



Legislation Details (With Text)

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**Title:** District Engineer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 190141B (LBRID) with Specialized Utility Services Program (SUSP) to extend the term of the contract by one year and increase the total contract amount by \$20,000 for a new maximum of \$347,396 for Fiscal Year 2022-2023.

**Sponsors:** Board of Supervisors

**Indexes:**

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**Attachments:** 1. Agreement

Date	Ver.	Action By	Action	Result
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**TO:** Members of the Governing Board

**FROM:** Christopher Silke, District Engineer

**REPORT BY:** Annamaria Martinez, Assistant Engineer

**SUBJECT:** Amendment No. 3 to Agreement No. 190141B (LBRID) with Specialized Utilities Services Program (SUSP) for O&M Services

**RECOMMENDATION**

District Engineer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 190141B (LBRID) with Specialized Utility Services Program (SUSP) to extend the term of the contract by one year and increase the total contract amount by \$20,000 for a new maximum of \$347,396 for Fiscal Year 2022-2023.

**EXECUTIVE SUMMARY**

Board approval of Amendment No.3 to Agreement No. 190141B (LBRID) will increase the SUSP contract amount by \$20,000 to cover unanticipated non-scheduled work for a new maximum of \$347,396 for Fiscal Year 2022-2023, and will allow SUSP to continue operating the District's water and wastewater facilities through June 30, 2023.

The Amendment will also extend the term of the Agreement by one year, to allow District staff more time to prepare a Request for Proposals for the next OM&M services contract while concurrently focusing on major capital projects underway at the District.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Lake Berryessa Resort Improvement District Operations Budget Fund: 5220, Org: 5220000, Object 52490
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Due to additional operator overtime and repair supplies needed in response to the drought, as well as additional oversight needed for unanticipated afterhours call-outs unrelated to the drought, the non-scheduled work allowance for the year has been exhausted, and the remaining contract balance is insufficient to compensate SUSP for the remainder of the Fiscal Year. Additionally, the amendment extends the term of the contract to allow District staff sufficient time to issue a competitive RFP for the same services, while focusing on major capital improvement projects already underway.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	Without the approval of the Amendment, LBRID will be unable to pay SUSP for O&M services throughout the term of the contract, and the Agreement would terminate leaving the District without certified operations staff.
County Strategic Plan pillar addressed:	Effective and Open Government

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

The District is a special district of the State of California organized under the Resort Improvement District Law (Public Resources Code Section 13000 et seq.) for the provision of water and sewer service in an unincorporated portion of the County of Napa, which includes Unit 2 of the Berryessa Estates.

Specialized Utilities Services Program (SUSP) has provided Operation, Management and Maintenance (OM&M) services for the District's water and wastewater facilities since October 2018, after their proposal to provide OM&M services was selected as the most responsive to a published RFP/Q in July 2018. Two Contractors submitted proposals and SUSP were determined to be the more qualified firm, and on October 1, 2018 the Board executed an agreement with SUSP for a base annual amount of approximately \$280,493 to provide the requested OM&M services of the District's water and wastewater facilities, plus an allowance of \$12,000 for non-scheduled work, for a total contract amount of \$292,493. The term of the agreement allows for

automatic annual renewal for five years, adjusted each fiscal year then beginning (July 1 through the next June 30) in an amount equal to the change in the San Francisco Bay Area-All Urban Consumers Price Index for the preceding year. The contract amount for Fiscal Year 2022-23, including the non-scheduled work allowance, is \$315,396.

The continuation of the drought through the summer of 2022 severely impacted the District's water supply, requiring extensive operator overtime to secure the District's water supply during the drought, as well as additional oversight needed for unanticipated afterhours call-outs unrelated to the drought between July 2022 and March 2023, the non-scheduled work allowance for the year has been exceeded, and the remaining contract balance is insufficient to compensate SUSP for the remainder of the Fiscal Year.

After reviewing the remaining Agreement balance, District staff prepared Amendment No. 3 to increase compensation for the current fiscal year in order to cover costs associated with operating and maintaining the District's facilities. The Amendment includes funds to cover the non-scheduled work between July 2022 and March 2023 and funds to cover the monthly OM&M charge and projected non-scheduled work for the remaining months in the fiscal year - \$20,000. Total expenditure of the requested Amendment amount is not guaranteed, but will be based on actual work performed for the remainder of the year.

Additionally, the term of the Agreement is scheduled to expire on June 30, 2023, however, due to two major capital project that are underway, and limited staff time available to complete a competitive Request for Proposals (RFP) for operations and maintenance services from qualified vendors, the District would like to extend the term of the existing contract by one year. District staff will issue the RFP document in early 2024 with intent to award a new operations and maintenance contract that commences on July 1, 2024.

Board approval of Amendment No. 3 to Agreement No. 190141B (LBRID) will extend the term of the contract with SUSP by one year and increase the total contract amount by \$20,000 for a new maximum of \$347,396 for Fiscal Year 2022-2023.

SUSP is not a local vendor.