

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 8, 2012

AGENDA ITEM
E-5
JUNE 13, 2012

INTRODUCED ORDINANCE REVISING VARIOUS WATER SERVICE RELATED DISTRICT POLICY SET HEARING DATE FOR ORDINANCE ADOPTION.

ITEM

Introduce and edit, if necessary, an Ordinance affirming suspension of processing application for new water service and Intent-To-Serve letters, suspending Chapter 3.05 of District Code and Ordinance 2009-114 related to water service limitations, repealing District Code Section 3.04.052 as established by District Ordinance 2009-112 related to establishing payment of capacity charges for certain commercial projects, and declaring District Code Section 3.04.053 and Section 3 of District Ordinance 2010-115 related to payment of capacity charges for certain residential and mixed use projects as repealed pursuant to the terms of said Ordinance.

[RECOMMEND – BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO READ PROPOSED ORDINANCE BY TITLE ONLY AND THEN BY SEPARATE MOTION INTRODUCE ORDINANCE AND SET HEARING DATE FOR ADOPTION]

BACKGROUND

On May 10, 2012, there was a successful protest of the ballot measure to form Nipomo Community Services Assessment District 2012-1. The assessment district would have raised the funds needed to build a 3000AFY intertie water line between Nipomo CSD and the City of Santa Maria and deliver supplemental water to the Nipomo Mesa.

In light of the ballot measure's defeat, the timeline for delivery of supplemental water to the Nipomo Mesa is unknown. Concern over the health and ever-diminishing reliability of the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin is well documented.

Over the years, studies by the CA Department of Water Resources, the County of San Luis Obispo, the groundwater court-recognized Nipomo Mesa Management Area Technical Group and others have consistently found cause for concern for basin health and sustainability under current pumping demands. Therefore, the District is currently unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects.

On May 23, 2012, your Board adopted Resolution 2012-1259 suspending the processing of new application for District water service and directed staff to review District water service policy as expressed in District Code, Ordinances, and Resolutions and return to the Board with any recommended changes.

FISCAL IMPACT

The District's water capacity charge for a 1-inch water meter is \$17,898 of which \$14,605 put toward development of supplemental water projects. Suspension of new water service halts collection of capacity charges.

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance and Assess available Water Supplies
Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

By motion, authorize staff to read proposed Ordinance by title only and then by separate motion introduce Ordinance and set hearing date for adoption.

ATTACHMENTS

Ordinance 2012-XXX

ORDINANCE NO. 2012- ____

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

WHEREAS, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

"(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail"; and

WHEREAS, § 61060 (b) of the Community Services District Law provides in relevant part:

"A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)"; and

WHEREAS, it is essential for the protection of the health, welfare, and safety of the residents of the District and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

WHEREAS, the District's current water supply is groundwater extracted from the Nipomo Mesa Management Area (NMMA), (also referred to as the Nipomo Water Conservation Area (NMWCA) by the County of San Luis Obispo), of the Santa Maria Groundwater Basin; and

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS,
SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO
WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT
ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN
COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT
ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND
MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

WHEREAS, the District is a party to a groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 (“Groundwater Litigation”); and

WHEREAS, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008, Final Judgment in the Groundwater Litigation the Nipomo Mesa Management Area Technical Group has declared that a potentially severe water shortage condition exists within the Nipomo Mesa Management Area; and

WHEREAS, the San Luis Obispo County Department of Planning and Building’s 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommends a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Water Conservation Area and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

WHEREAS, on June 26, 2007, the San Luis Obispo County Board of Supervisors certified the waters underlying the NMWCA at a Severity Level III; and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, District Code §3.28.020 provides:

“all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project”; and

WHEREAS, § 71640 of the Municipal Water Service District Law provides:

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS,
SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO
WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT
ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN
COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT
ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND
MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

“A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential”; and

WHEREAS, the District Board of Directors, at a public meeting, on June 13, 2012, considered the Staff Report and public testimony regarding the adoption of this Ordinance; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance and public comment, and the failure of the recent ballot proceedings to fund and implement a Supplemental Water Project to the NMMA/NMWCA, the District Board of Directors finds that:

- (a) It is currently unable to make the findings required by District Code Section 3.28.020, “that sufficient excess water --- exists to serve new projects”; and
- (b) That there is a threatened or existing water shortage; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance, public comment and the failure of the recent ballot proceedings to fund and implement the Supplemental Water Project to the NMMA/NMWCA, the District Board of Directors further finds:

- A. That the purpose and intent of this Ordinance is consistent with the purposes found in the Judgment and Stipulation in the Ground Water Litigation imposing a physical solution to assure long term sustainability of the groundwater basin and the San Luis Obispo County's certification of a Severity Level III for the waters underlying the NMWCA; and
- B. Prohibiting the issuance of new Intent-To-Serve Letters will provide greater assurances that there will be adequate groundwater to meet the present needs of the District residences consistent with District Code §3.28.020 and the resource protection goals of the San Luis Obispo County South County Area Plan; and

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

- C. That adopting this Ordinance will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and
- D. That this Ordinance adopts Rules and Regulations for the administration, operation, and use of District services; and

WHEREAS, by adopting this Ordinance, the District does not intend to limit other means of managing, protecting and conserving the groundwater basin by the District. Further, the District intends to work cooperatively with the NMMA Technical Group and other agencies, such as the County of San Luis Obispo, to implement regional solutions such as groundwater management and the importation of Supplemental Water to the NMMA/NMWCA; and

WHEREAS, based on the Staff Report, staff presentation, and public comment, the District Board of Directors further finds this Ordinance is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying ground water basin as their source of water supply.

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1 — Intent-To-Serve Letters

District Resolution 2012-1259 Suspending The Processing Of Intent-To-Serve Letters is affirmed. All applications for new District water service are suspended and will be received and filed without priority. Chapter 3.05 of the District Code and District Ordinance 2009-114 are suspended.

Section 2 — Payment of Capacity Charges for Certain Commercial Projects

Section 3.04.052 of the District Code as established by District Ordinance 2009-112 Establishing Procedures For Payment Of District Fees For Connection Of Commercial Projects Developed On Two Or More Parcels are Repealed.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052"

Section 3 — Payment of Capacity Charges for Certain Residential and Mixed Use Projects

Section 3.04.053 of the District Code as established by District Ordinance

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS,
SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO
WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT
ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN
COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT
ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND
MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

2010-115 Establishing Procedures For Payment Of District Fees For Connection For Residential Projects Creating Four Or More Parcels And Mixed Use Projects Under A Single Application For A Final Map That Required a Dedication Of Any Water And Sewer Improvements Pursuant To a Plan Check Inspection is repealed, pursuant to Section 3.04.053 H of Ordinance 2010-115.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052 and 3.04.053"

Section 4 of District Ordinance 2010-115 and Section 5.02.010 (4) of the District Code are reaffirmed.

Section 5 of District Ordinance 2010-115 and Section 4.03.010 of the District Code are reaffirmed.

Section 4 — Reconsideration

The District Board shall reconsider Sections 1, and 2 of this Ordinance, as part of its Regular or Special Meeting Agendas, during the month of October of this year and during the months of May and October of each succeeding year.

Section 5 — Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior district Ordinance(s), Motions, Resolutions (including District Resolution 2010-1199 establishing fees for processing applications for deferral of District Connection Charges), Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 6 — Incorporation of Recitals

The recitals to this Ordinance are true and correct, are incorporated herein by this reference, including the referenced documents, and constitute further findings for the implementation of the Water Service Limitations adopted by this Ordinance.

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS,
SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO
WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT
ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN
COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT
ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND
MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

Section 7 — Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 8 — Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 9 — CEQA

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the Suspension of Intent-To-Serve Letters and Ordinances related to payment of connection/capacity fees will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA and the District's CEQA findings supporting the adoption of Chapter 3.05. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 10 — California Department of Fish and Game Certificate of Fee Exemption

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS,
SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO
WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT
ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN
COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT
ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND
MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

Section 11 — Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the tenth (10th) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced on the 13TH day of June, 2012, and adopted by the Board of Directors of the Nipomo Community Services District _____, 2012, by the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAINING:

JAMES HARRISON,
President of the Board

ATTEST:

APPROVED AS TO FORM

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK *PVS*
DISTRICT ENGINEER

DATE: JUNE 7, 2012



**SERVICE REQUEST – TRACT 2906
17 LOT RESIDENTIAL DEVELOPMENT**

ITEM

Consider request for water, sewer and solid waste service (Intent-to-Serve Letter) for a 17 lot residential development on Avenida de Amigos at Grande Street, pursuant to District's current water allocation ordinance [RECOMMEND APPROVAL].

BACKGROUND

While the Board adopted Resolution 2012-1259 that suspended the issuance of new Intent-to-Serve letters effective as of May 23, 2012, the Board directed staff to bring forward the application for Tract 2906 based on testimony provided on that date by Terry Orton, Orton Engineering, engineer for the property owner.

The District received an application for water, sewer and solid waste service for Tract 2906, 340 Avenida De Amigos, APN 092-142-033, on May 24, 2012. The Applicants, James and Kathleen Smith, represented by Terry Orton, Orton Engineering, are requesting water, sewer and solid waste service for a 17 lot residential subdivision (based on the District's definition). The project will consist of 1 parcel for the existing 4 unit apartment building, 15 single family parcels, and 1 common area parcel. The 1.19 acre parcel is zoned Residential Multi-Family and the District does provide water, sewer and garbage service for the existing apartment building. A Water Demand Certification for the new residential units of the project is included with the application.

The District has previously issued two (2) Intent-to-Serve letters for the project since 2004 (most recently in February 2007), both of which have expired. The previous application included 15 new residential units and the current application is for the same number of residential units. The applicant will be required to submit public improvement plans for the project based on the current proposed lot configuration.

All parcels, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

The project is subject to the District's current annual water-year allocation limits (32.5 acre-feet) per District Ordinance Section 3.05.040. Pursuant to current Ordinance, the requested residential water allocation for the project is 4.9 acre-feet per year (15 x .33) per Section 3.05.060. Attached is the current Water Allocation Accounting Summary for Water Year 2011-2012. To date, 18.1 acre-feet of water has been allocated for Water Year 2011-2012, which commenced on October 1, 2011.

Both the phasing and the calculation of the projected residential water demand are determined by the District's current allocation ordinance. According to Section 3.05.060 of the allocation ordinance, the projected total demand shall be established as 0.33 AFY per single family unit on a parcel less than 12,768 square feet in size. According to Section 3.05.040.A.1, a total of 20.8

AFY is reserved for single-family and duplex dwelling units in any one allocation year. According to Section 3.05.110.A, the District will not allocate more than twenty percent (20%) of the use type allocation to any one project during any one allocation year. Thus, the allocation policy requires that no more than 4.2 AFY (.2 times 20.8) be allocated in the single-family and duplex category to any one project in any allocation year.

Given the total residential water allocation required for the project is 4.9 AFY and no more than 4.2 AFY can be allocated in the single-family and duplex category to any one project in any allocation year, the required water allocation for the project will be phased over a 2 year period with 4.2 AFY in Water Year 2011-2012 and .7 AFY in Water Year 2012-2013.

Pursuant to District Code Section 3.05.110(D) the District Board may, during the 4th quarter, adjust the twenty percent (20%) limitation referenced in this staff report upon the finding that there is an unused allocation in a designated category. The priorities for distributing the adjusted allotment are as follows:

1. Projects on the waiting list;
2. Projects with existing phased Intent-to-Serve letters;
3. New projects.

FISCAL IMPACT

Water and sewer capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming a total of fifteen (15) 1 inch water meters for combined fire sprinkler/indoor use water service, one (1) 1 inch irrigation water meter, and fifteen (15) sewer connections, the estimated fee deposit for the project is \$408,888 based on the current District fee schedule.

RECOMMENDATION

Staff recommends the following conditions if the Board desires to approve the Applicant's request for an Intent-to-Serve letter:

- Project shall obtain solid waste, sewer and water service for all parcels.
- Will-Serve letters for the project will be issued in "phases" as follows:
 - No more than 12 units (4.2 acre-feet) prior to September 30, 2012;
 - No more than 15 units (4.9 acre-feet), cumulative, prior to September 30, 2013;
- Each new parcel shall be served by a single one inch meter for indoor use and fire sprinkler service, if approved by CAL FIRE of SLO County.
- A separate irrigation meter shall be provided for new common lot parcel. Irrigation meter capacity charges are applicable.
- Water service for existing apartment building shall be reconfigured to provide single meter for indoor use and a separate irrigation meter for outdoor use.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction on the property prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.

- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - Summary of all water and sewer improvement costs
 - Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and provided that the District has accepted improvements to be dedicated to the District, if applicable.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name.
- This letter is void if land use is other than residential use as defined by the District.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the Applicant to provide District with written verification that County application for the Project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
 - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
 - Applicant provides proof of reasonable due diligence in processing the Project.
 - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

ATTACHMENTS

- Application
- Proposed Site Plan
- Water Year 2011-2012 Allocation Summary

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2012\120613 TRACT 2906 SERVICE REQUEST.DOCX



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932
Website: ncsd.ca.gov

Office use only:
Date and Time
Complete
Application and
fees received:

INTENT-TO-SERVE APPLICATION

RECEIVED

MAY 24 2012

NIPOMO COMMUNITY SERVICES DISTRICT
Water Service Only

- This is an application for: Sewer and Water Service _____
- SLO County Planning Department/Tract or Development No.: Tract 2906
- Attach a copy of SLO County ~~application~~ **(Conditions of Approval)**
Note: District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.
- Project location: 340 Avenida De Amigos, Nipomo
- Assessor's Parcel Number (APN) of lot(s) to be served: 092-142-033
- Owner Name: Smith, James W. & Kathleen A.
- Mailing Address: 1320 Archer Street, San Luis Obispo, CA 93401
- Email: dgray@mid-statecal.com and jsmith@mid-statecal.com
- Phone: 805-543-1500 FAX: _____
- Agent's Information (Architect or Engineer):
Name: Orton Engineering, Inc.
Address: 1686 Ramona Avenue, Ste F, Grover Beach, CA 93433
Email: torton@ortonengr.com
Phone: 805-474-1700 FAX: 805-474-1703
- Type of Project: (check box) (see Page 3 for definitions)

<input type="checkbox"/> Single-family dwelling units	<input checked="" type="checkbox"/> Multi-family dwelling units
<input type="checkbox"/> Commercial	<input type="checkbox"/> Mixed Use (Commercial and Residential)

- Total Number of Dwelling Units 19 Number of Low Income Units _____
(15 condominiums + 4 apartments)
- Does this project require a sub-division? Yes No
If yes, number of new lots created 17 Parcels (Phase 1 - One parcel for an existing four-unit apartment building and Phase 2 - Fifteen (15) new residential condominium parcels and one parcel for common active recreation area).
- Site Plan: _____

For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:

- more than four dwelling units
- property requiring sub-divisions
- higher than currently permitted housing density
- commercial developments

All other projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11").

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential portion of mixed-use projects.

16. **Commercial Projects Service Demand Estimates:**

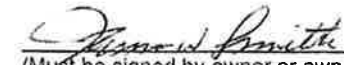
Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect. **Please note:** All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. **Agreement:**

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee.....See Attached Fee Schedule

Date 5-14-12 Signed 
(Must be signed by owner or owner's agent)
Print Name James W Smith

WATER DEMAND CERTIFICATION

Supplement to Intent-to-Serve/Will Serve Application

Definitions

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

Multi-family dwelling unit – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

Two-family dwelling units (duplex) – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

Single-family dwelling unit – means a building designed for or used to house not more than one family.

Secondary dwelling units – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

Commercial Projects

Commercial projects are exempt from Water Demand Certification; however, low water-use irrigation systems and water conservation best management practices are required. The dwelling component of Mixed-Use projects (e.g. commercial and residential), are required to provide Water Demand Certification for the dwelling unit portion of the project.

Non-Commercial Projects

Water Demand Certification is required for all non-commercial projects and for the dwelling units of Mixed-Use. Certification must be signed by a licensed Engineer/Architect.

- - - Go to next page for demand calculation and certification - - -

Demand Calculation (for new dwelling units only)

Total project water demand (dwelling units including irrigation), by District standard, is as follows:

Number of Multi-family Units (15 condos + 4 apts)	<u>19</u>	X	0.28	=	<u>5.32</u>
Number of Duplexes/Secondary Units	<u> </u>	X	0.28	=	<u> </u>
Number of Single Family Units with:					
Parcel less than 12,768 sq. ft.	<u> </u>	X	0.40	=	<u> </u>
Parcel between 12,769 and 25,536 sq. ft.	<u> </u>	X	0.68	=	<u> </u>
Parcel greater than 25,536 sq. ft.	<u> </u>	X	0.82	=	<u> </u>
Total demand all dwelling units including irrigation				=	<u> </u>

Certification

I the undersigned do here by certify:

Project design incorporates low water use landscape and landscape irrigation systems.

The design maximum total water demand, including landscaping does not exceed the following:

- 0.28 AFY per Multi-Family Dwelling Unit;
- 0.28 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.40 AFY per Single Family Dwelling Unit located on a parcel size of twelve thousand seven hundred sixty-eight (12,768) square feet or less;
- 0.68 AFY per Single Family Dwelling Unit located on a parcel size between twelve thousand seven hundred sixty-nine (12,769) and twenty-five thousand five hundred thirty-six (25,536) square feet.
- 0.82 AFY per Single Family Dwelling Unit located on a parcel size that exceeds twenty-five thousand five hundred thirty-six (25,536) square feet.
- Secondary Units – Total water demand for primary and secondary unit shall not exceed 110% of the limitations established for the primary unit.

Note: "AFY" = acre-foot per year
Parcel size is net area

Signed  Date 5-14-12
Must be signed by project engineer/architect

Title Registered Engineer License Number P.E. 21,807

Project Tract 2906 (e.g. Tract Number, Parcel Map #, APN)

APPLICATION FEES AND CHARGES
 Effective July 1, 2011

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE**	NON-REFUNDABLE AMOUNT DUE AT TIME OF SUBMITTING APPLICATION PURSUANT TO A & B(1) BELOW	BALANCE DUE PURSUANT TO B(2) BELOW
Residential <3 units	\$1,020.52	\$1,020.52	\$0.00
Residential 4-20 units	\$1,401.79	\$350.44	\$1,051.35
Residential > 20 units	\$1,650.41	\$412.60	\$1,237.81
Commercial <1 acre	\$1,401.79	\$350.44	\$1,051.35
Commercial 1-3 acres	\$1,650.41	\$412.60	\$1,237.81
Commercial > 3 acres	\$2,280.30	\$570.07	\$1,710.23
Mixed Use with less than 3 Dwelling Units	\$1,650.41	\$412.60	\$1,237.81
Mixed Use with four or more Dwelling Units	\$2,280.30	\$570.07	\$1,710.23
*Outside Consulting and Legal fees will be billed to the Applicant at direct rate.			

Timing of Fee

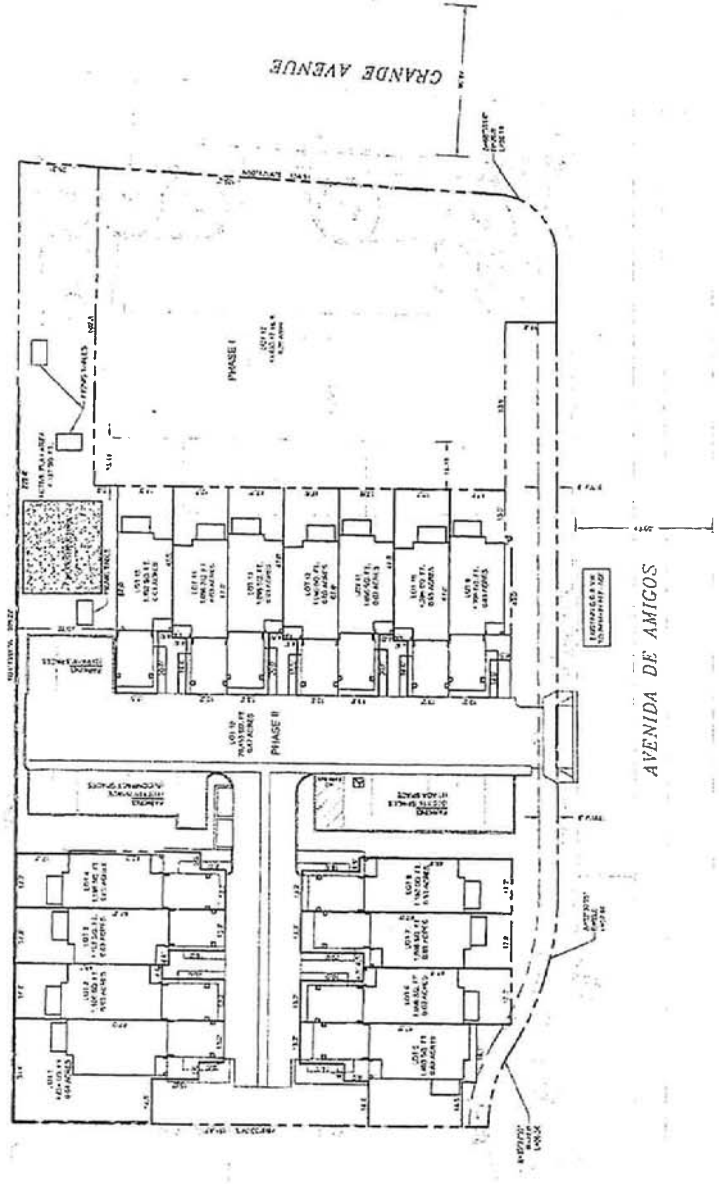
A. For residential projects with less than three (3) units the Application Fee is due and payable with the application for service.

B. For residential units that exceed three (3) units and all commercial projects and mixed use projects, the Application fee is due and payable as follows:

1. Twenty-five percent (25%) as a non-refundable deposit with the application for service.
2. The remainder of the Application Fee, plus charges for District consultants in processing the application, is due and payable prior to the District issuing a "Will-Serve Letter" or entering into a Plan Check and Inspection Agreement, whichever occurs first.

**Commencing on July 1, 2008 and each year thereafter the Application Fees shall be adjusted by a Consumer Price Index formula.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Site Plan



PROJECT

Tract Map
Alhousie SUB2006-00232 TR2906

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK *PVS*
DISTRICT ENGINEER

DATE: JUNE 6, 2012



**CONSIDER TASK ORDER WITH AECOM FOR
SUPPLEMENTAL WATER PROJECT PHASING TECHNICAL
FEASIBILITY STUDY**

ITEM

Consider Task Order for Supplemental Water Project Phasing Technical Feasibility Study with AECOM in the amount of \$7,150 [CONSIDER WATER RESOURCES POLICY COMMITTEE RECOMMENDATION].

BACKGROUND

At the May 29, 2012 Water Resources Policy Committee Meeting, the Committee directed staff to explore modifications to the Supplemental Water Project that may reduce pipeline flow rate and allow for phased construction to reduce annual funding demands.

Staff requested that AECOM provide a proposal for a phasing technical feasibility study for the Supplemental Water Project as requested by the Committee. AECOM submitted the attached proposal to perform the work for a not to exceed amount of \$7,150. The scope of work includes identification of potential phasing scenarios, performing hydraulic modeling to analyze the scenarios, and reviewing the existing pump station design based on the modeled scenarios. The results would be documented in a technical memorandum for consideration by the Committee and the Board.

FISCAL IMPACT

The phasing technical feasibility study could provide the basis for establishing funding requirements of a reduced or phased project, establishing the delivery capacity of a reduced project, and potentially lead to the preservation of the \$2.3 million grant awarded by the California Department of Water Resources for the Blosser Road reach of the project.

STRATEGIC PLAN

Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

Staff recommends that the Board consider the Water Resources Policy Committee Recommendation and provide direction to staff on whether or not to proceed with the phasing technical feasibility study.

ATTACHMENTS

- AECOM Proposal dated June 7, 2012



AECOM
1194 Pacific Street, Suite 204
San Luis Obispo CA 93401

805.542.9840 tel
805.542.9990 fax

June 7, 2012

Michael LeBrun
Nipomo Community Services District
PO Box 326
Nipomo, CA 93444

Supplemental Water Project – Revised Phasing Technical Feasibility Study

Since the unsuccessful assessment vote for the Supplemental Water Project funding, NCSD's staff and Board of Directors have been working hard to develop options and evaluate the path forward for addressing the Mesa's supplemental water issues. The District has made significant investment in the Supplemental Water Project planning and design. There may be a revised phasing of the Project that would be feasible and make use of District's investments. Several aspects of a revised phasing would need to be evaluated, including technical, financial, and legal feasibility.

At your request, AECOM has prepared this proposal to perform a brief technical assessment of potential phasing scenarios for the Supplemental Water Project and evaluate impacts to the capital construction cost. Results of this study will be summarized in a technical memorandum and presented to the NCSD Water Resources Policy Committee and the Board of Directors.

Scope of Work

The detailed scope of work is outlined below.

Task 101. Identify potential phasing scenarios – AECOM will review the Supplemental Water Project design and develop up to three phasing scenarios, focusing on deferring project components that may not be essential for delivering supplemental water in the initial phase(s). This likely will result in a reduced flow capacity, which will need to be balanced against the potential reduced construction cost for these scenarios.

Task 102. Hydraulic Modeling – Hydraulic modeling will assist with evaluation of the capacity of the phasing scenarios determined by modeling different amounts of supplemental inflow from the Project and examining the resulting pressures at critical conditions around the system. Various phasing scenarios will be modeled to determine the maximum capacity for each. Our budget assumes up to three modeling scenarios will be analyzed.

Task 103. Pump Station Assessment – After development of phasing scenarios and modeling the maximum capacities of these scenarios, AECOM will review the flows and required pressures at the pump station and assess potential required revisions to the existing pump station design. Alternatives will be evaluated to match the capacities of the revised phasing scenarios with options for expansion in the future.

Task 104. Draft Technical Memorandum – AECOM will summarize the results of the feasibility study, including potential phasing scenarios, associated water delivery rates and associated capital construction costs, in a technical memorandum for District staff to review and comment. Our budget assumes an electronic submittal for this deliverable (as a PDF).

Task 105. Final Technical Memorandum – After receipt of a consolidated set of comments from the District, AECOM will integrate the comments as appropriate and provide a final technical memorandum (2 hard copies and 1 PDF file).

Task 106. Present Results to Committee and Board – Once the final technical memorandum is completed, AECOM will present the results to the Water Resources Policy Committee and the NCSD Board of Directors at the next available regularly scheduled meetings for each.

Schedule

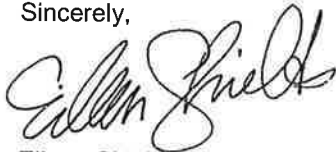
AECOM will deliver the draft technical memorandum three weeks after Notice to Proceed. The final technical memorandum will be delivered within 2 weeks of receiving comments from the District.

Budget

Our fee and charges will be invoiced on a time and materials basis, with a budget not to exceed \$7,150 based on the current fee schedule. Details are provided on the estimated engineering fee attached.

Please feel free to contact us if you have any questions or comments.

Sincerely,



Eileen Shields, PE
Project Engineer



Jon Hanlon, PE
Managing Engineer

Estimated Engineering Fee

Supplemental Water Project Revised Phasing Technical Feasibility Study

Nipomo Community Services District

Task Description	Personnel Hours						Budget		
	Managing Engineer	Senior II	Senior Engineer I	Associate Engineer	Administrative	Total Hours	Labor	Non-Labor Fee	Total
	1	1	6	1	1	2	\$	\$	\$
Task Group 1									
101. Identify potential phasing scenarios	1		1			2	\$ 340	\$ 27	\$ 367
102. Hydraulic modeling	1		6			7	\$ 1,115	\$ 89	\$ 1,204
103. Pump station assessment		8				8	\$ 1,320	\$ 106	\$ 1,426
104. Draft Technical Memorandum	2		6	4	1	13	\$ 1,895	\$ 152	\$ 2,047
105. Final Technical Memorandum	1		4	3	1	9	\$ 1,270	\$ 102	\$ 1,372
106. Present results to Committee and Board	2		2			4	\$ 680	\$ 54	\$ 734
Subtotal	7	8	19	7	2	43	\$ 6,620	\$ 530	\$ 7,150
Total	7	8	19	7	2	43	\$ 6,620	\$ 530	\$ 7,150

Personnel Category	\$/HR
Managing Engineer	\$185.00
Senior II	\$165.00
Senior Engineer I	\$155.00
Associate Engineer	\$130.00
Administrative	\$75.00

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: JUNE 8, 2012

AGENDA ITEM

E-8

JUNE 13, 2012

**CONSIDER LETTER TO COUNTY BOARD OF SUPERVISORS
REGARDING SUPPLEMENTAL WATER FOR NIPOMO MESA WATER
CONSERVATION AREA**

ITEM

Consider draft letter from Board President to County Board of Supervisors regarding supplemental water to address Level Severity III water resource finding in Nipomo Mesa Water Conservation Area [RECOMMEND REVIEW LETTER, CONSIDER COMMITTEE RECOMMENDATION, DIRECT STAFF]

BACKGROUND

On May 23, 2012, your Board formed a Water Resources Policy Committee to review and investigate options for bringing supplemental water to the Nipomo Mesa. On June 11, 2012 the Committee considered a draft letter to County Board of Supervisors, telling them of our intention to form an alternatives evaluation advisory group but welcoming County formation of a "blue ribbon committee" if they wish to lead the effort instead.

FISCAL IMPACT

The District has expended nearly \$4,000,000 pursuing the design and construction of a project to bring supplemental water to the Nipomo Mesa Water Conservation Area. Preparation of these agenda materials used minor budgeted staff time.

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance and Assess available Water Supplies
Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

Staff recommends that the Board consider the draft letter recommended by the Water Resources Policy Committee and modify and/or approve the letter or provide further direction.

ATTACHMENTS

- Draft Letter

Wednesday, 9 June 2012

Supervisor James Patterson
SLO County Board of Supervisors
San Luis Obispo, CA 93408

Dear Chairperson Patterson, and Supervisors,

As you know, the Nipomo Community Services District's effort to fund the construction of a pipeline from the City of Santa Maria by an equitable distribution of property taxes to provide supplemental water for the Nipomo Mesa was rejected last month by the landowners of the four major water providers here.

This setback for regional water planning did nothing to address our region's need for a sustainable, long-term supply of water, and the court order to bring in supplemental water from Santa Maria remains in place.

As a result, we are forming a technical advisory committee, much as your Board did in Los Osos, to reevaluate all the alternatives previously found inadequate, look at new alternatives as they may present themselves, and analyze the potential for a phased approach to a Santa Maria pipeline that, though slower and costing more over time, could be financed by moneys in hand and our current rate structure. The DWR grant we helped your Public Works staff negotiate would be an important part of that latter effort.

We will solicit applications for committee members from professionals who reside or have worked in the South County to take a fresh look at all the options and advise our Board on the strengths and weaknesses of each.

Some have suggested that your Board should lead in this effort, and we are writing to welcome you to form your own "blue ribbon committee" if you choose to assume leadership. Due to the pressing nature of our

groundwater deficiencies, time is of the essence. We will press ahead now with our effort, but we will gladly step aside if you choose to take the lead in the financing and construction of a supplemental water solution instead.

Cordially,

James Harrison, President
Nipomo Community Services District

cc. Supervisor Frank Mecham
Supervisor Bruce Gibson
Supervisor Adam Hill
Supervisor Paul Teixeira
Paavo Ogren, Public Works Director

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK *P.V.S.*
DISTRICT ENGINEER

DATE: JUNE 7, 2012



AWARD CONTRACT FOR CONSTRUCTION OF SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT

ITEM

Authorize award of construction contract for the Southland Wastewater Treatment Facility Phase 1 Improvement Project to Cushman Contracting Corporation in the amount of \$10,224,900 and authorize construction contingency in the amount of \$500,000. [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AWARDDING CONTRACT TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER CUSHMAN CONTRACTING CORPORATION IN THE AMOUNT OF \$10,224,900, AUTHORIZE STAFF TO EXECUTE CONTRACT, AND AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$500,000].

BACKGROUND

In 2006, the District received a Notice of Violation (NOV) from the Regional Water Quality Control Board (RWQCB) regarding the Waste Discharge Requirements (WDR) for the Southland Wastewater Treatment Facility (WWTF). Permit limitations for biological oxygen demand (BOD) and total suspended solids (TSS) had been exceeded and were noted in the NOV. The District was required to respond to the NOV with actions for improving the quality of plant effluent in order to meet discharge limitations.

The District developed short-term plant improvements (including aeration system expansion and sludge removal) to meet the effluent requirements. At the time, AECOM (formerly Boyle Engineering) noted that a treatment pond system would not reliably meet these limitations. While the short-term plant improvements did provide some enhancement of effluent water quality, AECOM recommended that the District evaluate other treatment process options that would more reliably meet the effluent limits and also could help reduce nitrogen contribution to the groundwater basin.

SOUTHLAND WWTF MASTER PLAN

AECOM worked with the District to develop the Southland WWTF Master Plan and finished the document in January 2009. The study evaluated several wastewater treatment processes and technologies including conventional activated sludge, expansion of the existing pond system, and two extended aeration activated sludge (EAAS) systems: the Parkson Biolac® system and oxidation ditch technology.

Based on this alternatives evaluation, the Board selected the Parkson Biolac® system as the lowest-cost alternative that would meet the District's multiple objectives in upgrading the Southland WWTF. The Biolac® system maximizes use of the existing ponds and reduces the

need for tank structures. Although it is a proprietary technology, it is the only system of its kind that both, has been permitted by the RWQCB and has a successful track record for multiple publicly-owned facilities in California. The alternatives analysis is described in detail within the January 2009 Southland WWTF Master Plan.

SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT DESIGN

In March 2009, the Board selected AECOM to provide final engineering design services for the Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project based the use of Biolac® technology as recommended in the Master Plan.

During the preparation of the Concept Design Report, AECOM noted that flow to the Southland WWTF was not increasing as quickly as originally projected. The Southland WWTF Master Plan was amended in August 2010 to provide for a three phase improvement project instead of a two phase project to ensure that the upgraded plant would operate efficiently and effectively. The amendment also reaffirmed the use of Biolac® technology as part of the upgrade project.

The Southland WWTF Phase 1 Improvement Project will replace the current 0.9 million gallon per day (MGD) pond plant with a new treatment plant that will include an influent metering manhole, influent lift station, influent screening system, grit removal system, Biolac® aeration basin to treat wastewater, a clarifier, gravity belt thickener, two concrete lined sludge drying beds, controls & blower building, and a non-potable plant water system.

The Southland WWTF Phase 1 Improvement Project design was based on the Parkson Biolac® system and a quote was provided by Parkson for inclusion in the bid documents. AECOM worked with Parkson to finalize the scope and budget for their equipment and process and this quote was based on these negotiations and the prior evaluation. Based on AECOM's engineering evaluations and the completion of the design, the Board approved AECOM's recommendation that the District include the Parkson Biolac® system in the bid documents without substitutions.

SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT ENVIRONMENTAL REVIEW

In 2009, the District retained Doug Wood and Associates Inc. (DWA) to perform environmental work related to the Southland Wastewater Treatment Facility Improvement Master Plan. On June 22, 2011, the Board authorized circulation of the Draft Environmental Impact Report (EIR) for the Southland Wastewater Treatment Facility (WWTF) Improvement Project.

The District circulated the draft EIR for a minimum of 45 calendar days. DWA prepared responses to all comments the District received. On November 16, 2012, the Board held a hearing that was noticed in accordance with CEQA requirements and adopted a resolution certifying the Final EIR for the project.

On December 14, 2011, the Board adopted a resolution making CEQA project findings, adopting a statement of overriding considerations, adopting a project mitigation monitoring plan, approving the Southland WWTF Phase 1 Improvement Project and directing staff to file a Notice of Determination with the County in compliance with CEQA.

The appropriate mitigation requirements related to the construction of the Southland WWTF Phase 1 Improvement Project have been incorporated into the final design and the construction contract documents.

REGIONAL WATER QUALITY CONTROL BOARD WASTE DISCHARGE REQUIREMENTS

The operation of the District's Southland WWTF was regulated by RWQCB WDR Order No. 97-75. The District submitted a Report of Waste Discharge application on August 3, 2011 to the RWQCB that included the District's planned improvement of the Southland WWTF in accordance with the Southland WWTF Master Plan based on Biolac® technology.

On November 21, 2011, the RWQCB issued a Notice of Availability of a Draft WDR to replace existing Order No. 97-75 and continue to regulate the collection, treatment, and disposal of wastewater at the Southland WWTF. The draft replacement WDR was subsequently approved by the RWQCB and became effective on February 2, 2012. The new WDR, Order No. R3-2012-0003, rescinded Order No. 97-75 and is based on the Parkson Biolac® system.

PRE-QUALIFICATION OF CONTRACTORS

The California Public Contracts Code ("PCC") Section 20101 permits the District to pre-qualify contractors who wish to bid on the District's public works contracts such as the Southland WWTF Phase 1 Improvement Project. PCC Section 20101 requires the District to establish pre-qualification policies and the method by which decisions regarding Contractor's qualifications may be appealed. Pre-Qualification of contractors helps to ensure that the Project is constructed by reputable, experienced, and qualified contractors.

In November 2011, the Board adopted Resolution 2011-1239 that established a project specific contractor pre-qualification policy for the Southland WWTF Phase 1 Improvement Project. The Notice of Pre-Qualification was advertised in the newspaper as required and was distributed throughout the State of California to numerous plan rooms. The District received 19 contractor pre-qualification submittals. AECOM and District staff reviewed the submittals and developed a list of general contractors, mechanical subcontractors, electrical subcontractors and instrumentation subcontractors that pre-qualified to submit bids for the project.

BID PHASE

In February 2012, the Board authorized staff to solicit bids for the Southland WWTF Phase 1 Improvement Project from pre-qualified contractors in accordance with the District's Purchasing Policy. On May 3, 2012, bids were opened from five (5) bidders as listed below:

Contractor	Total Base Bid Price
C.W. Roen Construction Company	\$10,630,000.00
Cushman Contracting Corporation	\$9,063,000.00
SSC Construction, Inc.	\$12,295,213.47
Stanek Constructors, Inc.	\$11,514,000.00
Western Water Constructors, Inc.	\$11,994,341.00

The apparent low bidder was Cushman Contracting Corporation with a bid of \$9,063,000. Staff reviewed the bid and determined that the bid is responsive and the bidder is responsible. Furthermore, staff reviewed the contractor's bid calculations and determined that there was a discrepancy between the unit price and the extended price for one of the bid items. Staff confirmed the overall bid amount with the contractor in accordance with the procedures outlined in the bid documents. The overall total bid amount based on the unit and lump sum prices submitted by Cushman Contracting Corporation is \$9,063,000.

The Southland WWTF Phase 1 Improvement Project bid documents also included an additive alternate bid item for a Clarifier #2 (Alternate X) and an additive alternate bid item for additional on-site disposal facilities (Alternate Y). Bids for the alternate bid items were as follows:

Contractor	Additive Alternate X Price (Clarifier #2)	Additive Alternate Y Price (Additional Disposal Facilities)
C.W. Roen Construction Company	\$1,103,000.00	\$900,000.00
Cushman Contracting Corporation	\$1,161,900.00	\$798,000.00
SSC Construction, Inc.	\$1,565,330.00	\$912,000.00
Stanek Constructors, Inc.	\$1,434,000.00	\$800,000.00
Western Water Constructors, Inc.	\$1,379,500.00	\$990,000.00

While sufficient funding may be available to award the construction of both additive alternates, in order to maintain some available contingency for construction, staff recommends that only Alternate X, Clarifier #2, be awarded at this time. Construction of Clarifier #2 will provide operational redundancy as well as minimize potential for settlement of Clarifier #1 and other adjacent structures if all of the new facilities in this area of the plant are constructed at the same time.

Staff recommends that the Board award the construction contract to Cushman Contracting Corporation including the Base Bid and Alternate X, Clarifier #2, as follows:

Base Bid Construction	\$ 9,063,000
Alternate X, Clarifier #2	\$ 1,161,900
Total Bid Award	\$10,224,900

SCHEDULE

Based on the final design, the contract documents provide a total of 540 calendar days for construction of the Southland WWTF Phase 1 Improvement Project Base Bid and an additional 105 calendar days for the construction of Alternate X, Clarifier #2, for a total construction time of 645 calendar days.

The current schedule is as follows:

- Award construction contract June 2012
- Construction July 2012 – April 2014

FISCAL IMPACT

The total project cost was originally estimated to be approximately \$12 million. The August 24, 2007 Town Sewer System Financial Plan established the funding plan and rates to support the Southland WWTF Phase 1 Improvement Project. The financial plan includes issuing approximately \$10.6 million in long-term debt to provide about \$8.9 million in net proceeds for the Phase 1 Improvement Project. The balance of the funding is to come from reserves. The rates and charges to support the project went into effect in 2007 and the District established a debt sinking fund to set aside the additional revenue generated to support financing of the project.

In order to issue the necessary bonds, the District retained Fulbright Jaworski L.L.P. to provide Bond Counsel services and C.M. de Crinis & Co., Inc. to provide Financial Advisory services in July 2011. Staff has been working with both firms to coordinate issuance of the bonds with the District's award of the construction contract for the project. In May 2012, the Board authorized the financing of a portion of the Project by the issuance of up to \$10,000,000 of Revenue Certificates of Participation (Southland Wastewater Project) Series 2012. Certificates are proposed to be sold in early June with a bond closing in late June.

The funding required to complete the Southland WWTF Phase 1 Improvement Project is estimated as follows:

Activity	Cost
Construction (Base Bid and Alternate X)	\$10,224,900
Construction Contingency	\$ 500,000
Construction Management	\$ 1,276,560
Engineering Services During Construction	\$ 323,327
<u>Non-Construction Contingency</u>	<u>\$ 65,000</u>
Total Remaining Costs	\$12,389,787

The sources of funding required to complete the Southland WWTF Phase 1 Improvement Project is estimated as follows:

Source	Amount
Bond Proceeds (Net)	\$ 8,875,000
Town Sewer Funded Replacement	\$ 2,600,000
Town Sewer Capacity Fund	\$ 500,000
<u>Town Sewer Sinking Fund</u>	<u>\$ 414,787</u>
Total	\$12,389,787

STRATEGIC PLAN

Strategic Plan Goal 2.2 – Upgrade and Maintain Collection and Treatment Works
Strategic Plan Goal 2.3 – Select Disposal Solution for Southland Effluent and Implement
Strategic Plan Goal 2.5 – Comply with State and Federal Regulations and Mandates

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2012-XXXX Southland WWTF Phase 1 Improvement Project Bid Award to:

1. Award the Base Bid and Additive Bid Alternate X, Clarifier #2, for the Southland WWTF Phase 1 Improvement Project to the lowest responsive and responsible bidder, Cushman Contracting Corporation, in the amount of \$10,224,900 and the authorize General Manager to execute construction agreement.
2. Authorize the General Manager to issue Change Orders for construction of the project with an aggregate total amount not to exceed \$500,000.

ATTACHMENTS

- AECOM Recommendation for Contract Award dated May 25, 2012
- Project Budget
- Resolution 2012-XXXX Southland WWTF Phase 1 Improvement Project Bid Award



AECOM
1194 Pacific Street, Suite 204
San Luis Obispo CA 93401

805.542.9840 tel
805.542.9990 fax

May 25, 2012

Peter Sevcik, PE
Nipomo Community Services District
PO Box 326
Nipomo, CA 93444

Southland WWTF Improvements Phase 1 Project – Recommendation for Construction Contract

Dear Peter,

AECOM has reviewed the bid results for the Nipomo Community Services District (District) Southland Wastewater Treatment Facility (WWTF) Improvements Phase 1 Project. Bid opening was on May 3, 2012. The District received five bids from prequalified general contractors: Cushman Contracting Corporation, C.W. Roen Construction Company, SSC Construction, Inc., Stanek Constructors, Inc., and Western Water Constructors, Inc. The bid summary is attached. In addition to the base bid, the project has two bid alternates, Alternate X (secondary clarifier #2) and Alternate Y (infiltration basins). The bid forms describe that "Award will be based on total base bid not including alternates." At bid opening, the apparent low bidder was Cushman Contracting Corporation, with a base bid of \$9,063,000.

AECOM reviewed the submitted bids for compliance with the contract documents and confirmation of totals. Cushman's bid schedule had one minor discrepancy. A bid item total was documented incorrectly. However, the total base bid was documented correctly, so the bid results were not impacted.

AECOM finds Cushman Contracting Corporation to be the lowest responsive and responsible bidder for the NCSO Southland WWTF Improvements Phase 1 Project.

Sincerely,

Eileen Shields, PE
AECOM

**Bid Summary
(Corrected)**

**Nipomo CSD
Southland WWTF Improvements Phase 1 Project**

**Bid Opening:
May 3, 2012 - 2 PM**

	Contractor	Total Base Bid Price	Alternate X Price	Alternate Y Price	Total Bid Price Including Alternates
1	C.W. Roen Construction Company	\$10,642,141.00	\$1,103,000.00	\$900,000.00	\$12,645,141.00
2	Cushman Contracting Corporation	\$9,063,000.00	\$1,161,900.00	\$798,000.00	\$11,022,900.00
3	SSC Construction, Inc.	\$12,295,213.47	\$1,563,330.00	\$912,000.00	\$14,770,543.47
4	Stanek Constructors, Inc.	\$11,514,000.00	\$1,434,000.00	\$800,000.00	\$13,748,000.00
5	Western Water Constructors, Inc.	\$11,994,340.47	\$1,379,500.00	\$990,000.00	\$14,363,840.47
	Engineer's Estimate	\$9,051,000.00	\$1,054,700.00	\$2,135,300.00	\$12,241,000.00

Item	Description	Design Phase Estimated Project Costs Base Bid	Construction Phase Estimated Project Costs Base Bid	Construction Phase Estimated Project Costs Base Bid & Alternate X (Clarifier #2)	Estimated Project Costs to Date Base	Estimated Project Costs Remaining
1	Construction	\$8,183,000	\$9,063,000	\$10,224,900	\$0	\$10,224,900
2	Construction Subtotal	\$8,183,000	\$9,063,000	\$10,224,900	\$0	\$10,224,900
3	Construction Contingency	\$818,300 (1)	\$450,000 (2)	\$500,000 (2)	\$0	\$500,000
4	Construction Total	\$9,001,300	\$9,513,000	\$10,724,900	\$0	\$10,724,900
5	Sludge Transfer (Onsite) Allowance	\$50,000	\$0 (3)	\$0 (3)	\$0	\$0
6	Environmental Impact Report	\$110,370	\$110,370	\$110,370	\$110,370	\$0
7	Design-Phase Engineering	\$1,372,375	\$1,522,950 (4)	\$1,525,120 (5)	\$1,201,793	\$323,327
8	Construction Management	\$1,227,450	\$1,149,280 (6)	\$1,276,560 (7)	\$0	\$1,276,560
9	Environmental Mitigation & Monitoring	\$142,500	\$0 (8)	\$0 (8)	\$0	\$0
10	Permitting Fees	\$5,000	\$5,000	\$5,000	\$5,000	\$0
11	Non-Construction Contingency	\$86,005	\$60,000 (9)	\$65,000 (9)	\$0	\$65,000
12	WWTF Phase 1 Improvements Estimated Total	\$11,995,000	\$12,360,600	\$13,706,950	\$1,317,163	\$12,389,787

Notes

- 1 Engineer's design estimate included 10% contingency
- 2 Recommend maintaining 5% contingency for construction
- 3 Included in construction cost
- 4 Assumes Base Bid Constructed and provides \$150,575 allowance for additional AECOM ESDC (Engineering Services During Construction)
- 5 Assumes Base Bid and Alternate X, Clarifier #2, Constructed and provides \$152,745 allowance for additional AECOM ESDC (Engineering Services During Construction)
- 6 Assumes Base Bid Constructed
- 7 Assumes Base Bid and Alternate X, Clarifier #2, Constructed
- 8 Included in Construction and Construction Management Cost
- 9 Recommend maintaining 5% contingency for non-construction costs

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AWARDED THE BID FOR THE SOUTHLAND
WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT TO CUSHMAN
CONTRACTING CORPORATION IN THE AMOUNT OF \$10,224,900
AND AUTHORIZING A CONSTRUCTION CONTINGENCY OF \$500,000**

WHEREAS, the January 2009 Southland Wastewater Treatment Facility (WWTF) Master Plan, August 2010 Southland WWTF Master Plan Amendment and the 2011 Strategic Plan outline the need for upgrading and replacement of the District's Southland WWTF including wastewater treatment technologies; and

WHEREAS, the Southland WWTF Master Plan evaluated alternative treatment technologies, including conventional activated sludge, expansion of the existing pond system, and two extended aeration activated sludge systems - Parkson Biolac® system and oxidation ditch technology; and

WHEREAS, based on this alternative evaluation, the Parkson Biolac® system, a proprietary wastewater treatment technology, was selected as the lowest-cost alternative that would meet the District's multiple objectives for upgrading the District's Southland WWTF; and

WHEREAS, the California Regional Water Quality Control Board has adopted new Waste Discharge Requirements, Order No. R3-2012-0003, for the Southland WWTF that are based on the Parkson Biolac® system; and

WHEREAS, plans and technical specifications that were based on the Parkson Biolac® system for the Southland WWTF Phase 1 Improvement Project were finalized by AECOM Inc. in February 2012; and

WHEREAS, based on AECOM's engineering evaluations of treatment technologies, the prior selection of Parkson Biolac® as the preferred treatment technology, the RWQCB Waste Discharge Requirements, and the completion of the design, AECOM recommended the Board approve inclusion of the Parkson Biolac® system in the bid documents without substitutions; and

WHEREAS, Parkson provided a quote for the Biolac® system for inclusion in the bid documents; and

WHEREAS, the District pre-qualified contractors who wished to bid on the Southland WWTF Phase 1 Improvement Project in accordance with Resolution 2011-1239; and

WHEREAS, in February 2012, the Board adopted Resolution 2012-1247 approving inclusion of the Parkson Biolac® system in the bid documents without substitutions and authorizing staff to solicit bids for the project; and

WHEREAS, based on the staff report, staff presentation and public comment, the Board makes the following findings:

1. The project was advertised for bids in accordance with State of California Public Contracts Code requirements.
2. The District received five bids for the project.
3. Staff has reviewed the bids and has determined that Cushman Contracting Corporation, the apparent low bidder, submitted a responsive bid and is a responsible bidder.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE SOUTHLAND WASTEWATER
TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT TO CUSHMAN CONTRACTING CORPORATION IN THE
AMOUNT OF \$10,224,900
AND AUTHORIZING A CONSTRUCTION CONTINGENCY OF \$500,000

**NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO
COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:**

1. The bid for the Southland Wastewater Treatment Facility Phase 1 Improvement Project is hereby awarded to the lowest responsive and responsible bidder, Cushman Contracting Corporation, in the amount of \$10,224,900 and the General Manager is authorized to execute the construction agreement.
2. The General Manager is authorized to issue Change Orders for construction of the project with an aggregate total amount not to exceed \$500,000.
3. The above recitals and findings are incorporated herein by this reference.

On the motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of June 2012.

JIM HARRISON
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: MICHAEL S. LEBRUN *Msl*
GENERAL MANAGER

FROM: PETER V. SEVCIK *PVS*
DISTRICT ENGINEER

DATE: JUNE 6, 2012

AGENDA ITEM
E-10
JUNE 13, 2012

**AUTHORIZE TASK ORDER WITH MNS ENGINEERS INC. FOR
CONSTRUCTION MANAGEMENT SERVICES FOR SOUTHLAND
WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT
PROJECT**

ITEM

Authorize Task Order for Southland Wastewater Treatment Facility Phase 1 Improvement Project Construction Management Services with MNS Engineers, Inc. in the amount of \$1,276,556 and authorize contingency in the amount of \$65,000 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION TO AUTHORIZE TASK ORDER WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$1,276,556, AUTHORIZE STAFF TO EXECUTE TASK ORDER, AND AUTHORIZE CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$65,000].

BACKGROUND

The Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project will replace the current 0.9 million gallon per day (MGD) pond plant with a new treatment plant that will include an influent metering manhole, influent lift station, influent screening system, grit removal system, Biolac® aeration basin to treat wastewater, a clarifier, gravity belt thickener, two concrete lined sludge drying beds, controls & blower building, and a non-potable plant water system.

MNS Engineers, Inc. was selected by the Board to provide constructability, bid phase services and construction management services for the Southland WWTF Phase 1 Improvement Project in 2009. The Board previously authorized constructability and bid phase services. The project design was completed in February 2012, bids for the construction of the project were opened in May 2012, financing for the project was authorized by the Board in May 2012, and construction of the project is pending award of the construction contract.

Staff requested that MNS Engineers, Inc. provide a proposal for construction management services for the Southland WWTF Phase 1 Improvement Project assuming the Base Bid and Alternate X, Clarifier #2, were authorized by the Board. MNS Engineers, Inc. submitted the attached proposal to perform the work for a not to exceed amount of \$1,276,556. The proposal includes full-time inspection, materials testing, survey control, biological monitoring and cultural monitoring services required for the project.

FISCAL IMPACT

The proposed task order will be funded from the project budget and sufficient funding is available.

STRATEGIC PLAN

Strategic Plan Goal 2.2 – Upgrade and Maintain Collection and Treatment Works
Strategic Plan Goal 2.3 – Select Disposal Solution for Southland Effluent and Implement
Strategic Plan Goal 2.5 – Comply with State and Federal Regulations and Mandates

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2012-XXXX Southland WWTF Phase 1 Improvement Project Construction Management Services to:

1. Authorize Task Order for Southland WWTF Phase 1 Improvement Project Construction Management Services with MNS Engineers, Inc., in the amount of \$1,276,556 and authorize General Manager to execute Task Order.
2. Authorize the General Manager to issue Change Orders to the Task Order with an aggregate total amount not to exceed \$65,000.

ATTACHMENTS

- MNS Engineers, Inc. proposal dated June 5, 2012
- Resolution 2012-XXXX Southland WWTF Phase 1 Improvement Project Construction Management Services



SAN LUIS OBISPO
2231 Broad Street
San Luis Obispo, CA 93401
805.787.0326 Phone

June 5, 2012

Mr. Peter Sevcik
District Engineer
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444

**SUBJECT: PROPOSAL FOR CONSTRUCTION MANAGEMENT SERVICES
Southland Wastewater Treatment Facility Upgrade Project**

Dear Mr. Sevcik:

MNS Engineers, Inc. (MNS) is pleased to submit the enclosed cost proposal and Scope of Work to provide construction management services for the Southland WWTF Upgrade Project.

Scope of Work

Our staffing plan and cost proposal is based on our knowledge of the project and review of the plans and specifications. Our Construction Management services will consist of pre-construction, construction and post-construction services and will include project controls, QA, and Project Closeout. MNS will provide Construction Management Services per the attached Scope of Work.

Staffing Plan and Cost Proposal

MNS will perform the services described above on a time-and-materials basis in accordance with the attached Staffing Plan and Cost Proposal. Our cost for the level of effort described in this proposal, which is based on a construction period of 20 months with construction starting in July 2012, is estimated at \$1,276,556.00. The final cost will be based on the actual services performed, which depend on the Contractor's schedule and efficiency as well as any additional services that the District may require. It is understood that this is an estimate of costs based upon the current available project information and actual costs will be as dictated by the construction operations.

I look forward to discussing our qualifications and project solutions with the District. Please feel free to contact me at (805) 692-6921, or at gchelini@mnsengineers.com.

Sincerely,
MNS ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "G. Chelini", written over a white background.

Gregory Chelini, P.E.
Vice President/Principal Construction Manager

Encl: Staffing Plan/Cost Proposal; Scope of Work



SANTA BARBARA
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103
805.692.6921 Phone

Scope of Work

CONSTRUCTION PHASE

TASK 3 – PROJECT MANAGEMENT SERVICES

3.1 Project Oversight

MNS will provide the services of a principal-in-charge to provide overall project supervision and assure that contractual obligations and client concerns are consistently met.

3.2 Ongoing Project Management

MNS will provide pre-construction phase and construction phase project management as necessary for the project by providing a Construction Manager to perform the following project functions:

- 3.2.1 Administration of Consultant Obligations** - MNS will provide task schedules; coordination with District staff, utilities, and other contractors; maintenance of quality control and report preparation as part of the regular project management duties.
- 3.2.2 Construction Engineering** - MNS will provide construction engineering to facilitate coordination for review of shop and working drawings, submittals, safety and accident prevention plans. We will perform contract drawing and specification interpretation as part of the regular project management duties.
- 3.2.3 Construction Coordination Meetings** - MNS will conduct weekly meetings as part of the regular construction engineering duties. Additionally, meeting minutes will be written and distributed to all attendees and others as designated by the District.
- 3.2.4 Schedule** - MNS will assure the Contractor maintains up to date computerized schedules in critical path format. MNS will review the Contractors' baseline and monthly CPM Schedule, coordinate changes, and forward written conclusions to the District. We will review to ensure milestone dates are realized in the schedule.
- 3.2.5 Anticipation and Avoidance of Problems and Claims** - MNS will regularly review upcoming contract work to anticipate phasing or scheduling concerns, changed conditions, or plant operational conflicts.

TASK 4 – CONSTRUCTION MANAGEMENT SERVICES

4.0 Pre-Construction

- 4.0.1 Pre-Construction Meeting** - MNS will arrange for and manage a pre-construction conference with the contractor prior to the start of work. The pre-construction conference will include representatives from AECOM Engineering, the District, Fugro, if necessary, and any other stake holders who may be involved based upon the outcome of the design studies.

At this meeting we will discuss the hierarchy of both the District and the contractor as well as establish the protocol to be used throughout the project. The meeting will highlight the contractor's responsibility toward such items as:

- Safety
 - Labor compliance
 - Submittals
 - Schedule updates
 - Order of work
 - Quality control
- Site access (security) and haul routes
 - Materials certification
 - Extra work or change of conditions
 - Permit and utility agreements
 - Weekly meetings
 - Pay requests

Any questions or apparent issues that may be present at this time will be discussed and resolved prior to the contractor's mobilization. An agenda, action items and meeting minutes will be prepared and distributed.

4.0.2 Pre-Construction Training - MNS will work with the contractor and Rincon Consultants to provide required training.

4.0.3 Pre-Construction Photo and Video Documentation - MNS will photograph all areas of construction just prior to actual construction. Video will also be taken of the plant site, access into the site, and Maintenance yard area.

Photos and video will be organized in a manner which will make it easy to recover the documentation at a later date if needed. Each photograph or video will record the date and time and will be made available to the District upon request during construction and turned over to the District with project files after construction.

4.1 Contract Administration

MNS will provide Construction Contract Administration Services as required to maintain accurate documentation of the construction and will utilize EADOC electronic construction management and documentation control software.

4.1.1 Construction Management Plan - MNS will prepare a Construction Management Plan that outlines the roles and responsibilities of the CM team during construction; this will also include the District and AECOM. The CM Plan will establish the protocol and procedures to be followed during construction such as submittal and RFI review; CCO review and approval; correspondence; contract administration and documentation requirements. Standard construction forms and logs will be included in the Appendix. The Plan will be submitted to the District for review prior to construction.

4.1.2 Correspondence and Reports – As part of the Construction Administration, MNS will manage all correspondence including tracking submittals, RFIs, CCOs, progress pay estimates, meeting minutes, testing reports, and furnishing reports on a regular basis as required by the District. Other correspondence will be produced as appropriate to the project status.

4.1.3 Submittal Review and Coordination - Prior to beginning the submittal process, MNS will work with AECOM to develop a list of the required submittals. This will be used to ensure all items are submitted, and done so in a reasonable amount of time prior to the work they pertain to. The majority of the submittals will be seen at the start of the project. This list can be reviewed at progress meetings and used

proactively to help the contractor make submittals with a reasonable amount of time for sufficient review and acceptance without delay to construction. MNS will coordinate with AECOM for the efficient review and processing of all submittals including shop drawings, product data such as the Biolac system, and project specific plans. An updated submittal log will be maintained to accurately track review and approval of all submittals.

- 4.1.4 RFI Review** - MNS will review and coordinate with AECOM (if needed) the resolution of contractor requests for information (RFIs) and other requests in a timely manner. MNS will maintain a running log.
- 4.1.5 Contract Time/Delays** - The MNS team members have experience in monitoring contract progress. MNS will track all working days and non-working days including weather days, CCO days, and other delays and will provide a weekly update of contract time at the weekly meeting. MNS will review any contractor requests for time extension and will make a recommendation to the District. Such requests will be cross referenced with the Contractor's baseline schedule.
- 4.1.6 Material Substitutions** - Submittals which are non-standard or substitute alternatives for items specified, will be forwarded to AECOM for review. MNS will also be proactive in soliciting information from the contractor after award of bid to determine which items, if any, they may be substituting.
- 4.1.7 Weekly Meetings** - MNS will hold a weekly construction meeting. The meetings are a valuable tool utilized to discuss project issues and concerns, discuss upcoming work items, coordination with plant operations, potential contract change orders, cost and schedule impacts, permit requirements, submittals, RFIs, and quality of work. The Contractor will prepare a three week look ahead schedule to be reviewed and discussed at the meeting. Discussion on the Contractor's upcoming schedule is important to anticipate any potential conflicts with plant operations. MNS will prepare and distribute meeting minutes.
- 4.1.8 Reports** - MNS will prepare a monthly report which summarizes the construction cost and progress. The report will include contract progress, costs including change orders, submittal log, RFI log, change order log, updated progress payments, photos depicting work performed that month, summary of work performed, and discussion of project issues and any unique construction techniques being performed. The Construction Manager will be available to present a progress update to the District Board on a monthly basis.
- 4.1.9 Certified Payroll Review** - MNS will review the Contractor's certified payroll for completeness, accuracy, and prevailing wage compliance. MNS will perform periodic employee interviews to verify Contractor's labor compliance and employees are being paid correctly in accordance to their duties. Any discrepancies will be brought to the Contractor's attention and the District will be notified.
- 4.1.10 Permits** - MNS will verify that Contractor is adhering to and has maintained all permits applicable to the project including Storm Water and Regional Water Quality Control Board waste discharge requirements for operation of the treatment plant.

4.2 Photo Record Maintenance

MNS will regularly photograph construction activity in digital format and deliver in electronic format on CD-ROM. A numbered set of prints and copy of the photo log will be maintained on an ongoing basis as the project proceeds.

4.3 Inspection

MNS will provide a full time onsite inspector. The inspectors' primary duties will be to inspect and verify that all work in place meets the requirements of the contract plans and specifications, shop drawings, change orders, and O & M manuals as well as maintenance of project documentation. Inspection procedures will be outlined in the Project Management Plan.

- 4.3.1 Daily Inspection Diaries** - The project inspector will maintain daily written records of work, including notation of such things as weather, personnel and equipment on-site, sub-contractors on site, discussions held with contractor and others, project issues that arise, material and equipment received for on-site storage, etc. The inspector will maintain photo documentation as discussed previously.
- 4.3.2 Special Inspections** - MNS will coordinate with AECOM to determine and provide special inspections that may be required for the headworks and clarifier construction.
- 4.3.3 Record Drawing Maintenance** - MNS will regularly review the Contractor's record set for completeness and accuracy as well as keeping a separate As-Built set throughout the project.
- 4.3.4 Verification of Material and Equipment** - As material arrives on site, the MNS inspectors will verify that the delivered items conform to the project specifications and approved submittals, prior to approving them for use on the project.
- 4.3.5 Acceptance/Performance Testing** - The project inspector will coordinate acceptance and performance testing of each system or piece of equipment in conformance with the requirements of the written specifications, industry standards and controlling codes. MNS will work with the Biolac Representative during the installation and startup of the system.
- 4.3.6 Off-Site Inspections** - We will schedule and coordinate all off-site inspections.

4.4 Quality Assurance

MNS will review and inspect all work in progress to assure that it meets the requirements and quality of work outlined in the contract documents. Any deficient work will be rejected.

4.5 Site Visits

The MNS Construction Manager will visit the work site on a daily basis to stay abreast of the ongoing work and monitor the progress of the work. The CM will coordinate with the on-site inspector to assure construction quality.

4.6 Safety

MNS will review and ensure compliance of contractor's safety plan as well as Cal OSHA requirements. We will notify the contractor of safety problems immediately and direct the contractor to suspend work if imminent hazard is not immediately remedied or a dangerous condition persists.

4.6.1 Project Accidents – We will document any and all accidents that occur at or near the project (including photographs) and provide the District with a copy of said information.

4.7 Construction Materials Testing

MNS will coordinate with Fugro, our CM team materials testing firm, to assure all material meets the project documents. All tests will be logged and copies of all test reports will be maintained in the project files. Items include:

- Site grading consisting of observation and testing of structure backfill.
- Field sampling and testing of ready-mix concrete for reinforced concrete construction and casting and testing of concrete compression test cylinders.
- Special inspection for high strength bolts and pipe coatings.

4.8 Construction Survey

Accurate construction surveying is important to the success of the project. Although the contractor will be responsible for the construction staking on the project, MNS will have its own in-house surveyor periodically check the contractor's staking to assure proper alignment and grades are being maintained. Also during construction of the project, MNS inspectors will verify grades in the field with the contractor and will review cut sheets against the stakes and the plans to assure the contractor has the correct information on the stakes to construct the particular facility per the plans.

4.9 Progress Payments

Cost control is an ongoing task throughout the life of the project. Our cost control system will be used to track and monitor the actual construction costs on each contract. The tracking of contract item payments and quantities is incorporated into the progress payment spreadsheet. Tracking of contract change order payments, extra work, and supplemental work will also utilize electronic spreadsheet tracking. These forms can be tailored to meet any existing procedures. The MNS team knows the importance of accurate and complete quantity calculations and verification. Not only must the quantity calculations be complete and accurate; but they must be submitted in a timely manner for processing the contractor's payment request. The project monthly and overall cost as well as the contingency balance will be verified as part to the monthly progress pay request review and submission. Upon our review and approval of the contractor's payment request, we will forward a copy of the Monthly Payment Report form to the District for final approval and payment.

4.10 Schedule

MNS will assure that the contractors maintain an up to date computerized schedules in critical path format. MNS will review the contractors' baseline and monthly CPM Schedule updates, coordinate changes, and forward written conclusions to the District. We will review to ensure

milestone dates and any shutdown dates for tie-in's are realized in the schedule. The schedule will be used as the basis of determination for granting extra days relative to change orders. Should a contractor start to fall behind schedule, we will request a Recovery schedule and discuss methods to expedite the work. This is one of the more useful tools in controlling both costs and budget for the project.

4.11 Change Order Processing and Review

Prior to the start of construction, MNS will meet with the District to establish change order procedures. During construction MNS will review and evaluate contractor change order requests, recommend solutions, verify costs, negotiate change orders, prepare change order form, and maintain a log of all change orders and costs. MNS will coordinate design related changes with the design engineer or other affected agencies and check to make sure all pertinent information is provided for timely review. All changes are reviewed against the project schedule to determine any time impact. Upon evaluation of any changes, MNS will make a recommendation to the District.

4.12 Claims Management

The main objective relating to claims on any project is to avoid them when possible. Good tools toward accomplishing this are to anticipate and address any potential problems before they occur, provide timely response to RFIs, promptly process change orders, thoroughly review the contractor's schedule and provide experienced review of the project work. If unforeseen conditions occur, MNS will identify and resolve cost & schedule related issues to keep the project on schedule and within budget. During construction MNS will work to assure that conflicts in the field are identified ahead of the scheduled work the conflict could affect, work to reduce or minimize third party impacts to the work, and notify the contractor in a timely manner such that his schedule is not disrupted.

Notices of Potential Claims submitted by the contractor will be acted on and processed in a timely manner in accordance with the Contract Documents. Detailed record keeping throughout the project is paramount in evaluating the validity and costs associated with any notice of potential claim (NOPC). It is the objective of MNS to resolve any potential claims at the job level prior to becoming actual claims.

4.13 SWPPP Support

MNS will review the Contractor's SWPPP and will provide storm water oversight throughout the project. We will monitor to verify the Contractor is complying with the SWPPP requirements such as BMP maintenance and routine reporting.

4.14 Environmental Services

MNS has teamed with Rincon Consultants to provide environmental support services throughout the project. The scope of services includes conducting pre-construction biological and cultural



SANTA BARBARA
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103
805.692.6921 Phone

clearance surveys, worker environmental awareness trainings, and construction monitoring. Detailed scope is included in Rincon's attached Scope of Services.

4.15 Biolac Technical Support

MNS will provide additional technical support as needed for the installation of the Biolac system.

TASK 5 – PROJECT CLOSEOUT

MNS will be proactive during the close out of the Contract.

5.1 "Punchlist" Inspection

The project inspector and Construction Manager will administer the specifications' final acceptance requirements and develop a deficiency list (punch-list) for the work performed, notify the contractor, and re-inspect the completed work. MNS will also conduct a final inspection in presence of District representatives and the contractor.

5.2 O&M Manual and Warranty Coordination

MNS will review vendor operation and maintenance manuals for conformance with the specifications and assist the contractor in organizing the manuals. We will also assure that the contractor submit all warranty information and assist the District during this period if corrective work is need by the contractor.

5.3 Startup and Operator Training

MNS will review the project specifications to ascertain startup and training requirements for each system and piece of equipment, and ensure that these requirements are satisfied. We will work assure that Parkson provides the required training and product review of their Biolac system prior to project closeout.

5.4 Record Drawing

MNS will review the contractors' record set for completeness and accuracy and will compare with our field copy. Submittal of Final Record Drawings will be required prior to recommending final completion.

5.5 Closeout

Upon satisfactory completion of all contract work, we will perform a final inspection, compile final invoices, assemble and submit contract closeout packages, prepare project closeout files and reports and recommend final acceptance of the project. A certificate of completion will be submitted to the District.

5.6 Final Report

MNS will prepare a final construction report for the project. At a minimum the report shall contain the following:

- Final costs of the project (items, change orders and settled claims)



SANTA BARBARA
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103
805.692.6921 Phone

- Summary of key dates (advertisement, bid opening, award, pre-construction meeting, first working day, completion date)
- Summary of working days, non-working days, change order days, weather days, and other days
- Summary of major milestone or activity durations
- Summary of change orders (approved costs and final costs)
- Final progress pay estimate spreadsheet with final contingency balance
- Baseline and "as-built" schedule
- Discussion of significant issues or problems encountered or addressed during construction
- Copy of the approved final acceptance form
- Review and discussion on the general contractor, subcontractors, and major suppliers

**Construction Phase
CM & Inspection Services
Southland WWTF Improvements Phase I Project
Nipomo Community Services District**



PHASE		2012												2013					2014					TOTAL HOURS	HOURLY RATE	TOTAL COST					
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan				Feb	Mar	Apr	May	
Construction																														\$ 1,165,476.00	
Closeout																															\$ 123,080.00
PHASE		2012												2013					2014												
Role	Staff	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	TOTAL HOURS	HOURLY RATE	TOTAL COST	
CONSTRUCTION MANAGEMENT																															
Principal-In-Charge																													14	180.00	\$ 2,520.00
Project Manager																													178	150.00	\$ 26,700.00
Construction Manager		100	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	150	160					3212	150.00	\$ 481,800.00	
Inspector		80	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	172	120						2952	128.00	\$ 377,856.00	
Office Engineer		120	80	80																									280	95.00	\$ 26,600.00
CONSTRUCTION MANAGEMENT SUB-TOTAL		302	426	426	346	346	346	346	346	346	360	360	360	360	360	360	360	360	360	360	278	158	62	0	0	0	0	6636		\$ 915,476.00	
PROJECT CLOSEOUT																															
Principal-In-Charge																													10	180.00	\$ 1,800.00
Project Manager																													40	150.00	\$ 6,000.00
Construction Manager																													480	150.00	\$ 72,000.00
Inspector																													160	128.00	\$ 20,480.00
Office Engineer																													240	95.00	\$ 22,800.00
PROJECT CLOSEOUT SUB-TOTAL		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	232	298	200	200	0	930		\$ 1,038,556.00	
TOTAL HOURS		302	426	426	346	346	346	346	346	360	360	360	360	360	360	360	360	360	360	360	278	158	294	298	200	200	0	7566		\$ 1,038,556.00	
Direct Expenses																															
Survey Oversight																															\$ 5,000.00
Direct Expenses																															\$ 2,000.00
SUB-TOTAL																															
Sub Consultants																															
Geotechnical Services	Fugro West																														\$ 80,000.00
SWPPP Support	LEI																														\$ 15,000.00
Environmental Services	Rincon																														\$ 142,000.00
Technical Support	Kennedy Jenks																														\$ 5,000.00
SUB CONSULTANTS SUB-TOTAL																															
CONSTRUCTION PHASE TOTAL																															
																															\$ 1,286,556.00

Notes:
1. Assuming Construction begins June 14, 2012 and ends January 2014 due to an additional 105 calendar days for alternative work
2. Used an average of 172 hours per month based upon 8 hour working days with no overtime.
3. Assume Contractor to provide Construction Trailer on site or will be able to utilize District plant office

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING TASK ORDER FOR SOUTHLAND
WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT CONSTRUCTION
MANAGEMENT SERVICES WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$1,276,556 AND
AUTHORIZING CONTINGENCY OF \$65,000**

WHEREAS, MNS Engineers, Inc. was previously selected by the District to provide constructability, bid phase and construction management services for the Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project; and

WHEREAS, the Board previously authorized MNS Engineers, Inc. to provide constructability and bid phase services for the Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project; and

WHEREAS, plans and technical specifications for the Southland WWTF Phase 1 Improvement Project, dated February 2012, were prepared by AECOM Inc.; and

WHEREAS, the project was advertised for bids in accordance with State of California Public Contracts Code requirements; and

WHEREAS, the District received 5 bids for the project and has awarded the construction contract for the project; and

WHEREAS, the District desires to have MNS Engineers, Inc. provide construction management services for the Southland WWTF Phase 1 Improvement Project.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

1. The task order for Southland WWTF Phase 1 Improvement Project construction management services with MNS Engineers, Inc. in the amount of \$1,276,556 is hereby authorized and the General Manager is authorized to execute the task order.
2. The General Manager is authorized to issue Change Orders for the task order with an aggregate total amount not to exceed \$65,000.
3. The above recitals are incorporated herein by this reference.

On the motion of Director _____, and, seconded by Director _____ and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of June 2012.

JIM HARRISON
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK *PVS*
DISTRICT ENGINEER

DATE: JUNE 7, 2012

AGENDA ITEM

E-11

JUNE 13, 2012

**AECOM SCOPE AMENDMENT # 7 FOR THE
SOUTHLAND WASTEWATER TREATMENT FACILITY
PHASE 1 IMPROVEMENT PROJECT**

ITEM

Consider approval of Scope Amendment #7 with AECOM for engineering services in the amount of \$152,744 for construction phase design services for Southland Wastewater Facility Phase 1 Improvement Project [RECOMMEND BY MOTION AND ROLL CALL VOTE TO APPROVE SCOPE AMENDMENT #7 WITH AECOM IN THE AMOUNT OF \$152,744 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

BACKGROUND

The Board selected AECOM to provide final engineering design services for Phase 1 of the Southland Wastewater Treatment Facility (WWTF) Improvement Project. The project is based on the January 2009 Southland WWTF Master Plan and August 2010 Southland WWTF Master Plan Amendment #1. The project will replace the current .9 MGD pond plant with a new treatment plant that will include an influent metering station, influent lift station, influent screening system, grit removal system, Biolac® cell, clarifier(s), gravity belt thickener, two concrete lined sludge drying beds, controls & blower building, and a non-potable plant water system.

AECOM's May 2009 design contract included Task Group 5, Engineering Services During Construction (ESDC), to support the construction of the project. The project has changed significantly since the Facility Master Plan that was the basis of the initial design proposal approved by the Board. Staff requested that AECOM provide an updated proposal for ESDC for the Southland WWTF Phase 1 Improvement Project assuming the Base Bid and Alternate X, Clarifier #2, received Board authorization. As outlined in the attached AECOM Scope Amendment #7, based on the final design and the allowed construction contract duration, additional engineering services effort will be required during the construction phase. As set forth in the attached proposal, AECOM is willing to perform this additional work on a time-and-materials basis with a not-to-exceed expenditure limit increase of \$113,443.

In addition, now that the design has been completed, District staff requested AECOM provide a proposal to prepare an Operation and Maintenance (O&M) Manual as required by the Regional Water Quality Control Board to assist staff in the overall operation of the improved treatment facility. The O&M Manual will address the general operation of the treatment components and reflect the design intent of the facilities. In addition, the manual will include operating procedures such as start-up, shut down, bypassing, abnormal operations, process flow diagrams, equipment layout, trouble-shooting guide, safety features, key maintenance requirements provided by equipment suppliers, and outline responsibilities of the operations, maintenance, laboratory, and management personnel. As set forth in the attached proposal, AECOM is willing to perform this work on a time-and-materials basis with a not-to-exceed expenditure limit of \$39,301.

The total amount of Scope Amendment #7 is \$152,744.

The project design was completed in February 2012, bids for the construction of the project were opened in May 2012, financing for the project was authorized by the Board in May 2012, and construction of the project is pending award of the construction contract.

FISCAL IMPACT

The proposed task order will be funded from the project budget and sufficient funding is available.

STRATEGIC PLAN

Strategic Plan Goal 2.2 – Upgrade and Maintain Collection and Treatment Works
Strategic Plan Goal 2.3 – Select Disposal Solution for Southland Effluent and Implement
Strategic Plan Goal 2.5 – Comply with State and Federal Regulations and Mandates

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2012-XXXX approving AECOM Scope Amendment #7 for Southland WWTF Phase 1 Improvement Project in the amount of \$152,744 and authorizing the General Manager to execute Task Order.

ATTACHMENT

- AECOM Budget Revision Request dated June 1, 2012
- Resolution 2012-XXXX Southland WWTF Phase 1 Improvement Project AECOM Scope Amendment #7



AECOM
1194 Pacific Street
Suite 204
San Luis Obispo CA 93401
www.aecom.com

805 542 9840 tel
805 542 9990 fax

June 1, 2012

Mr. Michael LeBrun, PE
General Manager
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Dear Mr. LeBrun,

Southland WWTF Improvements Project, Phase 1: Scope Amendment 7 – Construction Phase Services

AECOM has prepared this contract amendment to update the construction phase services scope for the Southland Wastewater Treatment Facility Improvements Phase 1 Project (Project). The services proposed include additional or enhanced level office engineering during construction and preparation of an operations and maintenance manual in accordance with RWQCB requirements.

As you recall, AECOM established the overall design contract on a "time and materials" basis, requiring written approval of scope amendments prior to additional work being performed. Upon completion of the Project design, District staff requested that AECOM review the construction phase services scope per the original contract with NCSO (May 2009) and revise our estimated level of effort to reflect the Project as it currently exists.

The Project has changed significantly since the initial design budget was prepared. While approximately 95 plan sheets were anticipated in the original project, the final planset consists of 181 sheets. In addition, a construction duration of less than a year was originally assumed, but is 540 days in the contract documents based on the final design. The project has additional, major equipment components that were not anticipated in the May 2009 budget but were included in the Concept Design Report that was previously approved by the District Board:

- Sludge thickening system including gravity belt thickener, sludge pumps, and polymer feed system
- Process water system, including pump station with controls, valves, hydropneumatic tank, and appurtenances, sodium hypochlorite dosing and storage building, and process water piping
- Control and blower building
- Landscaping

We have updated the estimate to provide engineering services during construction phase, and added tasks based on conversations with District staff. The additional tasks include preparation of an operations and maintenance manual for the new WWTF as required by the Regional Water Quality Control Board. We recommend the following amendment to the existing scope to effectively execute this phase of the Project.



This contract amendment is organized under the same task groups originally proposed for the project in the May 2009 contract. Office engineering during construction is summarized below under Task Group 5. Preparation of the operations and maintenance manual is described as new Task Group 9.

Task Group 5 – Office Engineering During Construction

It is our understanding that the District will utilize MNS Engineers to act as Construction Manager to provide support during construction. AECOM will continue to provide office engineering support (as described herein) at the direction of District staff. AECOM will work closely with the District during this phase to manage our budget and regularly communicate status. It is assumed the District's Construction Manager will review the required contractual submittals (e.g. insurance forms, bonds, contract, and so forth) from the Contractor after the contract is awarded.

Specific tasks include the following:

Task 501. Assistance with Contract Submittals – AECOM assumes that the District's Construction Manager will provide support as needed for this task.

Task 502. Pre-Construction Job Walk - Attend pre-construction conference with the District's Construction Manager and the Contractor's team. As part of this effort AECOM will (1) review and discuss the plans and specifications to facilitate the Contractor's understanding of the Project; (2) discuss required submittals and shop drawings; and (3) respond to a reasonable number of technical inquires pertaining to the project. A list of required submittals will be prepared and issued to the contractor at or prior to the conference.

Task 503. Partnering Session - It is our understanding the District will promote the formation of a "Partnering" relationship with the Contractor in order to effectively complete the contract to the benefit of both parties. AECOM will attend a Partnering Session with the Contractor, Construction Management team, and District. We have budgeted one day of time for the Project Manager and Assistant Project Manager (16 hours total).

We are available to provide additional guidance to the District in developing a formal partnering relationship, if desired.

Task 504. Submittal Review - AECOM will review technical submittals and coordinate with the District's Construction Manager to provide timely and organized responses to technical submittals. It is anticipated that the District's Construction Manager will manage submittals and responses and will provide one electronic copy and two paper copies of each submittal and resubmittal for AECOM review. AECOM will utilize the document submittal software (EADOC) for electronic submittal responses. In addition, one paper copy of submittals and responses will be maintained by AECOM and one paper copy will be returned to the Construction Manager for replication and distribution as needed. For budgeting purposes, AECOM anticipates a total of 100 submittals and 60 resubmittals, with resubmittal reviews budgeted at half the time of the original submittal or less.

In addition, two representatives from AECOM's team will attend a training session with the District and the District's Construction Manager for use of the proposed document submittal software, EADOC. We understand that EADOC is a web-based software and AECOM will be provided access to the Project construction files for submittal review.

AECOM will perform the following services:

- Receive submittals from the Construction Manager.
- Review short term look ahead schedules to confirm that they contain critical submittal dates, and the logs reflect the same dates.

- Review submittals in a timely fashion and return them to the Construction Manager.
- Advise the Construction Manager of any repeated deficiencies in the shop drawing submittals that are made by the Contractor.

Task 505. Respond to RFIs - AECOM will respond to Requests for Information from the Construction Management team. We anticipate that the District's Construction Management team will log, manage, and distribute the RFIs. For budgeting purposes we have anticipated 40 RFIs.

Task 506. Respond to Requests for Change Orders - AECOM will investigate proposed change orders submitted by the Contractor or requested by the District through the Construction Management team. Change order submittals will include supporting records. AECOM's investigation will include the impacts on the Project schedule and budget and a recommendation for approval or disapproval.

Task 507. Attend Project Meetings - AECOM will attend biweekly project progress meetings (once every two weeks). We anticipate the Construction Manager will schedule, lead the progress meetings, and maintain meeting minutes. This budget anticipates 32 meetings, based on a 16 month construction and one team member from AECOM attending each meeting.

We understand that the District is considering awarding one or both of the alternate bid items. We have included an optional line item to increase the budget for project meetings to include the contract term extension should an alternate be awarded. This budget assumes Alternate X (Secondary Clarifier No. 2) is awarded, extending the construction contract term by 3.5 months. AECOM is available to attend additional project meetings on a time and materials basis, should Alternate Y (the infiltration basins) be awarded and the District desires our support at the meetings.

Task 508. Design Engineer Observe Work in Progress - AECOM's design engineers (including structural, instrumentation, civil, mechanical, and electrical specialists) will perform technical field observation (budgeted at 20 visits at approximately 4 hours per visit) to review work progress and address design issues or conflicts as they arise.

Task 509. Prepare Record Drawings - AECOM will prepare record drawings based on the Contractor's and Construction Manager's markups of the construction plans. We anticipate the Construction Manager will review the Contractor's record drawings throughout the project and at completion and ensure changes or differences are accurately reflected in the markups. Our budget anticipates one consolidated set of markups on the design drawings will be provided to AECOM for production of record drawings.

Task 510. Develop checklists – AECOM will develop checklists for the pre-commissioning and commissioning plans for the Contractor's use in preparing the plans. The purpose of the checklists is to outline critical items and considerations for the plans. AECOM will provide the checklists to the District's Construction Manager.

Task Group 9 – Operations and Maintenance Manual

To assist NCS staff in the overall operation of the improved treatment facility, and as required by the RWQCB, AECOM shall prepare an Operation and Maintenance (O&M) Manual. The O&M Manual will address the general operation of the treatment components and reflect the design intent of the facilities. In addition, the manual will include operating procedures such as start-up, shut down, bypassing, and abnormal operations, process flow diagrams, equipment layout, trouble-shooting guide, safety features, key maintenance requirements provided by equipment suppliers, and outline

responsibilities of the operations, maintenance, laboratory, and management personnel. Specific tasks include the following:

Task 901. Prepare O&M Manual Outline – AECOM will prepare a preliminary outline of the O&M Manual and coordinate a meeting with District staff. The meeting would be used to discuss the proposed components of the outline and revise it as needed to fit the District's needs.

Task 902. Draft O&M Manual – A draft O&M Manual will be prepared. Four (4) hardcopies and an electronic copy (pdf) will be provided to the District.

Task 903. Operators Workshop – A workshop will be provided for the operators to review the draft O&M Manual. This will include a short presentation highlighting manual information for each of the treatment process facilities and other included chapters. Time will be allowed to discuss specific components of the manual with operators.

Task 904. Final Operations Manual – A final O&M Manual will be prepared and will incorporate recommendations provided by district staff during the Operators Workshop. Four (4) hardcopies and an electronic copy (pdf) will be provided to the District.

Budget

AECOM will perform this work on a Time and Materials basis, with a budget as summarized in the following table. See the attached spreadsheet for a breakdown of fees.

	May 2012	May 2009	Net total increase
Office Engineering during Construction	\$ 258,471	\$ 147,198	
Operations and Maintenance Manual	\$ 39,301	--	
Subtotal	\$ 297,772	\$ 147,198	\$ 150,574
Optional Task – Additional Project Meetings	\$ 2,170	--	
Total with optional task	\$ 299,942		\$ 152,744

If you have questions or comments, please contact me to discuss. We look forward to continuing work with you and completing the design of this important project.

Sincerely,



Eileen Shields, PE
AECOM

Attachments: Fee Summary

Estimated Engineering Fee

Southland WWTF Improvements Project, Phase 1
Scope Amendment #7 - Construction Phase Services

Nipomo Community Services District

Task Description	Personnel Hours								Budget				
	Principal	Technical Leader	Senior II	Senior I	Associate	Assistant	Senior Designer	Drafter	Clerical	Total Hours	Labor	Non-Labor Fee	Total
Task Group 5: Office Engineering During Construction													
Task 501. Assist with Contract Submittals (assume CM will perform)	8		12	18					4	42	\$ 6,750	\$ 540	\$ 7,290
Task 502. Construction Job Walk	8			8						16	\$ 2,920	\$ 234	\$ 3,154
Task 503. Partnering Session	140	60	60	120	180	140		80		780	\$ 117,600	\$ 9,408	\$ 127,008
Task 504. Submittal Review (Assumes 100 submittals & 60 resubmittals)				4	4					8	\$ 1,140	\$ 91	\$ 1,231
EADOC Training Session (Assumes 4 hour training session)	40	8	12	20		40	20	20	8	168	\$ 24,400	\$ 1,952	\$ 26,352
Task 505. Respond to RFIs (up to 40 RFIs)	20	4	16	11		20	40	30	4	145	\$ 19,305	\$ 1,544	\$ 20,849
Task 506. Respond to Requests for Change Orders				64						64	\$ 9,920	\$ 794	\$ 10,714
Task 507. Attend Project Meetings	16		16	32	16					80	\$ 13,040	\$ 5,843	\$ 18,883
Task 508. Observe Work in Progress	48			30	20	20	80	80	4	282	\$ 36,630	\$ 2,930	\$ 39,560
Task 509. Prepare Record Drawings	4	8		3					2	17	\$ 3,175	\$ 254	\$ 3,429
Task 510. Develop checklists for Precommissioning & Commissioning Plan	(138)		(203)	(120)	(40)	(225)	(120)	(120)	(1)	(967)	\$ (136,294)	\$ (10,904)	\$ (147,198)
Credit for Existing Budget													
Subtotal	146	80	(87)	190	180	(5)	20	90	21	635	\$ 98,586	\$ 12,687	\$ 111,273
Task Group 9: Operations and Maintenance Manual													
Task 901. Prepare outline and coordinate meeting with District staff	2			5					1	8	\$ 1,270	\$ 102	\$ 1,372
Task 902. Draft Operations Manual	16	8	16	24	20	48	16		8	156	\$ 21,680	\$ 1,734	\$ 23,414
Task 903. Operators Workshop	6	4	8	14					4	36	\$ 5,910	\$ 473	\$ 6,383
Task 904. Final Operations Manual	6	4	4	4	12	18	4		2	54	\$ 7,530	\$ 602	\$ 8,132
Subtotal	30	16	28	47	32	66	20	-	15	254	\$ 36,390	\$ 2,911	\$ 39,301
Additional Project Meetings (Optional Task)				14						14	\$ 2,170		\$ 2,170
Subtotal	-	-	-	14	-	-	-	-	-	14	\$ 2,170	\$ -	\$ 2,170
Total	176	96	(59)	251	212	61	40	90	36	903	\$ 137,146	\$ 15,598	\$ 152,744

Personnel Category	\$/HR
Principal	\$210.00
Technical Leader	\$215.00
Senior II	\$165.00
Senior I	\$155.00
Associate	\$130.00
Assistant	\$110.00
Senior Designer	\$110.00
Drafter	\$100.00
Clerical	\$75.00

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING TASK ORDER WITH AECOM FOR SCOPE
AMENDMENT #7 FOR ENGINEERING SERVICES FOR SOUTHLAND WASTEWATER TREATMENT
FACILITY PHASE 1 IMPROVEMENT PROJECT IN THE AMOUNT OF \$152,744**

WHEREAS, AECOM was previously selected by the District to provide final engineering design services for the Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project; and

WHEREAS, the Board previously authorized AECOM to provide engineering services for the Southland Wastewater Treatment Facility (WWTF) Phase 1 Improvement Project for the not-to-exceed amount of \$1,372,375; and

WHEREAS, plans and technical specifications for the Southland WWTF Phase 1 Improvement Project, dated February 2012, were prepared by AECOM Inc.; and

WHEREAS, the project was advertised for bids in accordance with State of California Public Contracts Code requirements; and

WHEREAS, the District received five bids for the project and has awarded the construction contract for the project; and

WHEREAS, the District desires to have AECOM provide engineering for the construction phase of Southland WWTF Phase 1 Improvement Project; and

WHEREAS, the District desires to have AECOM provide engineering for the preparation of an Operation and Maintenance Manual for the Southland WWTF Phase 1 Improvement Project as required by the Regional Water Quality Control Board.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

1. The task order for Scope Amendment #7 for engineering services for the Southland WWTF Phase 1 Improvement Project with AECOM in the amount of \$152,744 is hereby authorized and the General Manager is authorized to execute the task order.
2. The above recitals are incorporated herein by this reference.

On the motion of Director _____, and, seconded by Director _____ and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of June 2012.

JIM HARRISON
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel