

**COUNTY OF TULARE
SERVICES AGREEMENT
VISALIA LANDFILL PHASE 4 EXPANSION CONSTRUCTION QUALITY CONTROL SERVICES**

THIS AGREEMENT ("Agreement") is entered into as of _____, between the **COUNTY OF TULARE**, a political subdivision of the State of California ("COUNTY"), and **EBA Engineering, a California Corporation** ("CONTRACTOR"). COUNTY and CONTRACTOR are each a "Party" and together are the "Parties" to this Agreement, which is made with reference to the following:

- A. Whereas, COUNTY owns and operates the Visalia Disposal Site (the "Site") located seven (7) miles northwest of the City of Visalia which Site occupies 630 acres, 247 of which have been permitted by California Department of Resources Recycling and Recovery (CalRecycle) to receive Class III solid wastes;**
- B. Whereas, in 1999 only about one hundred twenty-seven (127) acres of the Site received wastes, and the County believed it would be necessary to laterally expand the landfilled footprint of the site in order to continue to accepting waste;**
- C. Whereas, lateral expansions of existing landfills are required by the State to be constructed with liners and other design features to protect the environment;**
- D. Whereas, the State requires that Construction Quality Assurance (CQA) activities be performed by a qualified and independent third party when constructing lateral expansions of landfills; and**
- E. Whereas, COUNTY needs the services of a qualified and independent third party to provide CQA services during construction of Phase 4 of the Visalia Landfill Expansion and CONSULTANT is a qualified third party.**

THE PARTIES AGREE AS FOLLOWS:

- 1. TERM:** This Agreement becomes effective as of _____ and expires at 11:59 PM on **December 31, 2021** unless earlier terminated as provided below, or unless the Parties extend the term by a written amendment to this Agreement.
- 2. SERVICES:** See attached **Exhibit A**.
- 3. PAYMENT FOR SERVICES:** See attached **Exhibit B**.
- 4. INSURANCE:** Before approval of this Agreement by COUNTY, CONTRACTOR must file with the Clerk of the Board of Supervisors evidence of the required insurance as set forth in the attached **Exhibit C**.
- 5. GENERAL AGREEMENT TERMS AND CONDITIONS:** COUNTY'S "General Agreement Terms and Conditions" are hereby incorporated by reference and made a part of this Agreement as if fully set forth herein. COUNTY'S "General Agreement Terms and Conditions" can be viewed at <http://tularecountycounsel.org/default/index.cfm/public-information/>

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6. NOTICES: (a) Except as may be otherwise required by law, any notice to be given must be written and must be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY:

Mr. Bryce Howard, Director
Tulare County Solid Waste Department
5955 South Mooney Boulevard
Visalia, CA 93277
Phone No.: (559)624-7195
Fax No.: (559)624-7041

With a Copy to:

COUNTY ADMINISTRATIVE OFFICER
2800 W. Burrel Ave.
Visalia, CA 93291
Phone No.: 559-636-5005
Fax No.: 559- 733-6318

CONTRACTOR:

Mr. Michael Delmanowski, P.G., C.E.G, C.Hg.
EBA Engineering
825 Sonoma Avenue, Suite C
Santa Rosa, CA 95404
Phone No.: (707)544-0784
Fax No.: (707)544-0866

(b) Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail will be deemed received on the fifth calendar day after the date of mailing. Either Party may change the above address by giving written notice under this section.

8. AUTHORITY: CONTRACTOR represents and warrants to COUNTY that the individual(s) signing this Agreement on its behalf are duly authorized and have legal capacity to sign this Agreement and bind CONTRACTOR to its terms. CONTRACTOR acknowledges that COUNTY has relied upon this representation and warranty in entering into this Agreement.

9. COUNTERPARTS: The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document.

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGE]

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

EBA Engineering

Date: 2/21/20

By 

Print Name NAZAR ELJUMAILY

Title President

Date: 2-21-2020

By 

Print Name HELENA DUFFLY

Title SECRETARY / TREASURER

[Pursuant to Corporations Code section 313, County policy requires that contracts with a **Corporation** be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a **Limited Liability Company** be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

COUNTY OF TULARE

Date: _____

By _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By 
Deputy

Matter # 2020149

ATTACHMENT 1

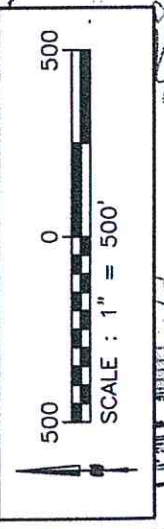
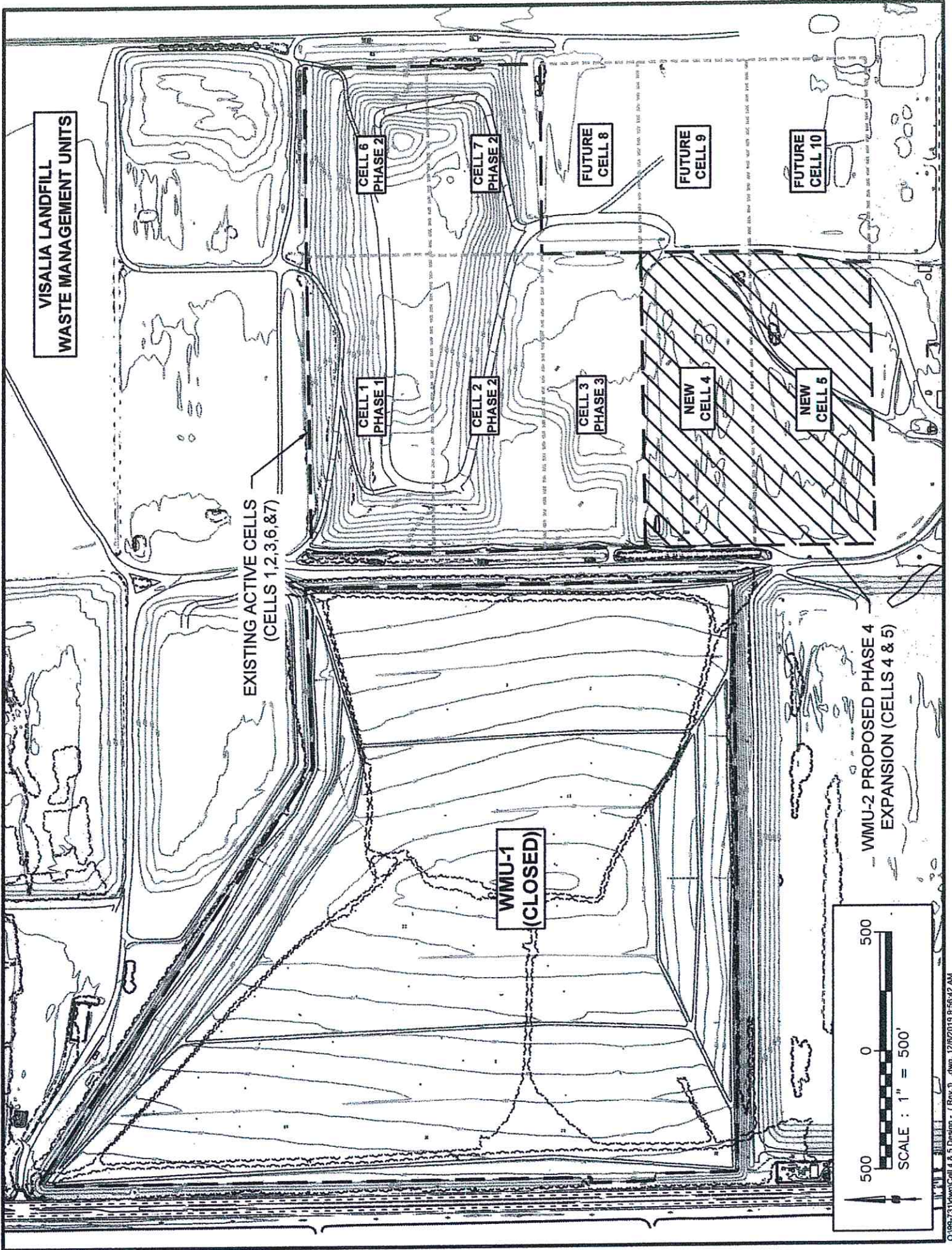




EXHIBIT A

November 12, 2019

Mr. Scott Pfanstiel
County of Tulare
Solid Waste Department
5955 South Mooney Boulevard
Visalia, CA 93277

**RE: PROPOSAL FOR CONSTRUCTION QUALITY ASSURANCE INSPECTION
SERVICES FOR THE WMU-2, PHASE 4 EXPANSION, VISALIA LANDFILL
EBA 99-731**

Dear Mr. Pfanstiel:

EBA Engineering (EBA) is pleased to present the following construction quality assurance (CQA) inspection proposal associated with the Phase 4 expansion of WMU-2 at the Visalia Landfill. The Phase 4 expansion will encompass the construction of two new waste cells identified as Cell 4 and Cell 5. EBA has prepared a permit level design and CQA Plan for these cells, which was approved by the California Regional Water Quality Control Board (RWQCB) in a letter dated November 6, 2019. Construction of the Phase 4 expansion is scheduled for the Spring of 2020.

The Phase 4 expansion will consist of installing double-composite base liner systems for Cells 4 and 5 and will result in an additional combined base liner area of approximately 28 acres. Additional improvements will include a perimeter berm, drainage control components, access roads, leachate storage tanks with secondary containment, and leachate and secondary liner system extraction/pump systems. A summary of the scope of work and the corresponding proposed fees and assumptions are provided in the following subsections.

SCOPE OF WORK

EBA will provide CQA field services including testing, observation, verification, and documenting compliance of the construction operations with the Construction Drawings and Technical Specifications. EBA's scope of services will include field inspection, coordination of field and laboratory testing services, and attendance at the pre-construction meeting and weekly progress meetings. EBA will supply all laboratory testing in support of the CQA program. For the purpose of this Proposal, it is assumed that Tulare County Solid Waste Department (TCSWD) will be responsible for all surveying services associated with construction and final CQA documentation, including

performance of a topographic aerial survey of final construction grades in order to document as-built conditions.

Upon completion of the primary construction operations, EBA will coordinate and supervise the performance of a final walk-through inspection. This inspection, which will be attended by the CQA Officer and representatives of TCSWD and the construction contractor, will be used to identify any construction components that require additional work or repair. Based on findings from the inspection, EBA will prepare a punch list for use by the contractor to ensure adequate completion of all construction components.

EBA will prepare a Closure Construction Certification Report (including certification by a California registered civil engineer or a California certified engineering geologist) upon completion of the construction operations to document that the base liner systems and associated appurtenances were constructed in compliance with the Construction Drawings and Technical Specifications. The contents of this document will include a summary of the work performed, copies of progress meeting notes, copies of earthwork and geosynthetic conformance testing, photographs of the construction, and as-built record drawings. This report will serve as the primary document submittal for waste cell approval from State and Local regulatory agencies.

As a means of providing the highest quality of service, EBA will employ the services of Mr. Richard Thiel, P.E. of Thiel Engineering to serve as the CQA Officer for this project. Mr. Thiel will take the place of Mr. Damon Brown who had served as the CQA Officer for all the waste cells previously constructed for WMU-2. Mr. Thiel, who formerly worked with Mr. Brown while both were employed at EMCON Associates, is a leader in the waste containment design industry and has substantial experience in CQA inspection services. Mr. Mike Delmanowski, P.G., C.E.G., C.Hg. of EBA will assist Mr. Thiel in the implementation and oversight of the construction project. Finally, EBA will also utilize the services of See's Engineering and GO2CQA for soil and geosynthetics field inspection/testing, respectively. Both of these firms provided the same services as part of the previous cell construction projects at the Visalia Landfill.

PROPOSED FEE AND ASSUMPTIONS

The proposed fee to provide the CQA inspection services described in the previous subsection is **\$891,872**. This cost includes all labor, testing, materials, and travel expenses associated with implementing the project. For the purposes of this Proposal, EBA has made the following additional assumptions as they pertain to preparing the proposed fee presented herein:

- County will provide the most recent aerial topographic survey.
- County will provide a resident engineer and perform construction management.
- County will provide surveying services in support of construction including verification of lines and grades, verification of elevations, establishing a grid for

liner separation and operations fill layer thickness verification and soil compaction testing.

- The duration of the earthwork requiring field inspection by the designated Soil Inspection Technician, including subgrade preparation, placement of engineered fill, and access road construction, will be 12 calendar weeks at 5 days per week, and 10 hours per day.
- Geosynthetic conformance test sample collection will be conducted at the manufacturing plant(s).
- Contractor will supply geosynthetic materials for the liner system in a single lot and one (1) direct shear test of the liner system will be required.
- Contractor will place GCL and geomembrane liner materials and overlying soil at a minimum rate of 35,000 square feet (SF) per day, geonet composite will be placed at a minimum rate of 60,000 SF per day, and overall geosynthetics construction duration will be 32 calendar weeks at 5 days per week, and 10 hours per day.
- Costs are based on a construction period of 38 calendar weeks, including weekly meetings and site visits by the CQA Officer or authorized EBA representative throughout the duration of this construction period.
- Field inspection hourly rate is based on general prevailing wage determination.

CLOSING

EBA appreciates the opportunity to be of continued service to TCSWD. We trust this proposal provides the information you require at this time. If you should have any questions, please do not hesitate to contact us.

Regards,
EBA ENGINEERING



Mike Delmanowski, P.G., C.E.G., C.Hg.
Senior Hydrogeologist

Encl: Table 1, Fee Summary, Professional Services, Visalia Landfill Phase 4 Expansion
EBA Standard Schedule of Fees and Rates

EXHIBIT B

TABLE 1
FEE SUMMARY

**PROFESSIONAL SERVICES
VISALIA LANDFILL PHASE 4 EXPANSION
CONSTRUCTION QUALITY ASSURANCE INSPECTION**

TASK	EBA Direct Labor	Outside Services	Expenses & Materials Costs	Total Estimated Cost
Phase 4 Expansion Construction Quality Assurance Inspection	\$ 263,210	\$ 616,937	\$ 11,725	\$ 891,872
TOTALS:	\$ 263,210	\$ 616,937	\$ 11,725	\$ 891,872





STANDARD SCHEDULE OF FEES AND RATES

Principal Geologist/Principal Engineer	\$230.00 per hour
Project Manager.....	\$160.00 - \$210.00 per hour
Senior Geologist/Senior Engineer	\$150.00 - \$190.00 per hour
Senior Project Geologist/Senior Project Engineer	\$140.00 - \$170.00 per hour
Project Geologist/Project Engineer.....	\$135.00 - \$170.00 per hour
Staff Geologist/Staff Engineer	\$100.00 - \$130.00 per hour
Survey: 3 Man Crew.....	\$380.00 per hour
Survey: 2 Man Crew.....	\$290.00 per hour
Survey Travel: 2 Man Crew.....	\$200.00 per hour
Survey: 1 Man Crew.....	\$185.00 per hour
Senior Survey Technician	\$130.00 - \$150.00 per hour
Survey Technician	\$90.00 - \$125.00 per hour
Senior Environmental Scientist/Specialist	\$130.00 - \$150.00 per hour
Environmental Scientist/Specialist.....	\$75.00 - \$115.00 per hour
Design Draftsperson	\$115.00 - \$135.00 per hour
Drafting Technician	\$95.00 - \$115.00 per hour
Clerical.....	\$65.00 per hour
Administrative	\$70.00 per hour
Systems Manager	\$80.00 per hour
Depositions or court proceedings.....	200% of usual rates
Subconsultants	Cost plus 5%
Prints and materials	Cost plus 5%
Miscellaneous expenses	Cost plus 5%

Prevailing wage rates may be adjusted based on DIR wage determinations.

Effective January 2019