



Board Agenda Item 47

DATE: April 17, 2018

TO: Board of Supervisors

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

SUBJECT: Agreement with Luhdorff and Scalmanini, Consulting Engineers for development of a Groundwater Sustainability Plan

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Luhdorff and Scalmanini, Consulting Engineers has the specific expertise to provide consultant services to prepare a Groundwater Sustainability Plan for Fresno County Management Areas A and B Groundwater Sustainability Agencies, within the Delta-Mendota Groundwater Subbasin; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Luhdorff and Scalmanini, Consulting Engineers in the amount of \$701,186, which includes \$581,186 for services and out-of-pocket costs, plus authorization to the Director of Public Works and Planning to increase any or all of the components by a cumulative total of no more than \$120,000, for preparation of a Groundwater Sustainability Plan for Fresno County Management Areas A and B Groundwater Sustainability Agencies, within the Delta-Mendota Groundwater Subbasin; and**
- 3. Direct Department of Public Works and Planning staff to submit to the Department of Water Resources a notice, pursuant to Water Code Section 10727.8 of the Sustainable Groundwater Management Act, indicating that the County of Fresno intends to undertake the development and implementation of a Groundwater Sustainability Plan for Fresno County Management Areas A and B Groundwater Sustainability Agencies.**

Approval of the recommended actions will authorize an agreement for consultant services by Luhdorff and Scalmanini Consulting Engineers (LSCE) to prepare a Groundwater Sustainability Plan (GSP) for Fresno County Management Areas A and B (See Exhibit A Groundwater Sustainability Agencies (GSAs). The plan is required pursuant to Water Code Section 10727. The proposed agreement between the County and LSCE specifies the consultant's and County's obligations, and compensation including an allowance for extra services if needed. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, it would likely result in increased costs and delay of preparing the required GSP by the January 31, 2020 deadline. If the GSP is not submitted by the deadline, intervention from the State Water Resources Control Board (State) could

occur, which would result in the State managing local groundwater resources in those areas.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process consistent with Administrative Policy No. 34 results from the fact that LSCE possesses the specific expertise and experience necessary to successfully complete GSP development. LSCE has trained staff with the necessary expertise and understanding of the geology and hydrogeology within Delta-Mendota Subbasin Management Areas A and B. Coupled with groundwater-related investigations and monitoring in the area for over 20 years, LSCE is best suited for the development of the GSP.

The Internal Services Department, Purchasing Division concurs with the Department's request to suspend the competitive bidding process. A copy of the Suspension of Competition form is attached as Exhibit B.

FISCAL IMPACT:

There is no additional increase in Net County Cost associated with the Recommended Actions for the remainder of FY 2017-2018. Sufficient appropriations and estimated revenues are included in the County Administrative Office's FY 2017-2018 budget in Org 2540 (Interest and Miscellaneous Expenditures) to cover the tasks expected to be completed by June 2018. Additional appropriations will be requested for the duration of the term to cover the tasks.

The Department is also exploring options to offset County costs and has met with representatives of individual landowners within Management Areas A and B who have expressed a willingness to financially contribute towards GSP preparation. Department staff is working with County Counsel to determine an appropriate method for this to occur. In addition, the County is expected to receive an allocation in the amount of \$ 207,504, awarded by the Department of Water Resources (DWR), Sustainable Groundwater Planning Grant Program for the Delta-Mendota Subbasin, which will offset a portion of the GSP and future costs. The expected grant amount is not reflected in the proposed agreement amount and would require subsequent Board action to execute a grant agreement.

DISCUSSION:

The Sustainable Groundwater Management Act (SGMA) provides for the establishment of local GSAs to manage groundwater sustainability within groundwater subbasins defined by the California DWR. Each GSA is required to develop and implement, no later than January 31, 2020, a GSP to ensure a sustainable yield of groundwater, without causing undesirable results. Failure to comply with that requirement could result in the State asserting its power to manage local groundwater resources.

The County is the GSA for two areas designated as Management Areas A and B in the Delta-Mendota Groundwater Subbasin, approved by the Board on May 2, 2017, to provide sustainable groundwater management and to serve as the exclusive GSA in those portions of the Delta-Mendota Subbasin.

LSCE has developed an understanding of the geology and hydrogeology (conceptual model) of Management Areas A and B, as well as surrounding areas that will be utilized in the GSP efforts on behalf of the County. This effort was conducted as part of the Mendota Pool Group's Environmental Impact Statement/Environmental Impact Report Exchange Program that is currently in the Administrative Draft review stage. This conceptual model will need some modification to comply with GSP regulations, however, much of the information and data to develop a comprehensive Hydrogeologic conceptual model in the vicinity of Management Areas A and B has already been attained.

The Department has successfully negotiated a contract with LSCE that provides terms matching the Department's expectation of fair and reasonable costs for the project, including authorization for the Director of Public Works and Planning to increase any or all of the components of compensation by a cumulative

total of no more than \$120,000, due to uncertainties arising from the complexity and scale of the project. The services required of the consultant include the preparation and submittal of the GSP. The consultant will be paid for services actually performed at the hourly and cost rates set forth in the recommended agreement. The recommended agreement provides that the agreement remains in effect until after the County and LSCE have addressed deficiencies in the GSP, if any, that are identified by DWR in its assessment of the GSP.

REFERENCE MATERIAL:

BAI #11, May 2, 2017

BAI #13, May 2, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

Exhibit B

On file with Clerk - Agreement with Luhdorff and Scalmanini

CAO ANALYST:

Sonia M. De La Rosa