



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JUNE 11, 2024

FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL

SUBJECT: THIRD AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR MONITORING, REPORTING, AND ASSOCIATED OPERATION SERVICES FOR THE CLOSED TEQUESQUITE LANDFILL GAS COLLECTION SYSTEM AND FLARE WITH ECOTEC SOLUTIONS, INC. OF COLTON, CALIFORNIA, EXTENDING THE TERM THROUGH JUNE 30, 2025, IN THE AMOUNT OF \$90,478.08 FOR A TOTAL CONTRACT AMOUNT OF \$622,936.48

ISSUE:

Approve the Third Amendment to Professional Consultant Services Agreement with ECOTEC Solutions, Inc. of Colton, California for monitoring, reporting, and associated operation services for the closed Tequesquite Landfill gas collection system and flare extending the term through June 30, 2025, in the amount of \$90,478.08 for a total contract amount of \$622,936.48.

RECOMMENDATIONS:

That the City Council:

1. Approve a Third Amendment to a Professional Consultant Services Agreement with ECOTEC Solutions, Inc. of Colton, California for monitoring, reporting, and associated operation services for the closed Tequesquite Landfill gas collection system and flare extending the term through June 30, 2025, in the amount of \$90,478.08 for a total contract amount of \$622,936.48; and
2. Authorize the City Manager, or designee, to execute the Third Amendment to the Professional Consultant Services Agreement and any additional documents necessary for the Agreement, including amendments and extensions and making minor and non-substantive changes.

BACKGROUND:

The closed Tequesquite Landfill is a 120-acre class III landfill owned and operated by the City of Riverside. The Landfill was active from 1947 to 1985 and is maintained in its closed state through a site-specific Closure/Post-Closure Maintenance Plan (Maintenance Plan) approved by the

California Department of Resources Recycling and Recovery, the Riverside County Department of Environmental Health and California Regional Water Quality Control Board. The Maintenance Plan describes post-closure activities necessary to comply with the requirements of Title 14 of the California Code of Regulations, Title 23 of the California Code of Regulations, and Title 40 the Code of Federal Regulations, each administered separately by the aforementioned agencies having jurisdiction.

The Maintenance Plan requires the City to maintain the Landfill as a closed site and complete the following on going activities:

1. Landfill gas collection and migration control which included collection, destruction, monitoring and reporting of methane gas produced by the landfill.
2. Groundwater quality monitoring at, and within, the vicinity of the landfill (work performed under contract with second vendor).

On May 13, 2021, Staff issued request for Proposals (RFP) No. 2097 for a qualified firm to provide regulatory required operations, maintenance, monitoring, and reporting services for the Landfill, the associated gas collection system, and flare station.

On November 2, 2021, the City Council awarded RFP No. 2097 to ECOTEC solutions, Inc. of Colton, California (ECOTEC). ECOTEC was selected as the most qualified respondent due to a demonstrated ability to perform the items required in the scope of work, project approach, and cost of services. The two-year agreement with ECOTEC was approved at an annual cost of \$87,842.80 per fiscal year through June 30, 2024, for a total contract amount of \$263,528.40.

On July 26, 2022, Public Works Maintenance staff inspected the flare facility at the closed Tequesquite Landfill. Staff identified an issue with the flare gas compressor and determined it needed to be rebuilt.

On August 1, 2022, Staff engaged the compressor manufacturer and repair company, McKenna to initiate a compressor rebuild.

The compressor is a necessary and critical component of the flare system. The flare is used to mitigate gas generated from the landfill. As a result of the flare's inability to function optimally, staff requested that the South Coast Air Quality Management District (SCAQMD) grant an interim variance from the applicable rules and regulations, which would allow continued use of the flare and fulfillment of the resting requirements that are usually associated with it.

On October 4, 2022, SCAQMD granted the City the requested variance through June 30, 2024. As a condition of their approval, SCAQMD required the City to immediately begin a schedule of heightened and more stringent sampling and monitoring for the duration of the compressor outage, along with follow-up sampling to confirm a successful repair. ECOTEC immediately started performing accelerated monitoring under their existing agreement.

On October 5, 2022, staff received a quote requested from ECOTEC to continue the SCAQMD required variance monitoring for the duration of the variance period, along with a return to their normal contract obligations after that in the amount of \$144,840 for a total contact amount of \$408,686.40. An amendment to the existing agreement is requested to cover the additional costs.

On June 21, 2023, staff received the rebuilt compressor and on June 22, 2023, attempted to install the unit. As delivered, the compressor was rebuilt incorrectly, with the housing assembled 180 degrees out and missing oil lubrication points, Staff returned the compressor to McKenna to have these issues resolved.

On June 26, 2023, Staff worked with SCAQMD Counsel on a Modification of an Existing Variance to extend the July 2, 2023, deadline to October 6, 2023. SCAQMD Counsel agreed to process the extension as a stipulation to the order. The conditions of the stipulation included continued accelerated air quality monitoring.

On July 2, 2023, as part of the continued variance and stipulation. ECOTEC continued performing accelerated air quality monitoring in addition to their normal contract obligations. The additional accelerated monitoring quote was for \$124,090, including weekly reports as required by SCAQMD.

On July 31, 2023, the compressor was delivered by McKenna and installed by staff. The source test of the flare was conducted on August 29, 2023. Accelerated air quality monitoring continued until the sources test report is complete and accepted by SCAQMD.

On November 15, 2023, upon acceptance of the course test Report by SCAQMD, the landfill has met the obligations of the variance and has returned to compliance.

On December 12, 2023, City Council approved the Second Amendment to Professional Consultant Services Agreement for additional monitoring, reporting, and associated operation services for the closed Tequesquite Landfill gas collection system and flare with ECOTEC.

DISCUSSION:

The monitoring, sampling, testing, and reporting for the closed Tequesquite Landfill gas collection system and flare is an integral part of Regulatory compliance and is required by the California Department of Resources Recycling and Recovery, the Riverside County Department of Environment Health, and California Regional Water Quality Control Board.

Ecotec Solution, Inc. has met the expectations of the RWQCP Regulatory Compliance staff during the November 21, 2021, to June 30, 2024, period, and staff is requesting approval to extend the contract through June 30, 2025. Ecotec Solutions, Inc. proposed an increase of \$2,635.28, or 3%, for the next fiscal year, which is reasonable compared to the Consumer Price Index for the Riverside, CA region of 4.3%.

Purchasing Resolution 24101 Section 1104 “Change Orders” states that “Modifications to a Purchase order shall be made only by Change Order. Subject to availability of funds, Change Orders may be utilized for purposes of.... (2) modifying unit pricing, [or]... (5) modifying contract completion time or the term of a Contract.” This section goes on to state that Awarding Entity approval is required when a modification is made that adds an amount greater than 10% of the original contract price for Contracts and/or Purchase Orders or when it exceeds an amount previously approved by the Awarded Entity.

The Purchasing Manager concurs that the recommendations to approve the agreement comply with Purchasing Resolution 24101 Section 1104.

STRATEGIC PLAN ALIGNMENT:

This project aligns with City’s **Strategic Priority 5 - High-Performance Government** and **Strategic Priority 6 - Infrastructure, Mobility, and Connectivity** and **Goal 6.2** – Maintain, protect, and improve assets and infrastructure within the City’s built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

This item aligns with each of the Cross-Cutting Threads as Follows:

1. **Community Trust** – Conducting regular preventative maintenance routines, collection, migration control, and quality monitoring of the Closed Tequesquite Landfill prevents surface and subsurface emissions negatively impacting the community and environment.
2. **Equity** – This amended agreement supports efforts to protect public health and the environment by ensuring the closed Tequesquite Landfill is compliant and aligns with local laws and regulations along with disclosure of any periods of non-compliance.
3. **Fiscal Responsibility** – The amended agreement with ECOTEC represents the most economical means to meet SCAQMD’s requirements for additional monitoring and sampling under the approved variance.
4. **Innovation** – This agreement exemplifies a collaborative partnership between the City, SCAQMD, and ECOTEC Solutions, Inc., to support regularity compliance, monitoring and reporting services for the closed Tequesquite Landfill.
5. **Sustainability & Resiliency** – This agreement supports continual monitoring and evaluation of the close Tequesquite Landfill to meet current and future laws and regulations and efforts towards long term solutions to avoid future service interruption.

FISCAL IMPACT:

The total fiscal impact of the is \$90,478.08. The costs for the contract amendment is included in the submission of the FY 2024-2026 biennial budget that will be presented for Council adoption in June 2024. The funds are budgeted in the Refuse Fund, Refuse Disposal, Professional Services Regulatory Compliance account number 4130200-421043.

Prepared by: Valerie Espinoza, Senior Administrative Analyst
Approved by: Gilbert Hernandez, Public Works Director
Certified as to availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Third Amendment to Professional Consultant Services Agreement