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

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

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

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

WHEREAS, On December 20, 2020, the Recreation and Park Commission approved a contract with Rubecon Builders, Inc. for the 900 Innes Remediation Project ("Project") in the
amount of $7,099,700, and on May 19, 2022, approved a contract increase in the amount of
$945,422 to include change orders for some of the additional excavation of contaminated
soils, off haul and disposal of reclassified soil, marine debris and timber off haul, and water
barrier time delays, that increased the total contract amount to $8,755,112; and

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

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

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

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

WHEREAS, as a condition of receiving the Grant, RPD is required to agree to the
terms of the attached Grant Terms and Conditions which is on file with the Clerk of the Board
under File No. 220857 and which is hereby declared to be part of this Resolution as if set forth
fully herein; and
WHEREAS, The Grant will not require an amendment to the Annual Salary Ordinance; and

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

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

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

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

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

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

Mayor

Department Head /s/ __________________

Approved: __________________ /s/ __________________

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

September 14, 2022 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 14, 2022 Budget and Finance Committee - RECOMMENDED AS AMENDED

September 20, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220857

I hereby certify that the foregoing Resolution was ADOPTED on 9/20/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor