

Date: December 11, 2007
Committee Meeting Date: December 20, 2007
Board Meeting Date: January 3, 2008
ACTION ITEM

BOARD MEMORANDUM

TO: Transit Planning & Operations Committee
Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Michael T. Burns
General Manager

FROM: Mark S. Robinson
Acting Chief Engineering & Construction Officer

SUBJECT: Hazmat Soil Loading, Transport and Disposal from Newhall Yard Site

Policy-Related Action: No **Government Code Section 84308 Applies: No**

RECOMMENDATION:

Authorize the General Manager to execute a contract with Pacific States Environmental Contractors, Inc., the lowest responsible bidder, in the amount of \$1,190,872 for contaminated soil transportation and disposal from VTA's Newhall Yard site to a State permitted landfill site. Also, authorize a contingency amount of \$300,000 for additional contaminated soil disposal, if necessary, in lieu of the 15% change order contingency delegated to the General Manager.

BACKGROUND:

VTA acquired 47.75 acres of land in 2004 from Union Pacific Railroad at the Newhall Yard, which straddles the city limits of San Jose and Santa Clara, for the possible construction of a future Santa Clara BART Station and BART Maintenance Yard. VTA completed initial site investigations at the time of purchase to determine the presence of soil contaminants. The Purchase and Sale Agreement for the property contains provisions that allow for reimbursement by Union Pacific of up to \$1,000,000 for costs incurred for soil testing, transportation and disposal of contaminated soils that are removed within five (5) years after purchase. Further work conducted during the past six months identified locations where contamination levels exceed those allowed by the Regional Water Quality Control Board. This contract will provide for the removal and disposal of the stockpiled soils to a state permitted landfill site. We are recommending a \$300,000 contingency authorization for the General Manager rather than the current authority of 15% of the contract amount (\$178,000) in order to deal with the excavation of additional contaminated material should this be necessary, to complete the site remediation work.

The contractor will load, transport and dispose of the contaminated soil stockpiled by the prior contractor. Results of the soil analyses will determine the level of contamination and the landfill appropriate for disposal. Any necessary treatment of the soil will be provided at the Newhall site before rail or truck transportation for removal of the soil for landfill disposal.

Stockpiling, sampling, treatment and disposal will occur over a three-month period after demolition of the buildings and removal of debris. Removal of material under this contract should begin in early 2008. VTA has completed a Public Outreach program for this work describing the type and levels of contaminants and the health and safety measures that will be in place during this operation.

DISCUSSION:

The Hazmat Soil Loading, Transport & Disposal contract was advertised on October 24, 2007. Seven bids were submitted on November 29, 2007.

Company Name	Bid Amount
Pacific States Environmental Contractors, Inc.	\$1,190,872
HSR, Inc.	\$1,395,313
Proven Management	\$1,490,810
Evans Brothers, Inc.	\$1,533,308
Clean Harbors Environmental Services	\$1,712,690
Decon Environmental Services, Inc.	\$1,761,500
Engineer's Estimate	\$1,140,600
Project Budget	\$2,000,000 (VTA \$1,000,000 and UPRR \$1,000,000)

Pacific States Environmental Contractors Inc. is the lowest responsible bidder. The bid is 4.4% or \$50,272 above the Engineer's Estimate. Award of the construction contract to Pacific States Environmental Contractors Inc. is recommended.

ALTERNATIVES:

There are no practical alternatives if VTA is to take advantage of the \$1.0 million transportation allowance from the Union Pacific Railroad.

FISCAL IMPACT:

Sufficient funds are available in the Fiscal Year 2008 and Fiscal Year 2009 Capital Budget adopted by the VTA Board of Directors on June 7, 2007. This project is funded as part of the 2000 Measure A Capital Budget.

Operating Budget Impact: There is no operating cost impact associated with this site remediation work.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on the identifiable subcontracting opportunities, nature of work, and availability of SBE's, including location of SBE firms, a SBE goal of 10% was established for this contract. Pacific States Environmental Contractors, Inc. has committed to a 10.11% SBE participation on this contract.