



Legislation Text

File #: 2019-0095, **Version:** 1

To: Boards of Directors, Sonoma County Water Agency and Sonoma Valley County Sanitation District

Department or Agency Name(s): Sonoma County Water Agency and Sonoma Valley County Sanitation District

Staff Name and Phone Number: Kevin Booker 521-1865

Vote Requirement: Majority

Supervisory District(s): First and Second

Title:

North Bay Water Reuse Authority - Amended Professional Services Agreement

Recommended Actions:

In an ongoing effort to maximize the benefits of limited water resources and provide a reliable water source for the region:

- A) Authorize Sonoma County Water Agency's General Manager to execute the Fourth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority with Brown and Caldwell increasing the amount by \$105,000 (Sonoma Water share: \$13,960), expanding Task 3 for cultural resources technical analyses and a revised environmental document, and adding eight months to the term for this work for a new not-to-exceed agreement total of \$3,600,756 and term end date of June 30, 2020.
- B) Authorize expenditure of Sonoma Valley County Sanitation District funds for District's portion of costs (\$8,524) for the Fourth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority.

(First and Second Districts)

Executive Summary:

The North Bay Water Reuse Program (Program) is a model for maximizing the benefits of limited water resources in the West. By partnering on the local level, agencies and elected officials have developed a solution to meet broad constituent needs under the umbrella of a comprehensive regional program. Under this amended agreement, Brown and Caldwell will continue to provide project management; provide engineering analysis, environmental evaluation, financial capabilities analysis, and identification of funding sources; prepare and administer grant funding applications; coordinate and prepare materials for public outreach and communication efforts; and provide Phase 1 support services through fiscal year 2018/19. This agreement is being amended for Brown and Caldwell to update the environmental document based upon comments received from the U.S. Bureau of Reclamation and assist the Program in applying for future grant funding opportunities by the U.S. Bureau of Reclamation.

Discussion:

HISTORY OF NORTH BAY WATER REUSE AUTHORITY

Sonoma County Water Agency (Sonoma Water), as approved by its Board of Directors, entered into a

Memorandum of Understanding establishing the North Bay Water Reuse Authority (Authority) with Las Gallinas Valley Sanitary District, Napa Sanitation District, Novato Sanitary District, and Sonoma Valley County Sanitation District, effective August 24, 2005, and amended in January 2008. North Marin Water District and County of Napa became signatories under the Second Amended Memorandum of Understanding, effective November 3, 2010. Marin Municipal Water District and City of Petaluma, became signatories under the Third Amended Memorandum of Understanding, effective May 13, 2013. The Fourth Amended Memorandum of Understanding was approved by the Authority Board of Directors on August 28, 2017, and became effective on November 14, 2017.

The Authority is not a legal entity and cannot enter into agreements in its own name. Therefore, Section 12 of the Fourth Amended Memorandum of Understanding designates Sonoma Water to act as the Administrative Agency for the Authority. As the Administrative Agency, Sonoma Water enters into agreements and performs other administrative functions for the Authority, with prior approval of the Authority Board of Directors. The Authority is responsible for consultant selection. Sonoma Water is reimbursed by the Authority for the costs it incurs while acting as Administrative Agency.

HISTORY OF NORTH BAY WATER REUSE PROGRAM

The North Bay Water Reuse Program (Program) is a model for maximizing the benefits of limited water resources in the West. By partnering on the local level, agencies and elected officials are developing solutions to meet broad constituent needs under the umbrella of a comprehensive regional program. This approach also helps federal and state agencies accomplish their resource management objectives and meet regulatory requirements.

The Program is authorized for two construction phases under the U.S. Bureau of Reclamation's (Reclamation) Title XVI program. This authorization provides a 25% federal cost-share for each phase of the Program. The Authority completed feasibility and environmental studies for Phase 1 of the Program and in 2010 began construction on a series of recycled water projects valued at \$100 million. To date, the Program has received \$25 million in federal funding and nearly \$5.9 million in state funding. The balance of funding is provided by the local agencies.

AMENDED AGREEMENT

On September 6, 2014, Sonoma Water entered into the subject agreement (at a cost of \$3,022,379 for three years) as the Administrative Agency under the Third Amended Memorandum of Understanding on behalf of the Authority members who had executed the Third Amended Memorandum of Understanding.

Under the agreement, Brown and Caldwell provides project management; prepares a Title XVI feasibility study that includes an engineering analysis, environmental evaluation, and financial capabilities report; coordinates and prepares public outreach and communication materials (updating website, providing project information to Board members, and coordinating media placements and print production); identifies funding sources; prepares and administers grant funding applications; and provides Phase 1 support services. The first amended agreement modified the scope of work for a net reduction of \$24,000 and extended the term of the agreement by six months. The second amended agreement expanded some tasks to add work for fiscal year 2017/2018, decreased effort under other tasks, added \$321,274 to the total agreement amount, and extended the term by 10 months. The third amended agreement expanded some tasks to add work (additional support for future grant funding opportunities, additional work due to new Environmental

Protection Act guidelines on preparation of environmental documents; and public outreach) for fiscal year 2018/2019 and increased the agreement amount by \$176,103, accordingly, and extended the term end date for a new total agreement amount of \$3,495,756 and term end date of October 31, 2019.

The subject fourth amended agreement expands Task 3 for cultural resources technical analyses to amend the environmental document based upon discussions with Reclamation, and adds \$105,000 to the total and eight months to the term for this work for a new Agreement total of \$3,600,756 and term end date of June 30, 2020.

Brown and Caldwell was selected by the Authority, and the scope of work and budget for the fourth amended agreement were approved by the Authority's Board of Directors on October 22, 2018.

Agreements entered into by Sonoma Water for the Authority contain a provision that makes each Authority member liable only for its respective share of the agreement cost and provides that none of the members can be required to pay costs allocated to other members. Of the total \$105,000 increase under the Fourth Amended Agreement, Sonoma Water's share is \$13,960, and Sonoma Valley County Sanitation District's share is \$8,524. The other Authority members will be responsible for paying for their respective share of the cost increase totaling \$82,516.

Prior Board Actions:

- 08/14/2018 Authorize Water Agency's General Manager or designee to execute the Third Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority with Brown and Caldwell to provide engineering, environmental, and public outreach services for North Bay Water Reuse Authority increasing the amount by \$176,103, expanding the scope of work to include fiscal year 2018/2019 tasks, and extending the agreement term by one year for a new not-to-exceed agreement total of \$3,495,756 (Water Agency share: \$22,996; Sonoma Valley Sanitation District share: \$20,405) and end date of October 31, 2019.
- 11/14/2017 Concurrent action for Board authorization for Chairs of the Water Agency and District to sign the Fourth Amended MOU, authorization of Water Agency's General Manager or designee to execute an amended agreement with Brown and Caldwell to provide engineering, environmental, and public outreach services, and authorization of expenditure of District funds for the District's portion of costs for the above amended agreement with Brown and Caldwell.
- 9/12/2017 North Bay Water Reuse Authority Phase II Grant Administration
- 9/27/2016 North Bay Water Reuse Program Sonoma Valley County Sanitation District Treatment Plant Pumping and Piping Upgrades - Contract Award
- 5/21/2016 North Bay Water Reuse Program Sonoma Valley County Sanitation District Fifth Street East Recycled Water Pipeline - Contract Award and Cooperative Agreement.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$105,000		

Additional Appropriation Requested			
Total Expenditures	\$105,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$105,000		
Use of Fund Balance			
Contingencies			
Total Sources	\$105,000		

Narrative Explanation of Fiscal Impacts:

Sonoma Water: Budgeted amount of \$13,960 is available from FY 2018/2019 appropriations for the Recycled Water fund. No additional appropriation is required.

Sonoma Valley County Sanitation District: Budgeted amount of \$8,524 is available from FY 2018/2019 appropriations for the Sonoma Valley County Sanitation District Operations fund. No additional appropriation is required.

The other Authority members will be responsible for paying for their respective share of the cost increase totaling \$82,516.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)
N/A			

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Amended Agreement

Related Items "On File" with the Clerk of the Board:

None