



**REVISED ACTION ITEM**

March 16, 2011

**TO: Board of Directors**

**FROM:** Planning and Operations Committee  
(Directors Royce, Clark and Hinman)

Kevin Hunt, General Manager      Staff Contact: K. Seckel/R.Bell

**SUBJECT: Regulatory Agency Liaison & Policy Services Authorization for MJF Consulting Regarding Ocean Desalination and Other Regulatory Issues**

**STAFF RECOMMENDATION**

Staff recommends the Board of Directors authorize the General Manager to enter into a contract with MJF Consulting in the amount of \$25,000 to continue to provide general agency-wide services for regulatory agency liaison, policy and analysis support. The justification for a sole source contract is provided below.

**COMMITTEE RECOMMENDATION (REVISED)**

Committee concurred with the staff recommendation, but requested staff to provide a justification for a "sole source contract" as provided for in the MWDOC Administrative Code.

**Sole source Justification for MJF Consulting**

Staff recommends proceeding with a sole source contract to MJF Consulting due to the expertise of Mary Jane Foley in dealing in the State of California on regulatory, permitting and policy issues related to ocean desalination, brackish water desalting and wastewater discharge permits including brine disposal. Her past experience includes several terms on the San Diego Regional Water Quality Control Board, several terms on the State Water Resources Control Board and working under contract for several years in providing regulatory assistance to the ocean desalination working group formed at

<b>Budgeted (Y/N): No in 10-11; yes in 11-12</b>	Budgeted amount: \$25,000 in 11-12.
<b>Action item amount: \$25,000</b>	Line item: 02-21-7010 Engineering
<b>Fiscal Impact (explain if unbudgeted):</b>	

Metropolitan Water District of Southern California. She is familiar with a wide range of regulatory and permitting agencies and staff in the State of California. Utilizing another firm for this work would likely result in higher costs and potentially lower performance in the outcome of the work and thus would be detrimental to the District. Therefore, staff is recommending the contract award to MJF Consulting.

## **SUMMARY DISCUSSION**

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MJF Consulting has been assisting the District for a number of years on Regulatory Issues. Originally, MJF Consulting was providing services specific to the South Orange Coastal Ocean Desalination Project permitting for the early phases of the investigations and was compensated by the Project Participants. More recently, the District retained MJF Consulting in a broader role to help on the broader issues of ocean desalination, discharge issues, brine disposal and ocean protection as it relates to a future water supply in California. MJF Consulting has also been utilized to assist in the start-up issues of CALDESAL and in helping to address critical issues as they come before the State Water Resources Control Board, the California Coastal Commission, the State Lands Commission, the Regional Water Quality Control Boards and others. MJF Consulting has also helped on the brine discharge issues with groundwater desalters in South Orange County and in helping to understand and address the Marine Life Protection Act issues along the Coast of Orange County.

Services have been requested by staff and have been provided by MJF Consulting on an as-needed basis as issues arise (on-call basis). Because of this, staff has entered into a number of contract amendments to extend the authorizations for MJF Consulting over the past three years. Staff sees an increase in the work activities coming up in the next year and would like to secure Board approval for continuation of the services. The main areas of focus for this year will be on new regulatory initiatives and updates to regulations by several State agencies (e.g, SWRCB and Regional Board Triennial Reviews for the Ocean Plan and Basin Plans, et al.) that can affect local water resources development, including groundwater recovery and desalination. MJF will also be providing support to the new CALDESAL organization. MJF Consulting has provided outstanding services as measured by a consistent achievement of favorable regulatory actions.

History of recent authorizations:

- Dec 2008                      \$15,000
- Oct 2009                      \$10,000
- July 2010                      \$10,000
- Dec 2010                      \$10,000

(The extensive work in 2010 was due to the Marine Life Protection Act issues)

It is difficult to estimate the extent and scope of services, but it is estimated that \$25,000 will be sufficient for about the next twelve months. Attached is an estimated scope of work from MJF Consulting.

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mjfconsulting@cox.net*

*Mary Jane Foley*

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*Regulatory and Policy Affairs*

Date: March 8, 2011

To: Karl Seckel

CC: Richard Bell

From: Mary Jane Foley

Re: Contract for General Regulatory Liaison and Policy Support

Dear Karl,

The following is for a scope of work, tasks and billing terms for general regulatory liaison support for the Municipal Water District of Orange County by MJF Consulting Inc.

**Scope of Work:**

Consulting is limited to governmental services/regulatory agency liaison related to general ocean desalination issues. Consultant is not engaged in planning, technology design, construction or the actual writing of permits. Consultant is a facilitator, strategist and liaison on desalination issues with governmental and regulatory agencies and MWDOC.

**Task Outline:**

Task 1-SWRCB Ocean Plan Support:	\$12,000.00
Task 2- Regional Board Basin Plan Review:	\$4000.00
Task 3-CalDesal Assistance:	\$5000.00
Task-4 Miscellaneous/Contingency:	\$4000.00

TOTAL: \$25,000.00

**Billing Terms:**

Time and material basis at \$185/hour. Reasonable business expenses incurred by the Consultant with prior approval shall be reimbursed by the district.

**Consultant Representative: Mary Jane Foley**

*Mary Jane Foley 3/8/11*