



Legislation Text

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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. 190142B (NBRID) with SUSP for Operations & Maintenance Services

RECOMMENDATION

District Engineer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 190142B (NBRID) with Specialized Utility Services Program (SUSP) extending the term of the contract by one year, and increasing the amount by \$135,000 for a new maximum of \$447,553 for Fiscal Year 2022-2023 to provide continued operations, management, and maintenance services for the District's water and wastewater facilities through June 30, 2023.

EXECUTIVE SUMMARY

Board approval of Amendment No.3 to Agreement No. 190142B (NBRID) with SUSP will extend the term of the contract by one year and increase the contract amount by \$135,000 to cover unanticipated non-scheduled work for a new maximum of \$447,553 for Fiscal Year 2022-2023, which will allow SUSP to continue operating the District's water and wastewater facilities through June 30, 2023. The contract will only be presented to the Chair for signature if the Napa County Board of Supervisors approves a loan to the District to allow us to fund this contract. The loan request is on the Napa County Board of Supervisors agenda for potential action today.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Napa Berryessa Resort Improvement District Admin Budget Fund: 5240, Organization: 5240000
Is it Mandatory or Discretionary?	Discretionary

Discretionary Justification:	Due to extensive operator overtime and repair supplies needed in response to winter storms and unexpected equipment failures, 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. 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:	The recommended increase in compensation is for the current fiscal year only.
Consequences if not approved:	Without the approval of the Amendment, NBRID 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: 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

NBRID 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 1 and 2 of the Berryessa Highlands and the Oakridge 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 when their proposal to provide OM&M services was selected as the most responsive to an RFP/Q published in July 2018. Two Contractors submitted proposals and SUSP was 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 \$267,292 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. 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 2020-2021, including the non-scheduled work allowance, was \$297,238.

Amendment No. 1, approved on May 18, 2021, increased the amount of the contract by \$40,000 for fiscal year 2020-21, to compensate SUSP for additional non-scheduled oversight of the water and wastewater systems after the August 2020 LNU Lightning Complex Wildfires burned through the community, destroying over 100 homes and damaging water and sewer infrastructure owned by the District.

Amendment No. 2, approved on April 19, 2022, increased the amount of the contract by \$20,000 for fiscal year 2021-22, to compensate SUSP for additional non-scheduled oversight of the water and wastewater systems to correct multiple process and control malfunctions at both the water and wastewater plants between July 2021 and December 2021.

For the current fiscal year, process and control issues continued to plague the water and wastewater treatment plants in the first half of the fiscal year, and between December 2022 and March 2023, multiple atmospheric river storms overwhelmed the District's treatment systems, requiring extensive overtime and supplies to maintain service to District customers. 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 continued operations and maintenance activities at District's facilities through the end of the fiscal year.

Amendment No. 3 includes funds to cover the non-scheduled work between July 2022 and March 2023 and funds to cover the monthly OM&M charge and potential non-scheduled work for the remaining months in the fiscal year, or approximately \$135,000. 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 through this Amendment by one year. District staff will issue the RFP document in early 2024 with intent to award a new operations and maintenance contract commencing on July 1, 2024.

Board approval of Amendment No. 3 to Agreement No. 190142B (NBRID) with SUSP will extend the term of the Agreement by one year and will increase the contract amount by \$135,000 to cover unanticipated non-scheduled work for a new maximum of \$447,553 for Fiscal Year 2022-2023 and will allow SUSP to continue operating the District's facilities through June 30, 2023. Approval of the Amendment is contingent upon approval of a loan request to the Napa County Board of Supervisors.

SUSP is not a local vendor.