services) for the Transbay Transit Center Program (RFQ).

B. Contractor submitted a written response to the RFQ issued January 18, 2007, which was orally presented and rated in the top three by a selection committee comprised of technical experts.

C. On July 19, 2007, TJPA Board of Directors adopted Resolution No. 07-025, which authorized the Executive Director to execute the original Agreement for said environmental consulting services by the Contractor for a term not to exceed three years and an amount not to exceed \$1,147,000.

D. On August 23, 2007, the TJPA issued ERM a Notice to Proceed. August 23, 2007 is consequently the Effective Date of the Agreement.

D. TJPA desires to continue to receive from Contractor the services provided by the Contractor under the Agreement.

E. TJPA and Contractor intend that this Amendment to the Agreement comply with the regulations of the Federal Transit Administration of the United States Department of Transportation (“FTA”).

Now, THEREFORE, the parties agree as follows:

**Terms and Conditions**

The Agreement is amended as follows:

1. The Term of the Agreement specified in Article 2 shall be revised from three (3) years from the Effective Date of the Agreement to four (4) years from the Effective Date of the Agreement. Accordingly, the Agreement term shall expire on August 22, 2011.

All other terms, covenants, and conditions in the Agreement shall remain in full force and effect and shall be applicable to this Amendment. Specifically there shall be no change to the compensation allowed under the Agreement.

The individuals executing this Amendment to the Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement Amendment No. 01 on the day first mentioned above.

TRANSBAY JOINT POWERS  
AUTHORITY

ERM

\_\_\_\_\_  
Maria Ayerdi-Kaplan  
Executive Director

\_\_\_\_\_  
Authorized Signature

Transbay Joint Powers Authority  
Board of Directors  
Resolution No. \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Attest:

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Secretary, TJPA Board

ERM  
\_\_\_\_\_  
Company Name

Approved as to Form:

1277 Treat Boulevard, Suite 500  
\_\_\_\_\_  
Address

Dennis J. Herrera, City Attorney

Walnut Creek, CA 94597  
\_\_\_\_\_  
City, State, ZIP

By \_\_\_\_\_  
Deputy City Attorney

925-946-0455  
\_\_\_\_\_  
Phone Number

52-1346967  
\_\_\_\_\_  
Federal Employer ID Number