



**Construction Contract
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 20
AGENDA DATE: Thu 02/12/2004
PAGE: 1 of 2**

SUBJECT: Authorize execution of a construction contract with EMCON/OWT, Inc., Brecksville, OH, for the FM 812 Landfill Leachate Disposal Improvements Project in the amount of \$1,064,724 plus a \$106,472 contingency, for a total contract amount not to exceed \$1,171,196.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$1,171,196 is available in Fiscal Year 2003-2004 Capital Budget of the Solid Waste Services Department.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works
DEPARTMENT: for Solid Waste Services;

**DIRECTOR'S
AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Tom Collins, 974-7124; Hani Michel, 974-1926; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: 11/20/03 - Original contract approved.

BOARD AND COMMISSION ACTION: Recommended by Solid Waste Services Commission.

PURCHASING: Public Health and Safety Exemption.

MBE / WBE: No subcontracting opportunities were identified; therefore, no goals were established for this project.

Execution of this contract is requested to expedite the correction of current and ongoing health and safety concerns at the FM 812 Landfill site and is authorized under Section 252.022(a)(2) of the Texas Local Government Code, which exempts procurement necessary to preserve or protect the public health and safety of the City's residents.

The Texas Commission on Environmental Quality ("TCEQ") has assessed the condition of the FM 812 Landfill site and has ordered certain corrective actions. The City proceeded to bid out the corrective work and a contract was awarded to the apparent low bidder, EMCON/OWT, on November 20, 2003. However, the bid documents included ROCIP insurance requirements and ROCIP is unavailable for this Project. Upon discovery of this problem, City staff consulted with the Law Department. The Law Department determined that changes to the insurance requirements were of sufficient change in scope that it could not be addressed after signing the contract. The Law Department also determined that the "health and safety" exception exempts this contract from the requirement of bidding. EMCON/OWT has agreed to execute a contract without ROCIP or bidding requirements and without a change to the contract price.

The City of Austin's FM 812 Landfill is located in southeast Travis County. The FM 812 Landfill is an operating municipal solid waste disposal facility owned and operated by the City's Solid Waste Services Department. The facility covers approximately 382 acres at the northwest intersection of FM 812 and FM 973.

The Leachate/Slope Remediation at the FM 812 Landfill Improvements Project began construction in August 1994 and continued into January 1996. The purpose of the project was to provide for the collection of leachate from the landfill seeping into Onion Creek and to stabilize the eroded slopes on the



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north side of the landfill adjacent to Onion Creek. The project was substantially completed when, in early 1997, portions of the reconstructed slopes began to fail. The slopes were repaired; however, further analysis of the failure indicated that groundwater pressure in the landfill mass could trigger similar failures in the future. Consequently, studies were initiated to determine the best engineering solution to prevent another slope failure.

The currently proposed construction Project is intended to help stabilize the landfill slopes and appropriately collect and handle landfill leachate. The Project consists of installing an improved landfill leachate interceptor trench system on the slopes of two landfill cells, both facing Onion Creek. The leachate collected in these trenches will be pumped to new leachate tanks located near the trenches. Due to the potential for unknown subsurface conditions and the nature of the long time deposited waste in the area of construction, a 10% contingency in funding has been included to allow for the expeditious processing of any future change orders. The contract allows 120 calendar days for completion of this project.

The Texas Commission on Environmental Quality (TCEQ) has assessed the F.M. 812 Landfill and ordered certain corrective actions. The TCEQ assessment of onsite groundwater monitoring wells indicated unacceptable levels of Barium, Manganese and Nitrate in groundwater samples. The TCEQ has required additional assessment monitoring of site wells, including a more comprehensive analysis of samples. In addition, the TCEQ has required the assessment of corrective measures.

The continuing assessment monitoring will be conducted on a semiannual basis, and the City will submit the analysis of groundwater samples to the TCEQ for review. The continued assessment of corrective measures is to be ongoing, subject to TCEQ review. Non-compliance with TCEQ requirements could potentially result in administrative and/or civil penalties of up to \$ 25,000 per occurrence per day.

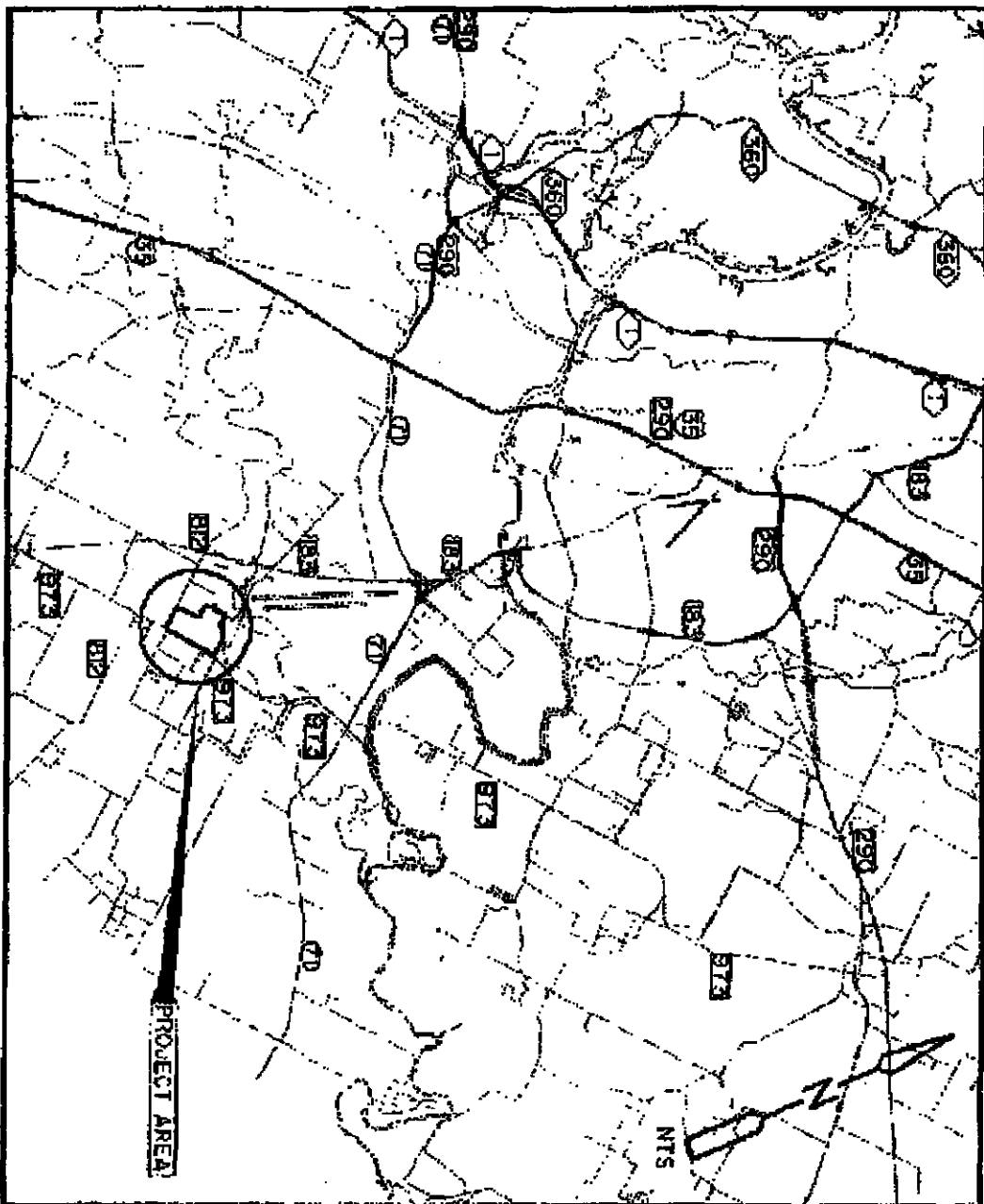
The execution of this new construction contract will allow for the implementation of the following health and safety related measures:

- Collection and disposal of groundwater contaminants, identified through required sampling of groundwater monitoring wells, prior to the time they can further degrade the groundwater. This remedy to remove groundwater contaminants required by the TCEQ;
- Collection and disposal of landfill leachate currently seeping from the slope of the landfill adjacent to Onion Creek, thereby eliminating a health, safety and environmental threat to the surface waters of Onion Creek; and
- Collection and disposal of landfill leachate that has demonstrated the ability, in the past, to created instability in the landfill slope.

With respect to the prior bidding of the Project, bid documents were distributed to six general contractors. Bids were opened on October 2, 2003. EMCON/OWT, Inc. submitted the lowest responsive bid of three bids received:

EMCON/OWT, Inc., Brecksville, Oh	\$1,064,724.00
Comanco Environmental Corp., Baton Rouge, La	\$1,132,186.75
Tecom Ust Systems, Austin, Tx	\$1,541,431.08

No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.



LOCATION PLAN