

1 [Accept and Expend Grant - Retroactive - California State Department of Toxic Substances
2 Control - India Basin 900 Innes Remediation Project - \$1,384,000]

3 **Resolution retroactively authorizing the Recreation and Park Department to accept and**
4 **expend a \$1,384,000 grant from the California State Department of Toxic Substances**
5 **Control for 900 Innes Remediation Project; approving the Grant Terms and Conditions**
6 **for the period of June 30, 2022, through June 29, 2023; and to authorize the Recreation**
7 **and Park Department to enter into amendments or modifications to the Grant Terms**
8 **and Conditions and to execute further agreements that do not materially increase the**
9 **obligations or liabilities of the City and are necessary to effectuate the purposes of the**
10 **Project or this Resolution.**

11
12 WHEREAS, In 2014, the City and County of San Francisco (“City”) acquired 900 Innes
13 Avenue at India Basin in San Francisco’s Bayview Hunters Point neighborhood, located
14 adjacent to the India Basin Shoreline Park, and placed 900 Innes under the jurisdiction of the
15 Recreation and Park Commission; and

16 WHEREAS, The India Basin Park Project will combine 900 Innes with the India Basin
17 Shoreline Park area to create a 10-acre waterfront park development that closes a critical gap
18 in the San Francisco Bay Trail, and specifically with respect to 900 Innes, will transform that
19 property from a post-industrial brownfield to promote public access, social equity, waterfront
20 recreation, resiliency to sea level rise, and habitat and wetland restoration and enhancement;
21 and

22 WHEREAS, The 900 Innes Property is environmentally contaminated, and the property
23 requires remediation so that it can be integrated into the India Basin Park Project; and

24 WHEREAS, On December 20, 2020, the Recreation and Park Commission approved a
25 contract with Rubecon Builders, Inc. for the 900 Innes Remediation Project (“Project”) in the

1 amount of \$7,099,700, and on May 19, 2022, approved a contract increase in the amount of
2 \$945,422 to include change orders for some of the additional excavation of contaminated
3 soils, off haul and disposal of reclassified soil, marine debris and timber off haul, and water
4 barrier time delays, that increased the total contract amount to \$8,755,112; and

5 WHEREAS, In March 2022, the Recreation and Park Department (RPD) received
6 notification that that due to the level of contamination in the soils, the materials must be
7 disposed of in a Class I landfill and cost associated with the off haul and disposal has resulted
8 in a need to increase the remediation cost as well as secure additional funding to support this
9 phase of work; and

10 WHEREAS, On July 21, 2022, the Recreation and Park Commission took action to
11 approve a second contract increase of the revised Rubicon contract from \$8,755,122 to
12 \$12,245,112 to address change orders for the remaining amounts of additional excavated soil,
13 remaining off haul and disposal of reclassified soil, import of new soil for over excavated areas
14 and concrete removal areas, and water barrier removal fees; and

15 WHEREAS, On June 13, 2022, the RPD Project Manager met with staff from the
16 United States Environmental Protection Agency (USEPA) to discuss emergency funding for
17 site remediation and identified the California Environmental Protection Agency Brownfield
18 Revolving Loan (BRL) Program, administered by the Department of Toxic Substances Control
19 (DTSC), as a viable source of funding; and

20 WHEREAS, On June 29, 2022, the DTSC Committee approved a BRL subgrant in the
21 amount of \$1,384,000 to support the Project; and

22 WHEREAS, As a condition of receiving the Grant, RPD is required to agree to the
23 terms of the attached Grant Terms and Conditions which is on file with the Clerk of the Board
24 under File No. 220857 and which is hereby declared to be part of this Resolution as if set forth
25 fully herein; and

1 WHEREAS, The Grant will not require an amendment to the Annual Salary Ordinance;
2 and

3 WHEREAS, The Department proposes to maximize use of available grant funds on
4 project expenditures by not including indirect costs in the grant budget; now, therefore, be it

5 RESOLVED, That the Board of Supervisors authorizes the RPD General Manager to
6 Accept and Expend the Grant; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of
8 indirect costs as part of this Grant budget; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
10 Manager of the Recreation and Park Department to enter into the Grant Terms and
11 Conditions; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
13 Manager of the Recreation and Park Department to enter into any modifications and
14 amendments to the Grant Terms and Conditions, including to any of its exhibits, and
15 authorizes the General Manager to execute further agreements related to the Project, that the
16 RPD General Manager determines, in consultation with the City Attorney, are in the best
17 interests of the City and do not materially increase the obligations or liabilities of the City, are
18 necessary or advisable to effectuate the purposes of the Project or this Resolution, and are in
19 compliance with all applicable laws, including the City's Charter; and, be it

20 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
21 executed by all parties, the Recreation and Park Department shall provide the final Grant
22 Terms and Conditions to the Clerk of the Board for inclusion into the official file.

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Recommended:

_____ /s/ _____

Department Head

Approved: _____ /s/ _____

Mayor

Approved: _____ /s/ _____

Controller