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Title: Approve a First Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$56,700 and Agreement extension to December 31, 2018, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3)

Sponsors: Department of Public Utilities

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Attachments: 1. 2018-02-08 Attachment 1 First Amendment to Agreement- CDM Phase3 FSL with Sig.pdf, 2. 2018-02-08 Attachment 2 Groundwater Remedial Action Phase 3 CDM Extension Cost.pdf, 3. 2018-02-08 Attachment 3 Groundwater Remedial Action Phase 3 CDM Agreement.pdf, 4. 2018-02-08 Attachment 4 Council Reject Bids for Phase3 Landfill.pdf

Date	Ver.	Action By	Action	Result
2/8/2018	1	City Council	approved	

REPORT TO THE CITY COUNCIL

February 8, 2018

FROM: THOMAS C. ESQUEDA, Director
Department of Public Utilities

THROUGH: JERRY L. SCHUBER, SR., Assistant Director
Department of Public Utilities - Solid Waste Management Division

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Department of Public Utilities - Wastewater Management Division

SUBJECT

Approve a First Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$56,700 and Agreement extension to December 31, 2018, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3)

RECOMMENDATION

Approve a First Amendment to Agreement with CDM to extend existing Agreement to December 31, 2018, with additional funding of \$56,700 for the design and implementation oversight of Phase 3 Groundwater Remedial Action (RA) for the FSL and authorize the Director of Public Utilities or

designee to execute the agreement on behalf of the City of Fresno.

EXECUTIVE SUMMARY

On June 7, 2016, an agreement went into effect between the City of Fresno and CDM for design and consultation services for the Phase 3 Groundwater RA to be in full force through December 31, 2017.

On July 20, 2017, Council approved rejection of a sole bid for this project. The sole bid was over budget, exceeding 32.5% of engineer estimates. CDM prepared new specifications for a new bidding process. The project is delayed and an extension of the Agreement to December 31, 2018, with additional funding of \$56,700 is proposed. The additional funding will cover consultant fees for the extended period with additional activities for bid period, construction, EPA and other regulatory agencies interaction and overall project oversight services.

BACKGROUND

In June 1998, the City of Fresno entered into an agreement with the United States Environmental Protection Agency (US EPA) to conduct the final cleanup of the FSL. The 1996 US EPA Record of Decision (ROD) for the FSL stated that the objective of the Groundwater RA was to *"restore the aquifer to beneficial use in a timely and cost-effective manner."* The aquifer impacted by historical operations of the FSL is considered restored when levels of contaminants present in groundwater comply with regulatory standards at or below maximum contaminant levels for volatile organic compounds. The Groundwater RA was planned for implementation in three phases, with objectives associated with each phase of remediation. Phase 3 is the final phase of the Groundwater RA and consists of installation and operation of additional groundwater extraction and monitoring wells at the FSL to complete restoration of the aquifer to beneficial use.

On June 7, 2016, an agreement went into effect between the City of Fresno and CDM for design and consultation services for the Phase 3 Groundwater RA to be in full force through December 31, 2017.

On April 17, 2017, the FSL Phase 3 Groundwater Remedial Design/Remedial Action Operable Unit 2 went out for advertisement via Bids-On-Line. Ten Building Exchanges received notices inviting bids. There were 51 specifications distributed to prospective bidders.

On May 16, 2017, a single bid was received and opened for the amount of \$2,362,090, which exceeded the engineer estimated amount of \$1,782,945 or 32.5%. The budget allocation for this project was \$1,800,000. The single bid was rejected by Council on July 20, 2017.

The project is delayed due to the need to revise the specifications for the project and to start a new bidding process. Staff is requesting approval of an extension of the agreement with CDM to December 31, 2018, for completion of the design and implementation of Phase 3 of the Groundwater RA for the FSL, and authorization of the Director of Public Utilities or designee to execute the agreement.

The total cost for this extension is \$56,700. Adding the additional cost of the extension to the original funds approved at \$464,700 the total consultant cost of this agreement is \$521,400.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, the approval of the amendment does not qualify as a “project” for the purpose of CEQA.

LOCAL PREFERENCE

Local preference does not apply to this section because this is an amendment to an existing Agreement.

FISCAL IMPACT

The cost of this Amendment to the Agreement with CDM to extend the existing contract is funded through the existing City Landfill Closure Fund FY 2018 Budget. No additional funds are needed at this time. To note, the City Landfill Post Closure Fund is funded equally by the Residential and Commercial Solid Waste Reserve funds. As anticipated over the past several years and because the Commercial Solid Waste Franchise Fees are deposited in the General Fund, the support for the commercial portion of landfill activities has been gradually shifted to the General Fund.

Attachments:

First Amendment to Agreement - Phase 3 Design and Implementation Agreement with CDM Smith, Inc., Groundwater Remedial Action- Fresno Sanitary Landfill (Attachment 1)
CDM Smith, Inc. Quote for Additional Funds for First Amendment to Agreement, Phase 3, Groundwater Remedial Action -Fresno Sanitary Landfill (Attachment 2)
Phase 3 Design and Implementation Agreement with CDM Smith, Inc., Groundwater Remedial Action - Fresno Sanitary Landfill (Attachment 3)
Rejection of Sole Bid for Phase 3 Groundwater Remedial Action (Attachment 4)