



Office of the City Manager

CONSENT CALENDAR
November 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Public Works
 Subject: Contract No. 32100081 Amendment: FirstCarbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100081 with FirstCarbon Solutions, Inc. for the Solid Waste & Recycling Transfer Station Replacement Project to ensure compliance with the California Environmental Quality Act, increasing the current contract amount of \$500,000 by \$150,000 for a total not to exceed amount of \$650,000 and extending the contract term to June 30, 2022.

SUMMARY

The City of Berkeley has contracted with FirstCarbon Solutions, Inc.'s (FCS), whose staff and subcontractors are experienced in conducting the required studies and soliciting regulatory and community input to comply with California Environmental Quality Act's (CEQA) requirements for the proposed Solid Waste & Recycling Transfer Station (SW&RTS) Replacement Project. FCS's CEQA compliance work will include the two concepts developed by the SW&RTS Feasibility Study. These concepts were reviewed at the City Council's November 5, 2019¹ Work Session.

As part of the CEQA checklist review process, it has been confirmed that the City's Planning & Development Department (Planning) is the Lead Environmental Agency to receive, review and approve CEQA's resulting Environmental Impact Report (EIR). As a part of the EIR process, a Land Use Application (Application) is required to be completed and filed as part of CEQA requirements. This Application was not included in the original RFP for the CEQA contract. The Contract not-to-exceed amount requires a \$150,000 increase to bring the total contract to \$650,000 to fund the completion of this Application.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the study is available in FY2022 baseline budget in Zero Waste Fund 601.

¹ [City Council: 11-05-2019 - Special Meeting Agenda - City of Berkeley, CA](#)

CURRENT SITUATION AND ITS EFFECTS

As a Strategic Plan Priority Project, the Solid Waste & Recycling Transfer Station Replacement Project will advance the City's goals to:

- Be a customer-focused organization that provides excellent, timely, easily accessible services and information to the community,
- Provide state-of-the-art and well-maintained infrastructure, amenities, and facilities, and
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Without the replacement of the existing facilities, the City cannot meet its Zero Waste or 2009 Climate Action Plan goals. These facilities are beyond their projected and useful service life, and do not meet environmental permitting requirements or safe operational standards. With retention of FCS to comply with CEQA requirements, the Public Works Department is required to file a Land Use Application with the City Planning Department as Lead Environmental Agency.

BACKGROUND

The current Transfer Station was built in 1983 with various recycling facilities added in the 1980s and 90s. This 7.45 acre site handles all of the City's and its contracted vendors curbside collected and self-haul refuse, dual stream recycling, and green/food waste materials. The current facilities are not integrated and operations cannot be coordinated to provide our customers with ease of use and easy access or drop-off of refuse, recyclable and organic waste. These facilities do not meet current seismic requirements, have not been upgraded or improved since their construction, have exceeded their useful and serviceable life and are unable support the City's Zero Waste goal. The goals of the SW&RTS Feasibility Study included:

- Solicit extensive community input. Seven (7) community meetings were conducted throughout the City and resulted in forty plus (40+) hours of active public and stakeholder involvement,
- Document these community-driven ideas and solicit additional community input, and
- Produce a community-driven and supported replacement facility.

This new facility, envisioned by community members and stakeholders, will allow the City to divert materials for reuse and recycling that are currently being landfilled. At the City Council's work session, council feedback was provided on the two concepts developed with extensive general public input for the Solid Waste & Recycling Transfer Station (SW&RTS) Replacement Project.

The two (2) concepts proposed for the site's existing footprint:

- Concept A: Material Recovery Facility (MRF) & Transfer Station (TS) would be combined as one (1) large building which would allow flexibility in both MRF & TS tipping floor footprint and usage.
- Concept B: Material Recovery Facility & Transfer Station in two (2) separate buildings that would replicate existing MRF & TS tipping floor footprint and usage.

For the City to meet previous City and State legislated mandates, sustain and expand its infrastructure required to support the City's waste reduction efforts and to meet its Zero Waste goal, the City will need to replace these significantly aged facilities. Additionally, the city will need to ensure they are integrated and function seamlessly to support the City's Climate Action Plan and Zero Waste goal.

The City Council authorized the award of the Contract on October 13, 2020, Resolution No. 69,584 – N. S².

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This contract amendment is critical to support the SW&RTS Replacement Project. As the City's residents and businesses continue to either reduce material volumes or move recyclable materials from the refuse carts/bins to the recycle and compost carts/bins, the City's Zero Waste infrastructure is in urgent need of replacement. This SW&RTS Replacement Project will support the City's efforts to continuously reduce waste, increase diversion of waste from landfills, and move the City toward its Zero Waste goal with sustainable and environmentally-compliant structures. This contract amendment also supports the efforts to move the SW&RTS to a Net Zero Energy facility and add electric vehicle charging infrastructure to help minimize climate impacts.

RATIONALE FOR RECOMMENDATION

FCS was awarded the Contract for CEQA Compliance for the SW&RTS Replacement Project and their CEQA efforts commenced July 1, 2021. FCS will have developed and compiled the information needed to complete the City's Land Use Application. Therefore, amending the Contract not to exceed amount is the most expeditious and efficient route to complete this Application and keep the CEQA process moving forward.

ALTERNATIVE ACTIONS CONSIDERED

The alternative would be to issue an RFP for the Land Use Application process which would require a delay in the CEQA process and duplication of effort and cost with two distinct consultants working on the CEQA process. Therefore, amending the existing Contract not to exceed amount is the most expeditious and efficient route to complete this Application process.

CONTACT PERSON

² [City Council: 10-13-2020 - Regular Meeting Agenda - City of Berkeley, CA](#)

Contract No. 32100081 Amendment: FirstCarbon Solutions, Inc.
CEQA Compliance for the Solid Waste
& Recycling Transfer Station Replacement Project

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Greg Apa, Solid Waste & Recycling Manager, Public Works – Zero Waste, (510) 981-6359

Attachment:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32100081 AMENDMENT: FIRSTCARBON SOLUTIONS, INC. FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE FOR THE SOLID WASTE & RECYCLING TRANSFER STATION REPLACEMENT PROJECT CONTRACT AMENDEMENT

WHEREAS, July 24, 2018, City Council authorized retaining a third party consultant to conduct a Solid Waste & Recycling Transfer Station Feasibility Study with robust and extensive community input; and

WHEREAS, at a November 5, 2019 work session, Council reviewed the two preliminary concepts to provide feedback and direction on the replacement of the Solid Waste & Recycling Transfer Station; and

WHEREAS, February 11, 2020, City Council authorized a Resolution to release a Request for Proposal for California Environmental Quality Act compliance for the Solid Waste & Recycling Transfer Station; and

WHEREAS, October 13, 2021, City Council authorized the award of the contract to FirstCarbon Solutions, Inc. for the CEQA compliance for the Solid Waste & Recycling Replacement Project, Resolution No. 69,584 – N. S.; and

WHEREAS, Without the replacement of the existing facilities, the City cannot meet its Zero Waste or 2009 Climate Action Plan goals. The existing facilities are beyond their projected and useful life; do not meet today's environmental permitting requirements and safe operational standards.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 32100081 with FirstCarbon Solutions, Inc. for California Environmental Quality Act (CEQA) compliance for the Solid Waste & Recycling Transfer Station Replacement Project increasing the current contract amount of \$500,000 by \$150,000 for a total not to exceed amount of \$650,000 and extending the contract term to June 30, 2022.