

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: ENVIRONMENTAL RESOURCES

BOARD AGENDA # *B-4

Urgent Routine

AGENDA DATE February 10, 2009

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Reject All Bids Received for the Fink Road Landfill, Landfill 2, Cell No. 5, Excavation Project, and Solicit New Bids Merging Phase One and Phase Two Into One Larger Project; the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project

STAFF RECOMMENDATIONS:

1. Reject all bids from the Fink Road Landfill, Landfill 2, Cell No. 5, Excavation Project, that had a bid opening date and time of November 26, 2008, at 2:00 P.M.
 2. Authorize the Department of Environmental Resources to solicit new bids by combining Phases One and Two into one larger project: the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project.
 3. Adopt the plans, specifications, and working details for the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project.
 4. Direct the Department of Public Works staff to mail the "notice inviting bids" to trade journals and newspaper advertisement as required by law.
- (Continued on next page)

FISCAL IMPACT:

The Fink Road Landfill is an enterprise fund that is fully funded through the collection of tipping fees. This project is estimated to cost between \$4 and 5 million. Capital improvement costs are incorporated into the tipping fee calculations and funds for this project are accounted for in the existing 2008-2009 Fiscal Year Department of Environmental Resources budget in the Fink Road Landfill Enterprise Fund.

BOARD ACTION AS FOLLOWS:

No. 2009-107

On motion of Supervisor Monteith, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS (Continued):

5. Direct the Clerk of the Board to publish the attached "Invitation to Bidders" for the project as required by law and set the deadline for submission of the bid as March 18, 2009, prior to 2:30 P.M.

DISCUSSION:

The Fink Road Landfill site is located in western Stanislaus County, approximately 20 miles southwest of the City of Modesto. The site is 3.5 miles west of Crows Landing, near the intersection of Fink Road and Interstate 5. The 219-acre site is owned and operated by Stanislaus County. The facility has been active since 1973 and operates under Waste Discharge Requirements No. R5-2004-0158, issued by the California Regional Water Quality Control Board, Central Valley Region.

On October 17, 2006, the Board of Supervisors approved the Initial Study/Negative Declaration for the Fink Road Landfill Soils Relocation Project (Phase 2). Phase 2 was a continuation of Phase 1 which was written specifically to create a designated off-site excess soils stockpile area for future cell development. The soil relocation for Phase 1 expired at the end of 2004. New environmental documentation was prepared in May 2006 and was approved by the Board in October 2006.

Consistent with the California Environmental Quality Act, staff recommended that a Mitigated Negative Declaration was the appropriate level of analysis for this project. As a result thereof, the preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) was not required.

The next waste management unit to be filled is Landfill 2, (LF-2), Cell 5, which now needs to be constructed. Landfilling is currently occurring in LF-2, Cell No. 4, which has an estimated remaining capacity through 2009. The development of this new cell was planned for a two-phase construction approach in order to speed the project along. Phase One was to include the mass grading of approximately 1.3 million cubic yards of soil for the new cell along with components to accomplish this work. Specifically, topographic surveying, removal, and relocation of two monitoring wells, road access, rip rap, drainage, etc.

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On March 18, 2008, the Board authorized the Director of Environmental Resources to enter into a contract with Shaw Environmental, Inc., to provide both phases of the professional engineering design services and related work necessary to conceptualize, design, and permit the construction of a base liner system for LF-2, Cell No. 5, including ancillary components, and to administer its construction.

On October 21, 2008, the Board of Supervisors approved and adopted the plans and specifications for Phase One of the project, the Fink Road Landfill, LF-2, Cell No. 5, Excavation Project, and directed the Clerk to publish the notice inviting bids. On November 26, 2008, twenty-five sealed bids were received, publicly read and opened.

Subsequent to the bid opening, the Department, working together with Public Works, has encountered numerous delays during the review of the bids due to inaccuracies (a mathematical error from the lowest bidder), rejection of the next lowest bidder after an extensive review of their bid, and most recently, multiple objections to the award of the contract to the apparent low bidder, Ford Construction Company, Inc.

Specifically, in a letter to the Board of Supervisors on December 23, 2008, an objection was raised regarding a perceived bid irregularity from the attorney representing Wood Bros., Inc.; an irregularity that involved the percentage of work to be done by a subcontractor. Staff evaluated the objection under the advisement of County Counsel, but because the process of evaluating the totality of the objections raised was so lengthy when coupled with the previous delays, the time staff had hoped to save by splitting the project into two Phases has now nearly elapsed. Given that, County Counsel recommended that all bids for the Excavation Project be rejected and the project be re-bid as a single, combined phase project. Proceeding with a single, combined phase project will allow the County to avoid further delays because an additional bidding process would still have been necessary for the base liner portion if the two phases were not combined. If the County does not reject all bids and instead, awards the contract to either Ford Construction Company or Wood Bros., Inc., there is the potential for additional staff costs and delays to the project.

If the Board concurs with staff's recommendations, the project will be renamed the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project, and includes excavation of approximately 1.3 million cubic yards of soil to establish base grades for the installation of a composite base liner system. The base liner system is composed of soil and geosynthetic components, a gravel drainage layer on the base of the cell, and a soil operations layer over the base and side slopes of the cell will be installed on top of the base liner. Additionally, modifications to the existing landfill gas collection piping system and other ancillary items not mentioned herein will also be necessary. Re-advertisement of this as a larger single project will give the County the ability to select

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options to best fit the timely construction of the project and to provide the best project for the community within the Project's budget.

POLICY ISSUES:

The Board of Supervisors should determine if rejecting all bids for the Fink Road Landfill, Landfill 2, Cell No. 5, Excavation Project, and merging Phases One and Two into a larger project and setting the bid opening date and time for the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project, is consistent with its priorities of providing a safe community, a healthy community, a well-planned infrastructure system, and the efficient delivery of public services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

ATTACHMENTS AVAILABLE
FROM YOUR CLERK

Newspaper Advertisement

INVITATION TO CONTRACTORS

“Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project”

Owner is Stanislaus County Department of Environmental Resources, Modesto CA. Sealed bids are due before 2:30 P.M., March 18, 2009, to the Clerk of the Board of Supervisors, 1010 10th Street, Ste. 6500, Modesto, CA 95354; Project contact is Charles T. Vasquez, charles.vasquez@stancounty.com or Fax: 209-525-4140. The work to be accomplished includes excavation of approximately 1.3 million C.Y. to establish base grades for the installation of a composite base liner system. The base liner system is composed of soil and geosynthetic components, a gravel drainage layer on the base of the cell and a soil operations layer over the base and side slopes of the cell will be installed on top of the base liner. Additionally, modifications to the existing landfill gas collection piping system and other ancillary items not mentioned herein required as presented in the Construction Plans and specifications.

Plans and specifications are available for purchase from Stockton Blue, Modesto CA, 209-524-2924 and can be viewed at www.stocktonblue.com under “Public Plan Room”.

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

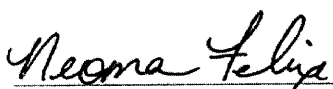
Feb 14, 2009, Feb 19, 2009, Feb 26, 2009

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

February 26th, 2009

(Signature)



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Pub Dates Feb 14, 19, 26, 2009