



# AGENDA STAFF REPORT

Control: 26-001345

**MEETING DATE:** 06/23/26  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** District 5  
**SUBMITTING AGENCY/DEPARTMENT:** OC Waste & Recycling  
**DEPARTMENT CONTACT PERSON(S):** Tom Koutroulis, 714-834-4122  
Hany Ahmed, 949-728-3043

**SUBJECT:** Amendments to Prima Zone 4 Phase A Mass Excavation and Liner Project

<b>CEO CONCUR</b>	<b>COUNTY COUNSEL REVIEW</b>	<b>CLERK OF THE BOARD</b>
Concur	Approve agreement to form	DISCUSSION
		3 Votes Board Majority

<b>Budgeted:</b> Yes	<b>Current Year Cost:</b> \$7,000,000	<b>Annual Cost:</b>
		FY 2026-27 - \$5,981,833
		FY 2027-28 - \$543,808

<b>Staffing Impact:</b> No	<b>Funding Source:</b> Fund 273: 100%	<b>Sole Source:</b> No
<b>Current Fiscal Year Revenue:</b> N/A		<b>County Audit in Last 3 years:</b> No

**Levine Act Review**

**Completed?** Yes

**Prior Board Action:** 9/26/2023 #29, 5/24/2022 #72

**RECOMMENDED ACTION(S):**

1. Authorize the Director of OC Waste & Recycling or designee, through delegated authority from OC Public Works, to approve Contract Change Order Number 6 with Sukut Construction, LLC for the Prima Zone 4 Phase A Mass Excavation and Liner Project in an amount not to exceed \$9,819,459 for a revised cumulative contract total of \$98,741,594 and revise the contract duration to 1,185 calendar days of the effective date of the Notice to Proceed.
2. Authorize the Director of OC Waste & Recycling or designee, through delegated authority from OC Public Works, to approve Amendment No. 2 for Tetra Tech BAS, Inc., for the Prima Zone 4 Phase A Mass Excavation and Liner Project, in the amount not to exceed \$3,606,255 for a revised cumulative contract total of \$11,759,876 and a revised contract duration through July 30, 2027.
3. Authorize the Director of OC Waste & Recycling or designee, through delegated authority from OC Public Works, to approve Amendment No. 2 for SWT Engineering, Inc., for the Prima Zone 4 Phase A

Mass Excavation and Liner Project, in the amount not to exceed \$99,957 for a revised cumulative contract total of \$360,049 and a revised contract duration through July 30, 2027.

**SUMMARY:**

Approval of Contract Change Order Number 6 with Sukut Construction, LLC, Amendment Number 2 with Tetra Tech BAS, Inc. and Amendment Number 2 with SWT Engineering, Inc. will allow services to continue for the Zone 4 Phase A Mass Excavation and Liner Project at Prima Deshecha Landfill and support continued operations and compliance with state and federal regulations.

**BACKGROUND INFORMATION:**

OC Waste & Recycling (OCWR) is responsible for managing the County of Orange (County) solid waste disposal system, including South Region Landfills, which consists of the active Prima Deshecha Landfill (Prima) and five closed solid waste disposal sites. Prima was opened in 1976 to meet the solid waste disposal needs of the southern portion of Orange County. Prima is a 1,530-acre landfill site located within unincorporated Orange County, the City of San Juan Capistrano and the City of San Clemente. The landfill operation is currently located in an area designated as Zone 1, which has capacity to accept solid waste through the year 2050. Zone 4, located on the east side of the property, is currently in the planning stages for development. Development of Zone 4 provides additional waste disposal capacity for Prima through the anticipated closure year of 2102, ensures long-term disposal capacity for Orange County and provides for a stable rate structure for the cities and special districts within the County for future generations.

The Prima Zone 4 Phase A Mass Excavation and Liner Project (Project) consists of construction within 65 acres of the landfill and will provide approximately 12.3 million cubic yards of landfilling capacity. The project includes the excavation of approximately seven million cubic yards of dirt and rock, construction of a protective liner, road and facility improvements, installation of systems for leachate collection, landfill gas collection and facility drainage control. The project provides continued disposal services for the County and increases disposal capacity and operational efficiencies. Development of Zone 4 of the Prima Landfill is a necessary component of the project covered under Final Environmental Impact Report (EIR) No. 575, Final Supplemental EIR (SEIR) No. 597 and Final Second SEIR (SSEIR) to EIR 575.

On September 26, 2023, the Board awarded contract MA-299-24010124 in the amount of \$88,206,536 to Sukut Construction, LLC for the project. During execution of the earthwork associated with the project, adverse and unforeseen geological conditions were encountered requiring remediation, additional work and additional time.

Prior to Contract Change Order (CCO) Number 6, OCWR has issued one amendment and five CCOs in accordance with Contract Policy Manual, Section 3.5-108 (1) and (2) and in accordance with Public Contract Code Section 20142(b), which states: the Director or designee may approve contract cost increases limited to \$25,000 per change for contracts in excess of \$250,000, plus 5 percent of the original contract amount in excess of \$250,000 up to a total maximum amount of \$210,000 in accordance with Public Contract Code Section 20142(b). 10 percent of the original contract amount per change for contracts from \$50,000 to \$250,000 and changes in excess of this limit require Board approval.

Actions pertaining to MA-299-24010124 with Sukut Construction, LLC are as follows:

<b>Board Approved</b>	<b>Designee Approval</b>	<b>Action</b>	<b>Comments</b>
September 26, 2023		Zone 4 Phase A Mass Excavation and Liner Project ASR Control 23-000761 Item No. 29	Approved contract MA-299-24010124 (\$88,206,536) Sukut Construction LLC for Zone 4 Phase A Mass Excavation and Liner Project at Prima Deshecha Landfill, 750-day term.
	January 11, 2024	Amendment No. 1	Approved Contract (MA-299-24010124) to add Escrow Agreement (2246); Made and entered into agreement with the County of Orange Waste & Recycling (Owner) and Sukut Construction, LLC (Contractor) and Banner Bank, a State Chartered bank (Escrow Agent)
	June 09, 2025	Contract Change Order 1	CCO 1 to increase the contract capacity by \$181,624 and a time extension of 31 calendar days for unforeseen additional work.
	October 31, 2025	Contract Change Order 2	CCO 2 to increase the contract capacity by \$179,394 and a time extension of 32 calendar days, for Field Change Directive (FCD) 7 additional work.
	January 28, 2026	Contract Change Order 3	CCO 3 to increase the contract capacity by \$181,458 and a time extension of 64 calendar days for Field Change Directive (FCD) 2 additional work.
	March 25, 2026	Contract Change Order 4	CCO 4 to increase the contract capacity by \$173,123 and a time extension of 69 calendar days for changes related to unforeseen geological conditions.
	May 12, 2026	Contract Change Order 5	CCO 5 for a time extension of 28 calendar days for administrative processing .

Pending BOS Approval		Contract Change Order 6	CCO 6 to increase the contract capacity by \$9,819,459 and a time extension of 211 calendar days for changes related to unforeseen geological conditions.
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On May 24, 2022, the Board approved contracts with Tetra Tech BAS, Inc., for construction management, field construction quality assurance, biological monitoring, paleontological monitoring and archeological monitoring, and SWT Engineering, Inc. for engineering support services for the project. These two contracts were established using the Qualified Vendors List (QVL) for Landfill Construction Support Services and Landfill Services, in accordance with 2020 Design and Construction Policy Manual, Section 3.3-105.

The following actions pertain to contracts MA-299-22011312 with Tetra Tech BAS, Inc. and MA-299-22011322 with SWT Engineering, Inc.:

Board Approved	Designee Approval	Action	Comments
May 24, 2022		Construction Management and Engineering Support for Prima Deshecha Zone 4 Phase A Project ASR Control 22-000210 Item No. 72	Approved contract MA-299-22011312 with Tetra Tech BAS, Inc. (\$8,153,621) for construction management, field construction quality assurance, biological monitoring, paleontological monitoring and archeological monitoring for Prima Deshecha Zone 4 Phase A Project.  Approved contract MA-299-22011322 (\$260,092) with SWT Engineering, Inc. for engineering support services for Prima Deshecha Zone 4 Phase A Project commencing 5/24/2022, effective three years and one month.
	May 02, 2025	Amendment No. 1 to Engineering Support for Prima Deshecha Zone 4 Phase A Project (SWT Engineering Inc) MA-299-22011322	Contracts for both Tetra Tech BAS, Inc. and SWT Engineering Inc. were approved by the Board prior to Zone 4 Phase A construction contract. As a result of the construction of Zone 4 Phase A

		Amendment No. 1 to Construction Management for Prima Deshecha Zone 4 Phase A Project (Tetra Tech BAS, Inc) MA-299-22011312	delayed by one year, the Construction Management and Engineering Support Contracts were also extended by one year, allowing for each of these contracts to meet their original intent. Extended current contract by one year with no additional cost.
Pending BOS Approval		Amendment No. 2 to Engineering Support (SWT Engineering) MA-299-22011322 and Construction Management (Tetra Tech BAS, Inc.) MA-299-22011312 for Prima Deshecha Zone 4 Phase A	Request for Amendment 2 to increase contract MA-299-22011312 with Tetra Tech BAS, Inc. by \$3,606,225 and contract MA-299-22011322 with SWT Engineering Inc. by \$99,957 and increase time to extend both contracts through 07/30/2027 to be coterminous with Sukut MA-299-24010124 per Contract Change Order 5.

Extended negotiations to multiple contracts have resulted in these items coming to the Board within 30 days of the requested Board date.

The Orange County Preference Policy is not applicable to these Board items.

These contracts do currently include subcontractors or pass through to other providers. See Attachment D for Contract Summary Forms.

**Compliance with CEQA:** This Project is a necessarily included element of the Project considered in Final EIR No. 575, certified by the Board of Supervisors on November 6, 2001, in combination with Final Supplemental Environmental Impact Report (SEIR) No. 597, certified by Board of Supervisors on June 19, 2007, and Final Second Supplemental EIR (SSEIR) to Final EIR No. 575, certified by the Board of Supervisors on January 25, 2022, which adequately addressed the effects of the proposed Project. Together, Final EIR No. 575, Final No. SEIR 597 and Final SSEIR to EIR No. 575 adequately address the effects of the proposed Project.

No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project which was not known or could not have been known when Final EIR No. 575, Final SEIR No. 597, or Final SSEIR to EIR No. 575 were certified and the Mitigation Monitoring and Reporting Program was adopted and has become known; therefore no further environmental review is required.

**FINANCIAL IMPACT:**

Appropriations for this contract are included in the FY 2025-26 Budget for OCWR Capital Project Fund 273 and will be included in the budgeting process for future years. The contracts include provisions that the contracts are contingent upon the availability of funds and inclusion of sufficient funds in the budget approved by the Board for each fiscal year the contracts remain in effect or operation. In the event such funding is terminated or reduced, the County may terminate these contracts, reduce the County's maximum obligation or modify the contracts, without penalty.

**STAFFING IMPACT:**

N/A

**REVIEWING AGENCIES/DEPARTMENTS:**

N/A

**ATTACHMENTS:**

Attachment A - Amendment No. 2 - MA29922011312 Tetra Tech BAS Inc 2

Attachment B - Amendment No. 2 - MA29922011322 SWT Engineering Inc.

Attachment C - Contract Change Order #6 – MA-299-24010124 - Sukut Construction LLC

Attachment D – Contract Summary Forms