

Meeting Date: 5/13/2014

Report Type: Review

Report ID: 2014-00289

**Title: (Agreement/Contract for Review and Information) Supplemental Agreement No. 3:
Landfill General Engineering Technical Support Services**

Location: 20 28th Street, District 3

Recommendation: 1) Review a report authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 3 to City Agreement No. 2009-0670 with SCS Engineers for landfill general engineering technical support services in an amount not to exceed \$496,485 for a revised total contract amount not to exceed \$1,181,840, and extend the agreement term to May 31, 2017; and 2) continue to May 27, 2014 for approval.

Contact: Steve Harriman, Integrated Waste General Manager, (916) 808-4949, Department of General Services

Presenter: None

Department: General Services

Division: Landfill Operations

Dept ID: 13001771

Attachments:

1-Description/Analysis

2-Background

3-Agreement

City Attorney Review

Approved as to Form

Sheri Chapman

4/28/2014 2:35:30 PM

Approvals/Acknowledgements

Department Director or Designee: Peter Jensen - 4/24/2014 7:36:11 AM

Description/Analysis

Issue Detail:

State and federal law require the City to provide monitoring, reporting, operations, and maintenance (O&M) for its three closed landfills (28th Street, Dellar, and Old Elvas). While City staff perform the majority of this work, contracted services are necessary to comply with increased regulatory requirements and to provide expert support to City staff.

Under City Agreement No. 2009-0670, approved by Council on July 14, 2009, Resolution No. 2009-466, SCS Engineers provides the following landfill engineering technical support services for the City on an annual basis:

- Flare testing, surface emissions testing, and greenhouse gas reporting at the 28th Street Landfill
- On-call engineering and O&M services at all three landfill sites
- Select regulatory and engineering support at all three landfill sites
- Landfill solar array installation
- Landfill gas collection and monitoring system compliance and upgrades
- Replacement flare station design and permitting assistance

The Agreement with SCS Engineers expires on July 31, 2014. Council approval is required to extend the total term of the Agreement beyond five years and to increase the total not to exceed amount of the Agreement to \$1,181,840.

Policy Considerations: The recommendations in this report are in accordance with City Code Chapter 3.64 and City API 4102 regarding professional services agreements, and Resolution No. 2013-0367, which requires additional posting time for labor agreements and agreements greater than \$1 million.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): No environmental review is necessary because this report involves a continuing administrative activity and is not considered to be a project in accordance with Section 15378(b)(2) of the CEQA Guidelines.

Sustainability: Supplemental Agreement No. 3 with SCS Engineers will support the City's Sustainability Master Plan by ensuring the reduction of greenhouse gas production by methane gas generated at the City's landfills.

Commission/Committee Action: None

Rationale for Recommendation: The City awarded the Agreement for landfill general engineering technical support services to SCS Engineers in 2009, following a Request for Qualifications process. Extending the term of the contract through May 2017 through Supplemental Agreement No. 3 is warranted because SCS Engineers

is an industry leader in solid waste and landfill engineering, and has been assisting the City with meeting increased air quality and landfill gas regulatory compliance standards for nearly 20 years. SCS Engineers is the design engineer of the Closure and Post Closure Maintenance Plan (CPCMP) for the Dellar Landfill and the Amended CPCMP for the 28th Street Landfill, and has the historical knowledge of the unique challenges the City faces in the post closure maintenance of all three landfills.

In recent inspection reports, Sacramento County, acting as the Local Enforcement Agency (LEA) on behalf of the California Department of Resources Recycling and Recovery, identified areas of concern at the 28th Street Landfill that need to be addressed by the City. While no violations of state law were identified, the City needs to undertake the following actions requiring the assistance of SCS Engineers to ensure continued compliance.

Landfill solar array installation

On May 7, 2013, City Council adopted Resolution No. 2013-0138 approving an amendment to the 1993 Final Closure and Post Closure Maintenance Plan to include a solar installation at the 28th Street Landfill. The amendment was necessary to meet California Code of Regulations Title 27 requirements for the solar installation, which is a change in post closure land use. Construction of the solar installation is presently underway and to ensure the regulatory agency concerns in the amendment are addressed, SCS Engineers will provide engineering support through the completion of the project.

Gas migration system compliance upgrades

The LEA contends there are several landfill site maintenance issues involving broken or inadequately designed methane gas probes that may not be viable for accurate monitoring purposes or to comply with the requirements of California Code of Regulations Title 27. SCS Engineers has completed a comprehensive assessment of the entire gas monitoring network and has recommended several repairs and upgrades to the system. SCS Engineers will monitor network upgrades, provide engineering and technical support, and coordinate physical probe replacements in order to meet the LEA's recommendations.

Replacement flare design and permitting assistance

To comply with clean air regulations, the methane gas generated by the buried waste at the 28th Street landfill must be continuously burned using two flare stations that are part of the landfill gas collection system. On December 4, 2013, a fire permanently damaged one of the flares, thus eliminating the system redundancy that ensures continual operation. The remaining operational flare is oversized for the declining quality and quantity of landfill gas generated at the site. The result is the flare sometimes shuts down, which may violate conditions of the City's closure permit and may result in regulatory action by the California Air Resources Board. In order to correct the situation and ensure ongoing regulatory compliance, City staff has engaged SCS Engineers to design and permit a new flare station.

Prior Amendments

The initial term of the Agreement with SCS Engineers was two years, and the contract amount was \$233,500. On December 14, 2010, by Resolution No. 2010-724, Council approved a supplemental agreement adding the ongoing monitoring of methane gas to comply with greenhouse gas regulations to the Agreement's scope of services, extending the term of the Agreement to July 31, 2014, and increasing the total not-to-exceed amount of the Agreement to \$685,355. On April 4, 2011, a second supplemental agreement with SCS Engineers was issued. Supplemental Agreement No. 2 amended the scope of work to include an update to the Landfill Gas Recovery Feasibility Study; there was no increase in the maximum not to exceed amount of the Agreement.

The proposed third supplemental agreement is necessary to extend the term of the Agreement with SCS Engineers to May 31, 2017, and to ensure regulatory compliance.

Financial Considerations: This report recommends executing Supplemental Agreement No. 3 to City Agreement No. 2009-0670, which will increase the contract amount by \$496,485 for a revised total contract amount not to exceed \$1,181,840, and extend the agreement term to 5/31/2017. Sufficient funding exists in the FY2013/14 Department of General Services, Recycling and Solid Waste Division operating budget (Solid Waste Fund, Fund 6007) for services through June 30, 2014. Contract services after June 30, 2014 are subject to funding availability in the budget adopted for the applicable fiscal year.

Local Business Enterprise (LBE): LBE guidelines are inapplicable as the agreement was originally awarded prior to the LBE program's adoption.

Attachment 1

BACKGROUND

The City's 28th Street Landfill has been closed since 1997 and is complying with the post closure maintenance requirements of the State of California and the Federal government. The 28th Street Landfill utilizes a methane gas collection system and two flares to burn off the methane gas.

The Old Elvas Landfill was operated as a green waste fill site in the past. The City completed the installation of a methane gas collection system and is currently operating the system. The site is currently occupied by the sports field at St. Francis High School and includes a portion of the play field at Phoebe Hearst Elementary School.

The Dellar Landfill is located directly west of the 28th Street Landfill. It was used to dispose of municipal solid waste by the City from the late 1950s to the early 1960s. It continued to receive waste until 1972. The City is named co-responsible party in a Corrective Action Order issued by the Regional Water Quality Control Board for the closure and post closure maintenance of the landfill.

City staff conducts monthly monitoring of all ground water wells and methane gas probes, and summer maintenance at the 28th Street Landfill to address settlement of the landfill. City staff provides for compliance with all regulatory agency requirements, including Regional Water Board Waste Discharge Requirements (28th Street Landfill), California Department of Resources Recycling and Recovery's regulatory post closure requirements, Air Quality District regulatory requirements, and Sacramento County's Local Enforcement Agency requirements.

Expert support through contract services is utilized to conduct this work, including specific tasks requiring specialty skills and knowledge not available through City staff, and on-call services as needed to support maintenance and regulatory compliance activities.

SCS Engineers was selected for landfill general engineering technical support services in 2009 through a Request for Qualifications (RFQ) process. Four firms submitted statements of qualifications and an evaluation panel selected SCS Engineers as the best firm to provide the requested services.



Requires Council Approval: No YES Meeting:
 Real Estate Other Party Signature Needed Recording Requested

General Information

Type: Public Project	PO Type:	Attachment:	No.: 03
Not to Exceed: \$1,181,840.00		Original Doc Number: 2009-0670	
Other Party: SCS Engineers		Certified Copies of Document::	
Project Name: General Engineering Support Services, Supplemental #3		Deed: <input type="checkbox"/> None <input type="checkbox"/> Included <input type="checkbox"/> Separate	
Project Number:	Bid Transaction #:	E/SBE-:%	

Department Information

Department: **General Services** Division: **Solid Waste**
 Contract Manager: **David Levine** Project Mgr: **Steve Harriman**
 Contract Services: **Karen Campbell** Director: **Reina J. Schwartz**
 Phone Number: **808-4956** Org Number:
 Comment: **Original Contract Amount: \$**

Review and Signature Routing

Department	Signature or Initial	Date
Project Mgr:	<i>David Levine</i>	4/22/14
Budget Review:	<i>Reina J. Schwartz</i>	4/22/14
Contract Services:	<i>Karen Campbell</i>	4-22-14

City Attorney	Signature or Initial	Date
City Attorney:	<i>Reina J. Schwartz</i>	4.22.14

Send Interoffice Mail to Reina J. Schwartz (12500)
 Notify for Pick Up

Authorization	Signature or Initial	Date
Reina J. Schwartz Director, General Services:		
City Mgr: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

For City Clerk Processing

Finalized:
Initial:
Date:

Imaged:
Initial:
Date:

Received:
(City Clerk Stamp Here)

Contract Cover/Routing Form: Must Accompany ALL Contracts; however, is not part of the contract. (Approved On-Call Contractors – Orange*) (01-01-09)

Resolution No. / Date

SUPPLEMENTAL AGREEMENT

Project Title and Job Number: General Engineering Support Services
Purchase Order #:

Date: May 27, 2014

Supplemental Agreement No.: 03

The City of Sacramento ("City") and SCS Engineers ("Contractor"), as parties to that certain Professional Services Agreement designated as Agreement Number 2009-0670, including any and all prior supplemental agreements modifying the agreement (the agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of Services specified in Exhibit A of the Agreement is amended as follows:

- 1) Attachment 1-A to Exhibit A is deleted and replaced in its entirety with Attachment 1-B to Exhibit A, attached hereto and incorporated herein by reference.
- 2) Time of Performance. The services described herein shall be from the date the agreement is approved by Council Council through May 31, 2017.
- 3) Attachment 1-A to Exhibit B is deleted and replaced in its entirety with Attachment 1-B to Exhibit B, attached hereto and incorporated herein by reference.

2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is increased by \$496,485, and the Agreement's maximum not-to-exceed amount is amended as follows:

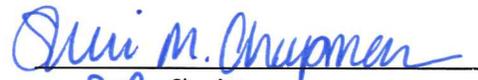
Agreement's original not-to-exceed amount:	<u>\$233,500</u>
Net change by previous supplemental agreements:	<u>\$451,855</u>
Not-to-exceed amount prior to this supplemental agreement:	<u>\$685,355</u>
Increase by this supplemental agreement:	<u>\$496,485</u>
New not-to exceed amount including all supplemental agreements:	<u>\$1,181,840</u>

3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

Approval Recommended By:


Project Manager

Approved As To Form By:


Dep. City Attorney

Approved By:


Contractor

Attested To By:

Approved By:

City of Sacramento

City Clerk

ATTACHMENT 1-B TO EXHIBIT A

Task 1. Flare Source Testing at the 28th Street Landfill

The Consultant will conduct annual source testing of one or both flares at the 28th Street Landfill. This testing must be conducted in accordance with the site's Title V permit and applicable rules and regulations. Task 1 will include, but not be limited to, the following:

- Obtaining competitive qualifications and pricing from source testing contractors, if requested.
- SCS will select the sub contractor to perform the flare test.
- Prepare and submit source test protocol. Ensure protocol is approved by the Sacramento Metropolitan AQMD (SMAQMD).
- Complete proper notifications to the SMAQMD.
- Arrange for and schedule source testing with City and contractor. Ensure all necessary equipment is available on-site.
- Complete pre-testing analysis of flares prior to actual testing, if necessary.
- Complete full source testing of each flare.
- Provide engineering oversight of source test contractor.
- Prepare and submit source test report to City and SMAQMD.
- Provide any follow-up compliance services related to the source test results

Task 2. Surface Emissions Monitoring

Consultant will conduct annual surface emissions monitoring (SEM) in accordance with the Title V permit and the New Source Performance Standards (NSPS) requirements under 40 CFR Part 60, Subpart WWW at the 28th Street Landfill. This will include one round of SEM and preparation of an SEM report for submittal to the City. We have also included budget for additional monitoring at 28th Street and the St. Francis site to document surface emissions for the purposes of AB 32 and compliance with the state greenhouse gas (GHG) program for landfill, including early action requirements. With the impending issuance of a Compliance Order (CO) for LFG flare shutdowns by the Sacramento Metropolitan Air Quality Management District, SCS has included budget for three additional quarters of SEM sampling on a 100 foot grid as required by the CO.

Task 3. On-Call Engineering and O&M Services for the 28th Street Landfill and Other Landfill Related Sites

Throughout the contract term, the Consultant may be called upon to provide various on-call engineering and/or operations and maintenance (O&M) services for the City's landfill sites. These services could include the following:

- Prepare technical reports and negotiate new or revised Waste Discharge Requirements (WDRs).
- Evaluate LFG monitoring data and recommend strategies for controlling landfill gas (LFG) migration and addressing exceedances. Review any LFG work conducted by Gas Recovery Systems (GRS) on behalf of the City.
- Assistance to the City in development of GHG emission inventories for the landfills under AB 32 and the California Climate Action Registry (CCAR).
- Assistance to the City in evaluating applicability and complying with early action requirements under AB 32
- Analysis of groundwater contaminant issues and mapping of groundwater plumes as required in WDRs.
- Provide on-call O&M, monitoring, and/or repair services for the landfill or LFG systems on an as-needed basis
- Provide miscellaneous engineering or hydrogeologic support services.
- Provide miscellaneous air and LFG permitting and compliance services.

Task 4. Engineering and Compliance Support for 28th Street Landfill

The Consultant will provide ongoing regulatory and engineering support for the 28th Street Landfill. These services will include:

- **Subtask 4.1.** Provide engineering and regulatory compliance support for LFG system improvements including replacement flare design and bid documents. (\$95,000)
- **Subtask 4.2.** Provide air quality permit assistance for new flare. (\$15,000)
- **Subtask 4.3.** Perform CQA services during flare installation. (\$30,000)
- **Subtask 4.4.** Provide design and modifications to the existing flare burners and louvers to allow the flare to run at lower BTU levels. (\$15,000)
- **Subtask 4.5.** Provide engineering support during installation of Solar Arrays. (\$7,500)
- **Subtask 4.6.** Provide LFG compliance probe engineering and regulatory support, monitoring network updates, and probe replacements. (\$50,000)

Task 5. Regulatory and Engineering Support

The Consultant will provide regulatory and engineering support as requested by the City pertaining to landfill, and adjacent properties. (\$20,000)

Task 6. Greenhouse Gas Reporting

The Consultant will provide Greenhouse Gas and EPA reporting for 28th Street Landfill. These services will include:

- **Subtask 6.1.** AB 32 Landfill Methane Rule Annual Report (\$4,000)
- **Subtask 6.2.** EPA GHG Annual Reporting and Monitoring Plan Update (\$5,000)

ATTACHMENT 1-B TO EXHIBIT B

Estimated Project Cost for 3 years

Tasks	Year 1 Budget (June 1, 2014 – May 31, 2015)	Year 2 Budget (June 1, 2015 – May 31, 2016)	Year 3 Budget (June 1, 2016 – May 31, 2017)	3-Year Not to Exceed Amount
1 Flare Source Testing at the 28th Street Landfill	\$30,000	\$30,000	\$30,000	\$90,000
2 Surface Emissions Monitoring	\$21,985	\$10,000	\$10,000	\$41,985
3 On-Call Engineering and O&M Services for the 28th Street Landfill and Other Landfill Related Sites	\$35,000	\$35,000	\$35,000	\$105,000
4 Engineering and Compliance Support for 28th Street Landfill				\$212,500
4.1 Provide engineering and regulatory compliance support for LFG system improvements including replacement flare design and bid documents - \$95,000				
4.2 Provide air quality permit assistance for new flare - \$15,000				
4.3 Perform CQA services during flare installation - \$30,000				
4.4 Provide design and modifications to the existing flare burners and louvers to allow the flare to run at lower BTU levels - \$15,000				
4.5 Provide engineering support during installation of Solar Arrays - \$7,500				

