

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN, P.E. *MSL*
GENERAL MANAGER

DATE: NOVEMBER 8, 2012



BLACKLAKE SEWER SYSTEM MASTER PLAN PROJECT, AUTHORIZE STAFF TO CIRCULATE REQUEST FOR PROPOSALS

ITEM

Blacklake Sewer System Master Plan Project, Authorize Staff to Circulate Request for Proposals [RECOMMEND AUTHORIZE STAFF TO CIRCULATE REQUEST FOR PROPOSALS TO COMPLETE A BLACKLAKE SEWER SYSEM MASTER PLAN]

BACKGROUND

Attached is a Request for Proposals staff proposes to post and mail to qualified engineering firms on November 16, 2012. Response to the request will be due by the end of December 2012. Staff proposes to screen the submittals during the first part of January and to make a recommendation to your Board on selection of one firm, to perform the Blacklake Sewer System Master Plan, by the second meeting in January.

FISCAL IMPACT

The FY 2012-2013 Budget includes \$60,000 for the preparation of a Blacklake Sewer System Master Plan. The recommendations coming forth from the Master Plan will be considered in future Budget discussions.

STRATEGIC PLAN

Strategic Plan Goal 2.1 – Efficiently Operate Collection, Treatment and Disposal Works
Strategic Plan Goal 2.2 – Upgrade and Maintain Collection and Treatment Works
Strategic Plan Goal 2.4 – Provide for Disposal of Biosolids
Strategic Plan Goal 2.5 – Comply with State and Federal Regulations and Mandates

RECOMMENDATION

Staff recommends that your Honorable Board authorize staff to post and mail the Blacklake Sewer Plan Request for Proposals to qualified engineering firms.

ATTACHMENTS

- A. Blacklake Sewer System Master Plan RFP

NOVEMBER 14, 2012

ITEM E-1

ATTACHMENT A

NIPOMO COMMUNITY

BOARD MEMBERS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
ED EBY, DIRECTOR
DAN A. GADDIS, DIRECTOR



SERVICES DISTRICT

STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT GENERAL MANAGER
PETER SEVCIK, P.E., DISTRICT ENGINEER
TINA GRIETENS, UTILITY SUPERINTENDENT
JON SEITZ, GENERAL COUNSEL

Serving the Community Since 1965

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

November 16, 2012

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SUBJECT: REQUEST FOR PROPOSAL FOR ENGINEERING SERVICES –

**NIPOMO COMMUNITY SERVICES DISTRICT
BLACKLAKE SEWER MASTER PLAN**

Dear zzzzz:

The Nipomo Community Services District (NCSD) intends to prepare a Sewer Master Plan for the Blacklake Wastewater Collection and Treatment system to: evaluate system condition; define and prioritize replacement, upgrade, and maintenance projects; and to estimate the costs of recommended projects. The District is seeking proposals from Consultants to conduct the required research, prepare an administrative draft, interact with staff regarding edits to the administrative draft, publish a draft, present the draft to the Board, interact with staff regarding edits to the draft, and publish the final document. The selected Consultant will be expected to address the requirements of the State's Sanitary Sewer Management Plan (SSMP), the Waste Discharge Requirements (WDR), review alternatives for providing salts management as part of the treatment process; and to review and provide recommendations for improvements/repairs/replacements to the Blacklake Wastewater Collection and Treatment systems.

SERVICES REQUESTED

The District requires engineering services to:

1. Evaluate the operation, condition, and capacities of Blacklake Sewer Collection System, including lift stations. District will provide recent CCTV inspection video of entire gravity portion of Blacklake Wastewater Collection System. District will also provide hydraulic model of collection system in SewerCAD. Proposer will be required to verify model and update as necessary. Evaluation of existing lift station systems to be comprehensive and to include, but not be limited to, civil, structural, mechanical, electrical and instrumentation systems. Propose projects to address deficient conditions and to replace components that have exceeded their useful life to satisfy the requirements of the State's Sanitary Sewer Management Plan, including Sanitary Sewer Overflow

- Regulations and to meet proper standards of operation for insuring health and safety of District operations staff and the public. Develop conceptual cost estimates and priority for recommended projects.
2. Evaluate the operation, condition and capacity of the Blacklake Waste Water Reclamation Facility (WWRF) and propose projects to address deficient conditions and to replace components that have exceeded their useful life, comply with existing Waste Discharge Requirements, to satisfy existing flows/loads, and to meet proper standards of operation for insuring health and safety of District operation staff and the public. Evaluation of existing systems to be comprehensive and to include, but not be limited to, treatment, civil, structural, mechanical, electrical and instrumentation systems. Review alternatives for providing salts management as part of the treatment process. Develop conceptual cost estimates and priority for recommended projects.
 3. Evaluate the respective capacities of the Blacklake WWRF disposal system and propose projects to satisfy existing Waste Discharge Requirements, Reclamation Requirement, and discharge flows to meet proper standards of operation for insuring health and safety of District operations staff and the public. Develop conceptual cost estimates and priority for proposed projects.
 4. Evaluate the quantity of accumulated sludge in the Blacklake WWRF and develop long-term biosolids disposal strategy including solids removal projects to satisfy existing Waste Discharge Requirements to maintain discharge flows and to meet proper standards of operation for insuring health and safety of District operations staff and the public. Develop conceptual cost estimates and priority for proposed projects.
 5. Evaluate the work load and staffing requirements for the Utility Department crew to perform current operations and evaluate staff needs based on recommendations presented for Blacklake Collection and Treatment System.
 6. Within 90 calendar days of agreement execution, submit 5 sets of a Draft Technical Memorandum incorporating the results of Tasks 1 through 5 above to NCSD staff for comment. Provide 30 days for District staff comment.
 7. Edit the Draft Technical Memorandum to reflect Staff's comments and submit 5 copies of the Final Technical Memorandum within 30 calendar days of receiving Staff's comments.
 8. Within 150 calendar days of agreement execution, submit 5 sets of the Administrative Draft Master Plan incorporating the results of the Final Technical Memorandum and previous tasks to NCSD staff for comment.
 9. Within 30 calendar days of receiving NCSD Feedback on the Administrative Draft, provide 20 sets of a Draft Master Plan for presentation to the NCSD Board, and participate in a meeting with the NCSD Board.
 10. Within 30 calendar days following the presentation of the Draft Plan to the Board, submit 20 copies of the Final Master Plan and present the Final Master Plan to the Board.
 11. Participate in monthly progress meetings and monthly committee meetings during the development of the Master Plan and up to five additional staff meetings as requested.

12. Submit electronic copies of all work product deliverables in a format acceptable to NCS D.

PROPOSAL REQUIREMENTS

Ten copies of the proposal package must be received by NCS D in a sealed envelope by **4 p.m. on Friday December 21, 2012**, to be considered. The exterior of the envelope must identify the proposal as "NCS D Blacklake Sewer Master Plan". Faxes, E-Mails, proposals not enclosed in a sealed/labeled envelope, and proposals received after 4:00 p.m. on Friday December 21, 2012, will be returned to the submitter. The main proposal shall be limited to 20 pages, with the exception of résumés and project lists, and include as a minimum the following:

1. Introduction
 - Present your understanding of the project and the services requested;
 - Discuss any proposed scope amendments;
 - Briefly discuss the team's qualifications.
2. Scope of Services and Timeline
 - Detail your proposed approach to the assignment;
 - Describe your proposed timeline for execution of the requested services.
3. Personnel
 - Identify and define the experience of the engineering team leader and provide résumé;
 - Include an organizational chart depicting the name and position of all team members including employees of sub-consultants and provide résumés;
 - Describe the role of each team member.
4. Experience
 - Describe your team's experience with evaluating existing wastewater treatment and collection systems and developing master plans;
 - Describe your success in meeting project budgets and timelines for similar projects and explain circumstances resulting in failures.
5. References
 - Provide references for projects of similar scope and nature performed within the past five years;
 - List the client's name, address, and a description of the work performed. Include the name, phone, and e-mail for the client's key contact on the project.
6. Cost Estimate
 - Provide an anticipated cost summary, in a separate sealed envelope, including the proposed basis of fees and charges, summary of hours,

and the hourly rates of all team members and a breakout of professional service costs versus out of pocket expenses.

7. Signature

- The proposal shall be signed by an official authorized to bind the firm and shall contain a statement that the proposal is valid for ninety (90) Days.

SELECTION PROCESS

The Board is tentatively scheduled to select a firm at its January 23, 2013 meeting. NCSD may conduct interviews during the screening process.

PROPOSAL EVALUATION

Proposals will be evaluated on the following:

- Responsiveness to Request for Proposal
- Work product timeliness
- Team qualifications and expertise
- Prior experience in providing similar services to CA Local Government
- Cost
- References

Notes:

The District uses a standard consulting agreement for all engineering services. Attached is a sample copy of the agreement that NCSD will expect to execute with the selected engineering firm for this project.

The District reserves the right to reject all submittals and/or re-open submittals at its discretion. The District reserves the right to negotiate with lesser ranked firms if the negotiation with the top ranked firm is unsuccessful. The submitter retains no interest in the proposal once received by the District. For more information on the project or this request, contact General Manager, Michael S. LeBrun at 805-929-1133 or mlebrun@ncsd.ca.gov.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun, P.E.
General Manager

ENCLOSURES: Standard Consulting Agreement

File: Projects, Blacklake Sewer System Master Plan

TO: MICHAEL LEBRUN *MSL*
GENERAL MANAGER

FROM: TINA GRIETENS
UTILITY SUPERINTENDENT

DATE: NOVEMBER 8, 2012



**AUTHORIZE PURCHASE OF A UTILITY TRUCK FOR \$20,050 AND
A SERVICE TRUCK FOR \$80,691**

ITEM

Authorize purchase of a Utility Truck for \$20,050 and a Service Truck for \$80,691. [RECOMMEND AUTHORIZE STAFF TO PURCHASE TWO UTILITY VEHICLES AT A COMBINED COST OF \$100,741]

BACKGROUND

The District's Fleet of vehicles includes eight trucks which are used by Utility Operations Staff on a daily basis. The District also owns specialty vehicles and equipment for the regular maintenance and repair of District facilities (Vaccon, tractors, etc...). There are a total of ten budgeted staff positions within the Utility Operations Department, three of which are currently vacant. Hiring to fill two of the vacancies will begin in December.

No vehicles or specialty equipment were purchased in FY 2011-2012. The most recent vehicle purchases include the Vaccon Sewer Cleaning Vehicle, Wachs Valve Exercising Trailer/Ford F250 Combination, which were purchased in FY 2010-2011. The District purchased a Ford Ranger in FY 2009-2010 for use by District Engineer. The last 'general purpose' Utility Truck was purchased in FY 2008-2009.

On June 13, 2012 your Board adopted the District's FY 2012-2013 budget approving the surplus of two of the current fleet vehicles with over 100,000 miles and approving \$100,000 for the purchase of two replacement vehicles; one Utility Truck – Heavy Duty with Utility Bed and Crane (\$75,000) and one Utility Truck (\$25,000).

The new Utility Truck would replace the 2004 Utility Truck (111,440 miles) and will be driven on a daily basis to perform daily operations and minor maintenance of the District Facilities. The new Heavy Duty truck would replace the 2004 Heavy Duty vehicle (113,774 miles) and will be used in the performance of preventive and emergency maintenance and repair of District facilities.

The Heavy Duty vehicle will be equipped with a utility bed and a crane rated for lifting pumps from lift stations, aerators at the wastewater facilities and fire hydrants, to assist staff in performing maintenance and repairs in the field. This vehicle has a towing capability of 10,000 lbs, which will allow safe towing of the District's heaviest trailer – a standby generator weighing 8,269 lbs.

Staff seeks Board approval for the purchase of the two vehicles described above.

Four automotive fleet dealers were contacted to provide quotes for a F550 diesel truck with utility bed and crane and a F150 gasoline powered pick-up truck. The four dealers are Mullahey Ford, Paso Robles Ford, Santa Maria Ford and Theodore Robbins Ford. Theodore Robbins Ford did not submit a bid and Santa Maria Ford did not bid on the F550. The lowest combined bid for the two vehicles was from Paso Robles Ford. See the attached summary.

The District has vehicle service performed on its fleet at Mullahey Ford, in Arroyo Grande, located 9 miles north of Nipomo. The Dealership is very responsive to the District's fleet needs and turn-around time for repair is usually the same day. Although the cost of the vehicles from Paso Robles Ford is \$1,850.12 less than the cost from Mullahey Ford, the labor costs for two employees to travel time to and from Paso Robles, 69 miles to the north, could soon exceed these purchase cost savings.

FISCAL IMPACT

The Fiscal Year 2012-2013 Budget includes \$25,000.00 for the purchase of a Utility Truck and \$75,000.00 for the purchase of a Heavy Duty Utility Truck with Utility Body and Crane, for a combined total of \$100,000.00. The quote from Mullahey Ford is \$20,050.11 for the F150 Pick-up Truck and \$80,690.95 for the F550 with Utility Body and Crane for a combined total cost for the two vehicles of \$100,741.06, including sales tax at a rate of 7.25%.

The total purchase cost exceeds the approved budget value by 0.74%. No action is required by this deviation of the budgeted amount.

Budgeted staff time was used in research and preparation of this report.

STRATEGIC PLAN

The District's mission is to provide its customers with reliable, quality and cost-effective services now and in the future.

The District's Core Values include supporting our commitment to maintain our facilities and provide reliability in the services we provide.

Strategic Plan Goal 2.1 – Efficiently Operate Collection, Treatment and Disposal Works
Strategic Plan Goal 4.3 – Continue commitment to a safe workplace environment

RECOMMENDATION

Staff recommends that your Honorable Board approve purchase of a Ford F-150 Pick-up for not to exceed \$20,050.11 and a Ford F550 with Utility Body for not to exceed \$80,690.95, including sales tax, from Mullahey Ford, for a combined total of not to exceed \$100,741.06.

ATTACHMENT

- A. Summary of quotes

NOVEMBER 14, 2012

ITEM E-2

ATTACHMENT A

RESULTS OF REQUEST FOR 2013 FORD TRUCK QUOTES

VENDOR	F550 WITH SCHELZI BODY			F550 WITH DOUGLAS BODY			F150 5.0 V8 PICK UP TRUCK	
	TRUCK	BODY	TOTAL	TRUCK	BODY	TOTAL		
MULLAHEY FORD	\$36,840.96	\$38,316.00	\$75,236.32	\$36,840.96	\$39,221.42	\$76,142.38		\$18,694.75
	sales tax		\$5,454.63	sales tax		\$5,520.32	sales tax	1,355.36
	Total		\$80,690.95	Total		\$81,662.70	Total	\$20,050.11
				Transport- add \$450.00		\$82,112.70		
PASO ROBLES FORD	\$36,150.00	\$38,316.00	\$74,506.00	NO BID				\$17,700.00
	sales tax		\$5,401.69				sales tax	\$1,283.25
	Total		\$79,907.69				Total	\$18,983.25
SANTA MARIA FORD	NO BID			NO BID				\$17,696.00
							sales tax	\$1,282.96
							Total	\$18,978.96
THEODORE ROBBINS FORD	NO BID			NO BID				NO BID

TO: MICHAEL S. LEBRUN
GENERAL MANAGER

MSL

FROM: PETER V. SEVCIK
DISTRICT ENGINEER

P.V.S.

DATE: NOVEMBER 7, 2012



STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT AUTHORIZATION TO BID

ITEM

Authorize staff to bid Standpipe Tank Modification and Rehabilitation Project [RECOMMEND AUTHORIZE STAFF TO ADVERTISE PROJECT FOR BIDS].

BACKGROUND

The 2007 Water and Sewer Master Plan recommended that the District modify the inlet piping on the Standpipe Tank to improve mixing within the tank and minimize the potential for water quality problems within the tank. The District retained Cannon to design the project. The Standpipe Tank was inspected in March 2012 in part to support the design effort but also as part of the District's regular tank inspection program. The inspection identified significant blistering and corrosion of the interior shell of the tank and recommended that the interior of the tank be recoated. Since the tank needs to be taken out of service for both installation of the new inlet and recoating of the interior of the tank, staff is combining the projects to minimize staff resources and costs related to taking the tank out of service.

The plans and specifications for the project are being finalized. In accordance with the District's Purchasing Policy, staff needs Board approval to solicit bids for the project.

Regarding compliance with the California Environmental Quality Act (CEQA), the project involves the modification of existing facilities with no capacity increase and is categorically exempt. Staff will file a CEQA Notice of Exemption for the project.

FISCAL IMPACT

The estimated construction cost is \$285,000 including a 10% contingency. Construction management costs are currently estimated at \$43,000. Funding in the amount of \$200,000 was budgeted in FY 2012-2013 for construction of the inlet modification project but did not include funding for recoating the interior of the tank. A transfer from reserves will likely be required depending on the actual bid amount.

Staff expects to return to your Board with a recommendation for contract award in January 2013.

RECOMMENDATION

Staff recommends that the Board:

1. Authorize staff to solicit bids to construct the Standpipe Modification and Rehabilitation Project.
2. Authorize staff to file a Notice of Exemption for the project.

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

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

DATE: NOVEMBER 8, 2012

**AGENDA ITEM
E-4
NOVEMBER 14, 2012**

**BLACKLAKE WELL 4 PUMP REPLACEMENT PROJECT
AUTHORIZATION TO BID**

ITEM

Authorize staff to bid Blacklake Well 4 Pump Replacement Project [RECOMMEND AUTHORIZE STAFF TO ADVERTISE PROJECT FOR BIDS].

BACKGROUND

Blacklake Well 4 currently pumps water into a ground level storage tank (Blacklake Tank) that is subsequently re-pumped into the District Water System. The water returns blended with District Water to the Blacklake pressure zone through two pressure reducing stations.

This configuration exists due to the previous separation of the Blacklake water system from the main District Water system. The arrangement is inefficient and creates the potential for water quality problems due to stagnation of water and loss of chlorine residual in the Blacklake Tank when Blacklake Well 4 is off.

Staff developed a project to maximize the return on available funding and improve the efficiency of the Blacklake Well 4 system. The project will replumb Blacklake Well 4 directly into the main District Water System Pressure Zone and permanently take the Blacklake Tank out of service. The Tank, along with the hydro tank and booster pump station equipment that has already been taken out of service, will be surplus.

This new arrangement will:

- lower the District's on-going operational costs
- simplify operation of the Blacklake Well 4
- eliminate the potential for water quality problems caused by stagnation of water within the Blacklake Tank, and
- increase system reliability since water will not be double pumped through the Blacklake Tank to the distribution system.

The District retained Cannon to design the project. The plans and specifications for the project are being finalized. In accordance with the District's Purchasing Policy, staff needs Board approval to solicit bids for the project.

Regarding compliance with the California Environmental Quality Act (CEQA), the project involves the modification of existing facilities with no capacity increase and is categorically exempt. Staff will file a Notice of Exemption for the project.

FISCAL IMPACT

The estimated construction cost is \$250,000 including a 10% contingency. Construction management costs are currently estimated at \$37,500. Funding in the amount of \$200,000 for construction of the project was budgeted in FY 2011-2012 and subsequently carried forward

into the FY 2012-2013 budget. The original budget did not anticipate the need for the extensive level of electrical work required for the project. However, part of the cost to implement the project may be eligible for a PG&E rebate since the arrangement will be less energy intensive than the current system. A transfer from reserves will likely be required depending on the actual bid amount.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote:

1. Authorize staff to solicit bids to construct the Blacklake Well 4 Pump Replacement project.
2. Authorize staff to file a Notice of Exemption for the project.

ATTACHMENTS

None

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

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

DATE: NOVEMBER 8, 2012

**AGENDA ITEM
E-5
NOVEMBER 14, 2012**

**ESTABLISH PRE-QUALIFICATION POLICY AND APPEALS
PROCEDURE FOR SUPPLEMENTAL WATER PROJECT BID
PACKAGE 1 – SANTA MARIA RIVER CROSSING**

ITEM

Establish Pre-Qualification Policy and Appeals Procedure for Supplemental Water Project Bid Package 1 – Santa Maria River Crossing [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION ESTABLISHING PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING].

BACKGROUND

The Supplemental Water Project Bid Package 1 – Santa Maria River Crossing (Project) includes the installation of over 2,600 linear feet of 24-inch inside diameter high density polyethylene (HDPE) waterline using horizontal directional drilling (HDD). The HDD alignment will traverse approximately 2,100 feet of riverbed and gain approximately 110 feet in elevation as it rises to the top of the bluff. At the top of the bluff, the alignment extends an additional 500 feet northward towards the HDD exit point near the proposed Supplemental Water Project pump station site.

The District's design engineer, AECOM, recommends that the District pre-qualify contractors for the Project. 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 Supplemental Water Project Bid Package 1 – Santa Maria River Crossing. 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 will help ensure that the Project is constructed by reputable, experienced, and qualified contractors.

On September 12, 2012, your Board approved a Scope Amendment with AECOM for Supplemental Water Project Phase 1 Final Design. The approved Design Project schedule calls for prequalification of HDD contractors to begin on October 24, 2012 in support of soliciting bids at the end of January 2013. The overall schedule is focused on preserving a Spring 2013 – Spring 2014 construction schedule should your Board resolve that an intertie pipeline with the City of Santa Maria is the most cost efficient and viable means of obtaining supplemental water.

A critical timing factor for the project is CA Department of Fish and Game's limitation that drilling under the river bed only be conducted in the April – October time frame, and when the river bed is dry. Drilling the pipeline under the river must begin early in the time frame to insure completion well prior to fall rains. A delay of months may lead to missing the 2013 drilling window thereby delaying project completion by at least 6-months.

-Next Page-

FISCAL IMPACT

Pre-Qualification of contractors will help ensure that the Project is constructed by reputable and qualified contractors at the best possible price.

In 2011, the intertie pipeline project was awarded a \$2.3M grant as part of a \$10.2M Integrated Regional Water Management grant award to the County by California Department of Water Resources. Continued delay in the construction time line for this supplemental water project threatens this grant award.

There is already an estimated \$3.5M funding gap between the estimated cost of the Phase I intertie line project and available District funding. See chart below.

Potential funding availability for the project is as follows:

Description	Estimated Cost
DWR Proposition 84 Grant	\$ 2,300,000
Funds Currently Available – Fund 500 and Fund 600	\$ 3,900,000
New COP secured by remaining property tax revenue	\$ 4,600,000
Funding Gap, possible loan from Fund 700 and/or Fund 805 secured by water sales revenue	\$ 3,500,000
Estimated Total From All Funding Sources	\$14,300,000

STRATEGIC PLAN

Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt the attached resolution establishing the Pre-Qualification and Appeals Policy for Supplemental Water Project Bid Package 1 – Santa Maria River Crossing.

ATTACHMENTS

- A. Resolution 2012-XXXX Supplemental Water Project Bid Package 1 Pre-Qualification Policy

NOVEMBER 14, 2012

ITEM E-5

ATTACHMENT A

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

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 –
SANTA MARIA RIVER CROSSING**

WHEREAS, California Public Contracts Code ("PCC") Section 20101 permits the Nipomo Community Services District ("District") to pre-qualify contractors who wish to bid on public works contracts; and

WHEREAS, it is in the public interest for the District to adopt policies and procedures that will help ensure that the Supplemental Water Project Bid Package 1 – Santa Maria River Crossing (the "Project") is constructed by reputable and qualified contractors at the best possible price; and

WHEREAS, it is in the public interest for the District to implement a program for pre-qualifying general contractors ("Contractors") seeking to bid on the Project; and

WHEREAS, among other things, PCC Section 20101 requires the District to adopt an appeals procedure that will allow Contractors to appeal decisions regarding their qualifications to bid on the Project; and

WHEREAS, the District intends for this Resolution to establish pre-qualification policies and the method by which decisions regarding Contractor's qualifications may be appealed; and

WHEREAS, the procedures adopted by this Resolution are intended to facilitate construction of the Project. Nothing herein, however, is intended, or should be interpreted, to compromise the District's firm commitment to selecting responsible bidders for the Project.

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

1. EVALUATION OF CONTRACTORS REQUESTING PREQUALIFICATION

The Project Design Manager, District Engineer, and Project Construction Manager and/or their designees herein ("Contractor Evaluation Team") will evaluate the information submitted by each Contractor to assess the Contractor's capability and qualifications.

The Contractor Evaluation Team will evaluate the prequalification packages as follows:

a) The Contractor Evaluation Team will determine which Contractors are responsive to the material terms and conditions of the invitation to submit pre-qualification packages. The Contractor Evaluation Team will then determine which of the responsive Contractors are technically, financially, and otherwise qualified and responsible to perform the Project satisfactorily and who have demonstrated the capacity to meet all other requirements of the Project.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING

b) If a Contractor is found responsive and qualified based upon the information in its prequalification package, the Contractor Evaluation Team will conduct interviews with the Contractors. The Contractor Evaluation Team will not conduct interviews for Contractors determined to be non-responsive or not qualified based on the information in their prequalification packages.

2. ESSENTIAL REQUIREMENTS

(a) All contractors seeking pre-qualification must meet the essential requirements for pre-qualification in Part 1 of the Pre-qualification Questionnaire.

In addition to the essential requirements in Part 1, **all contractors** must:

1. Have successfully completed three (3) HDD projects with a total value of HDD construction of at least \$6 million each within the last five (5) years.

2. Designated Project Manager and Project Superintendent shall have at least 10 years of HDD experience each and shall each have completed successfully at least three (3) HDD projects over the last three (3) years meeting the following minimum criteria:

- a) One project shall be of the same length or longer with a pipe outer diameter at least 80% of this installation; or the pipe shall be of the same outside diameter or larger and at least 80% of the length of this installation. Length of this installation is assumed to be 2100 linear feet and diameter is assumed to be 30-inch outside diameter.
- b) One project shall be of at least 80% of the vertical elevation difference between entry and exit points of this installation which is assumed to be 105 feet.
- c) One project shall have groundwater depth of cover on the installed pipe within 80% of the depth to groundwater cover of this Project which is assumed to be 110 feet (at the deepest point of the drill).
- d) One project shall be constructed with similar soil type as measured by N value and soil classification. This Project contains three soil types within the single drill path. Therefore the Contractor can site three projects, one for each soil type.
- e) Two projects shall be completed using mid-path intercept approach.
- f) One project shall be completed using the same carrier pipe material.
- g) One of the reference projects shall have utilized pipe-rammed steel casing material with an installed barrel length of at least 80% of the longest barrel length specified for this Project, which is estimated to be 270 feet.

3. The designated HDD operator and guidance instrument operator shall each have at least 10 years experience in the installation of pipelines using HDD as the method of installation. The operators shall have each successfully completed a minimum of five (5) projects within the last three (3) years using HDD. At a minimum, the projects shall meet the following:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING

- a) Two projects shall be of the same length or longer with a pipe outer diameter at least 80% of this installation; or the project shall be of the same outside diameter or larger and at least 80% of the length of this installation.
- b) One project shall be of at least 80% of the vertical elevation difference between entry and exit points of this installation which is assumed to be 105 feet.
- c) One project shall have groundwater depth of cover on the installed pipe within 80% of the depth to groundwater cover of this project which is assumed to be 110 feet (at the deepest point of the drill).
- d) One project shall be constructed with similar soil type as measured by N value and soil classification. This project contains three soil types within the single drill path therefore the operator can site three projects, one for each soil type.
- e) Two projects shall be completed using mid-path intercept approach.
- f) One project shall be completed using the same carrier pipe material.
- g) One of the reference projects shall have utilized pipe-rammed steel casing material with an installed barrel length of at least 80% of the longest barrel length specified in this Project, which is estimated to be 270 feet.

4. The designated Mud Engineer shall have at least 5 years experience in the preparation and implementation of Drilling Mud Plans for HDD pipeline installations. The Mud Engineer shall have successfully completed a minimum of five (5) projects within the last three (3) years using HDD. At a minimum the projects shall meet the following:

- a) Two projects shall be of the same length or longer with a pipe outer diameter at least 80% of this installation; or the project shall be of the same outside diameter or larger and at least 80% of the length of this installation.
- b) One project shall be of at least 80% of the vertical elevation difference between entry and exit points of this installation which is assumed to be 105 feet.
- c) One project shall have groundwater depth of cover on the installed pipe within 80% of the depth to groundwater cover of this Project which is assumed to be 110 feet (at the deepest point of the drill).
- d) One project shall be constructed with similar soil type as measured by N value and soil classification. This project contains three soil types within the single drill path therefore the designated Mud Engineer can site three projects, one for each soil type.

5. Provide general liability insurance covering Contractor and Subcontractors with policy limit of at least 5 million dollars per occurrence and 10 million dollars aggregate.

(b) Contractors must meet all of the criteria listed above in order to be pre-qualified, in addition to receiving a passing score on the other evaluation criteria. Contractors who do not meet all of the criteria will not be found qualified to participate in bidding for the contract to construct the Project.

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING

3. APPEAL PROCESS

The Contractor Evaluation Team will notify prospective contractors of the result of the pre-qualification process in writing. Any contractor who is not pre-qualified may appeal the determination to the District General Manager. The appeal process is as follows:

(a) Within five (5) calendar days of receipt of written notice that the contractor has not been pre-qualified, the prospective bidder shall notify the District General Manager of its intent to appeal. The notice of appeal shall be made in writing and delivered to the District General Manager at the address in the Notice Inviting Submission of Pre-qualification Packages. If requested by the prospective contractor in the notice of appeal, the District General Manager shall provide notification in writing of the basis of the disqualification and any supporting evidence received from others or adduced as a result of an investigation by the Contractor Evaluation Team. The District General Manager shall provide this information within five (5) calendar days of receiving the notice of appeal.

(b) Within five (5) calendar days of receipt of the District's information, the prospective bidder shall submit any and all evidence it wants the District General Manager to consider in support of its qualifications to perform the Project or submit a written request for a hearing at which to present evidence. The evidence or request for hearing shall be in writing and delivered to the District at the address in the Instructions for Completion of General Contractors and selected subcontractors Pre-qualification Package.

(c) If the District General Manager receives a timely request for a hearing, the hearing will be held within ten (10) calendar days of the date the District's General Manager receives the request. The hearing will be before the District General Manager or his designee and will be recorded on audio and/or video tape. The prospective bidder may request that the hearing be recorded steno-graphically. If the prospective bidder requests a stenographic record, it shall be solely responsible for arranging the stenographer and paying all costs for the transcript. At the District General Manager's request, the prospective bidder shall furnish the District General Manager with a copy of the transcript, and the District shall pay no more than the cost of the copy.

(d) The District General Manager shall give the prospective bidder written notice of the outcome of the appeal no later than ten (10) calendar days after the hearing is concluded. The District General Manager's decision will be final and binding.

(e) If any of the above deadlines falls on a holiday or weekend day, then the deadline will be the next business day.

The District will strictly enforce the time limits in connection with appeals of determination of Contractor pre-qualification, and the bid date will not be extended on account of any appeal of a determination that a contractor is not qualified to submit a bid for the contract to construct the Project.

If a prospective bidder does not appeal a denial of pre-qualification through the process described above, the District's Contractor Evaluation Team's decision on pre-qualification may be adopted without further proceedings. **Failure to appeal within the time set forth**

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING

above shall be deemed a failure to exhaust administrative remedies and act as a bar to subsequent litigation or other claims procedures.

4. AUTHORITY OF GENERAL MANAGER

The District General Manager is authorized to modify the Model Forms created by the Department of Industrial Relations for Pre-qualification of Contractors Seeking To Bid On Public Works Projects and to prepare Pre-qualification Packages consistent with this Resolution.

5. MISCELLANEOUS

(a) A Contractor's pre-qualification status will immediately terminate if (1) the contractor's contracting license is suspended or terminated for any reason by the California State Licensing Board; (2) the Contractor is convicted of any crime or moral turpitude, (3) the District determines, after the Contractor is given the opportunity to respond, that the Contractor's application contains information that is materially false; or (4) the Contractor's control over a public works contract, whether within the District's jurisdiction or otherwise, is terminated for cause.

(b) Failure of a Contractor to give District written notice of changes in the information previously provided in its Pre-qualification Package within ten (10) days before a bid opening will result in the Contractor being ineligible to bid on the Project.

(c) Nothing contained within this Resolution, or otherwise, will require the District to rate or consider Contractors who have submitted documents that are materially false, substantially incomplete, or are untimely. Any Contractor who submits such documents will be deemed to have waived its right to be considered for bidding on the Project.

(d) The District's General Manager in his sole discretion at any time during the pre-qualification process, even after receiving and scoring applications, may cancel the pre-qualification process. If the pre-qualification process is cancelled as provided herein, and the District wishes to proceed with the Project, then the normal competitive bidding rules will apply. The District shall not be liable for the cost of prospective contractor may have incurred by submitting an application for pre-qualification, and the submittal of a pre-qualification application is a waiver to claim any such cost or losses due to cancellation of the process.

(e) Nothing contained in this Resolution is intended to delay or postpone the date for submitting and opening bids. Accordingly, to the extent practicable, the District's General Manager, or designee, will expedite the appeals process set forth here.

(f) This Resolution will remain effective until repealed or is superseded by subsequent Resolutions.

(g) This Resolution will take effect immediately upon adoption.

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

AYES:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR SUPPLEMENTAL WATER PROJECT BID PACKAGE 1 – SANTA MARIA RIVER CROSSING

NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 14th day of November, 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: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: NOVEMBER 8, 2012

**AGENDA ITEM
E-6
NOVEMBER 14, 2012**

**CONSIDER A BUDGET AUGMENTATION WITH HAMNER, JEWELL &
ASSOCIATES FOR PROPERTY NEGOTIATION SERVICES IN THE
AMOUNT OF \$32,000 IN SUPPORT OF SUPPLEMENTAL WATER
PROJECT PROPERTY ACQUISITION**

ITEM

Consider approving a \$32,000 Budget Augmentation for Hamner, Jewell & Associates for property negotiation services. [RECOMMEND APPROVE \$32,000 BUDGET AUGMENTATION AND AUTHORIZE STAFF TO EXECUTE TASK ORDERS].

BACKGROUND

On June 25, 2008, your Honorable Board authorized execution of a \$20,000 Task Order Agreement with Hamner, Jewell & Associates for the initiation of property negotiation services related to the Supplemental Water Project. An additional \$10,000 was authorized a year later in July 2009 to continue project support. The firm led initial contacts with effected property owners; prepared right of entry documents to perform geotechnical investigations, prepared license agreements with both San Luis Obispo and Santa Barbara Counties for work related to the river crossing.

In July 2010, your Board reviewed and approved a project scope and budget amendment for \$40,000 authorizing Hamner, Jewell & Associates to assist the District in completing the necessary right-of-way acquisition process on seven properties. Services included primary contact and negotiation with property owners for easement acquisition, agreement negotiation, and final acquisition.

Hamner, Jewell & Associates made significant progress toward the completion of right-of-way acquisition through 2010 and 2011. Due to protracted negotiations, your Board approved a \$12,000 budget augmentation with the firm in late 2011. At the time of the failed pipeline funding vote (May 2012) three of seven needed agreements were in place. Of the four remaining, two owners were awaiting outcome of the funding vote, and most if not all aspects of the agreements were set. Negotiations with the other two property owners had fallen off and preparations were being made to pursue administrative remedies.

Property acquisition efforts have been idled since May with the exception of completing the acquisition of one parcel where a contingent offer stood – your Board elected to perfect that offer by paying the acquisition fee (\$13,200) despite the failed funding vote.

On September 12, 2012, your Board approved a Scope Amendment with AECOM for Supplemental Water Project Phase 1 Final Design. The approved Design Project schedule calls for soliciting bids at the end of January 2013. The overall schedule is focused on preserving a Spring 2013 – Spring 2014 construction schedule should your Board resolve that an intertie pipeline with the City of Santa Maria is the most cost efficient and viable means of obtaining supplemental water.

The District must acquire property right-of-way before bidding a construction project so that easement agreements can be included with the bid documents thereby giving bidding contractors a clear picture of construction constraints.

Staff contacted Hamner, Jewell & Associates and requested a proposal for continuing services on this project (See Attachment A). The request includes up to \$18,500 for updated appraisals of the property, should they be required, and \$13,500 for Hamner Jewell & Associates staff time in reinitiating negotiations and perfecting the remaining right of way agreements.

FISCAL IMPACT

Funds for Professional Services are included in the FY 2012-2013 Budget. Supplemental Water project services contracts are funded from Supplemental Water Capacity charges and general tax secured certificates of participation.

In 2011, the intertie pipeline Supplemental Water project was awarded a \$2.3M grant as part of a \$10.2M Integrated Regional Water Management grant award to the County by Department of Water Resources. Continued delay in the construction time line for this supplemental water project threatens this grant award.

There is already an estimated \$3.5M funding gap between the estimated cost of the phased intertie line project and available District funding. See chart below.

Potential funding availability for the project is as follows:

Description	Estimated Cost
DWR Proposition 84 Grant	\$ 2,300,000
Funds Currently Available – Fund 500 and Fund 600	\$ 3,900,000
New COP secured by remaining property tax revenue	\$ 4,600,000
Funding Gap, possible loan from Fund 700 and/or Fund 805 secured by water sales revenue	\$ 3,500,000
Estimated Total From All Funding Sources	\$14,300,000

RECOMMENDATION

Staff recommends your Board, by motion and roll call vote, approve a \$32,000 budget augmentation with Hamner, Jewell & Associates and direct staff to issue a Task Order and revise the project Not-to-Exceed to \$114,000.

ATTACHMENTS

- A. September 25, 2012 Hamner, Jewel & Associates Proposal

NOVEMBER 14, 2012

ITEM E-6

ATTACHMENT A



HAMNER, JEWELL & ASSOCIATES

Government Real Estate Services

a division of Beacon Integrated Professional Resources, Inc.

California Real Estate License Corporation Number 01298223

Ventura County Office: 4476 Market Street, Suite 601, Ventura, California 93003

Tel: (805) 658-8844 Fax: (805) 658-8859

San Luis Obispo County Office: 340 James Way, Suite 150, Pismo Beach, California 93449

Tel: (805) 773-1459 Fax: (805) 773-2418

Writer's e-mail address: ljewell@hamner-jewell.com

September 25, 2012

Michael LeBrun
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444-0326

Subject: Nipomo Community Services District – Intertie Project
(General File) **Proposal for Reinstating Property Acquisition Process**

Hi Michael,

In response to your request, this is to provide you with a proposal for reinstating the property acquisition efforts on the following properties:

- Troesh (easement for pipeline)
- Durley (easement for pipeline)
- Linda Vista (fee acquisition for tank(s) and pump station, plus pipeline and access easements)

Additionally you would like our assistance in seeking the County of Santa Barbara's execution of the License Agreement authorizing the pipeline installation across the Santa Maria River levee, which was negotiated in the past but never finalized by the County, reportedly due to the failed assessment vote.

This proposal covers time for Hamner Jewell & Associates staff to reinitiate efforts to acquire right of way from the properties listed above, along the same project alignment as previously identified, plus costs for updated preliminary title reports and new or updated appraisals for each of the three privately-owned properties. Updates of these items are necessary due to the age of the prior title reports and appraisals. Due to time gaps, the District will basically need to start over with updated title reports, appraisals, offers, negotiations, and the execution and processing of purchase agreements to complete the property acquisition process. Based upon the assumption that all of these steps will be required, we suggest a budgetary allocation of **\$32,000**

This budgetary estimate allocates a maximum of **110 hours** of Hamner, Jewell & Associates staff time plus up to \$18,500 in third party expenses and reimbursable costs (title reports, appraisals, mileage, postage, and delivery expenses), and assumes that the County will be cooperative at a future date and will process for Board of Supervisors approval the License Agreement that was previously negotiated, with no further fees payable to the County by the District. If the County will not honor all that prior work effort and instead requires starting over with negotiations for a License Agreement, or if they require the payment of compensation or fees associated with processing and approving the License Agreement, this will lead to the need for larger budgetary allocations. This proposed budget only allocates only nominal HJA staff time to support the processing of the prior License Agreement for County approval. If you are concerned that the County could require a complete "start over" in negotiating the terms and provisions of a License Agreement, then we should add in additional contingency to the proposed budget. Hopefully this will not be the case.

Of course, we will bill only for time and expenses necessary to complete the District's goals, in accordance with the provisions of our attached Time and Materials Fee Schedule. Upon your authorization to proceed, we will first contact each property owner to discuss the District's current project plans and the fact that the District will be proceeding with the project regardless of the prior assessment district issues, and that the District has the money to proceed with this segment and wishes to finalize the needed property rights acquisitions at this time. If it is possible to pick up where we left off before the assessment vote and reach a purchase agreement with these property owners without the need for updated appraisals, we will certainly first attempt to do so. Only when we determine no owner responsiveness to this effort would we proceed with the re-appraisal process. Once re-appraised, we would re-make written offers to acquire the needed property rights based upon the new appraisals. The appraisals, when completed, will be submitted to the District for review and pre-approval before we proceed with offer presentations. All offers will be made in accordance with Government Code and eminent domain requirements to preserve the District's rights and options for completing the acquisitions of these needed property rights.

Note that the project timeline can also affect our budget. This budget is based upon a presumed timely authorization to proceed and prompt follow up efforts to pursue this scope of work between now and the end of this year. In this way, we can help you protect your construction schedule and your goal of initiating construction in the river area in the limited access period of April through October, in 2013. If the timeline for proceeding with these purchases is extended into next year, due to delays in authorizations to conclude negotiations, contingencies that prohibit the ability to conclude the acquisition process, or extended complex negotiations that are allowed to extend into next year, this would lead to increased time and thereby likely increased costs of acquisition services.

We hope that this provides you with the information that you need at this juncture as you review District options to continue to pursue a supplemental water project for Nipomo. We are pleased to assist you with the property acquisition needs of this project. Please feel free to call on us if we can be of further assistance as you evaluate options, or if you have any questions about the information, proposed timelines and budgets provided in this proposal letter.

Thank you for the opportunity to be of assistance to you and the Nipomo Community Services District.

Sincerely,



Lillian D. Jewell

Att: 2012 Time and Materials Fee Schedule, for Annual Contract Clients

HAMNER, JEWELL & ASSOCIATES
a division of BEACON INTEGRATED PROFESSIONAL RESOURCES, INC.

2012

(Same rate for 4 consecutive years – 2009, 2010, 2011, and again for 2012)

TIME AND MATERIALS FEE SCHEDULE
For Annual and Multi-Annual Professional Services Contract Clients

Managing Senior Associate	\$160 an hour
Legal Support	\$160 an hour*
Senior Associate II	\$145 an hour
Senior Associate I	\$120 an hour
Associates II	\$100 an hour
Associates I	\$ 90 an hour
Assistants	\$ 70 an hour

These rates are inclusive of secretarial support and general office expenses, overhead, and profit. Reimbursable costs that may be passed through to the client as additional expenses include travel expenses (based upon the standard IRS mileage reimbursement rate, or actual expenses for travel outside of the tri-county area of Ventura, Santa Barbara, and San Luis Obispo), special handling fees such as certified, express mail, and delivery charges, photography and third party photocopy expenses, certain project/client-specific telephone expenses, and other charges made by third parties in connection with performing the scope of services. Such third party expenses may include, but are not limited to, such costs as moving bid fees, title and escrow company charges, and appraisal fees. Fees charged by insurance companies for issuing insurance certificates for client per contract requirements will also be billed through to client for reimbursement.

All third party expenses will be billed to the client at cost plus 10%, with appropriate invoices or other appropriate documentation provided for reference. Mileage and travel costs will be passed through without mark-up.

Statements for work shall be rendered monthly. Payments are due within 30 days. Payments not received within said period will accrue interest at a rate of 10% per annum.

At all times, by pre-directive, our clients may structure and direct our efforts and general time expenditures so as to maintain control of the course and cost of our services.

If Hamner, Jewell & Associates (“HJA”) is called upon or compelled to provide support for litigation or other proceedings, or respond to subpoenas in any way whatsoever related to the work HJA has completed on client’s behalf, client shall pay HJA for required time in accordance with the hourly rates and fees specified in this Fee Schedule, except, however, any time for court testimony and depositions shall be paid at a rate of \$250/hour for HJA Senior Associates, \$200/hour for HJA Associates, and \$135/hour for HJA Assistants. HJA shall additionally be reimbursed for all out-of-pocket and overhead expenses in connection with such proceedings. This provision shall survive the term of the contract.

Rates may be adjusted on January 1 of any year, with thirty days advance written notice.

* At the request of several of our clients, this billing rate category has been added specifically in relation to the qualifications and services of Robert McDowell and Cathy Springford who, as licensed attorneys, can provide cost effective support and coordination with client legal counselors. Hamner, Jewell & Associates does not, however, provide legal representation or counsel; we work closely with the legal counsel of our clients to cost effectively assist in resolving any legal matters associated with services we provide.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: NOVEMBER 8, 2012

AGENDA ITEM
E-7
NOVEMBER 14, 2012

REVIEW WATER CONSERVATION PROGRAM 2012 ACTIVITY AND DISCUSS PROGRAM DIRECTION IN 2013

ITEM

Review District Water Conservation Program and discuss Program direction [RECOMMEND RECEIVE REPORT AND DIRECT STAFF]

BACKGROUND

The District adopted its Water Conservation Program in February 2008 with the primary goal of reducing water use by 15% utilizing a number of core and non-core conservation measures.

The core program measures include:

- Public outreach and education
- Advertising
- Workshops
- Technical assistance (leak detection and water audits)
- Conservation-based, multi-tiered water rate structure

The non-core measures are rebates for: plumbing retrofits, high efficiency clothes washers, removal of lawn, and installation of 'smart' irrigation controller.

All core measures, with the exception of 'workshops', were actively implemented in 2012. Of the non-core measures, only clothes washer rebates were offered in 2012.

In 2004, water use per person per day within the District peaked at 257 gallons. In 2007, the year prior to District adoption of its Conservation Program, per capita water use stood at 226 gallons per day.

In 2011, District per capita use was 182 gallons per day – a near 20% decrease since 2007 and a near 30% decrease from the 2004 peak usage rate.

In 2006, the District established a full-time Water Conservation and Public Outreach position. The position has been vacant since early 2011. The District utilized a combination of reassignment of duties and consulting services to continue program implementation and maintain compliance with CA Urban Water Conservation Council recommended Best Management Practices. With the adoption of the District's FY 2012-2013 budget, the Water Conservation and Public Outreach position was formally eliminated and District Water Conservation Program duties were transferred as follows:

- Program Administration – Assistant Engineer, with consulting services as needed.
- Customer Service and Education – Office staff and Operations Customer Service Workers.

- Outreach – Public Information Assistant
- Classroom Education (grades K-6) – by contract (no change)

2012 Summary of accomplishments:

- Implemented a four-tier water conservation rate structure in compliance with CA Urban Water Conservation Council guidelines and Best Management Practices. The fourth tier water rates apply at 100 units of water use (average District customer uses ~40 units per two-month billing period) and cost **300%** of what first tier water cost. This rate escalation provides a strong monetary signal to reduce water use. The full impact of this change will take a number of years to be felt as customers adjust their water use patterns over time.
- Answered approximately 1,300 calls from customers with questions about saving water/money. Each call is handled by a staff person who is informed on leak detection and basic water conservation and irrigation measures. Questions are answered and callers are directed to the District web resources and/or offered a 'service' visit by District Customer Service staff.
- Each month, staff reviews water meter read data and contacts property owners by door hanger - notice if usage appears abnormally high. The District made approximately 270 such pro-active notifications to customers this year.
- As of October 16, 2012, staff made 103 service calls to investigate leak reports/high water use. These service calls provide face-to-face, hands on, counseling/education on water conservation, irrigation practices, and leak detection.
- Distributed 'Water Ways – The Story of Your Water' newsletter to all 3-6 grade teachers in Nipomo-area public schools (Dana, Nipomo, and Dorothea Lange schools) to promote a District sponsored conservation presentation to area students. Presented 'The Story of Your Water' training to twelve classes, approximately 340 students grades 3-6
- Maintained and promoted the District's existing high efficiency clothes washer rebate program with 22 rebates issued through September of this year, 209 rebates issued over life of program (over \$15,000 rebated over life of program).
- Maintained compliance with ever-evolving CA Urban Water Conservation Council requirements and Best Management Practice recommendations.
- Maintained active water conservation reminders in billing, lobby area, and Adobe Press. With Spring, Summer and Fall reminder advertisements on irrigation practices run in the Adobe Press and conservation oriented bill-inserts in two of the six 2012 water bills.
- Participated with Countywide *Partners for Water Conservation* to implement a County tailored website to aid home owners in plant selection and water conservation practices throughout their landscape (see: www.slowaterwiselandscaping.com).

While it is evident the District water conservation progress continues, the formalization of program assignments and filling of key staff vacancies (Assistant Engineer and Public

Information Assistant vacancies are approved to be filled in early 2013), will help the Program make significant progress in the coming years.

2013 Program Direction

Staff is developing a tracking system to more accurately capture customer-staff interactions related to water conservation. The new tracking system will be in place by January 1, 2013. Ongoing leak detection efforts will be improved as necessary and be more formally tracked and reported as well.

In 2013, the District will review, improve, and more aggressively promote its water audit (exterior and interior) program.

In 2013, a five-year review of the District's Water Conservation Program will be undertaken. The CA Urban Water Conservation Council requires a formal review of District compliance with its recommended Best Management Practices be provided by April 2013. This review of Management Practices will provide the basis for comprehensive program review.

The Water Conservation Committee considered this report on October 25, 2012 and provided additional direction to staff – *see minutes from the meeting under Committee Reports on this Agenda.*

FISCAL IMPACT

District water conservation efforts are included in the 2012-2013 fiscal budget.

RECOMMENDATION

Staff recommends that your Board receive the presentation, ask questions, and direct staff.

ATTACHMENTS

None

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



LAFCO REQUEST FOR NOMINATIONS

ITEM

Consider Local Agency Formation Commission's request for nominations to fill Special District Seat. [DISCUSS AND NOMINATE CANDIDATE].

BACKGROUND

Cambria CSD Director Muril Clift's Special District seat on LAFCO expires in December 2012. The Commission is seeking nominations for this seat.

FISCAL IMPACT

None.

RECOMMENDATION

Consider the information, should your Board desire, provide a nomination and direct staff to file paper work.

ATTACHMENTS

- A. November 8, 2012 LAFCO Request

NOVEMBER 14, 2012


ITEM E-8

ATTACHMENT A



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

TO: EACH INDEPENDENT SPECIAL DISTRICT

FROM: DAVID CHURCH, LAFCO EXECUTIVE OFFICER 

DATE: NOVEMBER 8, 2012

**RE: REQUEST FOR NOMINATIONS FOR LAFCO
SPECIAL DISTRICT MEMBER**

COMMISSIONERS

BRUCE GIBSON
Chair, County Member

ED EBY
Vice Chair,
Special District Member

MURIL CLIFT
Special District Member

JAMES R. PATTERSON
County Member

DUANE PICANCO
City Member

RICHARD ROBERTS
Public Member

KRIS VARDAS
City Member

ALTERNATES

ROBERTA FONZI
City Member

FRANK R. MECHAM
County Member

TOM MURRAY
Public Member

MARSHALL OCHYLSKI
Special District Member

STAFF

DAVID CHURCH
Executive Officer

RAYMOND A. BIERING
Legal Counsel

MIKE PRATER
Analyst

DONNA J. BLOYD
Commission Clerk

The term of the Special District seat currently held by LAFCO Commissioner Muril Clift expires in December 2012. Mr. Clift was recently re-elected to the Cambria Board of Directors. If no other candidate is nominated, Mr. Clift would be re-appointed as Commissioner without a follow-up election.

Background. The appointment could not be completed by the Independent Special District Selection Committee due to the difficulty in gathering a quorum. In the event that a meeting of the Selection Committee is not feasible, the Government Code allows the LAFCO Executive Officer to conduct the business of the committee in writing or via e-mail. At their October 19, 2012 meeting the Special Districts Association (acting as the Selection Committee) requested that the Executive Officer complete the election process via e-mail as allowed in the government code.

Instructions. Nominations are required to be submitted in writing within 30 days of this notice; late nominations will not be considered. A nomination must be approved by the District's governing body. If your District's Board of Directors decides to nominate someone, please submit the nomination form to this office by **5:00 p.m. on December 10, 2012**. The completed nomination form may be submitted to the LAFCO office via Mail, Fax-788-2072, or e-mail-DChurch@slolafco.com. If more than one nomination is received, the Executive Officer shall prepare and send by electronic mail to each independent special district a ballot with voting instructions.

A nomination form is attached to assist you. Also, the LAFCO website (www.slolafco.com) has additional information about LAFCO. Please call me at 781-5795 if you have any questions.

cc: Members, Formation Commission

1042 Pacific Street, Suite A • San Luis Obispo, California 93401
Tel: 805.781.5795 Fax: 805.788.2072 www.slolafco.com

**NOMINATION FOR LAFCO
SPECIAL DISTRICT MEMBER**

The _____
(Insert Name of Special District)

Hereby nominates _____ to serve as the
(Insert Name of Nominee)

Special District Member on the San Luis Obispo Local Agency Formation Commission (LAFCO).

Board of Director's action in the nomination was taken on:

(Insert Date of Board Action)

(General Manager or Chairman/President)

(Email address)