



**REVISED**

## Board Agenda Item 52

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DATE: April 9, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Award Contract 23-02-C County Service Area 31 Shaver Lake Wastewater Treatment  
Plant Sludge Hauling and Disposal

**RECOMMENDED ACTION(S):**

**Adopt plans and specifications for Contract 23-02-C County Service Area 31 Shaver Lake Wastewater Treatment Plant (WWTP) Sludge Hauling and Disposal and award the contract to the Shaver Lake Construction, 41681 Tollhouse Road, Shaver Lake, CA 93664, in the total amount of \$930,221.**

Approval of the recommended action will authorize the award of a County funded wastewater project. This item pertains to a location in District 5.

**ALTERNATIVE ACTION(S):**

If the recommended action is not approved, the project will be delayed or will not be constructed.

**FISCAL IMPACT:**

There is no Net County Cost associated with the recommended action. The anticipated construction cost for the project, based on the bid amount and Director's allowance for change orders of \$59,011, is \$989,232. FEMA has committed to funding approximately \$125,000 of this project and has rejected the remaining majority of the costs. There is a potential through an ongoing appeal process for reimbursement through FEMA and/or the California Office of Emergency Services (OES). Should the appeal be unsuccessful, and the funding is not provided by FEMA or OES, the project will be funded by the by districts that utilize the Shaver Lake Wastewater Treatment Plant. If there are not sufficient revenues and appropriations to fund the project through those systems, it would be necessary to initiate a Prop 218 Process for CSA 31B and WWD 41S to increase rates and fund the project. Sufficient appropriations and estimated revenues are included in the Department of Public Works and Planning Org 9140 FY 2023-24 Adopted Budget.

**DISCUSSION:**

The Shaver Lake WWTP, which provides sewer services for over 1,400 residents, was damaged by the Creek Fire in September of 2020. The facility lost power, which resulted in a prolonged cessation of operations, including stopping the facility's aeration system which killed many of the bacteria that typically digest the waste. This resulted in a disruption of the facility's microbiome, which caused debris and substantial sludge buildup to collect at the bottom of the aeration sewer treatment pond. The debris and dead sludge must be removed in order to rehabilitate the facility's treatment process. The project was included in the County's original project listings for the incident. In February 2023, FEMA issued a Determination Memorandum to deny most of the proposed project under the premise that the project would create improvements beyond the pre-existing conditions, and that the sludge (or a substantial portion of it)

could have been the result of standard operations. The County has contested that position in an appeal which is pending response, and which was supported by Congressmen McClintock and McCarthy. If FEMA does ultimately deny the appeal, the OES staff has suggested (though not guaranteed) that their agency could potentially still approve the project for a lesser (non-Federal) reimbursement.

The work to be done consists, in general, of pumping, hauling and properly disposing approximately 800,000 gallons of sludge and scarifying and hauling and properly disposing approximately 700 tons of soil from the bottom of the existing aeration sewer treatment pond.

While this project was advertised to contractors in accordance with Fresno County Ordinance Code 4.08.030 and 4.08.050, as well as the California Uniform Public Construction Cost Accounting Act (CUPCCAA) and section 22034 of the Public Contract Code, no bids were received. A contractor database of potential contractors is maintained by the Department and the Notice to Bidders was emailed on May 2, 2023 to a total of 189 contractors and 27 exchanges from that database, including the five exchanges required by CUPCCAA. On May 8, 2023, the project was also advertised in the Business Journal, meeting the requirements to advertise at least fourteen calendar days before the date of the bid opening. Nine people registered as planholders and an onsite pre-bid conference was held on May 16, 2023, which was attended by seven people, representing four firms.

A bid opening was held on June 1, 2023. Since no bids were received, in accordance with Public Contract Code section 22038(c), Shaver Lake Construction was selected under a negotiated contract. They performed other similar work as part of the 2020 Creek Fire repairs at the Shaver Lake WWTP.

The amount proposed of \$930,220.80, from Shaver Lake Construction, was \$237,470.80 or 34.28% higher than the engineer's estimate of \$692,750.

Plans and Specifications were prepared by Department staff and are on file with the Department. It is anticipated that construction will commence in May 2024 and will be completed in Fall 2024.

#### California Environmental Quality Act (CEQA)

Department staff have determined that the County Service Area 31 Shaver Lake Wastewater Treatment Plant Sludge Hauling and Disposal project is categorically exempt from the provisions of CEQA under Section 15301(b) - Existing Facilities.

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

#### CAO ANALYST:

Salvador Espino