



Legislation Text

File #: 2021-0802, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Agreement for Assistance with Reimbursement from the State of California Underground Storage Tank Cleanup Fund

Recommended Action:

Approve and authorize the Chair to execute a three-year agreement with EquoLogic Group for assistance with reimbursement claims from the State of California Underground Storage Tank Cleanup Fund, with the consultant to be paid on a contingency basis of 20% of the reimbursements received by the County.

Executive Summary:

The Underground Storage Tank (UST) Cleanup Fund ("Fund") was established by the State of California in 1987 in order to help protect State water resources from the impact of leaking underground storage tanks. The Fund is governed by the California Health and Safety Code and provides a mechanism for qualified entities to be reimbursed for certain expenses associated with the investigation, monitoring, remediation, and closure of eligible underground storage tank facilities.

During the 1980's, the County identified seven locations at Transportation and Public Works (TPW) facilities with leaking underground storage tanks. Monitoring and cleanup expenses accrued by the County since 1988 at these locations may be eligible for reimbursement from the Fund. Claims for a portion of the sites have been submitted, however, the County has only been able to recover approximately \$120,000 to date, which makes up approximately 15% of that which might be recoverable.

The EquoLogic Group specializes in cost recovery services from the UST Cleanup Fund and has agreed to work on a contingency basis for 20% of funds the County receives from the Fund based initial requests for reimbursement. On recommendation by TPW, and in consultation with County Counsel, Purchasing has approved a single source waiver of competitive process for this contract based on EquoLogic Group's unique experience, expertise, and relationships with the State.

Discussion:

In the 1980's the County of Sonoma began removing underground storage tanks from its facilities in order to prevent groundwater contamination. During the removal process, leaks were detected at the following seven Transportation and Public Works (TPW) facilities:

- Forestville Road Yard
- Guerneville Road Yard (West)
- Guerneville Road Yard (East)
- Santa Rosa Road Yard
- Sonoma Road Yard
- Cotati Road Yard
- Annapolis Road Yard

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The County applied to the UST Cleanup Fund for three of the seven sites listed above: the Forestville Road Yard, the Santa Rosa Road Yard, and the Sonoma Road Yard. Approximately \$45,000 and \$75,000 were recovered for costs incurred at the Santa Rosa Road Yard and the Sonoma Road Yard, respectively. To date, no reimbursements have been received for costs incurred at the Forestville Yard. Reimbursement requests were not filed for the remaining four sites.

Based on results to date, TPW is recommending entering into an agreement with the EquoLogic Group for assistance with cost recovery from the Fund. Under the proposed agreement, Equologic Group would be paid an amount equal to twenty percent (20%) of reimbursements received from the UST Cleanup Fund, subject to approval by the County's Integrated Waste Operations Manager. If the Fund denies any portion of the initial Equologic reimbursement request(s), Equologic and TPW management will evaluate the portion not recovered, and may elect to file an appeal. If the appeal is successful, Equologic Group would be paid an additional five percent (5%) for a total of twenty-five percent (25%) contingency of the amount of compensation that County recovers on an appeal from the Fund. The consultant will not be paid until and unless funding is received directly from the Fund.

TPW recommends approval of the proposed agreement because the consultant is an expert in this field and its services will enable to the County to maximize reimbursement from the Fund.

Prior Board Actions:

None.

FISCAL SUMMARY

| Expenditures | FY 21-22 Adopted | FY22-23 Projected | FY 23-24 Projected |
|---------------------|-----------------------------|------------------------------|---------------------------|
| | | | |

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|------------------------------------|--|------------------|--|
| Budgeted Expenses | | \$168,435 | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | \$168,435 | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | \$168,435 | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | \$168,435 | |

Narrative Explanation of Fiscal Impacts:

Based on the structure of this contingency-based contract, the financial table above represents the Department's best estimate of EquoLogic Group's contract cost based on remaining expenditures totaling \$847,174 eligible for reimbursement from the State. However, due to the uncertainty of the outcome of reimbursement requests and/or appeals, the Department is unable to determine the amount and/or timing of any reimbursement. If recovery efforts do prove to be successful, reimbursement payments and associated contract expenses would be recorded in the Roads Administration budget (11051-34010101).

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Agreement for Professional Services, EquoLogic Group

Related Items "On File" with the Clerk of the Board:

None.