

April 14, 2009

**SOLID WASTE DISPOSAL DISTRICT**

The Board of Commissioners of the Solid Waste Disposal District met at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, April 14, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Peter D. O'Bryan, Bob Solari, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

The Chairman called the meeting to order at 11:36 a.m.

**15.B.1. NOTICE OF PUBLIC MEETING TO APPROVE OR DISAPPROVE FRANCHISE APPLICATIONS: RFA No. 2009025 WASTE HAULING FRANCHISE – UNINCORPORATED ENTERPRISE ZONE**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Notice of Public Meeting, as recommended in the memorandum of April 6, 2009.

**15.B.2. SECOND AMENDMENT TO WASTE MANAGEMENT INC. OF FLORIDA FOR THE VERTICAL EXPANSION AND PARTIAL CLOSURE OF CLASS I LANDFILL AND BORROW POND CONSTRUCTION**

Commissioner Solari expressed that there was ambiguity in the way the contract was written. He indicated that the final number is taken from the initial contract amount, and to that is added the contingency, and then the 5% management fee. He said he would rather see it have the contract amount, and then the 5% management fee applied to that, with a 20% contingency fee; or better than that, have the contract spell out that the 5% management fee to Waste Management would be for the actual, and not the potential contract price. He reiterated the importance of eliminating the ambiguity and making sure that Waste Management only receives 5% of the amounts actually expended.

Director Mehta informed the Board that staff and Waste Management were in agreement to modify the Second Amendment reflecting the 5% and the respective 10% management fee on both projects, first on the base contract price and then the contingency.

Commissioner O'Bryan added that staff still needs to include the total amount for budget purposes. He wanted to see a second management fee added below the contingency so the total budget wraps in any potential cost.

Administrator Baird reported that the budget has always included a contingency (the actual costs that are anticipated). He suggested leaving the contingency out of the contract and not addressing it at this time.

Director Mehta acknowledged that these change-over items would be reviewed by staff and the engineer, and upon their approval, and once the work is completed, then whatever the monthly invoice is, the appropriate management fee would then be added.

ON MOTION by Commissioner Wheeler, SECONDED by  
Vice Chairman Flescher, the Board unanimously approved  
the Second Amendment to Contract Agreement between

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**S.W.D.D.**

Indian River County Solid Waste Disposal District (SWDD), and Waste Management, Inc. of Florida, approving the selection of: (i) Environmental Specialties International, Inc. (ESI) to construct the vertical expansion and partial closure project for a cost including Waste Management (WM) fee of \$4,157,622.64; and (ii) Sawmill Ridge Trucking for preparation of the borrow pond area for excavating and stockpiling using SWDD staff and equipment for a cost including WM fee of \$298,864.53; and authorized the Chairman to execute same, as recommended in the memorandum of April 6, 2009.

AMENDMENT TO AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**15.B.3. AMENDMENT NO. 2 TO WORK ORDER NO. 9 TO GEOSYNTEC CONSULTANTS, INC. FOR CONSUMPTIVE USE PERMIT MONITORING FOR BORROW POND DEVELOPMENT & CONSTRUCTION**

Commissioner Solari noted that the same comments from Item 15.B.2. apply to this item.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board approved Amendment No. 2 to Work Order No. 9 with GeoSyntec Consultants, Inc., in the amount of \$201,843.00, to provide engineering services for compliance with the Consumptive Use Permit (CUP) requirements for a period of two years; and authorized

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**S.W.D.D.**

the Chairman to execute same, as recommended in the memorandum of March 30, 2009.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

ALL BACKUP DOCUMENTATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND IS HEREBY MADE A PART OF THESE MINUTES

## **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 11:44 a.m.

ATTEST:

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Jeffrey K. Barton, Clerk

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Wesley S. Davis, Chairman

Minutes Approved: \_\_\_\_\_

LAA/SWDD Minutes

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**S.W.D.D.**