

**Indian River County, Florida
Solid Waste Disposal District
Board Memorandum**

Date: August 9, 2020

To: Jason E. Brown, County Administrator

From: Vincent Burke, PE, Director of Utility Services

Prepared By: Himanshu H. Mehta, PE, Managing Director, Solid Waste Disposal District

Subject: Indian River County Landfill Amendment No. 3 to Work Order No. 1 and Final Pay to CDM Smith, Inc.

Descriptions and Conditions:

On July 18, 2017, the Solid Waste Disposal District (SWDD) Board approved the Indian River County (IRC) Landfill contract agreement with CDM Smith, Inc. (CDM Smith), in accordance with FS 287.055, Consultant's Competitive Negotiation Act per the Request for Qualification #2017048 for Engineering Consulting Services for Landfill Closure, Landfill Gas System Expansion, and Cell Construction.

Also on July 18, 2017, the SWDD Board approved the IRC Landfill Work Order No. 1 to CDM Smith in the amount of \$131,820 for Phase 1 to provide professional engineering services for the Class I Landfill, Segment 3, Cell 2 expansion (approximately 10.6 acres in size); the partial closure of Segment 2 (approximately 25 acres in size); and expansion of the landfill gas collection system (Project). Phase I included an evaluation of available information and developing sufficient information to update/revise existing permit design drawings and complete the final design and specifications to be used for procurement.

On October 3, 2017, the SWDD Board approved IRC Landfill Amendment No. 1 to Work Order No. 1 to CDM Smith in the amount of \$558,679 for Phase II of the project, increasing the overall total cost for Work Order No. 1 to \$690,499. Phase II engineering services included the preparation of the final design and bid package, permitting/regulatory agency support, opinion of probable construction cost, and bidding assistance.

On March 1, 2018, the IRC Purchasing Division received three bids for the Segment 3 Cell 2 Expansion, Segment 2 Partial Closure and the Landfill Gas System Expansion for Bid No. 2018025. On April 10, 2018, the SWDD Board awarded the bid to Thalle Construction Company, Inc. in the amount of the base bid of \$14,576,600, with a 10% contingency of \$1,457,660, for a grand total of \$16,034,260. A Notice To Proceed (NTP) was issued on May 9, 2018, with a Substantial Completion for the Closure and Landfill Gas Expansion portion to be done within 180 days (Milestone 1) and with a Substantial Completion for the Cell 2 Expansion portion to be done within 360 days (Milestone 2), followed by a Final Completion within 390 days.

Also on April 10, 2018, the SWDD Board approved IRC Landfill Amendment No. 2 to Work Order No. 1 to CDM Smith in the amount of \$1,332,150 for Phase III of the project, increasing the overall total cost for Work Order No. 1 to \$2,012,649. Phase III of the work was for engineering services during construction.

The project has been completed and a final change order, release of retainage, and final payment are being recommended for approval under a separate agenda item. Overall, the project will have resulted in a total of eight (8) change orders to Thalle, and an approved extension of time for Milestone 1 of an additional 304 days and an additional total of 262 days for Milestone 2 and Final Completion. The project utilized the approved contingency funding to process the various change orders, coming in under budget by \$1,228.09 and a final project payment to Thalle of \$13,373,904.77. However, SWDD was able to utilize direct purchase procedures, which reduced the payment to Thalle by \$2,659,127.14 but resulted in the overall construction project costs to SWDD in the amount of \$16,033,031.91.

Throughout this process, CDM Smith has provided the additional engineering services during construction balancing between the lump sum portion, and time and materials portion of their work order. However, the additional services during construction has resulted in a request for a final change order from CDM Smith in the amount of \$23,200, increasing the overall total cost for Work Order No. 1 to \$2,035,949. Staff supports this request for a final reconciliation change order. A project completion report and final invoice by CDM Smith is attached.

This agenda item requests approval for IRC Landfill Amendment No. 3 to Work Order No. 1 and Final Pay to CDM Smith in the amount of \$27,689.55.

Analysis:

CHANGE ORDER - CDM Smith has provided IRC Landfill Amendment No. 3 to Work Order No. 1, provided in Attachment 1, for engineering construction services detailing the scope of work, budget, and schedule for the project. The fees to be paid by SWDD for the execution of this work authorization are in accordance with the engineer's continuing consulting services master agreement. The table below shows the expected completion date and their estimated fees.

TASK	DESCRIPTION	AMOUNT	
Phase III	Task 8 – Specialty Engineering Services During Construction (Subtask 8.2 Change Order - Amendment No. 3 to Work Order No. 1)	\$23,300	Lump Sum
Total		\$23,300	

Staff supports the request by CDM Smith for a final reconciliation request of \$23,300 for Task 8.2 for additional engineering services during construction.

SUMMARY OF ENGINEERING SERVICES							
DESCRIPTION	APPROVED	APPROVED BY FUNDING SOURCE			ACTUAL EXPENSED		
		EXPANSION	CLOSURE	TOTAL	EXPANSION	CLOSURE	TOTAL
Phase I	July 18, 2017	\$43,334.00	\$88,486.00	\$131,820.00	\$21,370.38	\$40,644.02	\$62,014.40
Phase II	October 3, 2017	\$330,964.00	\$227,715.00	\$558,679.00	\$340,682.46	\$278,647.14	\$619,329.60
Phase III	March 1, 2018	\$570,627.00	\$751,523.00	\$1,322,150.00	\$597,326.51	\$724,823.49	\$1,322,150.00
Phase III – Change Order	Pending	\$10,350.00	\$12,950.00	\$23,300.00	\$10,350.00	\$12,950.00	\$23,300.00
Total Engineering Costs		\$955,275.00	\$1,080,674.00	\$2,035,949.00	\$969,729.35	\$1,057,064.65	\$2,026,794.00

FINAL PAY - CDM Smith has satisfactorily completed all the assignments described in the scope of work for a total invoiced amount, including the final invoice of \$27,689.55. After final payment, the total amount paid to CDM Smith will be \$2,026,794.00. This represents approximately 12.64% of the overall construction Project costs.

Funding:

The Segment 3 Cell 2 Expansion and Segment 2 Partial Closure projects are funded from separate revenue sources; specifically, the closure cost is paid from an escrow account long established per Florida Department of Environmental Protection (FDEP) requirements. The expansion cost is budgeted and funded from SWDD assessments and user fees.

DESCRIPTION	ACCOUNT	AMOUNT
Segment 3 Landfill Expansion	411-169000-17025	\$12,215.45
Accrued Closure – I, II & Infill	411-239006 (Escrow)	\$15,474.10
Total Construction Services =		\$27,689.55

Recommendation:

Solid Waste Disposal District staff recommends that its Board approve the following:

- a) Approve Indian River County Landfill Amendment No. 3 to Work Order No. 1 with CDM Smith Inc. in the amount of \$23,300 to provide Phase III engineering services related to the Class I Landfill Segment 3 Cell 2 expansion, Segment 2 Partial Closure and Landfill Gas System Expansion.
- b) Authorize the Chairman to execute the same, as presented.
- c) Approve CDM Smith’s final invoice amount of \$27,689.55.

Attachments:

- 1) IRC Landfill Amendment No. 3 to Work Order No. 1
- 2) CDM Smith Final Invoice and Project Completion Report