



BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 09/06/22

* = Mandatory, information must be provided

or Procurement Director Award ☐

***Contractor/Vendor Name/Grantor (DBA):**

The Ashton Company, Inc. Contractors and Engineers.

***Project Title/Description:**

Design-Build Services For: TRWRF Biogas Cleaning & Utilization Project (3GAS18)

***Purpose:**

Amendment: Contract No. CT-WWW-18-423, Amendment No. Eight (8). This amendment extends the term of the contract to 10/31/22 to allow for final completion and project closeout due to delays in connecting the project to the Tres Rios WRF SCADA system. Administering Department: Regional Wastewater Reclamation.

***Procurement Method:**

Pursuant to Solicitation for Qualifications No. 285645, on 07/03/18, the Board of Supervisors awarded a contract for design and pre-construction services for this project in the amount of \$663,552.00 for a contract term of 07/03/18 to 12/31/20.

Amendment No. One (1) was approved by the Board of Supervisors on 02/05/19 to incorporate GMP-1 and increase the contract amount by \$7,730,608.91 for a cumulative not-to-exceed amount of \$8,394,160.91.

Amendment No. Two (2) was approved by the Board of Supervisors on 12/17/19 to incorporate GMP-2 and increase the contract amount by \$4,228,069.46 for a cumulative not-to-exceed amount of \$12,622,230.37

Amendment No. Three (3) was approved by the Procurement Director on 12/07/20 to extend the contract term to 06/15/21 due to material delivery delays related to the Covid-19 pandemic.

Amendment No. Four (4) was approved by the Procurement Director on 03/05/21 to incorporate new Federal requirements since the Guaranteed Maximum Price (GMP) amendments were awarded and increase the contract amount by \$200,000.00 for a cumulative not-to-exceed amount of \$12,822,230.37.

Amendment No. Five (5) was approved by the Procurement Director on 06/14/21 to extend the contract term to 07/15/21 to allow time for development of a final project schedule.

Amendment No. Six (6) was approved by the Board of Supervisors on 07/06/21 to extend the contract term to 12/31/21 to allow time for development of a revised project schedule and establish a firm substantial completion date.

Amendment No. Seven (7) was approved by the Board of Supervisors on 12/21/21 to extend the contract term to 07/31/22 to allow for final completion and project closeout due to delays caused by anomalies during the gas cleaning Process.

Attachment: Amendment No. Eight (8)

***Program Goals/Predicted Outcomes:**

This program will provide a means of cleaning to "pipeline quality" the biogas created by the anaerobic digestion of the wastewater solids and injecting it into the Southwest Gas System for use as a renewable resource.

***Public Benefit:**

This program will create a revenue stream by selling the gas in the marketplace. This program also affirms a commitment to Pima County's philosophy of sustainability by creating Renewable Natural Gas (RNG) for reuse.

***Metrics Available to Measure Performance:**

The success of this project will be measured by providing clean biogas that meets Southwest Gas RNG specifications and by the return on the capital investment through the revenue generated.

***Retroactive:**

Yes, the contract was inadvertently allowed to expire on 07/31/22 although the Parties continued to perform work as if it was in full force and effect.

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount: \$* _____ ☐ Revenue Amount: \$ _____

*Funding Source(s) required: Flood Control District Levy and Various Other Funds

Funding from General Fund? ☐ Yes ☒ No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? ☐ Yes ☐ No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? ☐ Yes ☐ No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: CT Department Code: WW Contract Number (i.e., 15-123): 18-423
Amendment No.: Eight AMS Version No.: ~~Thirty-Six (36)~~ 38 2C
Commencement Date: 07/31/22 New Termination Date: 10/31/22
Prior Contract No. (Synergen/CMS): _____

☒ Expense or ☐ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 0.00

Is there revenue included? ☐ Yes ☒ No If Yes \$ _____

*Funding Source(s) required: Regional Wastewater Reclamation Department Obligations

Funding from General Fund? ☐ Yes ☒ No If Yes \$ _____ % _____

Grant/Amendment Information (for grants acceptance and awards) ☐ Award ☐ Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____
Commencement Date: _____ Termination Date: _____ Amendment Number: _____
☐ Match Amount: \$ _____ ☐ Revenue Amount: \$ _____

*All Funding Source(s) required:

*Match funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

*Match funding from other sources? ☐ Yes ☐ No If Yes \$ _____ % _____

*Funding Source: _____

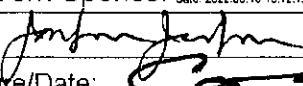
*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)? _____

Contact: Keith E. Rogers Digitally signed by Keith E. Rogers
Date: 2022.08.08 13:12:52 -0700

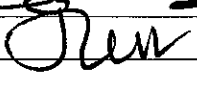
Scott Loomis Digitally signed by Scott Loomis
Date: 2022.08.08 12:30:16 -0700

Department: Procurement Director: Terri Spencer Digitally signed by Terri Spencer
Date: 2022.08.10 16:12:19 -0700

Telephone: 520-724-3542

Department Director Signature/Date:  8/15/22

Deputy County Administrator Signature/Date:  8/18/2022

County Administrator Signature/Date:  8/19/2022

(Required for Board Agenda/Addendum Items)

PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT

PROJECT: Design-Build Services for: TRWRF BioGas Cleaning & Utilization Project
(3GAS18)

CONSULTANT: The Ashton Company, Inc., Contractors and Engineers
P.O. Box 26927
Tucson, AZ 85726

CONTRACT NO.: CT-WW-18-423

AMENDMENT NO.: Eight (8)

Orig. Contract Term: 07/03/18 – 12/31/20	Orig. Amount:	\$ 663,552.00
Termination Date Prior Amendment: 07/31/22	Prior Amendments Amount:	\$12,158,678.37
Termination Date This Amendment: 10/31/22	This Amendment Amount:	\$ 0.00
	Revised Total Amount:	\$12,822,230.37

CONTRACT AMENDMENT

The parties agree to amend the above-referenced contract as follows:

1. Background and Purpose.

1.1. Background. On July 3, 2018, County and Design-Builder entered into the above referenced agreement to provide Design-Build Services for the Tres Rios Wastewater Reclamation Facility (TRWRF) BioGas Cleaning and Utilization project.

1.2. Purpose. The project reached Substantial Completion in August 2021. Numerous issues encountered during performance testing and automation of the project have caused delays in Final Completion. This amendment incorporates a list of Final Completion Tasks and a schedule for their completion, and extends the term of the contract to allow for Final Completion and project closeout.

2. Effective Date, Term, and Schedule.

The Parties agree to extend the term of the contract to October 31, 2022. The contract was inadvertently allowed to expire on 07/31/22 although the Parties continued to perform work as if it was in full force and effect.

Subsection 2.2 Term, is replaced in its entirety with: "Unless otherwise terminated or extended, in writing, pursuant to other provisions of this contract, the Term of this contract extends to October 31, 2022."

3. Exhibit A – Phase 2 – Construction Services – GMP-2. The parties agree to add Exhibit A1 – Final Completion Tasks (2 pages) after Exhibit A – Final Project Schedule – Contract Amendment Six (6) (4 pages), incorporated in Contract Amendment No Six (6).

All other provisions of the Contract not specifically changed by this Amendment remain in effect and are binding upon the parties.

PIMA COUNTY

Chair, Board of Supervisors

Date

DESIGN-BUILDER



Signature

Chris Rogers President

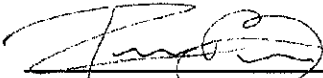
Name and Title (Please Print)
8/22/22

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

Rachelle Barr

Printed Name

08/18/2022

Date

EXHIBIT "A1" – FINAL COMPLETION TASKS (2 pages)

Purpose

Several tasks essential for integrating the plant into the existing Tres Rios Wastewater Reclamation Facility (Tres Rios WRF) Supervisory Control And Data Acquisition (SCADA) system for automated remote monitoring and operation remain uncompleted and Final Completion status for this project cannot currently be granted. This amendment defines the tasks that must be successfully completed and verified to achieve Final Completion and also extends the term of the contract to October 31, 2022 to allow for completion of all Final Completion tasks and for project closeout activities. This amendment extends the contract term only and does not increase the contract amount.

Final Completion Tasks

Design-Builder will proceed with the work to complete the following milestone tasks during the contract term extension:

- 1) Verification of maximum system production rate of renewable methane gas during typical summer climate. The RNG skid system as installed has a rated production capacity of 675 SCFM that have exhibited challenges during high ambient temperatures.
- 2) Completion of RNG facility system integration with the existing SCADA system that is in production at the Tres Rios WRF allowing for bi-directional communication with local and remote control of associated RNG equipment enable full remote and automated operation via the SCADA system.
- 3) Completion of required labeling for all wired inputs, including fiber optic connections, to equipment, panels, switches, motors, valves, and breakers. All inputs and outputs must be properly labeled to facilitate troubleshooting and system operation.

See Exhibit "A1" – Attachment One (1) Final Completion Schedule for a listing of all Final Completion Tasks and Subtasks

Liquidated Damages

In the event that all items identified in the Final Completion Tasks are not verified complete by October 31, 2022, liquidated damages will accrue at the rate of \$8,000 per day until all tasks are verified complete.

Compensation and Payment

Upon successful completion and verification of all Final Completion Tasks Final Completion will be achieved and the Design-Builder may request payment of retainage, minus any accrued liquidated damages.

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Exhibit A Ends After Attachment One (1) on Next Page

Exhibit "A1" - Attachment One (1) Final Completion Schedule

Oct 30, 2022

Sep 30, 2022

Aug 31, 2022

Aug 1, 2022

Task No. and Task Description

