

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

DEPT: Environmental Resources

BOARD AGENDA # B-14

Urgent

Routine

AGENDA DATE June 26, 2012

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Amend the Master Agreement with Tetra Tech BAS, Inc., for Professional Design Services at the Geer Road Landfill

STAFF RECOMMENDATIONS:

1. Approve an amendment to the Master Agreement with Tetra Tech BAS, Inc., to extend the contract expiration date to December 31, 2012, and increase the not to exceed contract amount to \$1,529,914.20 for operations, maintenance, monitoring, and reporting services at the Geer Road Landfill.
2. Authorize the Chairman of the Board of Supervisors to amend Master Agreement No. A072711.
3. Authorize the Director of Environmental Resources, or their designee, to sign individual Project Authorizations through December 31, 2012, provided that the cumulative total does not exceed the contract amount of \$1,529,914.20.

FISCAL IMPACT:

This item has no impact to the General Fund. The current cumulative Master Agreement total with Tetra Tech BAS, Inc., which expires on June 30, 2012, is \$1,089,914.20. Approval of this Amendment adds \$440,000 to the Agreement, as follows: \$350,000 for routine and emergency services, \$50,000 for the vadose zone project which is currently underway, plus a maximum of 10% in contract changes, or \$40,000, for a cumulative total of \$1,529,914.20. The services covered by this Master Agreement apply solely to the Geer Road Landfill. The Geer Road Landfill Operating Budget for Fiscal Year 2012-2013 includes sufficient appropriations for the services covered by this Amendment.

BOARD ACTION AS FOLLOWS:

No. 2012-324

On motion of Supervisor Monteith, Seconded by Supervisor Chairman O'Brien
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Amend the Master Agreement with Tetra Tech BAS, Inc., for Professional Design Services at the Geer Road Landfill

DISCUSSION:

The Department of Environmental Resources (Department), Landfill Division, performs routine maintenance at the Geer Road Landfill (GRLF). For this closed site, however, specialized services and expertise are needed in the area of environmental monitoring, testing, analyzing, and reporting, as well as for ongoing post-closure maintenance activities.

Following a competitive procurement process in 2006, the firm of SCS Engineers (SCS) was awarded a three-year Master Agreement in 2007 to provide these specialized services for Stanislaus County through June 30, 2010. Since this time, the Board of Supervisors approved the two possible one-year extensions to the Agreement which expires June 30, 2012. The primary purpose of hiring an expert consulting firm is to ensure that all permit, statutory, and regulatory requirements are met. Of the various permits which regulate the GRLF, the Waste Discharge Requirements (WDRs) issued by the Regional Water Quality Control Board (RWQCB) is one of the most stringent, and therefore, the most critical.

Enforcement Action Taken Against the County

On November 22, 2010, the RWQCB issued a Draft Cease and Desist Order (CDO) to Stanislaus County for the GRLF for failure to meet various requirements in the WDRs. A CDO is an enforcement action that, if not complied with, carries substantial penalties.

Following the receipt of the Draft CDO and under the direction of County Counsel, the Department contracted with the law firm of Meyers Nave on December 9, 2010, to represent the County's interests in the CDO proceedings. Meyers Nave is a firm that specializes in environmental compliance issues, and with the County's consent, they retained Bryan A. Stirrat and Associates (BAS), a firm with extensive expertise in landfill corrective action measures, to conduct a peer review of the County's existing consulting firm: SCS Engineers. The goal in hiring a peer review expert was threefold: 1) to determine whether BAS agreed with the SCS recommendation to not proceed with the installation of an extensive, new groundwater extraction and treatment system (BAS did agree); 2) to ensure the approach that was believed to be correct for the site that would be presented at the CDO hearing, was backed up with science and facts; and 3) that the County could realistically comply with any work ordered to be performed by the CDO.

The expert witness testimony BAS provided at the CDO proceedings was pivotal in the County's successful effort to convince the RWQCB of the need to focus the majority of its remedial efforts on controlling landfill gas (LFG) as the source of groundwater contamination. In addition, BAS successfully argued that the existing groundwater extraction and treatment system should be optimized rather than replaced with a greatly expanded new system.

Activities Post- the CDO Hearing

Subsequent to the CDO proceedings, the Board approved an amendment to the Meyers Nave contract to allow BAS to perform additional onsite evaluative work for the GRLF site in order to develop specific recommendations for optimizing the LFG system; one of the primary mandates of the CDO. To implement the recommendations, the County asked SCS to

Approval to Amend the Master Agreement with Tetra Tech BAS, Inc., for Professional Design Services at the Geer Road Landfill

consider retaining BAS's field services division, Tetra Tech BAS, Inc. (Tetra Tech), as a sub-contractor. This effort, however, was unsuccessful which led Department staff to conclude that the best method for completing the LFG tasks in the CDO was to remove them from the SCS contract for the remainder of the contract period (June 30, 2012), and to contract directly with Tetra Tech for these services. The Board approved entering into a Master Agreement with Tetra Tech to take over the LFG Tasks 1, 6, 7, and 8, from SCS Project Authorization No. 07-003, on August 16, 2011. Most recently the contract was amended on May 22, 2012, to provide additional funding for work required by the CDO.

Extending the Master Agreement

At this time, Department staff recommend extending the Tetra Tech contract expiration date by six (6) months to June 30, 2012, for the provision of routine operations, maintenance, monitoring services associated with the landfill gas system at the Geer Road Landfill. This extension coincides with the deadline for the completion of the tasks required by the CDO and does not duplicate the services approved by the Board in the May 22, 2012. Tetra Tech has indicated that they are agreeable to extending the contract and are willing to hold to the existing pricing within the Master Agreement.

Aligning the contract expiration date with the CDO deadline would benefit the County in the following ways: 1) By maintaining consistency throughout the CDO compliance period; 2) By providing maximum assurance that the CDO deadlines will be met; and 3) By providing sufficient time to negotiate a new contract and properly transition for the provision of these services, should a new consultant(s) be selected.

Department staff, with the assistance of the General Services Agency, Purchasing Division, issued two Requests for Proposals (RFP) on May 25, 2012, for the specialized environmental services the County requires; one each for the Fink Road and Geer Road Landfills. A mandatory pre-proposal conference for prospective bidders was held on June 14, 2012, and the closing date for proposal submissions is August 16, 2012. Contract award is anticipated in late September or early October 2012 and the new contract(s) for the provision of the necessary environmental services at both Landfills will be effective January 1, 2013. The contract amendment is included as Attachment A.

POLICY ISSUE:

Approval of this agenda item to amend the Master Agreement with Tetra Tech BAS, Inc., for specialized operations, maintenance, monitoring, and reporting services at the Geer Road Landfill is consistent with the Board's priorities of A Safe Community, A Healthy Community, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. Landfill services are critical to supporting the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

Approval to Amend the Master Agreement with Tetra Tech BAS, Inc., for Professional Design Services at the Geer Road Landfill

STAFFING IMPACTS:

There are no staffing impacts associated with this item. Contract oversight and management will be provided by existing staff from the Department of Environmental Resources.

CONTACT PERSON:

Jami Aggers, Interim Director of Environmental Resources Telephone: 209-525-6770



DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C
Modesto, CA 95358
Phone: (209) 525-6770
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AMENDMENT NO. 2
TO
PROFESSIONAL DESIGN SERVICES MASTER AGREEMENT
TETRA TECH BAS, INC.

This Amendment No.2 to the Master Agreement for Professional Design Services ("Amendment No. 2") by and between the COUNTY OF STANISLAUS ("County") and TETRA TECH BAS, INC., ("Consultant") is made and entered into on June 26, 2012

Whereas, the County and Consultant entered into a Master Agreement for Professional Design Services dated August 16, 2011, ("the Agreement"); and

Whereas, Section 4.1 under Term of Contract and Termination, stipulates that the Agreement shall continue until the work required under each separately approved project authorization let during the term of this Agreement is completed, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties; and

Whereas, the County desires to extend the term of the Agreement until December 31, 2012, to allow for the County to complete the competitive procurement process to award a new Agreement beginning in 2013, to the successful Proposer and to complete the requirements of Cease and Desist Order R5-2011-0021 (CDO) issued by the Regional Water Quality Control Board (RWQCB); and

Whereas, Section 2.1 – Compensation, stipulates that Consultant's compensation shall in no case exceed \$1,089,914.20; and

Whereas, the County desires to increase this Master Agreement's "not to exceed" Limit of Expenditure amount by \$440,000 to allow for the County to continue with the necessary operation, monitoring, maintenance and reporting requirements on the Geer Road Landfill's gas collection and control system and to comply with the CDO issued by the RWQCB until a new Agreement is let for the Work; and

Whereas this amendment is for the mutual benefit of County and Consultant;

Now, therefore, the County and Consultant agree as follows:

1. Section 2.1 – Compensation, the second sentence is amended as follows:

"Consultant's compensation shall in no case exceed One Million-Five-Hundred-Twenty-Nine Thousand Nine-Hundred-Fourteen Dollars and Twenty Cents (\$1,529,914.20)."




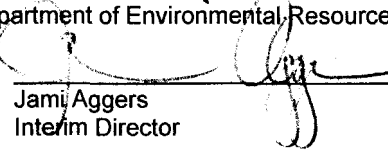
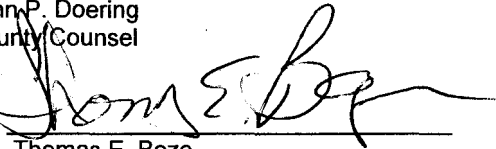
2. Section 4.1 – the first sentence is amended as follows:

"This Agreement shall commence upon approval by the County's Board of Supervisors and continue until the work required under each separately approved project authorization let during the term of this Agreement is completed or until December 31, 2012, whichever is later, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

3. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

(Signatures on the next page)

IN WITNESS WHEREOF, the parties have executed this Amendment on the date written above.

<p>COUNTY OF STANISLAUS</p> <p>By: <u></u> William O'Brien Chair of The Board of Supervisors</p> <p>Date: <u>6/26/12</u> "County"</p>	<p>TETRA TECH BAS, INC.</p> <p>By: <u></u> Bryan A. Stirrat President</p> <p>Date: <u>6-12-12</u> "Contractor"</p>
<p>ATTEST: Christine Ferraro Tallman Clerk of the Board of Supervisors of the County of Stanislaus, State of California</p> <p>By: <u></u> Deputy Clerk</p> <p>Date: <u>6/26/12</u></p>	
<p>APPROVED AS TO CONTENT: Department of Environmental Resources</p> <p>By: <u></u> Jami Aggers Interim Director</p> <p>Date: <u>6/8/12</u></p>	
<p>APPROVED AS TO FORM: John P. Doering County Counsel</p> <p>By: <u></u> Thomas E. Boze Deputy County Counsel</p> <p>Date: <u>6/8/12</u></p>	



DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, CA 95358

Phone: (209) 525-6770

Fax: (209) 525-6773

**Vadose Zone Monitoring, Testing and Reporting
At
Geer Road Landfill**

**Amendment 1
To
Project Number 12-003-SMG**

A. Terms and Conditions

Except as hereinafter provided, the services provided by the Consultant under this Project Authorization Amendment Number 1, shall be subject to the terms and conditions set forth in *Master Agreement for Professional Design Services* number A072711 made and entered into by and between the County of Stanislaus ("County") and Tetra Tech BAS Inc. ("Consultant"), on August 16, 2011, and Project Authorization Number 12-003-SMG dated May 22, 2012.

Whereas the County has a need to increase the Project Total amount in Section D - Compensation, Item 1 by \$50,000.00, to allow the County to compensate the Consultant for work performed under this Project Authorization; and

Whereas this amendment is for the mutual benefit of County and Consultant;

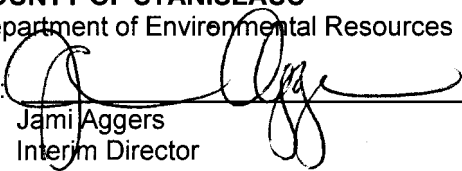
Now, therefore, the County and Contractor agree as follows:

1. Section D - Compensation, Item 1 – Project Not to Exceed Total is amended as follows:
 - “PROJECT NOT TO EXCEED TOTAL: \$97,203.00”
 - “1. The Project Total is \$97,203.00”
 - “The parties hereto acknowledge the maximum amount to be paid by the County for the services provided under this Project Authorization and under Amendment 1 to this Project Authorization shall not exceed \$97,203.00, including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained by the Consultant to perform or to assist in the performance of its work under this Agreement.”
2. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

(signatures on the next page)

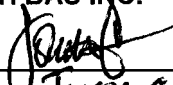
IN WITNESS WHEREOF, the parties have executed this Project No. 12-003-SMG, Amendment 1 on July 18, 2012.

COUNTY OF STANISLAUS
Department of Environmental Resources

By: 
Jami Aggers
Interim Director

"County"

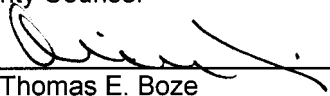
TETRA TECH BAS INC.

By: 
Name: José Casado
Title: VP - Controller

"Consultant"

APPROVED AS TO FORM:

John P. Doering
County Counsel

By: 
for Thomas E. Boze
Deputy County Counsel



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**Operation, Maintenance and Repair Services
At
Geer Road Landfill**

**Amendment 2
To
Project Number 11-001-SMG**

A. Terms and Conditions

Except as hereinafter provided, the services provided by the Consultant under this Project Authorization Amendment Number 2, shall be subject to the terms and conditions set forth in *Master Agreement for Professional Design Services* number A072711 made and entered into by and between the County of Stanislaus ("County") and Tetra Tech BAS Inc. ("Consultant"), on August 16, 2011, Project Authorization Number 11-001-SMG dated August 18, 2011, and Project Authorization Amendment Number 1, dated May 22, 2012.

Whereas, Amendment Number 1, increased the "not to exceed" amount under Section F- Compensation, Item 1 – Project Price, Project Total-Item 2, to \$514,086.20; and

Whereas the County has a need to increase the cumulative maximum amount in Section F - Compensation, Item 1 – Project Price, Project Total and Item 2 under Project Total, by \$350,000.00, to allow the County to compensate the Consultant for work performed under this Project Authorization; and

Whereas this amendment is for the mutual benefit of County and Consultant;

Now, therefore, the County and Contractor agree as follows:

1. Section F-Compensation, Item 1 – Project Price, Project Total and Item 2 under Project Total, are amended as follows:

"PROJECT TOTAL: \$864,086.20"

"The maximum cumulative amount to be paid by the County for the initial services and services provided under Amendment 1 and this Amendment shall not exceed \$864,086.20, including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained by the Consultant to perform or to assist in the performance of its work under this Agreement."

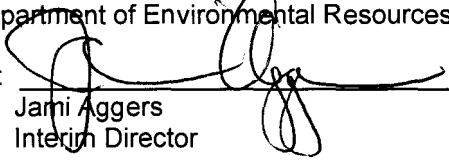
2. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

(signatures on the next page)

IN WITNESS WHEREOF, the parties have executed this Project No. 11-001-SMG, Amendment 2 on

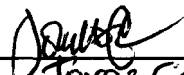
July 18, 2012.

COUNTY OF STANISLAUS
Department of Environmental Resources

By: 
Jami Aggers
Interim Director

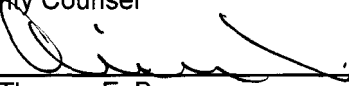
"County"

TETRA TECH BAS INC.

By: 
Name: Jorge Casado
Title: VP - Controller

"Consultant"

APPROVED AS TO FORM:
John P. Doering
County Counsel

By: 
Thomas E. Boze
Deputy County Counsel

Amend Master Agreement with Tetra Tech BAS, Inc.

Jami Aggers, Interim Director
Dept. of Environmental Resources

June 26, 2012

Background

- Dept. of Environmental Resources, Landfill Division, performs routine maintenance at the Geer Road Landfill
- For this closed site, however, outside services and expertise are needed for env. monitoring, testing, and reporting
- Competitive procurement process, the firm of SCS Engineers was awarded a contract in Aug. 2007, and with extensions it expires 6/30/12

Background Cont'd.

- Primary purpose of hiring an outside expert: ensure that all permit, statutory and regulatory requirements are met
- On Nov. 22, 2010, however, the County received a Draft Cease & Desist Order (CDO) from the Water Quality Control Board for failure to meet permit requirements
- Failure to comply with the CDO = substantial penalties

Background Cont'd.

- To assist the County, the law firm of Meyers Nave was retained: specialize in env. compliance
- Meyers Nave retained Bryan A. Stirrat and Assoc. (BAS) who has extensive expertise in LF corrective action measures
- BAS' role: 1) peer review; 2) to provide the facts & science behind a LFG approach; and 3) to gauge whether requirements were realistic or not

Background Cont'd.

- BAS' testimony at the hearing was pivotal
- Convinced the Water Bd of the need to focus our remedial efforts on controlling LFG as the source of contamination
- Subsequently, the Board approved an amendment to the Meyers Nave contract to allow BAS to perform add'l evaluative work to develop specific recommendations for optimizing the LFG system

Background Cont'd.

- To implement their recommendations, the County asked SCS to retain BAS' field services division: Tetra Tech BAS Inc.
- That effort was unsuccessful
- Led staff to recommend modifying the SCS contract to remove the LFG tasks and contracting directly with Tetra Tech for those services

Background Cont'd.

- Policy requires a competitive process for professional services, statute does not
- Compelling reasons for not bidding the LFG services were: a) Tetra Tech's specialized expertise; b) Significant work already done on this project; c) Developed the recommendations = best implemented by them; d) an RFP would not likely produce someone better qualified; and e) impending CDO deadline

Background Cont'd.

- Board approved entering into a Master Agreement with Tetra Tech BAS on August 16, 2011
- More recently, the Board approved a contract amendment on May 22, 2012, to provide additional funding for work required by the CDO: most notably a 2nd phase of repairs and upgrades to the LFG system: flare station and leachate management

Extending the Master Agreement

- At this time, staff recommends a one-time 6 month extension of the contract end date to December 31, 2012
- For routine services only and not duplicating the action taken by the Board on May 22, 2012
- Tetra Tech has indicated they will hold their existing pricing through this period

Extending the Master Agreement, Cont'd.

- This extension would align the contract end date with the deadline in the CDO (December 31, 2012), benefitting the County as follows:
- Maintaining consistency throughout CDO compliance period; providing maximum assurance that all deadlines will be met; and providing sufficient time to negotiate a new contract and transition for the provision of services

Extending the Master Agreement, Cont'd.

- Department staff, with the assistance of GSA Purchasing Division issued two RFPs for environmental services on May 25, 2012; one each for Fink Road and Geer Road Landfills
- Pre-proposal conferences were held June 14th, closing date is set for Aug. 16th
- Contract award: Sept/Oct 2012 with effective date of Jan. 1, 2013

Staff Recommendation

- Approve amending the Master Agreement with Tetra Tech BAS, Inc., for professional services at the Geer Road Landfill through Dec. 31, 2012

Questions?