

**BROWNFIELDS ASSESSMENT COALITION MEMORANDUM OF AGREEMENT
BETWEEN THE FOLLOWING PARTIES:**

ORANGE COUNTY COUNCIL OF GOVERNMENTS,
NEIGHBORWORKS ORANGE COUNTY, CITY OF GARDEN GROVE,
CITY OF ORANGE, AND CITY OF SANTA ANA

This Memorandum of Agreement documents the roles and responsibilities of the parties involved in the Fiscal Year 2024 Brownfield Assessment Coalition Grant awarded by the U.S. Environmental Protection Agency (EPA) to the Coalition led by the Orange County Council of Governments (OCCOG) and supported by NeighborWorks Orange County, City of Garden Grove, City of Orange, and City of Santa Ana.

1. As the Lead Coalition Member, the OCCOG is accountable to EPA for management of the Cooperative Agreement (established between EPA and OCCOG) and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring all Coalition Members comply with the terms and conditions.
2. It is the responsibility of the OCCOG to provide timely information to the Coalition Members regarding the management of the Cooperative Agreement and any changes that may be made to the Cooperative Agreement over the period of performance.
3. In addition to the OCCOG the Coalition Members include NeighborWorks Orange County, City of Garden Grove, City of Orange, and City of Santa Ana. Contact information for the lead project representative on behalf of each Coalition Member is as follows:

ORANGE COUNTY COUNCIL OF GOVERNMENTS

Name & Title: Marnie O'Brien Primmer, Executive Director
Phone: 949-698-2856 | Email: marnie@occog.com

NEIGHBORWORKS ORANGE COUNTY

Name & Title: Helen O'Sullivan, President & CEO
Phone: 714-490-1250 | Email: heleno@nwoc.org

CITY OF GARDEN GROVE

Name & Title: Niki Wetzels, Community Development Director
Phone: 714-741-5314 | Email: nikiw@ggcity.org

CITY OF ORANGE

Name & Title: Thomas Kisela, City Manager
Phone: 714-744-2222 | Email: tkisela@cityoforange.org

CITY OF SANTA ANA

Name & Title: Alvaro Nuñez, City Manager
Phone: 714-647-5200 | Email: ANunez@santa-ana.org

4. Activities funded by the EPA Brownfields Assessment Coalition Grant is described in the Cooperative Agreement Work Plan (referred to as the "Work Plan") established between EPA and OCCOG in July 2024. Project tasks outlined in the Work Plan include: 1) Project Management, Reporting and Other Eligible Activities; 2) Community Engagement and Site Inventory/Prioritization; 3) Site-Specific Assessment and Cleanup Planning Activities; and 4) Area-Wide Planning (AWP) Activities.
5. The OCCOG was responsible for advancing a qualifications-based procurement process completed in fall 2023 to obtain the services of a consultant to assist with implementation of the EPA Brownfield Assessment Coalition Grant. Procurement was completed in accordance with 2 CFR 200.317–200.326 and the *Best Practice Guide for Procuring Services Under EPA Assistance Agreements*. One proposal was received from a consultant team led by Montrose Environmental Solutions, Inc. (Montrose). OCCOG staff reviewed and scored the proposal and completed a Fair and Reasonable Profit Analysis in accordance with EPA recommendations prior to entering a contract.
6. The OCCOG and its Coalition Members will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of eight sites are assessed over the life of the Cooperative Agreement, including at least two sites within the jurisdiction of each Coalition Member. Selected sites will be submitted to EPA for approval to ensure eligibility prior to initiating assessment and/or cleanup/reuse planning activities. The Work Plan (established between EPA and OCCOG in July 2024) identifies the number of Phase I and II Environmental Site Assessments (ESAs), Regulated Building Materials (RBM) Surveys, Cleanup/Reuse Plans, and AWP's anticipated for the project.
7. Upon designation of the specific sites, it will be the responsibility of the OCCOG to work with the Coalition Member in whose geographic area the site is located to finalize the scope of work for the Consultant or other contractor(s). It will be the responsibility of this Coalition Member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site.
8. The OCCOG is responsible for ensuring that other activities as negotiated with EPA in the Work Plan are implemented in accordance with a schedule agreed upon by the OCCOG and the Coalition Member in whose geographic area the site to be assessed is located.
9. The OCCOG is responsible for completing the project within the four-year period of performance (ending September 30, 2028) established by EPA in the Cooperative Agreement.
10. It will be the responsibility of each Coalition Member to comply with the terms of the Cooperative Agreement with EPA and respond to requests for work items and information in a timely manner to allow the OCCOG to meet EPA compliance reporting deadlines and other project deadlines.

EFFECTIVE: OCTOBER 1, 2024

This MEMORANDUM OF AGREEMENT for the Brownfields Assessment Coalition led by the Orange County Council of Governments is agreed upon by the parties below.

ORANGE COUNTY COUNCIL OF GOVERNMENTS:

Signed by:


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Signed by: **Marnie O'Brien Primmer, Executive Director**

10/28/2024

Date

NEIGHBORWORKS OF ORANGE COUNTY:

Signed by:


D3E316390EE1414...

Signed by: **Helen O'Sullivan, President & CEO**

10/30/2024

Date

CITY OF GARDEN GROVE:

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Signed by: **Lisa L. Kim, City Manager**

11/12/2024

Date

CITY OF ORANGE:

DocuSigned by:


8FAAF5B090A1480...

Signed by: **Thomas Kisela, City Manager**

11/14/2024

Date

CITY OF SANTA ANA:

Signed by:


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Signed by: **Alvaro Nuñez, City Manager**

11/27/2024

Date