

RESOLUTION NO. .

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA,
SITTING AS THE GOVERNING BOARD OF COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE COUNTY OF SAN MATEO**

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**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE HOUSING
AUTHORITY OF THE COUNTY OF SAN MATEO, OR THE DIRECTOR'S
DESIGNEE, TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH
LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., WHICH
MODIFIES THE SCOPE OF WORK TO INCLUDE ADDITIONAL INDOOR AIR AND
SUB-SLAB SAMPLING AND GROUND WATER SAMPLING, INCREASING THE
TOTAL NOT-TO-EXCEED AMOUNT BY \$149,800 FOR A NEW TOTAL NOT-TO-
EXCEED AMOUNT OF \$249,700, AND EXTENDING THE TERM OF THE
AGREEMENT THROUGH JUNE 30, 2020**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State
of California, sitting as the Board of Commissioners of the Housing Authority of the
County of San Mateo ("HACSM"), that

WHEREAS, in 1991, the State Department of Toxic Substances Control
("DTSC") issued Imminent and Substantial Endangerment Orders I/SE-90/91-004 and
I/SE-90/91-004A (and amendments) to the United States Navy, United States
Department of Housing and Urban Development, PG&E, Housing Authority of County
of San Mateo ("HACSM"), and the City of Daly City, alleging that the soil in a portion
of the David R. Rowe Park located adjacent to the Midway Village Property ("Park
Property") and in a portion of the Midway Village property located at 47 Midway
Village Drive, Daly City, CA 94014 ("Midway Village Property") were contaminated

from substances generated by the former gas manufacturing facility located adjacent to the Midway Village Property; and

WHEREAS, from approximately 1993 to 2002, remediation activities were carried out within the contaminated areas of the Midway Village Property; and

WHEREAS, deed restrictions (the “Deed Restrictions”) were recorded against the entire Park Property and portions of the Midway Village Property (collectively, the “Deed Restricted Areas”) on October 17, 2002 and DTSC undertakes Five-Year Reviews of the Midway Village Property as part of its ongoing oversight of the Deed Restricted Areas; and

WHEREAS, on January 23, 2018, the San Mateo County Board of Supervisors, sitting as the Governing Board of Commissioners of HACSM, authorized HACSM to enter into an exclusive negotiating rights agreement with MidPen Housing Corporation (“Developer”) for the purpose of negotiating an agreement that would set forth the terms and conditions to convey the Midway Village Property to Developer, in phases, to Developer, and to redevelop and operate Midway Village; and

WHEREAS, on or about June 6, 2018, HACSM and DTSC entered into a Voluntary Oversight Agreement (the “VOA”), pursuant to which HACSM agreed to undertake certain tasks, including preparation of a soil management plan (the “SMP”); and

WHEREAS, the Parties anticipate that completion of such tasks will facilitate the termination or modification of the Deed Restrictions and permit the Deed Restricted Areas to be developable with residential development; and

WHEREAS, Developer selected Langan Engineering and Environmental Services (“Langan”) through a competitive process to undertake certain environmental testing tasks related to the redevelopment of the Midway Village Property; and

WHEREAS, soil gas investigations undertaken by Langan in December 2018 detected manufactured gas plant (“MGP”) related volatile organic compounds (“VOCs”) in the soil gas samples at concentrations that exceeded established soil gas screening levels; and

WHEREAS, on January 14, 2019, DTSC, HACSM, Developer, and Langan discussed the soil gas analytical results and recommendations for additional sampling at the site and DTSC recommended performing indoor air sampling to evaluate if MGP related VOCs were migrating from the subsurface into the on-Site residential, community, and office buildings at concentrations that may pose a risk to occupants; and

WHEREAS, DTSC’s recommendations included immediate initiation of the indoor air and sub-slab sampling due to the potential health and safety risks to residents currently living at Midway Village (“Current Residents”); and

WHEREAS, on April 22, 2019, HACSM and Langan entered into an agreement for the purpose of undertaking indoor air and sub-slab sampling at the Midway Village Property for a total not-to-exceed amount of \$69,900 funded by Midway Village Reserves (the “Agreement”); and

WHEREAS, on June 13, 2019, DTSC reported that groundwater located on the Midway Village Property was discovered at a much shallower depth than was reported in the previous Five-Year Review, and DTSC requested that the groundwater depth and flow direction be confirmed, and that groundwater be tested for MGP related VOCs; and

WHEREAS, on August 14, 2019, HACSM and Langan amended the Agreement to modify the scope and budget to include the addition of two indoor air and sub-slab samples requested by DTSC and a draft workplan for groundwater investigation, and to increase the total not-to-exceed amount of the Agreement by \$30,000, for a new total not-to-exceed amount of \$99,900; and

WHEREAS, on September 19, 2019, DTSC requested a second round of indoor air and sub-slab soil gas sampling, which had not been contemplated in the Agreement, as amended, in order to confirm that the sampling results are similar under different weather conditions; and

WHEREAS, HACSM wishes to execute a second amendment to the Agreement to increase the total not-to-exceed amount by \$149,800 for a new total not-to-exceed amount of \$249,700 from Midway Village Reserves and extend the term through June 30, 2020 to allow for the provision of additional indoor air and sub-slab soil gas sampling and ground water testing at the Midway Village Property.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors, County of San Mateo, State of California, acting as the Governing Board of Commissioners of the Housing Authority of the County of San Mateo, authorize the Executive Director of the Housing Authority of the County of San

Mateo, or the Executive Director's designee, to execute a second amendment to the Agreement with Langan Engineering and Environmental Services, Inc. for indoor air and sub-slab sampling which modifies the scope of work to include additional indoor air and sub-slab sampling and ground water sampling, increases the total not-to-exceed amount by \$149,800 for a new total not-to-exceed amount of \$249,700, and extends the term of the Agreement through June 30, 3020.

BE IT FURTHER RESOLVED that signature authority is granted to the Executive Director to execute contract amendments which modify HACSM's maximum fiscal obligation by no more than \$25,000 (in aggregate) and/or modify the Contract term and/ or services so long as the modified term or services is/are within the current or revised fiscal provisions.