

LANDFILL CLOSURE PROJECT
WEST ST. SANITARY LANDFILL

PROJECT REVIEW

LANDFILL CLOSURE

The project consisted of the closing and capping of the Town's dump site located on West St., a requirement of Dept. of Environmental Protection.

A review of the Board of Selectmen's meeting minutes reflect that on May 6, 1991 Mr. Sisitsky, Director of DPW recommended closure of the landfill.

It appears some discussions concerning closure took place between this date and August 1, 1994.

On October 2, 1995, Don Tata of Tata & Howard updated the BOS, advising the Board the Landfill was no longer in use and the Town was working with DEP to close it out.

The process of closing the landfill continued from October 2, 1995 through it's final closure and capping sometime in the year 2000.

CONSTRUCTION CONTRACTS

1. West St. Sanitary Landfill Closure Project
Solid Waste Relocation

Engineer: Tata & Howard

General Contractor: George R. Cairns & Sons Inc.
21 Old Ferry Rd.
Methuen, MA

Bid Date: Unknown

Bids Received: Unknown

Notice to Award: Unknown

Notice to Proceed: Unknown

Amount: \$192,450.00

Contract Date: Unknown. The Board of Selectmen on September 20, 1994 voted to award the contract.

Limited documents were available to review concerning this contract.

Based upon invoices paid by the Town of Natick, Cairns & Sons Inc. was paid \$252,554.75. No documentation was available to determine the \$60,104.75 increase in the contract amount.

2. West St. Sanitary Landfill Closure Project
Contract 2A - Sanitary Landfill Preliminary Grading Plans

Engineer: Tata & Howard

General Contractor: ETL Construction Corp.

Bid Date: September 10, 1997, 2:00 P.M.

Bids Received: Unknown

Notice to Award: Unknown

Notice to Proceed: Issued by Fred Conley, not dated, not signed by ETL

Amount: \$397,250.00

Project Time: 60 Days to Complete

Contract Date: Signed by Fred Conley and ETL Corp. No date is on the agreement.

Liquidated Damages: Unknown

Payment/Performance Bonds: Issued

Insurance Certificates: Issued

Change Orders: Unknown, no documents found to date

Final Contract Amount: Based upon a review of invoices paid to date, E.T.L. Co. has been paid \$477,660.27. No documentation was available to determine the \$80,410.27 increase in the contract amount.

A review of contracts awarded by the Board of Selectmen during 1997 on file in the Selectmen's office shows no record of the Board voting to award this contract.

3. West St. Sanitary Landfill Closure Project

Engineer: Tata & Howard

General Contractor: Foster Wheeler Environmental Corp.

Bid Date: December 4, 1998, 2:00 P.M.
Contract No. 2

Bids Received: Five Bids Received

Firm	Base Bid	Alt. #1	Deduct Passive Gas Vent
1. Foster Wheeler	\$3,802,184.00	\$536,553.00	\$53,544.00
2. R. Bates & Sons	\$3,799,295.00	\$524,125.00	\$62,560.00
3. ET & L Corp.	\$3,997,940.00	\$463,820.00	\$ 920.00
4. DR Corp.	\$4,375,230.00	\$575,850.00	\$18,400.00
5. WES Const. Corp.	\$4,202,595.00	\$609,500.00	\$46,000.00

Based upon a review of available documents, the Town of Natick did not accept Alternate #1 and the deduct for the passive gas venting. As such, Foster Wheeler was the low bidder in the amount of \$3,319,175.00.

Three addenda 1, 2 & 3 were issued during the Bid Phase.

Notice to Award: Issued by Fred Conley on 12/21/98 in the amount of \$3,413,986.00. No document is available addressing \$94,811.00 difference.

Notice to Proceed: Issued 1/29/99, no Start Date stipulated, Completion Date 9/30/00.

Contract Date: 1/29/01 Contract No. 2

Contract Signed: Fred Conley, Town Administrator. The Board of Selectmen voted to award the contract on December 16, 1998.

Amount: \$3,413,986.00

Project Time: Unknown

Liquidated Damages: 1 st – 30 th Day	\$1,000.00
31 st – 90 th Day	\$1,750.00
91 st – thereafter	\$2,500.00

Payment/Performance Bonds: Issued

Insurance Certificates: Issued

Change Orders: Three issued during Construction.

Number	Amount	Description	Town Authorization
CO 1	\$75,000.00	Excavate Jennings Pond	5/6/99 Fred Conley
CO 2	\$73,987.20	Unknown	
CO 3	\$367,207.70	Gas Flare Golf Course	

Final Contract Amount: According to the Change Orders issued during construction, the final contract amount would have been \$3,930,180.27

Based upon invoices paid by the Town of Natick, Foster & Wheeler was paid \$3,697,661.16.

There is no documentation which explains the reduction in the contract amounts.

4. Jennings Pond Project – Construction of Outlet Modification Contract 94-1
Natick Conservation Commission

At the time of this review, it was not known how this contract may have impacted the Landfill Project.

Engineer: Consolidated Design Group Inc.
Framingham, MA

General Contractor: Cali Corporation

Bid Date: October 13, 1994, 2:00 P.M.

Bids Received: Unknown

Notice to Award: October 26, 1994 George Wallace

Notice to Proceed: December 1, 1994 issued by George Wallace, Start Date 12/15/94,
Completion Date 2/13/95

Contract Date: 12/1/94 Natick Con. Com. George Wallace

5. Other Contracts

During the review of the Landfill Capital Project Summary, it appears the Town of Natick paid out additional invoices for construction work at the Landfill Site.

No document or records are available, nor is there any vote of the Board of Selectment to award such contracts.

These invoices paid out include:

1.	D'Ortenzio Excavating Inc.	\$ 13,347.00
2.	Concrete Systems Inc.	\$ 12,720.00
3.	Green Acres	\$ 11,161.00
4.	New England Sand & Gravel	\$ 13,668.75
5.	Payne Sand & Stone	\$ 85,422.70
6.	Ramco Survey Stakes Inc.	\$ 17,605.00
7.	Rebco Inc.	\$ 72,600.80
8.	A.H. Harris & Sons	<u>\$ 22,973.96</u>
	TOTAL	\$249,499.21

MONITORING CONTRACTS

West St. Sanitary Landfill Closure Project

Contract for Emissions Testing and Gas Monitoring

Consultant Hired: Dufresne Henry Inc.
5 Lan Drive
Westford, MA

**It should be pointed out that only one engineering proposal was sought for these services.

Contract Amount: \$49,945.00

Contract: DHI proposal to Charles Sisitsky dated 8/28/01 was approved and signed by Fred Conley on 11/9/01. There is no record of the Board of Selectmen voting to award the contract.

Start Time: November 7, 2001

Completion Date: February 28, 2002

DHI carried ENSR as a Consultant to perform emissions testing in the amount of \$19,600.00, which was included in the Contract Amount.

Based upon invoices paid by the Town of Natick, DHI was paid \$44,654.88.

Design Contracts

1. Tata & Howard
125 Turnpike Rd.
Westborough, MA 01581

Tata & Howard Engineering provided engineering services related to the permitting, final closure design and construction administration of the landfill capping.

Based upon a review of available documents, the following is provided:

It appears that Tata & Howard involvement in the project began sometime in late 1992 or early 1993.

1. There is reference to an agreement dated February 22, 1993 for a fee of \$44,500, in a proposal to Charles Sisitsky of DPH from Tata & Howard.
The initial agreement was signed by Fred Conley, Town Administrator, Ruth Cashman, Town Comptroller and Donald Tata.
2. December 7, 1993 Tata & Howard submitted a letter to Charles Sisitsky, DPH, amending the February 22, 1993 agreement.
Fee is amended to \$53,000.00, signed by Fred Conley and Donald Tata.
3. May 10, 1994 Tata & Howard submitted a letter to Charles Sisitsky, DPH, amending the December 7, 1993 agreement. Fee is amended to \$95,000.00, signed by Fred Conley and Donald Tata.
4. October 4, 1994 Correspondence from Tata & Howard to Charles Sisitsky, DPH, amends the February 22, 1993 agreement.
Fee is amended to \$138,000.00, signed by Fred Conley and Donald Tata.
5. October 20, 1997 An amendment #5 proposal is submitted to Fred Conley, Town Administrator, from Tata & Howard.
The fee is amended from \$340,000.00 to \$468,000.00, signed by Fred Conley and Donald Tata.
There is no record to substantiate the change in October 4, 1994 fee from \$138,000.00 to \$340,000.00.
6. October 6, 1998 An amendment proposal #6 is submitted to Fred Conley, Town Administrator, from Tata & Howard.
The fee is amended to \$468,000.00. Proposal was signed by Donald Tata.
7. January 13, 1999 An amendment proposal #7 is submitted to Fred Conley, Town Administrator, from Tata & Howard.

Fee is amended to \$787,500.00, signed by Fred Conley and Donald Tata.

Based upon invoices paid by the Town of Natick, Tata & Howard was paid \$791,188.76.

There is no record of any Board of Selectmen votes awarding or approving these agreements.

Even of greater concern is the fact that no other request for proposals was solicited by the Town of Natick for such services.