

**RESOLUTION NO. \_\_\_\_\_**

**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**

**WHEREAS**, on August 13, 2020, the California Environmental Protection Agency, Department of Toxic Substances Control (“DTSC”) issued an Imminent and/or Substantial Endangerment Determination Order and Remedial Action Order (“Order”) to the Successor Agency to remediate hazardous substances contamination in soil and groundwater at the former Marchant/Whitney Tool Site located at 5679 Horton Street, Emeryville (“FMW Site”); and

**WHEREAS**, in accordance with the Order, plans and specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003 (“Project”) were developed by the Successor Agency’s environmental engineering consultant, EKI Environment & Water, Inc. (“EKI”), in coordination with City and Successor Agency staff; and

**WHEREAS**, the plans and specifications for the Project, which involves demolition of existing improvements and excavation of soils impacted by hazardous materials, are consistent with and designed to implement the first phase of the preferred remedial alternative set forth in the FS/RAP; and

**WHEREAS**, on June 6, 2023, the Successor Agency approved the plans and specifications for the Project, and further delegated authority to the City Engineer to hereafter make and approve any and all changes, revisions or modifications to the plans or specifications for the Project; and

**WHEREAS**, on September 7, 2023, the Successor Agency received bids for the Project and identified Innovative Construction Solutions (“ICS”) as the lowest responsible bidder; and

**WHEREAS**, on October 17, 2023, the Successor Agency authorized the Executive Director to enter into a contract with ICS for the Project in an amount of \$7,523,450, 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; and

**WHEREAS**, work on the Project is in progress, and, to date, the Executive Director has approved and executed change orders on the Project up to the original Contingency Amount; and

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**WHEREAS**, staff anticipates that additional change orders will be necessary on the Project; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency hereby increases the Contingency Amount by an additional \$2,471,345.60 to cover the cost of any additional change orders on the Project and hereby authorizes the Executive Director to approve and execute any such change orders.

**ADOPTED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, June 17, 2025, by the following vote:

|          |       |       |
|----------|-------|-------|
| AYES:    | _____ | _____ |
| NOES:    | _____ | _____ |
| ABSTAIN: | _____ | _____ |
| ABSENT:  | _____ | _____ |

ATTEST:

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR

APPROVED AS TO FORM:

DocuSigned by:  
*John Kennedy*  
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\_\_\_\_\_  
LEGAL COUNSEL