



**RESOURCE MANAGEMENT  
AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** February 24, 2009 **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Celeste Perez PHONE: (559) 733-6291

**SUBJECT:** An Amended Agreement with EBA Engineering for Visalia Landfill Phase 2 Expansion Construction Quality Assurance Services

**REQUEST(S):**

That the Board of Supervisors:

1. Ratify and approve an amendment to Tulare County Agreement No. 23493 with EBA Engineering to increase the contingency amount of the Agreement to \$86,322 for construction quality assurance services for the Visalia Landfill Phase 2 expansion project;
2. Find that the Board had authority to enter into the proposed amendment to the agreement as of November 11, 2008 and that it was in the County's best interest to enter into the amendment to the agreement on that date; and
3. Authorize the Chairman to sign the amendment to the Agreement.

**SUMMARY:**

On April 22, 2008, your Board entered into Agreement No. 23493 with EBA Engineering (EBA) to provide independent construction quality assurance (CQA) services that are required by State regulations during the construction of the Phase 2 expansion of the Visalia Landfill.

The Agreement with EBA is in the amount of \$342,507 which includes a 20% contingency in the amount of \$57,085.

The project contingency expenditures total \$86,322 and exceed the Agreement's

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contingency amount of \$57,085 by \$29,237. Staff recognized on or about November 11, 2008 that the contingency amount would be exceeded. The Board is requested to ratify the amendment to the agreement as of that date.

In order to keep the landfill expansion project moving, and not suffer a claim from the contractor for delay, the extra work with the CQA consultant was authorized. The additional services needed to be undertaken to satisfy the regulatory agencies providing oversight on the project.

During construction of the Phase 2 Visalia Landfill expansion, it was necessary to use contingency funds for the following unanticipated costs:

- Additional CQA material testing that was required by the Regional Water Quality Control Board (RWQCB) in the amount of \$28,848,
- Additional soils testing due to removal and replacement of sand deposits of an unsuitable nature encountered during excavation in the amount of \$1,140,
- Additional engineering design support that included travel by the CQA Officer to observe the manufacture of liner materials, re-evaluation of the liner design due to the Contractor's difficulty meeting contract specifications and additional shear testing of liner components in the amount of \$24,500,
- Additional testing of concrete in the amount of \$1,670,
- Additional CQA inspection time due to the geosynthetics subcontractor's use of additional installation crews in the amount of \$22,705, and;
- CQA testing of additional lots of geosynthetic materials due to material shortages in initial deliveries of materials to the construction site in the amount of \$7,459.

The construction of Phase 2 of the Visalia Landfill expansion is almost complete. Most of the work has been accepted by the County. The construction contract with Wood Brothers was in the amount of \$8,596,334 which included a 5% contingency in the amount of \$409,349. When complete, the total cost of construction is expected to be \$8,303,924; the expected total cost of construction plus CQA services is estimated at \$8,675,668. This is a savings of \$263,173 from the estimated total cost of construction plus CQA services of \$8,938,841 derived at the time the construction contract was approved.

**FISCAL IMPACT/FINANCING:**

There is no net County cost. The cost of the additional contingency work is \$29,237. Funding for this expenditure will be from excess funds that are not needed for construction under line item 045-235-2000-5500. EBA Engineering will adhere to its same rate schedule as identified in the Agreement No. 23493.

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

The requested action assists the County in its efforts to manage its natural

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resources in addition to providing for the health and safety of the general public through environmental protection.

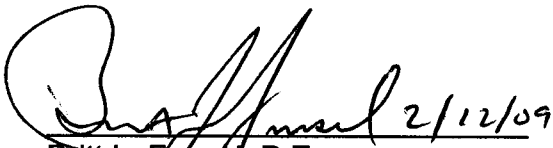
**ALTERNATIVES:**

Do not take the requested action. This alternative is not recommended as monies that are remaining in the Agreement with EBA are reserved for the required post construction task of preparing a CQA certification report for submission to the RWQCB for approval prior to the County being able to place refuse in the Visalia landfill Phase 2 expansion cells.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

County Counsel has reviewed and approved the proposed Amended Agreement as to form.

**ADMINISTRATIVE SIGN-OFF:**

  
Britt L. Fosse, P.E.  
Assistant Director—Engineering  
County Surveyor

  
Henry Hash, Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Amended Agreement

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

IN THE MATTER OF AN AMENDED ) AGREEMENT WITH EBA ENGINEERING ) FOR VISALIA LANDFILL PHASE 2 ) EXPANSION CONSTRUCTION QUALITY ) ASSURANCE SERVICES )	RESOLUTION NO. _____ AGREEMENT NO. _____
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UPON MOTION OF SUPERVISOR \_\_\_\_\_,      SECONDED      BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 24,  
2009, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:    JEAN M. ROUSSEAU  
              COUNTY ADMINISTRATIVE OFFICER/  
              CLERK, BOARD OF SUPERVISORS

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

\* \* \* \* \*

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