



Legislation Text

File #: 2021-0613, **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

Recommended Action:

- A) Authorize Sonoma County Water Agency's General Manager to execute the Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority with Brown and Caldwell to provide engineering, environmental, public outreach, and related services. The amended agreement increases the amount by \$60,000 (Sonoma Water share: \$6,000) and extends the agreement term by one year for a new not-to-exceed agreement total of \$3,660,756 and end date of June 30, 2022.
- B) Authorize expenditure of Sonoma Valley County Sanitation District funds for District's portion of costs (\$6,000) for the Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority.
- C) Authorize Sonoma County Water Agency's General Manager to execute the Second Amended Agreement for Program Management for North Bay Water Reuse Authority with Charles V. Weir dba Weir Technical Services, contingent on future NBWRA Board Action, to provide program management services. The amended agreement increases the amount by \$10,000 (Sonoma Water share: \$1,000) and extends the term by two years for a new not-to-exceed agreement total of \$67,426 and end date of June 30, 2023.
- D) Authorize expenditure of Sonoma Valley County Sanitation District funds for District's portion of costs (\$1,000) for the Second Amended Agreement for Program Management for North Bay Water Reuse Authority with Charles V. Weir dba Weir Technical Services, contingent on future North Bay Water Reuse Authority Board Action, to provide program management services for North Bay Water Reuse Authority.

(First and Second District)

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 the Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority, 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 June 30, 2022.

Under the Second Amended Agreement for Program Management for North Bay Water Reuse Authority, Charles V. Weir dba Weir Technical Services will continue to provide program management services including meeting and financial management, project support and review, and program planning through June 30, 2023.

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 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 \$9.9 million in state funding. The balance of funding is provided by the local agencies.

AMENDED AGREEMENTS

Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority

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. Brown and Caldwell was selected for the agreement by the Authority.

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 fourth amended agreement expanded Task 3 for cultural resources technical analyses to amend the environmental document based upon discussions with Reclamation, and added \$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. The fifth amended agreement added one year to the term of the agreement, at no additional cost, for a new term end date of June 30, 2021.

This Sixth Amended Agreement increases the amount by \$60,000 and extends the agreement term by one year for a new not-to-exceed agreement total of \$3,660,756 and end date June 30, 2022.

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 \$60,000 increase under the Sixth Amended Agreement, Sonoma Water's share is \$6,000, and Sonoma Valley County Sanitation District's share is \$6,000. The other Authority members will be responsible for paying for their respective share of the cost increase totaling \$48,000.

Second Amended Agreement for Program Management for North Bay Water Reuse Authority

Sonoma Water has previously entered into agreements with approval of Authority, and with Charles V. Weir dba Weir Technical Services, for the purposes of advancing water reuse programs in the region, including specifically the North Bay Water Reuse Program and legislation to develop such a program with the U.S. Bureau of Reclamation.

The Authority Board of Directors reviewed and accepted the scope of work and budget for this Agreement to provide program management services for the Authority at its May 21, 2018, meeting. Sonoma Water entered into this Agreement as the Administrative Agency under the Fourth Amended Memorandum of Understanding.

Sonoma Water and Charles V. Weir dba Weir Technical Services first entered into this Agreement on August 8, 2018, in the amount of \$57,426. The first amended agreement added time for continued program management services for the Authority as it entered implementation of Phase 2 of the Program. The Second Amended Agreement, contingent on future NBWRA Board action, will add time and an as-needed task to have Weir Technical Services provide additional meeting(s), project support and review and program planning in

association with future planning activities of NBWRA.

This Second Amended Agreement, contingent on future NBWRA Board approval, will increase the amount by \$10,000 and extend the agreement term by two years for a new not-to-exceed agreement total of \$67,426 and end date June 30, 2023.

Of the total \$10,000 increase under this Second Amended Agreement, Sonoma Water's share is \$1,000, and Sonoma Valley County Sanitation District's share is \$1,000. The other Authority members will be responsible for paying for their respective share of the cost increase totaling \$8,000.

Sonoma Water may seek to amend or enter into subsequent agreements with Board approval if required, relying upon this competitive selection process, after the preliminary or initial work is completed.

SERVICES TO BE PERFORMED

Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority

Under the proposed amended agreement, Brown and Caldwell will continue to provide engineering, environmental, public outreach, and related services. The additional cost is \$60,000, for a new not-to-exceed agreement total of \$3,660,756. The new end date is June 30, 2022.

Second Amended Agreement for Program Management for North Bay Water Reuse Authority

Under the proposed amended agreement, Charles V. Weir dba Weir Technical Services will continue to provide program management services. The new end date is June 30, 2023. There is no change in cost for these services unless the Authority Board of Directors approves a funding increase in which case the amount will not exceed an additional cost of \$10,000.

Both agreements include two options for Sonoma Water and District to extend this agreement for a period of one year each by providing written notice to Consultant thirty days in advance of the expiration date of the agreement and of the first extension option.

Prior Board Actions:

07/14/2020: Authorize Sonoma County Water Agency's General Manager to execute the Fifth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority with Brown and Caldwell adding one year to the term of the agreement, at no additional cost, for a new term end date of June 30, 2021.

02/26/2019: 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; Sonoma Valley County Sanitation District share: \$8,524), 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.

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 County 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 amended agreement with Brown and Caldwell.

09/12/2017: North Bay Water Reuse Authority Phase II Grant Administration

09/27/2016: North Bay Water Reuse Program Sonoma Valley County Sanitation District Treatment Plant Pumping and Piping Upgrades - Contract Award

05/21/2016: 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 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$70,000		
Additional Appropriation Requested			
Total Expenditures	\$70,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$70,000		
Use of Fund Balance			
Contingencies			
Total Sources	\$70,000		

Narrative Explanation of Fiscal Impacts:

Sixth Amended Agreement for Engineering, Environmental, and Public Outreach Services for North Bay Water Reuse Authority

Sonoma Water: Budgeted amount of \$6,000 is available from FY 2021/2022 appropriations for the Recycled Water fund. No additional appropriation is required.

Sonoma Valley County Sanitation District: Budgeted amount of \$6,000 is available from FY 2021/2022 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 \$48,000.

Second Amended Agreement for Program Management for North Bay Water Reuse Authority

Sonoma Water: Budgeted amount of \$1,000 is available from FY 2021/2022 appropriations for the Recycled Water fund. No additional appropriation is required.

Sonoma Valley County Sanitation District: Budgeted amount of \$1,000 is available from FY 2021/2022 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 \$8,000.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

None.

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

None.