



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
John Stufflebean

**SUBJECT:** MARTIN PARK LANDFILL  
GAS CUTOFF WALL RE-BID

**DATE:** 06-01-09

Approved

Date

6/5/09

**COUNCIL DISTRICT:** 3

**SNI:** Mayfair II

## RECOMMENDATION

Report on bids and take appropriate action based on the evaluation of bids for the Martin Park Landfill Gas Cutoff Wall Re-Bid Project.

## OUTCOME

Approval of this construction contract will allow the Martin Park Landfill Gas Cutoff Wall Re-Bid Project to be built to prevent underground migration of landfill methane gas onto adjacent properties. Approval of a ten percent contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the Project.

## BACKGROUND

Martin Park is an existing park in Council District 3 located between South 22<sup>nd</sup> Street and Forestdale Avenue in northeast San José. The Martin Park Landfill Gas Cutoff Wall Re-Bid Project site is a 4.7 acre former landfill site located to the south of the developed Martin Park (map attached).

Prior to 1948, the Martin Park landfill site was used as a clay borrow pit for brick and clay pipe manufacturing. The site became a Class III disposal site in 1970 and received approximately 70,000 to 80,000 cubic yards of construction debris until 1974. The landfill was then capped with 2 to 3 feet of soil by the City.

In 2005, as part of the residential development plan of the former Union Pacific Williams Street railroad property bordering the northwest side of the landfill site, approximately 15,000 tons of refuse was excavated and removed where the refuse had encroached over the property line. A limited section of below-ground gas cutoff wall was installed along this boundary as part of the same residential development. This Project will install a continuous, below-ground gas cutoff

wall along the remaining boundary of the Martin Park landfill site. The developer has provided the plans and specifications for the installation of this gas cutoff wall.

The installation of a continuous below-ground perimeter barrier will prevent potential underground migration of methane gas from the landfill onto adjacent properties. The barrier will also allow the City to proceed with the landfill closure and expansion of existing Martin Park onto the landfill parcel. The Martin Park Expansion Project is currently in the design phase and construction is scheduled to follow installation of this Project.

The landfill gas cutoff wall is to be constructed using a "trenchless" method, driving a geomembrane liner to a depth of approximately 20 feet. This depth corresponds to the approximate low seasonal groundwater depth and also to the approximate maximum depth of the refuse. Eight new perimeter landfill gas monitoring probes will be installed on the outside of the proposed landfill gas cutoff wall to provide a means to verify the effectiveness of the wall and allow for quarterly perimeter monitoring by the City.

The Project includes the installation of a landfill gas cutoff wall, vent trench, vent risers and landfill gas probes which, along with the 2005 gas cutoff wall section, will completely surround the Martin Park Landfill.

This Project was previously bid on November 6, 2008. On November 12, 2008, a letter of protest was received from HSR, Inc., the apparent second low bidder. HSR, Inc. argued that the low bid was nonresponsive for a number of different reasons. After reviewing the protest, the Director of Public Works decided that the Project should to be rebid. In the re-bid, Staff clarified an ambiguity in the specifications and also clarified a material requirement in the plans and specifications for the gas barrier.

Construction is scheduled to begin in September 2009, with completion in March 2010.

### **ANALYSIS**

A supplemental Memo will be provided after bids are opened on May 28, 2009.

Council Policy allows a contingency of ten percent on underground Public Works Projects. Staff considers the ten percent contingency appropriate for this Project.

### **EVALUATION AND FOLLOW-UP**

This Project is currently tracking within budgeted estimates and on schedule. No additional follow-up action with the Council is expected at this time.

### **POLICY ALTERNATIVES**

Not applicable.

### PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item meets Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. To solicit contractors, this Project was listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects were provided to various contractor organizations and builder's exchanges.

This placeholder award memo will be posted on the City's website for the June 23, 2009 Council Agenda, and the supplemental memo will be posted online during the week of June 8, 2009.

### COORDINATION

This proposed project and memorandum have been coordinated with the Departments of Parks, Recreation and Neighborhood Services, Planning, Building and Code Enforcement, the City Attorney's Office and the City Manager's Budget Office.

### FISCAL/POLICY ALIGNMENT

This Project is consistent with the Council-approved Budget Strategy to continue with capital investments that spur construction spending in our local economy.

### COST SUMMARY/IMPLICATIONS

1.	AMOUNT OF RECOMMENDATION/COST OF PROJECT:	
	Construction (Engineer's Estimate)	\$1,282,300
	Project Delivery	417,000 *
	Contingency	128,000
	<b>TOTAL PROJECT COSTS</b>	<b>\$1,827,300</b>
	Prior Year Expenditures	67,522 **
	<b>REMAINING PROJECT COSTS</b>	<b>\$1,759,778</b>

- \* Includes \$110,500 in anticipated PW Cap Overhead charges on construction contract.
- \*\* A total of \$67,522 was expended in fiscal year 2007-2008 for Project development including \$22,000 for an agreement with San Jose Water Company to move a water main.
- 2. COST ELEMENTS OF CONSTRUCTION CONTRACT: This information will be provided in the supplemental memo.
- 3. SOURCE OF FUNDING: 001 - General Fund: Capital Improvements
- 4. FISCAL IMPACT: The proposed operating and maintenance costs of this Project have been reviewed and will have no significant adverse impact on the General Fund operating budget.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2008-2009 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
<b>Remaining Project Costs</b>				<b>\$1,759,778</b>			
<b>Current Funding Available</b>							
001	6166	Martin Park Landfill	149583	\$1,645,000	\$1,282,300	V-1273	10/21/2008, Ord. No. 28422
<b>Funding in Future Years</b>							
001	4089	Closed Landfill Compliance		\$115,000*			
<b>Total Current Funding Available</b>				<b>\$1,760,000*</b>	<b>\$1,282,300</b>		

\* The Environmental Services Department has received a State Grant in the amount up to \$750,000, of which \$213,000 is included in the total funding above. The remaining \$537,000 is anticipated to be received from the State in 2009-2010 and will be allocated to the project budget and/or reimburse Project costs at that time. In addition to the State grant, after the construction bids for the Project are received and a funding shortfall exists for the Project, an additional \$115,000 is available as of July 1, 2009 in the Closed Landfill Compliance allocation.

HONORABLE MAYOR AND CITY COUNCIL

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**CEQA**

Mitigated Negative Declaration, Project File Number H06-017, December 3, 2007.



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Director, Environmental Services Department

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, PUBLIC WORKS DEPARTMENT, 408-535-8300

KJ:lr:as

Attachments

