



# Hidalgo County Head Start Program

## Policy Council Regular Agenda

**DATE:** November 17, 2021

**SUBJECT:** Supplemental Agreement No. 1 for Professional Engineering Services C-21-006-11-02-AS

**RATIONALE/NEED:** A supplemental agreement is required for completion of a Phase One Environmental Site Assessment (ESA) for the Head Start Outdoor Learning Environments and Discovery Classrooms Project. A proposal from Terracon Consultants, Geotechnical Consultants is attached for approval.

**RECOMMENDATION:** Administration recommends approval.

**COST:** Proposal is pending prior to the Policy Council Meeting.

**RELATED INFORMATION INCLUDES:** To be submitted prior to the meeting.

\*\*\*\*\*

**INITIATED BY:** Edmundo Garcia, Assistant Program Director for Program Operations

**REVIEWED BY:** Teresa Flores, Executive Director

**EXECUTIVE DIRECTOR'S APPROVAL:** Teresa Flores

**EXHIBIT “F”**  
**Supplemental Agreement Form**

THE STATE OF TEXAS   §  
  §  
COUNTY OF HIDALGO   §

**SUPPLEMENTAL AGREEMENT NO. 1**  
**TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES**  
**C-21-006-11-02-AS**  
**Terracon Consultants, Inc.**  
**1506 Mid Cities Drive**  
**Pharr, TX 78577**

**THIS SUPPLEMENTAL AGREEMENT** is made pursuant to the terms and conditions of the Professional Services Agreement made by and between HIDALGO COUNTY HEAD START PROGRAM, acting herein by and through the Hidalgo County Commissioner’s Court, and the Hidalgo County Head Start Policy Council hereinafter called the “**PROGRAM**”, and **TERRACON CONSULTANTS**, hereinafter called the “**CONSULTANT/ENGINEER**.”

**W I T N E S S E T H**

**WHEREAS**, the **Program** and the **Consultant/Engineer** executed the **Agreement No. C-21-006-11-02-AS** on the day 2<sup>nd</sup> day of November, 2021 concerning Professional Engineering Services for the Hidalgo County Head Start Outdoor Learning Environments and Discovery Classrooms;

**WHEREAS**, on the 30th day of November 2021, **Program** authorized a Supplemental Agreement for a Phase I Environmental Assessment for the Hidalgo County Head Start Program Outdoor Learning Environments and Discovery Classrooms (hereinafter referred to as the “**Project**”); and

**WHEREAS**, it has become necessary to amend the Agreement to include performance of the Phase I Environmental Assessment of the site for the Project;

**NOW, THEREFORE**, in consideration of the mutual covenants provided below, the **Program** and the **Consultant/Engineer** agree that said Agreement is amended as follows:

**To conduct a Phase I Environmental Site Assessment (ESA) of the above referenced site as per attached proposal.**

- II.     **All other provisions are unchanged and remain in full force and effect.**

**IN WITNESS WHEREOF**, the Engineer and the Owner have caused this Supplemental Agreement to the Agreement for Professional Services to be executed as of the 30th day of November, 2021.

**THE ENGINEER:**  
TERRACON CONSULTANTS, INC

**BY:** \_\_\_\_\_

Address for Giving Notices:

1506 Mid Cities Drive  
Pharr, TX 78577

**THE PROGRAM:**

**HIDALGO COUNTY**

**BY:** \_\_\_\_\_  
Richard F. Cortez, County Judge

**HIDALGO COUNTY**

**HEAD START PROGRAM**

**BY:** \_\_\_\_\_  
Teresa Flores, Program Director

**LIST OF ATTACHMENTS**

Proposal for Phase I Environmental Site Assessment  
HCHSP Outdoor Learning Environment and Discovery Park

November 15, 2021



Hidalgo County Head Start Program  
1901 W, State Highway 107  
McAllen, Texas 78504

Attn: Ms. Teresa Flores  
P: (956) 380-4150  
E: teresa.flores@hchsp.org

RE: Proposal for a Phase I Environmental Site Assessment  
HCHSP Outdoor Learning Environments & Discovery Park  
1901 W. State Highway 107  
McAllen, Hidalgo County, Texas  
Terracon Proposal No. P88217334

Dear Ms. Flores:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal to Hidalgo County Head Start Program (client) to conduct a Phase I Environmental Site Assessment (ESA) of the above-referenced site. We understand the site is approximately 7.2 acres of undeveloped land located at 1901 West State Highway 107 in McAllen, Hidalgo County, Texas.

Scope of Services (see Section 2.0 of attached proposal detail)	Phase I ESA consistent with ASTM E1527-13 <ul style="list-style-type: none"><li>■ Chain of Title/Environmental Lien Search is not included in this fee.</li><li>■ Additional non-scope items: None</li></ul>
Schedule (see Section 2.4 of attached proposal detail)	15-20 business days from written notice to proceed
Compensation	Lump sum of \$1,900

If this proposal meets with your approval, work may be initiated by returning a fully executed copy of the attached Agreement for Services and User Questionnaire attached to this proposal to our Pharr office. **Please provide site contact information with the signed agreement.** The terms,

Terracon Consultants, Inc. 1506 Mid Cities Dr Pharr, TX 78577-2128  
P 956-283-8254 F 956-283-8279 terracon.com



**Proposal for Phase I Environmental Site Assessment**

HCHSP Outdoor Learning Environments & Discovery Park-ESA ■ McAllen, TX

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conditions, and limitations stated in the Agreement for Services and sections of this proposal incorporated therein, shall constitute the exclusive terms and conditions and services to be performed for this project.

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you have any questions or comments regarding this proposal or require additional services, please contact Rudy De Leon at (956) 283-8254.

Sincerely,

**Terracon Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "Rudy De Leon, Jr.", written over a light blue rectangular background.

Rudy De Leon, Jr  
Assistant Scientist

A handwritten signature in blue ink, appearing to read "Lee Garrett", written over a light blue rectangular background.

Lee Garrett, P.G.  
Principal

Attachments: ASTM E1527-13 User Questionnaire  
Detailed Scope of Services  
Agreement for Services

## Client/User Required Questionnaire



<b>Person Completing Questionnaire</b>	Name: Company:	Phone: Email:
<b>Site Name</b>	HCHSP Outdoor Learning Environments & Discovery Park	
<b>Site Address</b>	1901 W. State Highway 107, McAllen, TX	
<b>Point of Contact for Access</b>	Name: Company:	Phone: Email:
<b>Access Restrictions or Special Site Requirements?</b>	___No ___Yes (If yes, please explain)	
<b>Confidentiality Requirements?</b>	___No ___Yes (If yes, please explain)	
<b>Current Site Owner</b>	Name: Company:	Phone: Email:
<b>Current Site Operator</b>	Name: Company:	Phone: Email:
<b>Reasons for ESA</b> (e.g., financing, acquisition, lease, etc.)		
<b>Anticipated Future Site Use</b>		
<b>Relevant Documents?</b>	Please provide Terracon copies of prior Phase I or II ESAs, Asbestos Surveys, Environmental Permits or Audit documents, Underground Storage Tank documents, Geotechnical Investigations, Site Surveys, Diagrams or Maps, or other relevant reports or documents.	
<b>ASTM User Questionnaire</b>		
<p>In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must respond to the following questions. Failure to provide this information to the environmental professional may result in significant data gaps, which may limit our ability to identify recognized environmental conditions resulting in a determination that "all appropriate inquiry" is not complete. This form represents a type of interview and as such, the user has an obligation to answer all questions in good faith, to the extent of their actual knowledge.</p>		
<p>1) Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state, or local law (40 CFR 312.25)? ___No ___Yes (If yes, explain below and send Terracon a copy of the title records or judicial records reviewed.)</p>		
<p>2) Did a search of recorded land title records (or judicial records where appropriate) identify any activity and use limitations (AULs), such as engineering controls, land use restrictions, or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state, or local law (40 CFR 312.26)? ___No ___Yes (If yes, explain below and send Terracon a copy of the title records or judicial records reviewed.)</p>		
<p>3) Do you have any specialized knowledge or experience related to the site or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the site or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business (40 CFR 312-28)? ___No ___Yes (If yes, explain below)</p>		
<p>4) Do you have actual knowledge of a lower purchase price because contamination is known or believed to be present at the site (40 CFR 312.29)? ___No ___Yes ___Not applicable (If yes or Not applicable, explain below)</p>		
<p>5) Are you aware of commonly known or reasonably ascertainable information about the site that would help the environmental professional to identify conditions indicative of releases or threatened releases (40 CFR 312.30)? ___No ___Yes (If yes, explain below)</p>		
<p>6) Based on your knowledge and experience related to the site, are there any obvious indicators that point to the presence or likely presence of contamination at the site (40 CFR 312.31)? ___No ___Yes (If yes, explain below)</p>		
<u>Comments or explanations:</u>		

Please return this form with the signed authorization to proceed.

Proposal No. P88217334

## DETAILED SCOPE OF SERVICES

### 1.0 PROJECT INFORMATION

We understand the site is approximately 7.3 acres of undeveloped land located at 1901 West State Highway 107 in McAllen, Hidalgo County, Texas. We further understand that the anticipated future use of the site is the development of an outdoor learning environments and discovery park and the purpose of the ESA is to assist the client with the due diligence process. If this is not accurate, or if you have additional useful information, please inform us as soon as possible.

### 2.0 SCOPE OF SERVICES

#### 2.1 Base Phase I ESA Services

The ESA will be performed consistent with the procedures included in ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Assessment Process*. The purpose of this ESA is to assist the client in developing information to identify recognized environmental conditions (RECs - as defined below) in connection with the site as reflected by the scope of this proposal. The potential for vapor migration will be addressed as part of a Phase I ESA and will be considered by Terracon in evaluation of RECs associated with the site. If modifications to the scope of services are required, please contact us to discuss proposal revisions.

#### REC Definition

Recognized environmental conditions are defined by ASTM E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment, 2) under conditions indicative of a release to the environment, or 3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.”

#### Physical Setting

The physical setting for the site will be described based on a review of the applicable USGS topographic quadrangle map, USDA soil survey, and selected geologic reference information.

## Proposal for Phase I Environmental Site Assessment

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### Historical Use Information

A review of selected historical sources, where reasonably ascertainable and readily available, will be conducted in an attempt to document obvious past land use of the site and adjoining properties back to 1940 or when the site was initially developed, whichever is earlier. The following selected references, depending on applicability and likely usefulness, will be reviewed for the site.

- Historical topographic maps
- Aerial photographs (approximate 10 to 15-year intervals)
- City directories (approximate 5-year intervals)
- Fire (Sanborn) insurance maps
- Property tax file information
- Building department records
- Zoning records
- Prior environmental reports, permits and registrations; or geotechnical report, if provided by the client.
- Site title search information, if provided by client
- Environmental liens, if provided by client

Pursuant to ASTM E1527-13, the client should engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records (or judicial records where appropriate) for environmental liens and activity and use limitations currently recorded against or relating to the site. If the client is unable to provide land title records (or judicial records where appropriate), an abstract firm may be contracted by Terracon to perform a review of land title records (or judicial records where appropriate) for an additional fee. Documentation of environmental liens and activity and use limitations, if recorded, will be provided in the land title records (or judicial records where appropriate). Note, however, unless specifically requested within three days of project commencement, Terracon will rely on the client to provide land title records (or judicial records where appropriate). **If land title records (or judicial records where appropriate) are not provided for review in a timely manner, Terracon may conclude that the absence of records represents a data gap, which must be evaluated and documented in the final report.**

The client and the current owner or their representative will be interviewed to provide information regarding past uses of the site and information pertaining to the use of hazardous substances and petroleum products on the site. Additionally, a reasonable attempt will be made to interview past owners, operators, and occupants of the site to the extent that they are identified within the scope of the ESA and are likely to have material information that is not duplicative of information already obtained through the assessment process.

### Regulatory Records Review

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Consistent with ASTM E1527-13, federal, state, and tribal databases, where applicable and within ASTM-defined minimum search distances from the nearest property boundary, will be reviewed for indications of RECs. A database firm will be subcontracted to access governmental records used in this portion of the assessment. Additional federal, state, and local databases may be reviewed if provided by the database firm. Determining the location of unmapped facilities is beyond the scope of this assessment.

In addition to the database review and if customary practice for the site location, an attempt will be made to review reasonably ascertainable and useful local lists or records such as Brownfield sites, landfill/solid waste disposal sites, registered storage tanks, land records, emergency release reports, and contaminated public wells. A reasonable attempt will also be made to interview at least one staff member of any one of the following types of local government agencies: fire department, health agency, planning department, building department, or environmental department. As an alternative, a written request for information may be submitted to the local agencies.

The scope of work proposed herein includes **up to two hours of regulatory agency file and/or records review, including client-provided reports and files**. If the results of this initial review appear to warrant a more extensive review of applicable regulatory agency files and/or records, a cost estimate will be provided to the client for pre-approval. Review of regulatory files and/or records, when authorized, will be for the purpose of identifying RECs. Please note that all requested files may not be available from regulatory agencies within the client's requested project schedule.

### Site and Adjoining/Surrounding Property Reconnaissance

A site reconnaissance will be conducted to identify RECs. The reconnaissance will consist of visual observations of the site from the site boundaries and selected interior portions of the site. The site reconnaissance will include, where applicable, an interview with site personnel who the client has identified as having knowledge of the uses and physical characteristics of the site. Pertinent observations from the site reconnaissance will be documented including:

- Site description
- General site operations
- Aboveground chemical or waste storage
- Visible underground chemical or waste storage, drainage, or collection systems
- Electrical transformers
- Obvious releases of hazardous substances or petroleum products

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The adjoining property reconnaissance will consist of visual observations of the adjoining/surrounding properties from the site boundaries and accessible public rights-of-way.

### Report Preparation

A PDF-formatted copy of the final report will be submitted that presents the results of this assessment, based upon the scope of services and limitations described herein. The final report will be signed by an environmental professional responsible for the Phase I ESA, and the report will contain an environmental professional statement as required by 40 CFR 312.21(d).

### 2.2 Additional Services Beyond Base ESA

At the direction of the client, additional services beyond the scope of the base Phase I ESA have not been included.

### 2.3 Additional Services Not Included

The following services, although not specifically required by ASTM E1527-13, may also be performed concurrently with ESAs and may be beneficial for the evaluation of environmental conditions and/or an evaluation of specific business environmental risks at the site. At your direction, these services have not been included as part of the scope of services for this ESA. Please note that this list is not all-inclusive. If you seek additional services, please contact us for a supplemental proposal and cost estimate.

- Radon Records Review
- Short-Term Radon Testing
- Wetland Records Review
- Threatened/Endangered Species Records Review
- Historic Properties/Archaeological Resources Review
- ASTM E 2600-15 Vapor Encroachment Screen
- Regulatory Agency File Review

At the client's request, Terracon can also provide proposals for facility engineering services including property condition assessments, roofing inspections, curtain wall evaluations, structural surveys and mechanical surveys.

If the site is intended for future development, Terracon can also provide proposals for geotechnical investigations, geologic hazards (like growth faulting), construction materials testing, construction draw reviews and scope and budget review services.

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### 2.4 Schedule

Services will be initiated upon receipt of the written notice to proceed. The final report will be submitted within 15-20 business days after receipt of your written notice to proceed, assuming site access can be obtained within three business days after the notice to proceed.

In order to comply with the proposed schedule, please provide the following items at the time of notification to proceed.

- A signed Agreement for Services evidencing acceptance of this scope of services.
- The completed ASTM E1527-13 User Questionnaire, supplied as an attachment to this proposal.
- Right of entry to conduct the assessment, including access to building interiors.
- Notification of any restrictions or special requirements (such as confidentiality, scheduling, or on-site safety requirements) regarding accessing the site.
- An accurate legal description and/or a diagram of the site such as a surveyor's plat map or scaled architect's drawing (if such diagrams exist).
- Current site owner, property manager, occupant information (including tenant list), and contact information for persons knowledgeable about the site history including current and historical use of hazardous substances and petroleum products on site (e.g., names, phone numbers, etc.).
- Copies of environmental reports, permits and registrations, and geotechnical reports that were previously prepared for the site.
- Information relating to known or suspect environmental conditions at the site, including commonly known or reasonable ascertainable information within the local community about the site that is material to RECs in connection with the site.
- Information about environmental liens and activity and use limitations for the site, if any.
- Specialized knowledge or experience that is material to RECs in connection with the site, if any.
- Knowledge that the purchase price of the site is significantly less than the purchase price of comparable properties.
- Land title records.

Please note that requested regulatory files or other information may not be provided to Terracon by the issuance date of the report. Consideration of information not received by the issuance date of the report is beyond the scope of this ESA.

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**2.5 Reliance**

The ESA report will be prepared for the exclusive use and reliance of Hidalgo County Head Start Program. Reliance by any other party is prohibited without the written authorization of the client and Terracon.

If the client is aware of additional parties that will require reliance on the ESA report, the names, addresses, and relationship of these parties should be provided for Terracon approval prior to the time of authorization to proceed. Terracon may grant reliance on the ESA report to those approved parties upon receipt of a fully executed Reliance Agreement (available upon request) and receipt of information requested in the Reliance Agreement. If, in the future, the client and Terracon consent to reliance on the ESA by a third party, Terracon may grant reliance upon receipt of a fully executed Reliance Agreement, requested information and receipt of an additional minimum fee of \$250 per relying party.

Reliance on the ESA by the client and all authorized parties will be subject to the terms, conditions, and limitations stated in the Agreement for Services, sections of this proposal incorporated therein, the Reliance Agreement, and ESA report. The limitation of liability defined in the Agreement for Services is the aggregate limit of Terracon’s liability to the client and all relying parties.

Continued viability of the report is subject to ASTM E1527-13 Sections 4.6 and 4.8. If the ESA will be used by a different user (third party) than the user for whom the ESA was originally prepared, the third party must also satisfy the user’s responsibilities in Section 6 of ASTM E1527-13.

**2.6 Scope and Report Limitations**

Site Access and Safety

Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees, including following applicable state and local COVID related requirements, but shall not be responsible for the supervision or health and safety precautions for any third parties, including Client’s contractors, subcontractors, or other parties present at the site. In addition, Consultant retains the right to stop work without penalty at any time Consultant believes it is in the best interests of Consultant’s employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. Client agrees it will respond quickly to all requests for information made by Consultant related to Consultant’s pre-task planning and risk assessment processes. Client acknowledges its responsibility for notifying Consultant of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

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The fee is valid for 90 days from the date of this proposal and is based on the assumption that all field services will be performed under safety Level D personal protective procedures and that only one site visit will be made by Terracon personnel. The lump sum fee is based on the assumptions and conditions provided at the time of this proposal.

The findings and conclusions presented in the final report will be based on the site's current utilization, the anticipated future use of the site, if provided to Terracon, and the information collected as discussed in this proposal. Please note that we do not warrant database or third-party information (such as from interviewees) or regulatory agency information used in the compilation of reports.

Phase I ESAs, such as the one proposed for this site, are of limited scope, are noninvasive, and cannot eliminate the potential that hazardous, toxic, or petroleum substances are present or have been released at the site beyond what is identified by the limited scope of this ESA. In conducting the limited scope of services described herein, certain sources of information and public records will not be reviewed. It should be recognized that environmental concerns may be documented in public records that are not reviewed. This ESA does not include subsurface or other invasive assessments, vapor intrusion assessments or indoor air quality assessments (i.e. evaluation of the presence of vapors within a building structure), business environmental risk evaluations, or other services not particularly identified and discussed herein. No ESA can wholly eliminate uncertainty regarding the potential for RECs. The limitations herein must be considered when the user of this report formulates opinions as to risks associated with the site. No warranties, express or implied, are intended or made.

An evaluation of significant data gaps will be based on the information available at the time of report issuance, and an evaluation of information received after the report issuance date may result in an alteration of our opinions and conclusions. We have no obligation to provide information obtained or discovered by us after the date of the report, or to perform any additional services, regardless of whether the information would affect any conclusions, recommendations, or opinions in the report. This disclaimer specifically applies to any information that has not been provided by the client.