



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** June 17, 2025

**TO:** LaTanya Bellow, City Manager

**FROM:** Pedro Jimenez, Assistant City Manager

**SUBJECT:** **Resolution Of The City Council Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Increasing The Contingency Amount For The FMW Site Demolition And Excavation Project, CIP No. 23 EPW003, By An Additional \$2,471,345.60 And Authorizing The Executive Director To Approve And Execute Change Orders**

### RECOMMENDATION

Staff recommends that the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency ("Successor Agency") adopt the attached resolution increasing the contingency amount for the FMW Site Demolition and Excavation Project, CIP No. 23 EPW003, ("Project") by an additional \$2,471,345.60 to cover the cost of any additional change orders on the Project and authorizing the Executive Director to approve and execute any such change orders.

### BACKGROUND

The Project involves the remediation of the former Marchant/Whitney Tool Site located at 5679 Horton Street, Emeryville ("FMW Site"), which will be remediated in accordance with the alternative set forth in the Final Feasibility Study/Remedial Action Plan ("FS/RAP"), dated April 2023, and approved by the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") on April 12, 2023.

The former Emeryville Redevelopment Agency ("Redevelopment Agency") acquired the FMW Site in 1999, primarily to facilitate the extension of Horton Street from 53<sup>rd</sup> Street to Haruff Street, as well as the connection with Stanford Avenue, as these roadways are currently configured. Use of the FMW Site was discontinued in 2012 because of concerns regarding impacts of hazardous substances contamination in the soil and groundwater and indoor air within the building on the FMW Site.

The FS/RAP for the FMW Site was approved by DTSC on April 12, 2023. The preferred remedial alternative set forth in the FS/RAP envisions a multi-step process to remediate the FMW Site. The initial stage of remediation includes demolition of the existing building, soil excavation to approximately 5 feet below ground surface (bgs) across the entire FMW Site and 10 feet bgs in a targeted area heavily impacted with volatile organic compounds off-site disposal and backfill with imported clean soil/fill. Thereafter, thermal (heat) treatment of soil and groundwater with extraction and treatment of vapor and steam before they are vented into the open air will be implemented. Further, a multi-phase extraction system will be used to extract and treat deeper contaminated groundwater and

soil vapor. Treated groundwater will then be discharged to the sanitary sewer system. Soil vapors will be captured and clean air vented. Additional cleanup of groundwater may occur by injection of biological amendments, if needed. Other protective measures include capping the FMW Site with asphalt, concrete or another form of hardscape as a protective barrier and restricting future land usage with a Land Use Covenant. A vapor intrusion evaluation will be conducted, and a mitigation system may be installed on-site and/or off-site as a contingency depending on the results of the evaluation.

The Project implements the first phase of remediation. The plans and specifications for the Project were developed by EKI Environment & Water, Inc. ("EKI"), in coordination with staff, to be consistent with the preferred remedial alternative set forth in the FS/RAP.

On September 7, 2023, the Successor Agency received bids for the Project and identified Innovative Construction Solutions ("ICS") as the lowest responsible bidder. On October 17, 2023, the Successor Agency adopted Resolution No. SA10-23 authorizing the Executive Director to enter a contract with ICS for the Project in an amount of \$7,523,450. The Successor Agency also approved additional funding in the amount of \$1,280,000 as contingency ("Contingency Amount") for the cost of any change orders necessary on the Project and authorized the Executive Director to approve and execute any such change orders up to the Contingency Amount.

## **DISCUSSION**

Work on the Project is in progress. Due to unanticipated events requiring changes in the work or extra work on the Project, the Executive Director has approved and executed change orders up to the original Contingency Amount. The change orders approved and executed to date include the following:

- CO-001 for a non-compensable extension of the time for completion.
- CO-002 for extra work to abate previously unknown asbestos containing material.
- CO-003 for extra work in connection with subgrade stabilization.
- CO-004 for Toxic Substances Control Act waste disposal in accordance with amended regulatory requirements.
- CO-005 for extra work to construct and remove temporary fencing.
- CO-006 and CO-010 for extra work to relocate the northern noise mitigation barrier.
- CO-007 for extra work to investigate possible archaeological resources out of Contractor's planned sequence.
- CO-008 for extra work to investigate a possible geophysical anomaly and evaluate methods for its removal, out of Contractor's planned sequence; and
- CO-009 for extra work to remove soil adhered to a building slab.

Staff anticipate that additional change orders will be necessary on the Project. Therefore, staff requests that the Successor Agency Board increase the Contingency Amount by an additional \$2,471,345.60 and authorize the Executive Director to approve and execute any change orders up to the increased Contingency Amount. Increasing the Contingency Amount will ensure that critical work on the Project is not paused and delayed while staff seek to secure Successor Agency Board approval of change orders.

## **FISCAL IMPACT**

Based on the funding authorized by ROPS 2024-2025 and 2025-2026, the Successor Agency has the requisite funding available to cover any change orders on the Project up to the increased Contingency Amount.

## **CONCLUSION**

Staff recommends that the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency increase the Contingency Amount by an additional \$2,471,345.60 to cover the cost of any additional change orders on the Project and authorize the Executive Director to approve and execute any such change orders on the Project.

**PREPARED BY:** Pedro Jimenez, Assistant City Manager

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE  
EMERYVILLE REDEVELOPMENT AGENCY:**



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LaTanya Bellow, Executive Director

## **ATTACHMENTS**

- Draft Resolution