

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

September 13, 2022

**FROM**

**BRENDON BIGGS, Director, Department of Public Works – Solid Waste Management**

**SUBJECT**

Contract with Sukut Construction, LLC for the Final Closure Construction Project at the Colton Sanitary Landfill

**RECOMMENDATION(S)**

1. Approve Addendum No. 1, issued on May 19, 2022, Addendum No. 2, issued on June 9, 2022, Addendum No. 3, issued on June 13, 2022, Addendum No. 4, issued on June 16, 2022, Addendum No. 5, issued on June 22, 2022, and Addendum No. 6, issued on June 28, 2022, to the bid documents for the Final Closure Construction Project at the Colton Sanitary Landfill.
2. Award a construction **Contract No. 22-811** to Sukut Construction, LLC (Santa Ana, California) in the amount of \$35,667,093 for the Final Closure Construction Project at the Colton Sanitary Landfill.
3. Authorize a contingency fund of \$3,566,709 for the Final Closure Construction Project at the Colton Sanitary Landfill.
4. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$3,566,709 for verified quantity overruns for this unit priced construction contract.
5. Authorize the Director of the Department of Public Works to order any necessary changes or additions in the work being performed under the contract for a total amount not to exceed \$210,000 of the \$3,566,709 contingency fund, pursuant to Public Contract Code section 20142.
6. Approve Escrow **Agreement No. 22-812** for Security Deposits in Lieu of Retention with Sukut Construction, LLC and Banner Bank pursuant to Public Contract Code section 22300 for the Final Closure Construction Project at the Colton Sanitary Landfill.
7. Authorize the Director of the Department of Public Works to execute the Escrow Agreement and to provide and receive written notice under the agreement for the Final Closure Construction Project at the Colton Sanitary Landfill.
8. Direct the Director of the Department of Public Works to transmit all documents in relation to Escrow Agreement to the Clerk of the Board of Supervisors within 30 days of execution.
9. Authorize the Director of the Department of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.

(Presenter: Brendon Biggs, Director, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Contract with Sukut Construction, LLC for the Final Closure  
Construction Project at the Colton Sanitary Landfill  
September 13, 2022**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works – Solid Waste Management Division (SWMD) is financed by fee revenue. SWMD establishes fees that are charged to the public and other agencies for utilization of the County's Waste Disposal System. The construction contract of \$35,667,093 and any use of the proposed contingency fund for the Final Closure Construction Project at the Colton Sanitary Landfill (Project) will be funded by SWMD fee revenue. This item also directs the placement of withheld retention into an escrow account, at no cost to SWMD. Sufficient appropriation and revenue have been included in the SWMD 2022-23 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The County's Colton Sanitary Landfill (CSL) is located at 850 Tropica Rancho Road in the City of Colton. The CSL is a Class III facility, which began operation in 1964. The landfill comprises 113 acres of which 88 acres was permitted for waste disposal. The landfill ceased accepting waste on December 31, 2014. Title 27 of the California Code of Regulations (Title 27 CCR), establishes final closure requirements for solid waste management units. Title 27 CCR stipulates that solid waste management units must undergo final closure by placing a cover over the entire disposal surface. Closure requirements are based on performance standards of the cover to be used for capping the landfill surface. Specifically, the cover must meet specified permeability requirements pursuant to Title 27 CCR.

The Final Closure Construction Project consists of excavation, grading, relocating refuse, installing a geomembrane cover/closure turf, drainage improvements, asphalt paving, fencing, erosion control, constructing a landfill gas extraction system and other pertinent work.

In compliance with the California Environmental Quality Act (CEQA), the County's Department of Public Works (Department) Environmental Management Division completed a Mitigated Negative Declaration addressing the construction activities associated with the Project (SCH # 2021060489).

This item supports the County and the Chief Executive Officer's goals and objectives of providing for the safety, health and social service needs of County residents by closing the landfill that meets current regulatory requirements, reducing leachate generation and erosion by covering the landfill with a geomembrane cover and controlling methane released to the atmosphere by constructing a landfill gas extraction and treatment system.

Following Board of Supervisor (Board) approval of this item, construction is anticipated to commence in October 2022 and be completed in December 2023.

**PROCUREMENT**

On April 26, 2022 (Item No. 49), the Board approved the Project's plans and specifications, as well as authorized the Director of the Department to advertise the Project for bids. This Project was released on the County Electronic Procurement Network (ePro) on May 5, 2022 and advertised in both the Daily Press & Precinct Reporter newspapers on May 26 and June 2, 2022. A notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. A mandatory pre-Bid meeting and job walk was held on Thursday, June 9, 2022 and was attended by 13 contractors.

The following addendum(s) were issued during the bidding phase:

**Contract with Sukut Construction, LLC for the Final Closure  
Construction Project at the Colton Sanitary Landfill  
September 13, 2022**

- Addendum No. 1: Revised dates to receive sealed bids, pre-bid meeting and mandatory job walk, deadline to submit questions, and replaced the bid schedule.
- Addendum No. 2: Clarified experience required for landfill gas related work and provided a copy of the pre-bid sign in sheets.
- Addendum No. 3: Revised specification for linear low-density polyethylene geomembrane and replaced bid schedule and Construction Quality Assurance Plan.
- Addendum No. 4: Revised date to receive sealed bids.
- Addendum No. 5: Identified a source for import material and replaced the bid schedule.
- Addendum No. 6: Answered a question received by a potential bidder.

On July 7, 2022, two bids were received:

<b>Contractor</b>	<b>Location</b>	<b>Total Bid</b>
Sukut Construction, LLC.	Santa Ana, CA	\$35,667,093
Zusser Co.	Los Angeles, CA	\$44,563,850

SWMD has reviewed the bids received and determined that both bids were responsive. SWMD recommends that the Board award the contract to Sukut Construction, LLC, the lowest responsible bidder. No appeal/protest letters were received.

Public Contract Code section 22300 provides for the substitution of securities for money (retention) withheld by a public agency to ensure the performance under the contract. Sukut Construction, LLC, has requested the substitution of securities via deposits to escrow with BannerBank in lieu of retention withheld by the County. The Escrow Agreement is substantially similar to the form provided in Public Contract Code section 22300. The Escrow Agreement will be signed by the Director of the Department. In addition, the Director of the Department will provide and receive any written notices for the Escrow Agreement.

This Project will have a total contingency fund of \$3,566,709 to compensate the contractor for verified quantity overruns, as well as changes in the contract under specific circumstances permitted by the contract or by law. Under an established formula based on the contract amount, Public Contract Code section 20142 allows the Board to authorize the Director of Public Works to order changes in the contract, including for unforeseen conditions or design shortfalls, should they become necessary in the future for a total amount not to exceed \$210,000 of the \$3,566,709 contingency fund.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on August 18, 2022; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on August 18, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on August 27, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 29, 2022.

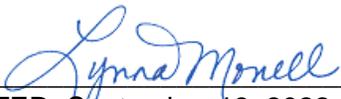
**Contract with Sukut Construction, LLC for the Final Closure  
Construction Project at the Colton Sanitary Landfill  
September 13, 2022**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Janice Rutherford  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 13, 2022



cc: PW/SWM - Meeka w/agrees for sign  
Contractor - C/O PW/SWM w/agree  
File - w/agree w/attach w/map  
CCM 09/19/2022