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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Waste Management Department

**SUBMITTAL DATE:**  
October 30, 2014

**SUBJECT:** Construction Award - Pedley Landfill Emergency Slope Repair in Accordance with Public Contract Code Section 22050, District 2/2 [\$677,300 – Waste Management Department Enterprise Funds], Project is Exempt under CEQA.

**RECOMMENDED MOTION:** That the Board:

1. Affirm that the environmental effects of the Pedley Landfill Emergency Slope Repair (Project) will not have a significant effect on the environment. The California Department of Fish and Wildlife (CDFW), acting as a Lead Agency, determined the Project is exempt under the California Environmental Quality Act (CEQA) and filed a Notice of Exemption. The County of Riverside Board of Supervisors, acting as a Responsible Agency, has concluded no substantial changes to the Project or circumstances under which the Project will be undertaken have occurred and the Project is statutorily exempt pursuant to State CEQA Guidelines section 15269 and categorically exempt pursuant to sections 15301, 15302, and 15330; and
2. Find that the Project is an emergency that will not permit a delay resulting from a competitive solicitation for bids, and that this action is necessary to respond to the emergency pursuant to Public Contract Code sections 22035 and 22050; and
3. Accept the bid submitted by Road Builders, Inc., in the amount of \$677,300 for emergency repair of the North & South Slopes at the Pedley Landfill, and authorize the Chairman to execute the Agreement on behalf of the Department; and
4. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk within five (5) days of the approval of the emergency repairs and bid.

(continued)

  
 Hans Kernkamp  
 General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ 677,300	\$ 0	\$ 677,300	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ N/A	

**SOURCE OF FUNDS:** N/A

**Budget Adjustment:** No  
**For Fiscal Year:** 14/15

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
 Alex Gann

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- Positions Added
- Change Order
- 
- 

Prev. Agn. Ref.:

District:2/2

Agenda Number:

**COUNTY**

12-1

FORM APPROVED COUNTY COUNSEL  
 BY:   
 GREGORY P. PRIAMOS  
 DATE: 11/12/14

*Seren Chou*  
 Reviewed by  
**CIP TEAM**  
*Seren Chou*  
 Departmental Concurrence

**BACKGROUND:**

**Summary**

The County faces significant regulatory fines from the Santa Ana Regional Water Quality Control Board (SAR) if the Pedley Landfill is not repaired before the next significant rain event. Staff has been advised by Counsel that similar compliance issues in the County with the SAR have resulted in very significant fines on top of actual repair costs.

The County, as operator, ran the Pedley Landfill from 1932 to 1958 and is co-permittee with the landowner, the California Department of Fish and Wildlife (CDFW). A series of storms over the last several years has caused the Santa Ana River to change course and slowly erode slopes at the landfill.

Staff, under the threat of fines, has designed plans and obtained all necessary permits to prevent further erosion at the landfill by installing a slope armoring system. Construction funding is the only item holding up construction. For over a year, CDFW staff has promised to fund 50% of the project, but failed to produce any funding agreement or substantive work product to protect us both from SAR fines.

It is staff's firm belief that the only reason fines have not yet been issued is due to the Department's good-faith efforts to date and long standing positive working relationship with the SAR's land disposal division. Regardless, any release during the anticipated El Nino rain season will force their hand and will very likely result in significant fines that far exceed any remediation costs incurred. The Project will protect the health and safety of the public from additional contamination of the Santa Ana River, as well as the surrounding community. Without these emergency improvements, unpredictable rain events would result in further impacts on the environment and represent a risk to the health and safety of the public.

**Impact on Residents and Businesses**

The repairs to the landfill will protect the public from the release of potential contaminants; without such emergency repairs, significant risk to the public health and safety and the environment remain.

**Contract History and Price Reasonableness**

Staff's cost estimate of the Pedley repair is \$677,300. Staff will still pursue CDFW for their fair share (50%), either through a formal agreement or litigation. Negotiations are ongoing, but time is of the essence, as the Water Board is threatening to issue fines to both CDFW and the County. In addition, the Department has been told that this project will generate mitigation credits from CDFW for use at the Corona landfill.

**California Environmental Quality Act (CEQA) Findings**

The repairs at the Pedley Landfill (Project) are statutorily exempt from CEQA pursuant to State CEQA Guidelines section 15269 Emergency Project, and categorically exempt pursuant to 15301 Existing Facilities, 15302 Replacement or Reconstruction, and 15330 Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. CDFW filed a Notice of Exemption (NOE) to this effect with the Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH), on September 2, 2014. No substantial changes to the Project or circumstances under which the Project will be undertaken have occurred and the Project is exempt under CEQA.

## AGREEMENT

THIS AGREEMENT is made as of Road Builders Inc and is between the COUNTY OF RIVERSIDE (County) and THE NAME OF THE LOWEST BIDDER GOES HERE\_(Contractor).


### IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. The Work. Contractor shall furnish all tools, equipment, apparatus, facilities, labor and material necessary to perform the work for the project, Construction of the North and South Slope Repair at the Pedley Landfill in exact conformity with the Contract Documents, subject to such inspection as County deems appropriate.
2. Contract Documents. The Contract Documents for the project are:
  - (a) Notice to Contractors;
  - (b) Instructions To Bidders;
  - (c) Contractor's Proposal;
  - (d) Agreement;
  - (e) Bid Bond;
  - (f) Performance Bond;
  - (g) Payment Bond;
  - (h) General Provisions;
  - (i) Special Provisions;
  - (j) Appendix A – SCAQMD Form 403-N & Rule 1150 Excavation Permit Standard Conditions;
  - (k) Appendix B – BMP Installation Details from the CASQA Stormwater BMP Handbook;
  - (l) Any other documents included in or incorporated into the Contract Documents or in the County's bid package;
  - (m) Addenda Nos. -0-

Each of the above-mentioned documents presently in existence are by this reference incorporated into this Agreement and each of these documents not now in existence are incorporated herein as of the time of their issuance.

3. Contract Price - Payment. **Exhibit A** is attached to and incorporated into this Agreement and states the basis for full payment for this project. Contractor represents that it fully understands the payment method for the work.

RIVERSIDE COUNTY WASTE  
MANAGEMENT DEPARTMENT  
14310 Frederick Street  
Moreno Valley, CA 92553

By:   
Hans W. Kernkamp  
General Manager - Chief Engineer

COUNTY OF RIVERSIDE

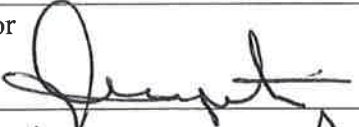
By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

By: \_\_\_\_\_  
Kecia Harper-Ihem, Clerk of the Board

By: \_\_\_\_\_  
Deputy

(Seal)

ROAD BUILDERS, INC  
Contractor  
By:   
Name: JOSEPH AUGUSTINE  
Title: PRESIDENT  
(If corporation, attach corporate seal)

## EXHIBIT A

(To Agreement for the Riverside County Waste Management Department Project, Construction of the North and South Slope Repair at the Pedley Landfill, located in Riverside, California.)

It is understood that the quantities listed (except for those shown as "Lump Sum, [L.S]") are but estimates only and final payment will be based on actual quantities, whatever they may be, subject to such adjustments and alterations as elsewhere provided for in the Contract Documents.

<b>Item No.</b>	<b>Item of Work</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Sub-Total Cost</b>
1	Prepare and Implement NPDES SWPPP	L.S.	1	\$19,530.00	\$19,530.00
2	Mobilization and Demobilization	L.S.	1	\$56,160.00	\$56,160.00
3	Earthwork (Landfill Excavation and Burial)	C.Y.	24,040	\$6.00	\$144,240
4	Earthwork (Engineered Fill)	C.Y.	8,900	\$11.00	\$97,900.00
5	ACB Material and Installation	S.F.	31,000	\$9.00	\$279,900.00
6	Landfill Slope Toe Excavation and Backfill	C.Y.	1,400	\$4.55	\$6,370.00
7	Bike Path Repair	L.F.	200	\$66.00	\$13,200.00
8	Time and Materials	N/A	N/A	\$60,000	\$60,000.00

**Total Cost \$ 677,300.00**