



**SOLID WASTE  
DEPARTMENT  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** January 24, 2017

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Parveen Sandhu    PHONE: 624-7195				

**SUBJECT:** Approve the Sixth Amendment to Agreement No. 19966 with EBA Engineering

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Sixth Amendment to Agreement (Agreement No. 19966) with EBA Engineering, to extend the term of the agreement to December 31, 2020; to provide additional CQA, design and permitting services at the Visalia Landfill; and to increase the total amount that may be paid for services under this agreement by \$ 918,774 to \$2,617,853.
2. Approve the necessary budget adjustments per the attached AUD 308 (4/5ths vote required).
3. Authorize the Chairman to sign four copies of the Amended Agreement.

**SUMMARY:**

On December 21, 1999, your Board passed Resolution No. 99-0994 entering into Agreement No. 19966 with EBA Engineering (EBA) formerly EBA Wastechologies, to prepare the Visalia landfill's Solid Waste Facilities Permit application package which included the master development plan for the site's expansion, the Joint Technical Document package and an Environmental Impact Report.

On March 19, 2002, your Board passed Resolution No. 2002-0196 amending the Agreement (Agreement No. 19966A) with EBA to provide a double composite liner design for Waste Management Unit 2 (WMU-2). The original design was only a single composite liner, and because of groundwater issues at the Visalia site, the Regional

**SUBJECT:** Approve the Sixth Amendment to Agreement No. 19966 with EBA  
Engineering  
**DATE:** January 24, 2017

Water Quality Control Board (RWQCB) wanted a double liner.

On August 27, 2002, your Board passed Resolution No. 2002-0647 amending the Agreement (Agreement No. 19966B) with EBA to provide the final closure design and Construction Quality Assurance (CQA) for the existing Waste Management Unit 1 (WMU-1) at the Visalia landfill.

On August 19, 2003, your Board passed Resolution No. 2003-0692 amending the Agreement (Agreement No. 19966C) with EBA to allow additional charges associated with the CQA inspection at the Visalia Landfill Phase 1 expansion and to extend the term of the Agreement an additional two years to December 20, 2007. The CQA charges had not been amended when the design went from a single to a double liner.

On December 18, 2007, your Board passed Resolution No. 2007-0870 amending the Agreement (Agreement 19966D) adding an additional five years to December 31, 2012 because at that time the closure of WMU-1 was not anticipated to commence until 2010 with final regulatory approval in 2012.

On January 15, 2013, your Board passed Resolution No. 2013-0023 amending Agreement (Agreement 19966E) adding four and one-half years to June 30, 2017 to allow time to re-design, obtain regulatory approval and construct the closure of WMU-1 saving approximately \$1.25 million in construction costs.

Staff is now proposing a Sixth Amendment to the Agreement to provide additional funds for the CQA services for the closure of WMU-1, as well as to begin work on the WMU-2 Phase 3 expansion. The three components of this amended agreement are further explained below:

**1. Additional WMU-1 Closure CQA Costs**

The original design for the closure of Visalia landfill WMU-1 included a geosynthetic clay liner (GCL) and soil cover. The GCL design was changed to the approved alternative use of an evapotranspirative (ET) cover. The ET cover eliminated the need for a GCL and reduced the estimated cost of closure construction by approximately \$1.25 million. Additional design costs of approximately \$184,000 were incurred to incorporate this design change resulting in a comparable shortfall in the \$16,049 amount remaining in Agreement No. 19966. Additionally, there is a need to perform more CQA testing of soils being used for the ET cover and inspection of the placement of those soils in the amount of \$140,669 for a total CQA shortfall of \$324,669. Construction of the WMU-1 closure began in May 2016 and is approximately 60% completed.

**2. WMU-2 Phase 3 Expansion Design and Permitting**

On July 1, 2015, the Woodville landfill suspended the acceptance of waste. This action, combined with new disposal agreements with the Cities of Visalia and Tulare, as well as the improvement in the overall economy, has resulted in an approximately 280% increase in landfill daily tonnage at the Visalia landfill since that time. This increase has

**SUBJECT:** Approve the Sixth Amendment to Agreement No. 19966 with EBA  
Engineering

**DATE:** January 24, 2017

accelerated greatly the need to expand the landfill. Phase 3 of the WMU-2 expansion will be the construction of an approximately 12.4 acre double composite lined landfill cell, giving the site an additional 1.4 million cubic yards, or approximately 4 additional years of capacity, at a cost of approximately \$4.5 million. Construction of Phase 3 is expected to begin late in the 2016/2017 Fiscal Year.

EBA was responsible for the permitting and design of the master plan for the Visalia landfill site in 1999 and designed the first phase of the WMU-2 expansion at the site at that same time. EBA designed the second phase of the WMU-2 expansion in 2007. EBA can perform the design work, obtain regulatory approval and develop construction plans, specifications and engineering within the accelerated timeframe required at a cost of \$152,105. Given EBA's exemplary performance designing the last two expansions as well as their familiarity and experience with the site, staff recommends that EBA perform this work for this next phase of expansion.

### **3. Phase 3 Expansion CQA Inspection**

**SUBJECT:** Approve the Sixth Amendment to Agreement No. 19966 with EBA  
Engineering

**DATE:** January 24, 2017

Title 27 of the California Code of Regulations governs solid waste facilities. Title 27 defines Construction Quality Assurance as "...a planned system of activities that provides assurance that the facility...is constructed as specified in the approved design." The definition also includes "Construction Quality Control, a planned system of inspections that is used to directly monitor and control the quality of a construction project."

On May 31, 2013, the Regional Water Quality Control Board (RWQCB) adopted Waste Discharge Requirements (WDRs) for the construction of the expansion of the Visalia Landfill. Construction Specification D.8. of these WDRs requires that "A third party independent of both the Discharger and the construction contractor shall perform all of the construction quality assurance monitoring and testing during the construction of a liner system."

CQA services include the designation of a CQA Officer responsible for complete implementation of the CQA plan for the Construction of the Visalia Landfill Phase 3 Expansion, per the plans and specifications for the Construction of the Visalia Landfill Phase 3 Expansion.

Staff has worked with EBA in the past. EBA provided CQA services for the construction of the Phase 1 and Phase 2 Expansions of WMU-2 at the Visalia Landfill as well as CQA services for the construction of the closures of the Exeter and Earlimart landfills. EBA designed the Phase 1 and Phase 2 expansions constructed previously at the Visalia landfill. Staff was very satisfied with the CQA services provided by EBA on both the Phase 1 and Phase 2 expansions and Exeter and Earlimart closure projects. Because EBA was both the design engineer and CQA firm of record for both phases of the expansion at Visalia landfill, construction progressed smoothly with minimal interruption.

The estimated cost for EBA to perform CQA services for the Phase 3 expansion at the Visalia landfill is \$401,818. In the amended Agreement, a 10% contingency for delays outside EBA's control has been added for a total Phase 3 CQA cost of \$442,000.

Because the original agreement had been drafted so long ago, and because there have been many amendments to the agreement, the attached agreement restates in full the provisions that are currently and shall remain in effect, while at the same time amending the scope of the agreement, extending the term, and increasing the total amount of the contract.

**FISCAL IMPACT/FINANCING:**

The estimated cost for the work described in this Amendment totals \$918,774. Component 1's estimated expenditure of \$324,669 was included in the 047 Fund's FY 2016/17 budget, and will not require a budget adjustment. Component 2's estimated expenditure of \$152,105 was included in the 045 Fund's FY 2016/17 budget and does not require further action. \$150,000 of the \$442,000 needed for

**SUBJECT:** Approve the Sixth Amendment to Agreement No. 19966 with EBA  
Engineering  
**DATE:** January 24, 2017

Component 3 will be funded in the 045 Fund's FY 2016/17 budget, and requires a budget adjustment to transfer approximately \$100,000 from Object 7066 to 7043 per the attached AUD 308; the remaining \$292,000 will be included in the FY 2017/18 budget. There is no net County cost to the General fund associated with this action.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The requested action assists the County in its efforts to manage its natural resources in addition to providing for the health and safety of the general public through environmental protection by adequately closing WMU-1 and designing and constructing Phase 3 in accordance with laws and regulations.

**ADMINISTRATIVE SIGN-OFF:**

\_\_\_\_\_  
Scott Pfanstiel  
Solid Waste Environmental Coordinator

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Attachment A: Amendment to Agreement 19966  
AUD 308 - 045

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVE THE SIXTH )  
AMENDMENT TO AGREEMENT NO. 19966 ) Resolution No. \_\_\_\_\_  
WITH EBA ENGINEERING ) Agreement No. \_\_\_\_\_**

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved the Sixth Amendment to Agreement (Agreement No. 19966) with EBA Engineering, to extend the term of the agreement to December 31, 2020; to provide additional CQA, design and permitting services at the Visalia Landfill; and to increase the total amount that may be paid for services under this agreement by \$ 918,774 to \$2,617,853.
2. Approved the necessary budget adjustment per the attached AUD 308 (4/5ths vote required).
3. Authorized the Chairman to sign four copies of the Amended Agreement.