



# County of Los Alamos

Los Alamos, NM 87544  
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## Council Meeting Staff Report

February 28, 2017

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**Agenda No.:** D.  
**Indexes (Council Goals):**  
**Presenters:** Daniel Erickson  
**Legislative File:** 9113-17

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### Title

Approval of Contract Amendment 1 to Agreement AGR16-049 with EnviroWorks, LLC

### Suggested Motion

**I move that Council approve Amendment 1 to Agreement AGR16-049 with EnviroWorks, LLC.**

### Administrator's Recommendation

The County Manager recommends that Council approve the motion as presented.

### Body

On May 24, 2016 Council Awarded AGR16-049 to EnviroWorks, LLC in an Amount Not to Exceed \$1,361,835.23, Plus Applicable Gross Receipts Tax for the purpose of repairing and performing mitigation work associated with damage to the Landfill Cap during the September 2013 flood event. This work was solicited as a design / build Request for Proposal on March 17, 2016. A copy of the associated Council Agenda Document can be seen in Attachment A. The County entered into a Contract with EnviroWorks on May 25, 2016 with an associated expiration date of October 14, 2016. Agreement 16-049 can be seen in Attachment B.

The landfill sits on a mesa top above an environmentally sensitive portion of Sandia Canyon where a wetland has been created to combat Chromium contamination in the Canyon. The flood event in 2013 washed sediment into canyon impacting the wetland. Since the Landfill is contracted via a lease agreement between Los Alamos County and the Department of Energy and the wetland below is operated by Los Alamos National Laboratory, both agencies have requested the ability to review the engineering design prior to starting construction. In addition, being a landfill, any work that is performed on the property is regulated by the New Mexico Environment Department - Solid Waste Bureau and therefore all work performed on the landfill is reviewed by this agency. Project photos are attached as Attachment C.

This project was anticipated to be very complicated due to the nature of the geography of the area as well as the different agencies requiring approval of the final design documents, however, it was anticipated that the expiration date listed above would be adequate to complete the construction of this project. The original time estimates for approval by the required agencies was found to be inaccurate and final comments were addressed in February of 2017. As part of the contemplated contract amendment the date of the contract would be extended to March 30, 2018. Additionally, after the design documents were generated and all of the applicable agencies had opportunity to comment on the final engineering plans, it was determined that compensation to the contractor would need to be increased to an amount not to exceed \$1,758,827.36, plus applicable New Mexico Gross Receipts tax. These cost increases are associated with the following line items in the bid:

1. Additional unanticipated engineering services required to meet the expectations of the various stakeholders associated with the project.
2. An anticipated increase in the excavation and subsequent backfill for the retaining wall.

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3. The use of a larger block than anticipated for the retaining wall construction.
  4. Additional stabilization seeding due to the anticipated increase in excavation and backfill.

The detailed unit cost information can be found at the end of Contract Amendment 1 for AGR16-049. See Attachment D.

Based upon the information listed above, the County Purchasing Agent, after consultation with the County Attorney, has determined in writing that the services are ongoing, necessary and are in the best interest of the County. The Purchasing Agent, after consultation with the County Attorney, has further determined that neither the County, nor the Contractor acted fraudulently or in bad faith in award and payment on the purchase order that has been issued. See the Written Findings of the Purchasing Agent - Attachment E.

#### **Alternatives**

Council could choose not to approve the motion above; the existing purchase order would be canceled and the construction portion of the work be resolicited.

#### **Fiscal and Staff Impact/Planned Item**

This work has been planned for and is primarily funded via FEMA and the New Mexico Department of Homeland Security and Emergency Management. FEMA supplies 75% of the funding, the New Mexico Department of Homeland Security and Emergency Management supplies 12.5% of the funding and Los Alamos County is responsible for 12.5% of the funding. The increase in compensation for the contemplated contract amendment is still within the amount of the original FEMA grant award for this project of \$2,313,349. To date a total (including the contemplated contract amendment) of \$2,022,162 would be encumbered against this project. The County matching funds have been accounted for and a special account for FEMA related grants associated with the September 2013 flood event established.

#### **Attachments**

Attachment A - Council Agenda Document May 24, 2016

Attachment B - Executed Agreement No. 16-049

Attachment C - Project Photos

Attachment D - Amendment One (1) for Agreement No. 16-049

Attachment E - Written Findings of the Purchasing Agent