



## ADDENDUM #8

### 1<sup>st</sup>/Central RFP

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The City of Albuquerque (“City”) received a formal RFP inquiry on October 17, 2014. The question asked by the potential Proposer and the City’s response is as follows:

**Question:**

Will BNSF or a party other than the developer be responsible for: (1) remediation, (2) disposal of contaminated soil and/or material, and, (3) ongoing environmental liabilities if structural requirements dictate a need to bore into or otherwise disturb contaminated soils underlying the site in order to install piers or other structural members? The question refers only to structural requirements.

Occupied space is not involved.

**Response:**

This question pertains to in part to Part I.F. Offering of the Site. of RFP No. 03-2014:

*In 2004, the City completed a Phase 1 Environmental Site Assessment (“Phase 1”) and Phase 2 Environmental Site Assessment (“Phase 2”) for the Subject Site and the surrounding area as seen in Exhibits J and K, respectively. The Phase 1 and Phase 2 pointed to potential volatile organic compounds within the subsurface of the Subject Site.*

*Based on the Phase 1 and Phase 2, the New Mexico Environment Department (“NMED”) requested a Stage 1 Abatement Plan from BNSF (See Exhibit L). BNSF then commissioned an investigation report, which is dated June 7, 2005 and analyzed the soil and groundwater underneath the site (See Exhibit M). Based on these results, NMED approved BNSF’s Stage 1 Abatement Plan of continuing to monitor groundwater on the Subject Site (See Exhibit N). A recent groundwater monitoring report dated July 31, 2013 commissioned by BNSF can be found in Exhibit O. Overall, the soil contamination does not appear to be causing groundwater contamination on the Subject Site. Nevertheless, the City commissioned a vapor study of the Subject Site dated April 21, 2014, which did find some evidence of vapor emissions on the Subject Site (See Exhibit P).*

*The City also commissioned a Geotechnical Engineering Study in 2004, as seen in Exhibit Q. This study evaluated the physical properties of the subsoils underlying the Subject Site and the surrounding area for a proposed Albuquerque Arena Facility, which was never built. The study proposed a foundation system for the Albuquerque Arena Facility.*

This question also pertains to Part II.B. Master Developer Responsibilities:

*The selected Master Developer will be responsible for all aspects of the redevelopment of the Subject Site, including, but not limited to:*

- ...
- *Environmental Analysis and Remediation;*

...

Finally, this question also pertains to Exhibits J through Q.

As stated in Addendum #3 of the RFP, the railroad company is responsible for the contamination. The NMED has been negotiating with the railroad company on similar, nearby sites. Further, there is a program managed by NMED that could be used by the future owner of the site to clear him or her of any future liability due to previous environmental contamination. The City is actively working with the NMED to begin the process of obtaining a Certificate of Completion (“Certificate”) and a Covenant Not to Sue (“Covenant”) as a part of the NMED’s Voluntary Remediation Program (“VRP”). Also, the City has furnished several environmental reports (Exhibits J through Q). However, this should not be construed that the City has an obligation to provide or will be successful in providing either the Certificate or Covenant or to perform any remediation. The City would put forth best efforts to a certain extent, if required, to facilitate any agreement, compromise or negotiations between the chosen Developer and BNSF Railway. However, as stated in the RFP, the City is not obligated or burdened with the responsibility of the final environmental analysis, soil disposal and/or remediation (including any ongoing environmental liability).