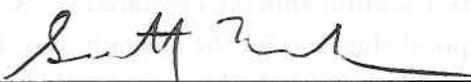


PROGRAM DIRECTOR ACTION REQUEST

To: Ted Rauh, Program Assistant Director
Waste Compliance and Mitigation Program

From: 

Scott Walker
Acting Division Chief
Cleanup, Closure and Financial Assurances Division

Prepared By: Wes Mindermann
Senior Waste Management Engineer

Reviewed By: Steve Levine, Legal Office
Holly Armstrong, Legal Office
Wendy Roberson, Contracts Office

Prepared On: July 14, 2010

Subject: APPROVAL OF THE SCOPES OF WORK AND AUTHORIZATION TO SOLICIT PROPOSALS FOR ENVIRONMENTAL SERVICES CONTRACTS UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP AND WASTE TIRE RECYCLING MANAGEMENT PROGRAMS (SOLID WASTE DISPOSAL AND CODISPOSAL TRUST FUND AND WASTE TIRE RECYCLING MANAGEMENT FUND, FYS 2010/11, 2011/12, AND 2012/13)

Summary: Department of Resources Recycling and Recovery (CalRecycle) staff propose to use two environmental services contracts for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program), and the Waste Tire Stabilization and Abatement Program. This requested action is to approve the Scopes of Work for the two contracts and authorize the solicitation of proposals to perform this work.

Time Factor: Decision required no later than August 10, 2010.

Options: The Program Assistant Director may decide to:

1. Approve the Scopes of Work and authorize the solicitation of proposals;
2. Disapprove the Scopes of Work; or
3. Direct staff to provide additional information and bring this item back for future consideration.

Recommendation: Staff recommend Option 1.

Background: Public Resources Code (PRC) Section 48020(b) required CalRecycle to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to perform the timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Legislature annually appropriates funding for purposes of implementing the Program. In administering the Program, CalRecycle is authorized to expend funds directly for cleanup [PRC Section 48021(b)]. These contracts are used in direct support of the Program. They are also used to support the Waste Tire Recycling Management Program based upon the similar nature of the work and the common occurrence of mixed solid waste and waste tires at the same site.

Sites authorized for direct expenditure of funds are cleaned up through the use of two environmental services contractors. These contractors are selected on a competitive qualifications basis, allowing CalRecycle to avoid the time-consuming solicitation and contracting process for each CalRecycle-managed project, and the potential for renegotiating contracts when unforeseen or unanticipated conditions occur. The Program has utilized environmental services contractors to perform CalRecycle-managed remediations since its inception in 1994. The Program typically has two companies under contract to ensure availability of equipment and labor to respond in a timely manner to a project anywhere in California.

The current environmental services contracts (IWM07036 and IWM07037) will expire in December 2010. The proposed contracts are to be executed in November 2010. This slight overlap in the contracts will assure CalRecycle of its ability to fund projects when warranted.

The proposed Scopes of Work are presented as Attachment 1 and Attachment 2 and outline contract objectives, work to be performed, identified tasks, and the proposed contract timeframes. Each of these contracts would cover projects in a specific geographic region of California (i.e., Northern California and Southern California) and the respective contractors would serve as backups for each other, in case the resources to perform a required task in accordance with CalRecycle's requirements are unavailable.

Fiscal Impacts: For FY 2010/2011, staff is proposing to put \$1,000,000 in Program funding and \$200,000 from the Tire Recycling Management Fund into each of the proposed environmental services contracts. For FYs 2011/12 and 2012/13, staff projects similar funding availability and project needs for the two programs. The following table indicates the proposed not-to-exceed fiscal year allocations for each of the proposed environmental services contracts:

Not-To-Exceed Allocation

<u>Fiscal Year</u>	<u>Solid Waste Disposal Trust Fund</u>	<u>Waste Tire Recycling Management Fund</u>
2010/11	\$1,000,000	\$200,000
2011/12	\$1,000,000	\$200,000
2012/13	\$1,000,000	\$200,000

Funds allocated for this item will be encumbered upon award of the proposed contracts. Award of the contracts is anticipated to be considered for approval in November 2010. Given the potential funding for the three fiscal years, each proposed contract would be for an amount not to exceed \$3,600,000.

For the overall Program funding, staff anticipates \$5,000,000 will become available upon approval of the budget for fiscal year 2010/11, which will be available for new contracts, grants, and loans. The Program is proposing two new environmental services contracts (in this Agenda Item) and one new engineering services contract (in the accompanying Agenda Item) with initial allocations totaling \$2,300,000. If awarded, that would leave approximately \$2,700,000 available for new contracts, grants, and loans. The actual amount of funding available from the Solid Waste Trust Fund is dynamic and will be updated at the time of award of the contracts.

The Five-Year Plan for the Waste Tire Recycling Management Program (5th Edition Covering Fiscal Years 2009/10–2013/14) allocates \$500,000 for Short-Term Remediation Projects in FY 2010/11. Staff proposes an initial allocation of \$400,000 to these two contracts and \$100,000 for the engineering services contract identified in the accompanying Agenda item.

Legal Issues: Staff is not aware of any legal issues related to this item.

Support: Staff have not received any written support at the time this document was submitted for approval.

Opposition: Staff have not received any written opposition at the time this document was submitted for approval.

Attachments:

1. Scope of Work – Environmental Services Contract for Landfill, Disposal Site, and Waste Tire Site Remediation for Northern California
2. Scope of Work – Environmental Services Contract for Landfill, Disposal Site, and Waste Tire Site Remediation for Southern California

Findings: On the basis of the information in this Request for Action, I hereby approve the Scopes of Work and authorize solicitation of proposals for these contracts under the Solid Waste Disposal and Codisposal Site Cleanup Program and Waste Tire Recycling Management Program.



Ted Rauh, Program Assistant Director
Waste Compliance and Mitigation Program

JULY 29, 2010

Date