



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: PWD RR&WMD
Department No.: 054
For Agenda Of: 1/16/07
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: No Vote Required

TO: Board of Supervisors
FROM: Department Phillip M. Demery, Director x3010
Director(s)
Contact Info: Mask A. Schleich, Deputy Director x3603
**SUBJECT: Foxen Canyon Landfill Final Closure
Project No. 170011
Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence Risk Management

As to form: Yes

Recommended Actions: That the Board of Supervisors:

- 1) For the award of the construction contract:
 - a) Approve plans and specifications for Foxen Canyon Landfill (FCL) Final Closure, Project No. 170011, Third Supervisorial District; and
 - b) Award the construction contract in the amount of \$2,567,185.50 to the lowest responsible bidder, Whitaker Contractors, Inc., subject to the provisions of documents and certification, as set forth in the plans and specifications applicable to the project, as required under California Law; and
 - c) Authorize the Chair to execute the construction contract upon return of the Contractors executed contract documents and the review and approval of the County Counsel, Auditor-Controller and Risk Manager or their authorized representatives; and
 - d) Approve Contingency Fund in the amount of \$140,859.28 for FCL Final Closure, Project No. 170011, Third Supervisorial District.

- 2) For the acquisition of professional consulting services:
 - a) Approve the appointment of SCS Engineers to provide Project Management Services for the FCL Final Closure construction contract for an amount of \$98,380.00 and authorize the Chair to execute after review and approval of County Counsel, Auditor-Controller and Risk Manager or their authorized representatives.

- b) Approve the appointment of GeoSyntec Consultants to provide Construction Quality Assurance (CQA) Services for the FCL Final Closure construction contract for an amount of \$137,004.00 and authorize the Chair to execute after review and approval of County Counsel, Auditor-Controller and Risk Manager or their authorized representatives.

Summary Text:

The FCL has been inactive since July 2003. In terms of the approved FCL Final Closure Plan and the requirements of the California Integrated Waste Management Board and the California Regional Water Quality Control Board - Central Coast Region, the construction work associated with the final closure must be executed during the summer of 2007. The award of the contracts mentioned above will enable this to be accomplished.

The proposed award of the construction contract to Whitaker Contractors, Inc is a result of a competitive bidding process.

The proposed award of the contract for Project Management Services to SCS Engineers follows their appointment through a Master Service Agreement to assist with the update of the FCL Final Closure Plan and their subsequent appointment to prepare the bid documents for the FCL Final Closure contract. Their intimate knowledge of the FCL project and their substantial experience in the management of landfill construction work make them eminently suitable for appointment, to project manage the closure contract.

The proposed award of the contract for Construction Quality Assurance Services to Geosyntec Consultants follows their appointment through a Master Service Agreement to prepare the Alternative Final Cover Feasibility Study, for approval by the California Regional Water Quality Control Board - Central Coast Region. Their specific knowledge of the FCL project, and their extensive experience with the design and construction of monolithic landfill cover systems, make them the appropriate company to provide Construction Quality Assurance (CQA) Services for the closure contract.

Background:

Land-filling operations started at FCL in about 1970 and came to an end in July 2003 when the landfill reached the limit of its capacity and was declared inactive. The Santa Ynez Valley Recycling & Transfer Station, which is located adjacent to the FCL, commenced operations in July 2003 and now accommodates the waste disposal needs of the Santa Ynez Valley community. The environmental impacts of the FCL closure activities were evaluated in Environmental Impact Report (90-EIR-14) and Supplemental Environmental Impact Report (97-SD-02).

Fiscal and Facilities Impacts:

Budgeted: Yes

The FCL is regulated by the California Integrated Waste Management Board (CIWMB) and as such is required to maintain financial assurances for closure and post closure activities as stipulated under Title 27 of the California Code of Regulations. The financial assurance mechanism for the FCL is a combined Enterprise Fund and Pledge of Revenue agreement that was jointly approved by the Board of Supervisors and the CIWMB on June 23, 1998.

Under this agreement the Public Works Department has maintained 100% of the Closure Cost Estimate (approved 2005 Final) and 1/3 of the 30 year Post Closure Cost Estimate in a restricted cash account reserved for these activities. The funds required by law have been collected by tip fees over time. Currently the balance being held in restricted cash for closure of the FCL is \$2,309,415. The \$398,620 additional costs of closure are contributable to the inflation in construction and fuel costs. Funding of closure costs are as follows:

<u>Closure Components</u>	<u>Costs</u>	<u>Restricted Cash</u>	<u>Fund Reserves</u>
Closure Construction	\$ 2,708,045	\$ 2,309,415	\$ 398,630
Bid Documents	24,732	0	24,732
Construction Management	98,380	0	98,380
Construction Quality Assurance	137,004	0	137,004
Totals	\$ 2,968,161	\$ 2,309,415	\$ 658,746

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Enterprise Fund	\$ 1,496,441.00	\$ -	\$ 2,968,161.00
Total	\$ 1,496,441.00	\$ -	\$ 2,968,161.00

Narrative:

The budgeting of the total Closure costs of \$2,968,161 will occur over two fiscal years. Construction and support costs of \$1,496,441 through June 30, 2007 have been included in the FY2006/07 Budget in LI Account 7460 of the RRWM Enterprise Fund. The remaining \$1,471,720 in costs to be incurred in July and August of 2007 will be included in the FY2007/08 Budget.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

Please provide certified stamped copies of the Minute Order approving these actions to Resource Recovery and Waste Management Division of Public Works, attention: Mark Schleich, Colleen Hankins and John Pet.

Attachments:

1. Proposal and Contract (Draft copy) (Whitaker Contractors Inc)
2. Agreement for Services of Independent Contractor (Draft copy) (SCS Engineers)
3. Agreement for Services of Independent Contractor (Draft copy) (GeoSyntec Consultants)

Authored by:

John Pet, Civil Engineer

cc:

Colleen Hankins & John Pet