



Legislation Details (With Text)

File #: ID18-1137 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 9/21/2018 **In control:** City Council

On agenda: 10/11/2018 **Final action:** 10/11/2018

Title: Approve a Second Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$84,400 and extension to March 31, 2019, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Council District 3)

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. 2018-10-11 Second Amendment to Agreement- CDM Phase3 FSL Funding Request (Attachment 2).pdf, 2. 2018-10-11 First Amendment to Agreement- CDM Phase3 FSL (Attachment 3).pdf, 3. 2018-10-11 Second Amendment to Agreement- CDM Phase3 FSL (Attachment 1).pdf

Date	Ver.	Action By	Action	Result
10/11/2018	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

October 11, 2018

FROM: MICHAEL CARBAJAL, 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 Second Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$84,400 and extension to March 31, 2019, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Council District 3)

RECOMMENDATION

Approve a Second Amendment to Agreement with CDM to extend existing Agreement to December 31, 2018, with additional funding of \$84,400 for the design and implementation oversight of Phase 3 Groundwater Remedial Actions 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 February 8, 2018, Council approved First Amendment to the Agreement extending the Agreement to December 31, 2018, with additional funding of \$56,700 to cover consultant fees for re-bidding of the project and project oversight during the extended contract period.

Increase in consultation and oversight by the Consultant have resulted in the need for additional funding in the amount of \$84,400 and an Agreement extension to March 31, 2019.

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 Remedial Action (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.

On February 8, 2018, Council approved a First Amendment to the Agreement for an extension of the agreement with CDM Smith to December 31, 2018, at a cost of \$56,700 for completion of the design and implementation of Phase 3 of the Groundwater RA for the FSL. The total cost of the Agreement after the amendment was \$521,400.

On March 22, 2018, Council approved two bid proposals for the Phase 3 Groundwater Remedial Action for the FSL. Approved bids were in the amount of \$563,024 to Bradley & Sons for the groundwater well construction and \$1,512,500 to Stearns, Conrad & Schmidt for the groundwater integration of newly constructed and existing wells.

Changes to the specifications supporting the second bidding process allowed for a different operational method that has resulted on an increase of project oversight and labor hours. In addition,

existing electrical equipment is no longer compatible to the proposed new installation. This will require the consultant to modify existing specifications to accommodate a solution that will work for both, the new and the existing equipment.

Staff is requesting approval of a second extension of the agreement with CDM to March 31, 2019 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 \$84,400. Adding the additional cost of the second extension to the original funds approved at \$464,700 and the first extension funded at \$56,700, the total consultant cost of this agreement is \$605,800.

ENVIRONMENTAL FINDINGS

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

LOCAL PREFERENCE

Local preference does not apply, 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 City Landfill Closure Fund FY 2019 Budget. The City Landfill 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 activities has been gradually shifted to the General Fund.

Attachments:

- Second 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 Second Amendment to Agreement, Phase 3, Groundwater Remedial Action -Fresno Sanitary Landfill (Attachment 2)
- First Amendment to Agreement and Agreement- Phase 3 Design and Implementation Agreement with CDM Smith, Inc., Groundwater Remedial Action- Fresno Sanitary Landfill (Attachment 3)