

MEETING OF THE BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
Jointly with the  
**PLANNING & OPERATIONS COMMITTEE**  
April 6, 2020, 8:30 a.m.

**Due to the spread of COVID-19 and as authorized by the Governor's Executive Order, MWDOC will be holding all upcoming Board and Committee meetings by Zoom Webinar and will be available by either computer or telephone audio as follows:**

**Computer Audio:** You can join the Zoom meeting by clicking on the following link:

<https://zoom.us/j/8828665300>

**Telephone Audio:** (669) 900 9128 fees may apply  
(877) 853 5247 Toll-free  
**Webinar ID:** 882 866 5300#

**P&O Committee:**

Director McVicker, Chair  
Director Dick  
Director Yoo Schneider

Staff: R. Hunter, K. Seckel, J. Berg,  
H. De La Torre, K. Davanaugh,  
V. Osborn

Ex Officio Member: Director Tamaribuchi

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MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

**PUBLIC COMMENTS** - Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED** - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

**ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING** -- Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

**ACTION ITEMS**

1. APPROVAL OF RESOLUTION DESIGNATING AUTHORIZED AGENTS FOR STATE AND FEDERAL SURPLUS PROGRAM

2. APPROVAL OF REQUEST FOR PUBLIC ASSISTANCE (RPA) FOR FEMA (4482-DR-CA) CALIFORNIA COVID-19 DOCUMENTATION
3. MEMBER AGENCY 2020 WATER BALANCE VALIDATIONS

### DISCUSSION ITEMS

4. DOHENY DESAL PROJECT STATUS UPDATE REPORT
5. UPDATE ON COVID-19 RELATED ITEMS (ORAL REPORT)

**INFORMATION ITEMS** (The following items are for informational purposes only – background information is included in the packet. Discussion is not necessary unless a Director requests.)

6. SOLE SOURCE AGREEMENT WITH WALLACE WALROD
7. SOLE SOURCE AGREEMENT WITH DAVID SUNDING
8. STATUS REPORTS
  - a. Ongoing MWDOC Reliability and Engineering/Planning Projects
  - b. WEROC
  - c. Water Use Efficiency Projects
9. REVIEW OF ISSUES RELATED TO CONSTRUCTION PROGRAMS, WATER USE EFFICIENCY, FACILITY AND EQUIPMENT MAINTENANCE, WATER STORAGE, WATER QUALITY, CONJUNCTIVE USE PROGRAMS, EDUCATION, DISTRICT FACILITIES, and MEMBER-AGENCY RELATIONS

### ADJOURNMENT

**NOTE:** At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.



**ACTION ITEM**

April 15, 2020

**TO:** Board of Directors

**FROM:** **Planning & Operations Committee**  
(Directors McVicker, Yoo Schneider, Dick)

Robert Hunter, General Manager

Staff Contact: Vicki Osborn  
Daniel Harrison

**SUBJECT: Approval of Resolution Designating Authorized Agents for State and Federal Surplus Program**

**STAFF RECOMMENDATION**

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Staff recommends that the Board of Directors adopt Resolution regarding Authorization to Acquire Surplus Property through the auspices of the California State Agency for Surplus Property with the State of California Department of General Services Office of Fleet and Asset Management. With the authority to execute any subsequent agreements related to the acquisition of surplus property, staff recommends the Board approve the WEROC Director of Emergency Management and the WEROC Specialist as designated Authorized Representatives for the State and Federal Surplus Property Program. Prior to acquisition of any item or award greater than \$25,000 in accordance with the MWD OC administrative code and procurement procedures.

**COMMITTEE RECOMMENDATION**

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Committee recommends (to be determined at Committee Meeting)

**DETAILED REPORT**

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In California, all federal surplus is administered through the Department of General Services Office of Fleet and Asset Management. The Municipal Water District of Orange County (MWD OC) and the Water Emergency Response Organization of Orange County (WEROC) can access these resources such as generators, trailers, water pumps and materials that

<b>Budgeted (Y/N): No</b>	Budgeted amount: \$0	Core ✓	Choice __
<b>Action item amount: \$0</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b> This is a request to approve participation in Homeland Security Grant Programs for the 2018 fiscal year. Actual projects over \$25,000 will be brought back to the Board for review and approval.			

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would enhance or implements both the emergency operations center and member agency response capabilities. Obtaining these types and other types of surplus assets would save significant amounts of money for our member agencies and enhance the general preparedness posture of water and wastewater countywide.

To receive the awarded surplus property, the District must designate by resolution at least one authorized agent. Authorized agents execute for and on behalf of MWDOC/WEROC any actions necessary for obtaining State and Federal Surplus Property and distributing to member agencies. Staff recommends that the board approve two authorized agents by title – the WEROC Director of Emergency Management and the WEROC Specialist. The recommendation to designate two authorized agents by the title is to allow the greatest flexibility in the State and Federal Surplus Property Program. The Board has taken similar action in regards to Homeland Security Funds and Urban Areas Security Initiative (UASI) funds.

Attached is the entire application packet which includes: Government and Special Districts Application Checklist, Application for eligibility Form 201, Eligibility Application Resolution form 202, the Staff proposed MWDOC Resolution, Assurance of Compliance with GSA Regulations Form 203, Application for Eligibility Form 204, Certification Regarding Debarment and the Terms and Conditions Form.

By signing this agreement, the District would be eligible for a robust surplus reutilization program. Staff has experience with this program at the federal level and found it to provide an exceptional value proposition and believe it will benefit MWDOC/WEROC and our member agencies.

### **Attachments**

1. State of California, Government and Special Districts Application Checklist
2. State of California Application for Eligibility Form 201
3. State of California Eligibility Application Resolution Form 202
4. MWDOC Resolution
5. State of California Assurance of Compliance with GSA Regulations Form 203
6. State of California Application for Eligibility Form 204
7. State of California Certification Regarding Debarment
8. State of California Terms and Conditions

## Application Checklist

### Government and Special Districts

State Agency

County

City

Public School / District (College's, Universities)

Special District (Water Districts, Cemetery's, Utilities)

Name of Organization: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Name: Phone Number/Email Address:

(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Form 201 – Application	Yes <input type="checkbox"/> No <input type="checkbox"/>
Form 202 – Resolution with Board Minutes (When Applicable)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Form 203 – Non-Discrimination Certification	Yes <input type="checkbox"/> No <input type="checkbox"/>
Form 204 – Racial Demographic and National Origins of all Persons within your service Area ( <a href="https://factfinder.census.gov">https://factfinder.census.gov</a> )	Yes <input type="checkbox"/> No <input type="checkbox"/>
Debarment Form	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sign and Date Terms and Conditions	Yes <input type="checkbox"/> No <input type="checkbox"/>
Proof of State/Public Agency Status (Listing in State Directory etc.)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Current CBEDS or WASC (if applicable) ( <a href="https://dq.cde.ca.gov/dataquest/">https://dq.cde.ca.gov/dataquest/</a> )	Yes <input type="checkbox"/> No <input type="checkbox"/>
Return Completed Original Application to: Federal Surplus Property Program 1700 National Drive Sacramento, CA 95834 <b>(Please maintain a copy for your records)</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>

- Eligibility is limited to the period covered by the certification. Certifications are generally issued on an annual basis; therefore, the provider must update annually or as required by the approval on their certification.

Notes:

Reviewed by:	Date:
<div style="display: flex; justify-content: space-between;"> <span>Yes <input type="checkbox"/> No <input type="checkbox"/></span> </div>	
Approved:	Expires:
<div style="display: flex; justify-content: space-between;"> <span>New <input type="checkbox"/> Renewal <input type="checkbox"/></span> </div>	
Donee Number:	Billing Code:

**STATE OF CALIFORNIA  
APPLICATION FOR ELIGIBILITY  
STATE & FEDERAL SURPLUS PROPERTY PROGRAM**

In completing this form please print or type information.

A. Name of Organization \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Fax Number \_\_\_\_\_

1. Application is being made as a (please check one) (a) Public agency ☐ or (b) qualified nonprofit and tax-exempt organization ☐. Check all spaces that apply and provide all requested data.

B. **PUBLIC AGENCY:** Check either state ☐ or local ☐

\_\_\_\_\_ Conservation  
\_\_\_\_\_ Economic Development  
\_\_\_\_\_ Education  
\_\_\_\_\_ Grade Level \_\_\_\_\_  
\_\_\_\_\_ (Preschool, K-12, college)  
\_\_\_\_\_ Enrollment \_\_\_\_\_  
\_\_\_\_\_ No. of faculty \_\_\_\_\_  
\_\_\_\_\_ No. of days in school year \_\_\_\_\_  
\_\_\_\_\_ Parks & Recreation  
\_\_\_\_\_ Public Health  
\_\_\_\_\_ Public Safety  
\_\_\_\_\_ Two or more of above  
\_\_\_\_\_ Other (specify) \_\_\_\_\_

**NONPROFIT AGENCY OR ORGANIZATION:**

\_\_\_\_\_ Education  
\_\_\_\_\_ Grade Level \_\_\_\_\_  
\_\_\_\_\_ (Preschool, K-12, college)  
\_\_\_\_\_ School for the mentally or physically handicapped  
\_\_\_\_\_ Enrollment \_\_\_\_\_  
\_\_\_\_\_ No. of faculty \_\_\_\_\_  
\_\_\_\_\_ No. of days in school year \_\_\_\_\_  
\_\_\_\_\_ No. of school sites \_\_\_\_\_  
\_\_\_\_\_ Educational radio or television station  
\_\_\_\_\_ Museum  
\_\_\_\_\_ Library  
\_\_\_\_\_ Medical institution  
\_\_\_\_\_ Hospital  
\_\_\_\_\_ Health center  
\_\_\_\_\_ Clinic  
\_\_\_\_\_ Other (specify) \_\_\_\_\_

1. Are the applicant's services available to the public at large? \_\_\_\_\_ If only a specified group of people is served, please indicate who comprises this group. \_\_\_\_\_

2. Checklist of signed and completed documents submitted with this application:

\_\_\_\_\_ SASP Form No. 202 "Resolution," properly signed and approved by the Governing Board designating representatives, including their signatures, authorized to bind the applicant organization to service fees submitted by the State of California.

\_\_\_\_\_ SASP Form No. 203, nondiscrimination compliance assurance.

\_\_\_\_\_ Certification Regarding Debarment, Suspension, Ineligibility, & Voluntary Exclusion as required by the General Services Administration of the U.S. Government.

\_\_\_\_\_ Other statements or documentation required, as may be specified.

Printed Name and Title of Administrator or Director: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Administrator or Director: \_\_\_\_\_

**FOR STATE SURPLUS AGENCY USE ONLY**

Application approved \_\_\_\_\_ Application disapproved \_\_\_\_\_

Comments or additional information: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Donee Number: \_\_\_\_\_ Billing Code: \_\_\_\_\_

**RESOLUTION**

"BE IT RESOLVED by the Governing Board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire surplus property through the auspices of the California State Agency for Surplus Property and accept responsibility for payment of incidental fees by the surplus property agency under the Terms and Conditions accompanying this form or listed on the reverse side of this form."

NAME (Print or Type)	TITLE	SIGNATURE*	E-MAIL ADDRESS
A.			

**\*Note: All signatures must be in original form. No copied or stamped signatures**

B. The above resolution was PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Governing Board of the:  
\_\_\_\_\_ by the followin AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_  
Agency Name

I, \_\_\_\_\_ Clerk of the Governing Board known as \_\_\_\_\_

Do hereby certify that the foregoing is a full, true and correct resolution adopted by the governing board of the below named organization at the meeting thereof held at its regular place of meeting on this date and by the vote above stated, a copy of said resolution is on file in the principap office of the Governing Board.

Signed by: \_\_\_\_\_

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Mailling Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
County

**NOTE: ALL LOCAL GOVERNMENT & NON-PROFIT INCORPORATED ORGANIZATIONS HAVE A GOVERNING BOARD, THEREFORE COMPLETE ONLY SECTIONS "A" & "B". THE FOLLOWING SECTION "C" IS FOR STATE AGENCIES ONLY**

C. AUTHORIZED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by: \_\_\_\_\_  
Signature of Administrative Officer

\_\_\_\_\_  
Printed Name of Chief Administrative Officer Title

\_\_\_\_\_  
Organization Name Street Address

\_\_\_\_\_  
City ZIP Code County





**RESOLUTION NO.**

**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
WATER EMERGENCY RESPONSE ORGANIZATION OF ORANGE COUNTY  
(WEROC)  
AUTHORIZATION TO ACQUIRE SURPLUS PROPERTY THROUGH THE AUSPICES  
OF THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY**

WHEREAS, The Municipal Water District of Orange County (MWDOC) manages the Water Emergency Response Organization of Orange County (WEROC) Program on behalf of the organization's 35 signatories.

WHEREAS, WEROC has been designated by the County of Orange as the water and wastewater Operational Area coordination entity to assist the county's water and wastewater utilities with disaster preparedness, prevention, response, recovery, and mitigation.

WHEREAS, MWDOC desires to keep the WEROC emergency operations centers, WEROC Signatories, communications equipment, and other such supplies in good working order and to date with the current technological abilities of the Operational Area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Municipal Water District of Orange County that the Water Emergency Response Organization of Orange County (WEROC) Director of Emergency Management, or the Water Emergency Response Organization of Orange County (WEROC) Specialist, is hereby authorized to execute for and on behalf of the Municipal Water District of Orange County, a public entity established under the laws of the State of California, any actions necessary for obtaining surplus property through the auspices of the California State Agency for Surplus Property and accept responsibility for payment of incidental fees by the surplus property agency under the Terms and Conditions accompanying the Form 202.

Said Resolution was adopted, on a roll call, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify that the foregoing is a true and correct copy of Resolution No. adopted by the Board of Directors of Water District at its meeting held on.

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MARIBETH GOLDSBY  
District Secretary  
Municipal Water District of Orange County

**ASSURANCE OF COMPLIANCE WITH GSA REGULATIONS UNDER TITLE VI OF  
THE CIVIL RIGHTS ACT OF 1964, SECTION 606 OF TITLE VI OF THE FEDERAL  
PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED,  
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED,  
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED  
AND SECTION 303 OF THE AGE DISCRIMINATION ACT OF 1975**

\_\_\_\_\_, (hereinafter called the “donee”),  
(Name of donee organization)

HEREBY AGREES THAT the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word “donee” as used herein includes any such successor in interest.

Date \_\_\_\_\_ Donee Organization \_\_\_\_\_

BY \_\_\_\_\_  
(President/Chairman of the Board  
or comparable authorized official)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Donee Mailing Address

**STATE OF CALIFORNIA  
APPLICATION FOR ELIGIBILITY  
STATE & FEDERAL SURPLUS PROPERTY PROGRAM**

Pursuant to Federal Regulation 28 C.F.R. §§ 42.401 - 42.415, a recipient is mandated to report to the Federal Government the racial and national origins of all persons within your service area. You are therefore asked to supply the Office of Fleet and Asset Management with the race and national origins of individuals you serve in your service area (it may be helpful to refer to the US Census to determine the racial makeup of your service area at [www.factfinder.census.gov/](http://www.factfinder.census.gov/)). This form must be completed and returned with the rest of the eligibility packet in order to qualify for the Federal Surplus Property Program. Your answers on this form in no way affect your eligibility; however, not returning the form will delay the processing of your application.

<b>American Indian or Alaskan Native</b> % _____	Persons having origins in any of the tribal people of North America, and who maintain cultural identification through tribal affiliation or community recognition.
<b>Asian / Pacific Islander</b> % _____	Persons having origins in any of the original peoples of the far east, Southeast Asia, Pacific Islands, or the Indian Subcontinent. This includes China, Japan, Korea, The Philippines, and Samoa.
<b>Black</b> % _____	Persons having origins in any of the black racial groups of Africa.
<b>Hispanic</b> % _____	Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
<b>White</b> % _____	Person having origins in any of the original people of Europe, North Africa, or the Middle East.
<b>Other</b> % _____	(Specify) _____

**Print Name** \_\_\_\_\_ **Title** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND  
VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS**

**This certification is required by the General Services Administration regulations implementing Executive Order 12549-41 CFR 105-68 – for all lower tier transactions meeting the requirements stated at 41 CFR 105-68.110.**

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department of agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage section of rule implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which

this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitation for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF DONEE APPLICANT

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

**Certifications and Agreements including Terms, Conditions, Reservations and Restrictions to be included  
On Agency Issued or Distribution Documents  
The Donee Certifies That:**

- 1) It is a public agency; or an approved non-profit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1986; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the General Services Administration (GSA).
- 2) The property is needed and will be used by the recipient for carrying out for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization or 8(a) business, the property is needed for and will be used by the recipient for educational or public health purposes, or for programs for older individuals, or for business purposes. The property is not acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the CSASP.
- 3) Funds are available to pay any and all costs and charges incidental to the receipt of surplus property, and that property is not being acquired for any other use(s) or purpose(s), is not for sale. The fee schedule is available upon request from the CSASP.
- 4) Any transaction shall be subject to the nondiscrimination regulations governing the donation of federal surplus personal property issued under Title VI of the Civil Rights Act of 1964 (41 USC 2000d-2000d-4a), as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, section 303 of the Age Discrimination Act of 1975, and the Civil Rights Restoration Act of 1987.
- 5) If the Donee is designated by the Federal Small Business Administration 8(a) Program as a socially and economically disadvantaged small business and the SBA and CSASP have both determined the Donee is eligible to receive federal surplus property as a donation, the Donee certifies that the property acquired is needed and will be used solely for the conduct of the Donee's business enterprise: and the Donee certifies to A. (3), (4) and (5),

**The Donee Agrees to the Following Federal Conditions:**

- 6) All items of property, other than items with a unit acquisition cost of \$5000 or more and passenger motor vehicles, regardless of acquisition cost, shall be placed in use for the purpose(s) for which it was acquired within one year or receipt, and shall be placed in continuous use for one year from the date the property was placed in use. In the event the Donee does not place the property in use, or continuous use, the Donee shall immediately notify the CSASP, and, at the Donee's expense, make the property available for transfer or other disposal as directed by the CSASP.
- 7) Special handling or use limitations as are imposed by Federal GSA on any item(s) under which the item(s) are being allocated to the Donee.
- 8) In the event the Donee does not use the property as required by *Sections C (1) and (2)* below, at the option of the GSA, title and right to the possession of such property shall revert to the United States of America and, upon demand, the Donee shall release such property to such person as GSA or its designee shall direct.

**B) The Donee Agrees to the Following Conditions Applicable to Items with a Unit Acquisition Cost of \$5,000 or More and Passenger Motor Vehicles, Regardless of Cost. Except Vessels 50 Feet or More in Length and Aircraft Regardless of Acquisition Cost:**

- 1) The property shall be placed in use within one year of receipt, and shall be used only for the purpose(s) for which it was acquired and for no other purpose(s).
- 2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which it is acquired for a period of 18 months from the date the property is placed in use, except for such item(s) of major equipment for which the CSASP designates a further period of restriction.
- 3) In the event the property is not so used as required by *Sections C (1) and (2)*, at the option of the CSASP, title and right to the possession of such property shall, at the option of the CSASP, revert to the State of California, and the Donee shall release such property to such person as the CSASP shall direct.

**C) The Donee Agrees to the Following Terms, Reservations and Restrictions:**

- 1) From the date it receives the property and throughout the time period(s) imposed by Sections B and C (as applicable) remain in effect, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State of California, without the prior approval of GSA or the CSASP. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when the GSA or the CSASP authorizes such action, shall be remitted promptly by the Donee to GSA or the CSASP, as applicable. If the Donee takes action in ignoring or disregarding the foregoing restrictions after the date the Donee received the property and before expiration of the time periods imposed by Sections C or D as applicable, at the option of the GSA or the CSASP, the Donee shall pay to the GSA or the CSASP any proceeds derived from the disposal, and/or the fair market or rental value of the property at the time of such unauthorized disposal as determined by the GSA or the CSASP as applicable.
- 2) If at any time, from the date the Donee receives the property throughout the time periods by Sections B and C as applicable, the Donee determines that some or all of the property is no longer suitable, usable, or further needed for the purpose(s) for which it was acquired, the Donee shall promptly notify the CSASP and shall, as directed by the CSASP, return the property to the CSASP, or release the property to another Donee or another state agency, or a department or agency of the United States, or sell or otherwise dispose of the property. The Donee shall remit the proceeds from the sale promptly to the CSASP.
- 3) The Donee shall make reports to the CSASP which shall state the use, condition, and location of the property, and shall report on other pertinent matters as may be required from time to time by the CSASP.
- 4) At the option of the CSASP, the Donee may abrogate the conditions set forth in Section B and the terms, reservations and restrictions pertaining in Section D by payment of an amount as determined by the CSASP.

**D) The donee Agrees to the Following Conditions, Applicable to all Items of Property:**

- 1) The property acquired by the Donee is on an "As Is," "where is" basis, without warranty of any kind.
- 2) If the Donee carries insurance against damages to or loss of property due because of fire or other hazards, and the damage to, loss or destruction to donated property with unexpired terms, conditions, reservations or restrictions, occurs, the CSASP will be entitled to reimbursement from the Donee out of the insurance proceeds, in an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated property.

**E) Terms, conditions, reservations and restrictions set forth in the Conditional Transfer Document executed by the authorized Donee representative are applicable to the donation of Aircraft and Vessels of 50 Feet or more in length having an acquisition cost of \$5,000 or more in length or more, regardless of the purpose for which acquired.**

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**ACTION ITEM**

April 15, 2020

**TO:** Board of Directors

**FROM:** **Planning & Operations Committee**  
(Directors McVicker, Yoo Schneider, Dick)

Robert Hunter, General Manager

Staff Contact: Vicki Osborn

**SUBJECT: Approval of Request for Public Assistance (RPA) for FEMA (4482-Dr-Ca), California COVID-19 Documentation**

**STAFF RECOMMENDATION**

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It is recommended the Board of Directors adopt the Resolution from the California Governor's Office of Emergency Services regarding Universal Form 130, designating the titles of the individuals authorized to execute and file applications to obtain state and federal disaster reimbursements being the General Manager, Director of Emergency Management, and Account Manager

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Act) is a 1988 amended version of the Disaster Relief Act of 1974. It created the system in place today by which a presidential disaster declaration or an emergency declaration triggers financial and physical assistance through the Federal Emergency Management Agency (FEMA). The Act gives FEMA the responsibility for coordinating government-wide relief efforts including monetary reimbursement for qualified relief work.

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core ✓	Choice __
<b>Action item amount:</b> n/a	Line item: n/a		
<b>Fiscal Impact (explain if unbudgeted):</b> Loss of potential reimbursable dollars under the FEMA Public Assistance Grant Program.			

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emergency at the direction or guidance of public health officials may be reimbursed under Category B – Emergency Protective Measures of FEMA’s Public Assistance Program.

The State of California Governor’s Office of Emergency Services (CalOES) coordinates all monetary reimbursements for local sub grantees, the Board is being asked to adopt the resolution from CalOES regarding Universal Form 130, designating the titles of the individuals authorized to execute and file applications to obtain state and federal disaster reimbursements for the District.

Once the CalOES Universal Form 130, naming the authorized agents by name and title has been established, a request for Public Assistance (FEMA Form 009-0-49) and Project Assurances for Federal Assistance (Cal OES Form 89) will be submitted for processing. Since this event is further evolving and actual timelines or reimbursable costs have not been solidified, additional briefings will be brought forth to the board as warranted.

Attachments include:

1. Cal OES 130 Designation of Applicants Agent Resolution for Non-State Agencies
2. FEMA Form 009-0-49 Request for Public Assistance
3. Cal OES 89 Project Assurances for Federal Assistance

## **BOARD OPTIONS**

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### **Option #1 Approve documents presented**

**Fiscal Impact:** None

**Business Analysis:** Approval allows the applicant agency to submit the request notice and establish the infrastructure for potential COVID reimbursable costs established by federal and/or state disaster programs.

### **Option #2 Do NOT Approve these documents**

**Fiscal Impact:** Loss of potential reimbursable costs

**Business Analysis:** Emergency Protective Measures and response costs which may be reimbursable under the FEMA Public Assistance Grant Program would be lost.

## **STAFF RECOMMENDATION**

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Adopt the Resolution from the California Governor’s Office of Emergency Services regarding Universal Form 130, designating the titles of the individuals authorized to execute and file applications to obtain state and federal disaster reimbursements being the General Manager, Director of Emergency Management, and Account Manager

**RESOLUTION NO. \_\_\_\_**

**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
WATER EMERGENCY RESPONSE ORGANIZATION OF ORANGE COUNTY  
(WEROC)  
REQUEST FEDERAL PUBLIC ASSISTANCE  
PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

**WHEREAS**, The Municipal Water District of Orange County (MWDOC) manages the Water Emergency Response Organization of Orange County (WEROC) Program on behalf of the organization's 35 signatories.

**WHEREAS**, WEROC has been designated by the County of Orange as the water and wastewater Operational Area coordination entity for the purpose of assisting the county's water and wastewater utilities with disaster preparedness, prevention, response, recovery, and mitigation.

**WHEREAS**, the Municipal Water District of Orange County is monitoring and implementing the actions of the county within its service area and the State of California, which have been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Department of Health & Human Services, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

**WHEREAS**, on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

**WHEREAS** on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

**WHEREAS** on February 26, 2020, the County of Orange proclaimed a local emergency and the Orange County Health Officer declared a local health emergency regarding COVID-19; and

**WHEREAS**, on March 4, 2020, the Governor of the State of California issued a Proclamation of Emergency, declaring an emergency based on the spread of COVID-19 and increasing instances in California; and



**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 to be a pandemic; and

**WHEREAS**, on March 13, 2020, the Municipal Water District of Orange County/WEROC activated its Emergency Operations and Business Continuity Plans, setting forth actions taken for COVID-19 preparedness and response; and

**WHEREAS**, on March 13, 2020, the Municipal Water District of Orange County/WEROC activated its Emergency Operations and Business Continuity Plans, setting forth actions taken for COVID-19 preparedness and response; and

**WHEREAS**, on March 18, 2020, the President of the United States of America declared a national emergency to address COVID-19 and on March 22, 2020, the President approved Major Disaster Declaration FEMA-4482-DR-CA (DR-4482) for the COVID-19 Pandemic; and

**WHEREAS**, a public entity established under the laws of the State of California, in accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act AND Public Law 93-288, may be eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials under Category B – Emergency Protective Measures of FEMA’s Public Assistance Program; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Municipal Water District of Orange County, a public entity established under the laws of the State of California, **HEREBY AUTHORIZE THE FOLLOWING** agent(s), to provide to the Governor’s Office of Emergency Services for all matters pertaining to such state and/or federal disaster assistance documents, assurances and agreements required.

1. General Manager
2. Director of Emergency Management
3. Accounts Manager

Said Resolution was adopted, on a roll call, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_ adopted by the Board of Directors of Water District at its meeting held on \_\_\_\_\_.

\_\_\_\_\_  
MARIBETH GOLDSBY

District Secretary

Municipal Water District of Orange County

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**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_  
(Governing Body) (Name of Applicant)

THAT \_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the \_\_\_\_\_, a public entity  
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the \_\_\_\_\_, a public entity established under the laws of the State of California,  
(Name of Applicant)  
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

- ☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.  
☐ This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the \_\_\_\_\_ of the \_\_\_\_\_  
(Governing Body) (Name of Applicant)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

**Cal OES Form 130 Instructions**

**A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.**

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

**Name of Applicant:** The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

**Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**REQUEST FOR PUBLIC ASSISTANCE**

OMB Control Number 1660-0017  
Expires December 31, 2019

<b>Paperwork Burden Disclosure Notice</b>			
Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) <b>NOTE: Do not send your completed form to this address.</b>			
<b>Privacy Act Statement</b>			
Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427, 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration," 44 C.F.R. §§ 206.202, and 206.209.			
APPLICANT (Political subdivision or eligible applicant)			DATE SUBMITTED
DUNS NUMBER		FEDERAL TAX ID NUMBER	
COUNTY (Location of Damages. If located in multiple counties, please indicate)			
<b>APPLICANT PHYSICAL LOCATION</b>			
STREET ADDRESS			
CITY	COUNTY	STATE	ZIP CODE
<b>MAILING ADDRESS (If different from Physical Location)</b>			
STREET ADDRESS			
POST OFFICE BOX	CITY	STATE	ZIP CODE
<b>Primary Contact/Applicant's Authorized Agent</b>		<b>Alternate Contact</b>	
NAME		NAME	
TITLE		TITLE	
BUSINESS PHONE		BUSINESS PHONE	
FAX NUMBER		FAX NUMBER	
HOME PHONE (Optional)		HOME PHONE (Optional)	
CELL PHONE		CELL PHONE	
E-MAIL ADDRESS		E-MAIL ADDRESS	
Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Private Non-Profit Organization? <input type="checkbox"/> YES <input type="checkbox"/> NO			
If yes, which of the facilities identified below best describe your organization? _____			
Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety safety services of a governmental nature. All such facilities must be open to the general public."			
Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.			
OFFICIAL USE ONLY: FEMA - _____		-DR- _____	
FIPS# _____		DATE RECEIVED _____	

Disaster No: \_\_\_\_\_

Cal OES ID No: \_\_\_\_\_

DUNS No: \_\_\_\_\_

## PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: \_\_\_\_\_  
(Name of Organization)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

AUTHORIZED AGENT: \_\_\_\_\_ TITLE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

### ASSURANCES – CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the California Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the subrecipient named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, Federal Office of Inspector General 2 CFR 200.336, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) which may apply to the application.
10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$5,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.
16. Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with §200.112.
18. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
19. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subrecipient application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
  - a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
  - b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.
  - c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

20. The non-Federal entity for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award §200.113. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.
21. Will not make any award or permit any award (subaward or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subrecipient to enter into this agreement for and on behalf of the said subrecipient, and by my signature do bind the subrecipient to the terms thereof."

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PRINTED NAME

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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

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TITLE

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DATE



**ACTION ITEM**

April 15, 2020

**TO:** Board of Directors

**FROM:** **Planning & Operations Committee**  
(Directors McVicker, Yoo Schneider, Dick)

Robert Hunter, General Manager  
Staff Contact: J. Berg, Director of Water Use Efficiency

**SUBJECT: Member Agency 2020 Water Balance Validations**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors authorize the General Manager to enter into a professional services contract with Water Systems Optimization, Inc. in an amount not to exceed \$58,000 to conduct 2020 Water Balance Validations for member agencies as required by Senate Bill 555.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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Senate Bill 555, signed by Governor Brown in 2015, requires urban retail water suppliers to submit Validated Water Balance Reports to the Department of Water Resources (DWR) annually beginning October 1<sup>st</sup> 2017. These Water Balance Reports must be independently validated by a CA-NV AWWA Certified Validator.

<b>Budgeted (Y/N): Yes</b>	Budgeted amount: \$	Core <u>X</u>	Choice <u>  </u>
<b>Action item amount: \$58,000</b>		Line item: 35-7040	
<b>Fiscal Impact (explain if unbudgeted):</b> Funding is budgeted. However, it is repurposed from the aerial imagery and landscape area measurement project that is still under development in partnership with the Santa Ana River Watershed Project Authority and the Southern California Association of Governments. The \$58,000 breaks down to \$52,000 from MWDOC and \$6,000 from the Three-Cities.			

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## DETAILED REPORT

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For 2020, staff planned to have MWDOC's Water Loss Control Program Supervisor participate in the CA-NV AWWA Water Balance Validation Training and Exam scheduled in May 2020 to obtain the necessary credentials to perform Water Balance Validations. Unfortunately, due to the COVID-19 public health emergency, CA-NV AWWA has canceled these trainings. As a result, staff proposes to hire Water Systems Optimization, Inc. (WSO) to perform the validations by the October 1, 2020 deadline.

Recognizing the extraordinary situation, staff reached out to DWR to see if they had considered granting a deadline extension for submittal of the 2020 Water Balance reports. At the time staff submitted this report, DWR had not responded to this inquiry.

Staff discussed this situation with WSO and negotiated a discounted cost of \$2,000 per agency<sup>1</sup>. The total cost for this effort would be \$58,000 for 29 water balance validations, which includes all MWDOC agencies. Staff will extend this offer to the cities of Anaheim, Fullerton and Santa Ana should they choose to reimburse MWDOC for these costs. The \$58,000 breaks down to \$52,000 to MWDOC and \$6,000 to the Three-Cities. WSO was amenable to the discounted rate because they will work with a larger number of agencies and are very familiar with water agencies throughout Orange County.

Staff proposes to use budgeted but repurposed aerial imagery/landscape area measurement funds. These repurposed funds are available because the project is still under development in partnership with the Santa Ana River Watershed Project Authority and the Southern California Association of Governments. The development of this project has been delayed due to building the broader multi-agency partnership to pay for the aerial imagery. The broader partnership includes, to name a few, the County of Orange, OC Fire Authority, OC Flood Control, OC Water District and cities throughout the county. It is anticipated this partnership will ultimately result in a much broader cost sharing partnership and therefore lower costs for individual agencies. It is anticipated this project will be brought back to the Board for consideration this Fall and funding is budgeted in the coming fiscal year.

Staff is committed to continuing to work with both AWWA and DWR to participate in validator training and possibly an extension to the reporting deadline. Therefore staff considers this proposal to be a contingency plan and will only utilize consultant services if absolutely necessary to insure reports are submitted on time.

Staff recommends the Board of Directors authorize the General Manager to enter into a professional services contract with Water Systems Optimization, Inc. in an amount not to exceed \$58,000 to conduct 2020 Water Balance Validations for member agencies as required by Senate Bill 555.

## BOARD OPTIONS

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### Option #1

- Staff recommends the Board of Directors authorize the General Manager to enter into a professional services contract with Water Systems Optimization, Inc. in an

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<sup>1</sup> MWDOC technical assistance program includes water loss audit validation by WSO at a fixed cost of \$2,500 per retail agency.

amount not to exceed \$58,000 to conduct 2020 Water Balance Validations for member agencies as required by Senate Bill 555.

**Fiscal Impact:** None, staff is proposing to use budgeted but repurposed funds.

**Business Analysis:** Providing Water Balance Validations as a Core service is consistent with the Board adoption of the Water Loss Control Shared Services Business Plan.

#### Option #2

- Ask agencies to seek their own Water Balance Validations.

**Fiscal Impact:** None to MWDOC however, agencies will likely incur a cost of \$2,500 each.

**Business Analysis:** Is not consistent with Providing Water Balance Validations as a Core service within the Board adopted Water Loss Control Shared Services Business Plan.

#### STAFF RECOMMENDATION

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#### Option #1



**DISCUSSION ITEM**

April 6, 2020

**TO: Planning & Operations Committee**  
(Directors McVicker, Dick, Yoo Schneider)

**FROM: Robert Hunter, General Manager**

**Staff Contact: Karl Seckel**

**SUBJECT: Doheny Desal Project Status Update Report**

**STAFF RECOMMENDATION**

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Staff recommends the Planning & Operations Committee discuss the Doheny Status Report and that MWDOC initiate economic benefit analyses to support decision-making by the Board of Directors.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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The P&O Committee requested that MWDOC staff prepare an updated status report on the Doheny Desal Project (Project) including the recent public request by the South Coast Water District (SCWD) Board of Directors for project partners. Specifically, the partnership requests center on the sizing of the Project and the potential impact on the local versus regional nature and benefits of the project.

MWDOC staff has held several discussions with SCWD staff, adjacent Member Agencies, and several consultants. In addition, the General Manager has initiated two minor, sole-source contracts to define required efforts to delineate and quantify potential benefits of new local water supply projects within the MWDOC Service area. This work would be applicable to multiple projects.

The Doheny Project has completed the CEQA process at two levels. A project EIR was completed for up to a 5 mgd configuration and a programmatic EIR was completed for a 15 mgd configuration. The programmatic EIR will require addition work and permitting to

<b>Budgeted (Y/N): N</b>	Budgeted amount: n/a	Core <u>_X_</u>	Choice <u>__</u>
<b>Action item amount: None</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

implement a project larger than 5 mgd. The fundamental issue behind the SCWD call for partners is that they have a district need for only 2 mgd. The question becomes why a relatively small, retail water district should pay for a 5 mgd facility when their own need is only 2 mgd. Should a local utility fund a larger, regional facility? This issue is further exacerbated in that to facilitate the cost-effective expansion from 2 mgd to 15 mgd, several components need to be oversized and thereby increase the initial cost. SCWD believes there is regional value in the larger facility but that they need a partner to achieve the greater value.

MWDOC has a long involvement in the Doheny Project dating back almost 20 years. This involvement has taken a variety of forms from principal party to facilitator. Any potential future involvement could include a wide range of participation. The 2018 OC Reliability study defined the need for additional water reliability projects in Orange County and evaluated which projects were the most cost-effective. Those are different issues than those raised by the South Coast Water District's Board requests for partners. In order to make informed decisions regarding MWDOC's involvement in the Doheny project and what form that involvement should take, the MWDOC Board of Directors needs additional information concerning potential project benefits. That information will include utilization of the OC Reliability Study model and require additional economic analyses to describe and quantify potential project benefits of new local supplies to the MWDOC service area. Staff recommends that the Board authorize these additional studies

## **DETAILED REPORT**

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At the March 2, 2020 P&O Committee meeting, Chairman Bob McVicker commented on a statement in the Committee Agenda Packet Status Report Matrix under the Doheny Desal Project:

“Without other partners, they (South Coast WD) may consider a plant size as small as 2.0 mgd without any oversizing to protect the potential for an ultimate 15 mgd project.”

Chair McVicker asked staff to prepare a report for the April 6<sup>th</sup> P&O Committee to outline the issues associated with oversizing the project, the expressed need for partners, possible MWDOC options, and information needs for decision making by the MWDOC Board of Directors.

Since that time, staff has discussed the issue with South Coast WD staff, their Doheny technical consulting team, GHD, and others in order to prepare the following update report.

### **1. MWDOC's Past Participation in the Doheny Project**

MWDOC has a long history of involvement in the Doheny Project dating back almost 20 years in a variety of roles. The 1997 to 2004 MWDOC South Orange County (SOC) Water Reliability Studies determined that earthquakes were the primary emergency risk and estimated the number of days that service could be maintained during a Metropolitan Water District (MET) service outage. These discussions lead to several emergency projects and the MWDOC Doheny Project proposal under the MET Seawater Desalination Program RFP. Early investigations on intake options lead to the Phase 1 Hydrogeologic Investigation Initial Borings (2004/05) that were funded by MWDOC and USBR via Reliability Studies (\$0.4 million). The Phase 2 Test Slant Well Construction (2005/07) was funded by USBR,

EPA, DWR and MWDOC at a cost of \$2.4 million and successfully demonstrated the first feedwater supply slant well drilled under the ocean. Groundwater modes were used to estimate project yield and to understand the groundwater basin implications. In Phase 3, the project organization shifted to a consortium of agencies including South Coast Water District, Moulton Niguel Water District, Laguna Beach County Water District, City of San Clemente, and City of San Juan Capistrano. MWDOC's role shifted to managing the technical work, public outreach, and State/Federal assistance. The Agencies committed \$660,000 each over three years with the remaining funds from DWR. The total cost was approximately \$6.2 million. Phase 3 work elements included extended pumping and pilot studies, groundwater modeling work in San Juan Basin, and ocean desalination modeling. In 2013, the six agencies ceased working together on the project. MWDOC staff outlined approximately \$5 million of work to bring the project through the environmental and regulatory permitting process and to advance the project delivery via a Design-Build-Operate (DBO) model to get up to the point of awarding a DBO contract. This is the work South Coast Water District has advanced since 2013. The Environmental & Permitting phase of the project is well underway but not complete. Future work includes the DBOM evaluation and award process, Phase 1 construction and operation ((5 mgd), and facility expansion (up to 15 mgd). Alternatively, South Coast could reduce the project size to 2 mgd.

Over the past two decades, MWDOC's role has varied from project lead agency, to technical support, to project facilitator. MWDOC's financial investment has included not only staff time but also legal and lobbyist support, investigation funding and grant procurement/management.

#### 2018 OC Water Reliability Study

The 2018 OC Reliability Study analyzed emergency (or system) reliability needs and drought (or supply) reliability needs for Orange County. The study noted that South Orange County (SOC) is short of emergency supplies today by 20.0 to 27.5 mgd. It concluded that these needs can be met through a combination of local supply projects (i.e., Doheny, San Juan Watershed, etc.) and emergency projects such as the IRWD SOC Emergency Interconnection and the pump-in to the East Orange County Feeder Number 2 (EOCF#2). The emergency needs are the major driver of the need for new local projects in SOC. The study analysis indicated that the San Juan Watershed Project and the Doheny Project both provide cost-effective annual supplies and emergency supplies as shown below:

<b>Combined Benefits of the Doheny and San Juan Projects</b>		
<b>Project</b>	<b>SYSTEM Peak Supply (MGD)</b>	<b>SUPPLY Maximum Supply (AFY)</b>
Doheny Full Size	14.25	15,963
San Juan Watershed	8.25	9,480
<b>Total</b>	<b>22.75</b>	<b>25,443</b>

The reliability study recommended that these two projects should make up the core reliability improvement strategy and that they could be augmented by other projects.

## **2. Current Status of the Project by South Coast**

### **Project Sizing:**

SCWD has concluded that the appropriate level of additional water supply from a Doheny desalination plant for their service area is 2 mgd. Desalination plants, like many water supply sources, provide cost advantages with increased production. SCWD has been seeking partners in order to realize the economies of scale and reduced unit water costs that a larger plant would provide. Without additional partners, SCWD would look to minimize capital construction costs, which would likely include the elimination of features for future expansion of the facility into a regional water supply source (anywhere from 5 up to 15 mgd). Should a 2 mgd facility be built without provisions for future expansion, any future regional expansion would come at significantly higher cost. Preliminary estimates by MWDOC staff indicate that an investment in \$1.9 million to facilitate expansion capacity from 2 mgd to 5 mgd would avoid \$10.6 in future expansion costs. The comparable estimates for 15 mgd are an investment of \$4.8 million to avoid \$14.4 million in future expansion costs.

The completed Doheny Ocean Desalination Final EIR provides for construction of a desalination plant up to 5 mgd. Product water from a 5 mgd Doheny plant would be introduced into SOC regional pipelines for distribution to neighboring agencies. Possible candidates for the additional 3 mgd of Doheny desal water include the City of San Clemente, Santa Margarita Water District (SMWD) and southerly portions of the City of San Juan Capistrano, which will also fall under SMWD.

Future expansion of the plant beyond 5 mgd would provide additional economies of scale and previous cost estimates indicate that the unit cost of water would be less expensive than the first 5 mgd project because of the oversizing. However, the integration of the larger size project becomes more complicated. Water has to be pushed further into the distribution system to be consumed and additional water agencies would be involved. Since the original evaluation of the 15 mgd project by MWDOC in the 2010 timeframe, anticipated demands are substantially lower and could impact the ultimate size of the facility.

### **First Quarter 2020 Status of South Coast WD Work**

SCWD is currently working on several items in preparation for final decisions on whether to build a desalination facility, and if so, at what size. These items include:

### **Permitting:**

- Environmental Impact Report – Completed June 2019 (includes up to a 5 mgd plant)
- NPDES Discharge – Submitted March 13, 2020 (6 mo. review)
- Coastal Commission – Anticipated submittal mid-April 2020
- State Lands Commission – Anticipated submittal Late April 2020
- Army Corps of Engineers – Anticipated submittal Late April 2020
- Environ. Site Assessment – Phase 1 complete; Phase 2 in-progress

### **Financing by SCWD:**

- DWR Grant – Awarded March 2018 - \$10 million
- BOR WaterSMART Grant – Awarded April 2019 - \$8.3 million
- BOR WaterSMART Grant, Round 2 – submitted - SCWD eligible for up to an additional \$11.7 million.

- WIFIA Loan – Currently working on a Letter of Intent after securing an invitation from US EPA in 2019 to apply for a \$60 million low-cost loan.
- SRF Loan – Application submitted for a State Revolving Fund loan. Waiting for the State response.

#### Legal Efforts by SCWD:

- Construction Contract – Design-Build-Operate-Maintain (DBOM) contracts are currently in development; SCWD will initially release an RFQ to enable potential bidders to be short-listed; thereafter, an RFP will be issued to receive DBOM bids for the project. It is anticipated that the bidding for the project will be aggressive. The RFQ could be released this summer. The earliest a DBOM award could be made is the first Quarter of 2021. Construction is estimated at two years.

### **3. Potential MWDOC Participation Concepts**

The basic premise of South Coast Water District's call for partners is that a regional water supply facility requires a regional agency or regional participation. Based on the request at the P&O Committee, staff has outlined various concepts under which MWDOC could participate in the Doheny Project with SCWD. Just as MWDOC's role has varied greatly over the past two decades, so could future participation. Conceptually, these might include:

- Project Facilitation
- Participation in "over-sizing" costs to facilitate regional expansion
- Provide risk-sharing assistance for limited project aspects such as the slant wells
- Purchase of part or all of the produced water for regional distribution
- Partial or complete facility ownership (i.e., 2 mgd, 3 of 5 mgd, or future expansion(s)).
- Other options and combinations.

### **4. Benefits Assessment, Decision Framework and Required Analysis for MWDOC Partnership Response**

The 2018 Reliability Study concluded that the Doheny project was needed, cost-effective, and should be implemented. However, it did not analyze what role MWDOC should take in the implementation. While MWDOC has broad powers to develop and sell water to its Member Agencies, a solid analytical basis should be developed before the MWDOC Board of Directors decides what role to take, if any.

If MWDOC were to pursue any of the options cited above, MWDOC would want to develop a formal analysis for consideration by the Board of Directors. This would be largely based on the economic analyses of regional benefits within Orange County. This work has not been performed. However, Staff has held discussions and initiated scoping documents from two economists; Dr. David Sunding of the Brattle Group, and Dr. Wallace Walrod from Orange County Business Council (OCBC) regarding the nature, schedule and costs for the necessary studies.

The economic studies on the value of water supply reliability would be broadly applicable to a wide range of water supply projects in Orange County. Economists measure the value of water supply reliability using a standard concept known as “willingness to pay” (WTP). The study would evaluate the effects of water supply shortages from droughts and emergencies (earthquakes). The drought analysis will utilize frequency and severity information from our Reliability Study model. While scope and methods are still being discussed, the analysis of project benefits for drought shortages are likely to be based on revealed preference methods. To quantify the benefits provided by projects during major earthquakes, consumer survey methods are more likely and could also be used to corroborate the drought benefits. A survey contractor will be required. Estimated time to complete is four to six months. Scope and costs are not resolved at this time but may be updated at the committee meeting (April 6, 2020) or the Board meeting (April 15, 2020).

Conceptually, staff have identified the following potential benefits:

- Supply improvement during a drought
- Emergency supplies to the agencies where water from the plant can be delivered during an outage situation, thereby helping to improve local reliability
- During an emergency situation when Metropolitan supplies are limited; the project makes Metropolitan water, that otherwise would have gone to SOC, available to meet demands in other areas of Orange County
- Besides these three basic water supply benefits, others include:
  - Provides the basic benefits of health, safety and sanitation
  - Benefits businesses by avoiding business and consequential economic disruption such as is now occurring with the onset of the Corona Virus. This includes the tourism and manufacturing industries; and potentially involves long-term business retention issues in OC and the continued strength of the OC economy.
  - Fire protection, especially during events such as earthquakes.
  - Benefits residential customers during shortages and reduces disruptions
  - Allows continuity of recreational benefits for athletic fields and parks addressing our standard of living.

### **Next Steps**

The issue of MWDOC participating in the Doheny Project is not new, but it is one that has not been discussed in detail for quite a while. The recent requests from the South Coast Water District Board has brought the issue front and center. To respond to SCWD’s request Staff will need to continue evaluations and will report both study needs and results to the committee. The most pressing of those needs will be the benefit evaluation studies. MWDOC staff recommends that the Board authorize staff to proceed with that work.



# MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

*Fiscal Year 2019-20*

## ***Sole Source Procurement Justification for Projects under \$25,000\****



- A. Name of Company and Prime Contact at the Supplier and at MWDOC: Dr. Wallace Walrod; contact at MWDOC = Karl Seckel
- B. Contract awards to Supplier over prior 36-months: None
- C. Product(s) or Service(s) to be provided and Deliverables: Dr. Wallace Walrod will provide a scoping document as to how he might approach calculations regarding the value of water supply reliability to MWDOC's residential and business customers resulting from implementation of new water supply projects within the MWDOC service area.
- D. Justification Definition - Urgent necessity plus special technical expertise.
- E. Narrative Explanation - This is a scoping document to help us understand what might be involved in a more detailed study. Dr. Wallace Walrod assisted MWDOC back in 2003 with a study on the Value of Water Supply Reliability.
- F. Budget Line Item Reference & Amount: 02-21-7010
- G. Core or Choice designation: Core
- H. Signature/Approvals:

*Karl Seckel*

*3-23-20*

Requestor

Date

*[Signature]*

*3-23-2020*

General Manager

Date

\* Projects over \$25,000 must go to a Committee of the Board.

\*\* Possible justifications include but are not limited to: Only qualified bidder; Proprietary item; Urgent necessity; Bid process did not produce competitors; Governmental agency, association or Utility; Prior phase of professional services contract completed successfully by same Consultant; and Special technical expertise by Consultant for tasks desired.

# MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

*Fiscal Year 2019-20*

## ***Sole Source Procurement Justification for Projects under \$25,000\****



- A. Name of Company and Prime Contact at the Supplier and at MWD OC: The Brattle Group, Dr. David Sunding, Principal; contact at MWD OC = Karl Seckel
- B. Contract awards to Supplier over prior 36-months: None
- C. Product(s) or Service(s) to be provided and Deliverables: Brattle will provide a scoping document as to how they might approach calculations regarding the value of water supply reliability to MWD OC's residential and business customers resulting from implementation of new water supply projects within the MWD OC service area.
- D. Justification Definition - Urgent necessity plus special technical expertise.
- E. Narrative Explanation - This is a scoping document to help us understand what might be involved in a more detailed study. Dr. Sunding has developed similar documents in the past, but not for OC.
- F. Budget Line Item Reference & Amount: 02-21-7010
- G. Core or Choice designation: Core
- H. Signature/Approvals:

*Karl W. Seckel*

*3-23-20*

Requestor

Date

*[Signature]*

*3-23-20*

General Manager

Date

\* Projects over \$25,000 must go to a Committee of the Board.

\*\* Possible justifications include but are not limited to: Only qualified bidder; Proprietary item; Urgent necessity; Bid process did not produce competitors; Governmental agency, association or Utility; Prior phase of professional services contract completed successfully by same Consultant; and Special technical expertise by Consultant for tasks desired.

## ENGINEERING & PLANNING

<b>Doheny Ocean Desalination Project</b>	<p>On October 30, 2019, South Coast held a Peer Review Cost Estimate workshop for the Doheny Desal Project. Rich Svindland, of California American Water (CalAm), who helped develop the 6.4 MGD Monterey Ocean Desal Project using slant well technology, completed a peer review cost estimate for the Doheny Ocean Desal Project. The CalAm Peer Review was based on their experience in developing and <u>bidding</u> a project in Monterey, (that plant has not been constructed due to permitting and legal issues). The CalAm review of the previous Doheny Desal cost estimate by GHD indicated some differences in capital and operating costs including a higher level of staffing for the plant as suggested by CalAm. Overall, the cost differences resulted in estimated increased costs:</p> <ul style="list-style-type: none"> <li>• Capital costs were estimated at 5.4% higher</li> <li>• O&amp;M costs were estimated at 15.8% higher</li> <li>• Overall, the unit cost of water increased from \$1,556 per AF to \$1,805 per AF, an increase of \$249 per AF, an overall increase of about 16.0%</li> </ul> <p>South Coast WD's Board has voiced their opinion that a 5 MGD project provides too much water and is beyond the ability of South Coast WD to shoulder by themselves. Without other partners, they may consider a plant size as small as 2.0 mgd without any oversizing to protect the potential for an ultimate 15 mgd project. The potential use of excess recycled supplies to be blended with ocean supplies was also discussed with the Latham wastewater plant in near proximity to the Doheny Desal Project. An unknown consideration is the concentrated iron and manganese laden sub-surface seawater found during the MWDOC pilot slantwell testing.</p> <p>On January 23, 2020, the South Coast WD Board approved a conceptual study of ocean water augmentation using Direct Potable Reuse (DPR). This concept is based on the proposition that the challenges of Ocean Desalination and DPR could beneficially offset each other. South Coast WD has contracted with Dudek to prepare a white paper to evaluate this concept specifically to the Doheny Ocean Desalination Project on a feasibility and cost comparison basis. It is anticipated the study will take four months to complete.</p> <p>South Coast WD has submitted their NPDES permit application on March 13, 2020 with an estimated six-month review time by the Regional Board.</p> <p><b><u>Next Steps by South Coast WD:</u></b></p> <ol style="list-style-type: none"> <li>1. Look for partners</li> <li>2. High Level Schedule (has slipped a bit due to the Regional Board schedule) <ol style="list-style-type: none"> <li>a. Environmental permitting                      Late Summer 2020</li> <li>b. DBOM Contract Develop                      Early 2020</li> <li>c. DBOM Contract Award                      Early 2021</li> </ol> </li> </ol>
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	<p>d. Construction</p> <p>Early 2023</p> <p>See write up for additional information on this project.</p>
<b>SMWD San Juan Watershed Project</b>	<p>Santa Margarita WD continues to focus on diversifying its water supply portfolio for south Orange County residents, businesses, schools, and visitors. On June 21, 2019, the San Juan Watershed Environmental Impact Report (EIR) was approved.</p> <p>The original project had three Phases; Phase 1 was three rubber dams recovering about 700 AFY; Phase 2 added up to 8 more rubber dams with the introduction of recycled water into the creek to improve replenishment of the basin for up to 6,120 AFY, and Phase 3 added more recycled water topping out at approximately 9,480 AFY. Under this arrangement, most or all of the production and treatment involved the existing San Juan Groundwater Desalter with expansions scheduled along the way to increase production over 5 mgd. Fish passage and regulatory hurdles to satisfy subsurface travel time requirements are presenting some difficulties.</p> <p>SMWD is working with the Ranch on the next phase of development within SMWD and have access to riparian groundwater from the Ranch. Furthermore, they have discovered that the local geology has high vertical percolation rates and sufficient groundwater basin travel time to potentially allow percolation of treated recycled water with an ability to meet the required travel time. SMWD is of opinion that groundwater production and treatment of the groundwater can be initiated in a relatively short time-frame while permitting for percolation augmentation using recycled water from the nearby Trampas reservoir can be added as permitting allows. They believe the new project area may be able to ultimately produce 4,000 to 5,000 AF per year; they believe the original project will continue to be developed for production out of the wells and treatment provided by San Juan Capistrano as the two agencies merge. Ultimate production out of the basin could exceed 10,000 AF per year if all goes well.</p>
<b>Local Supply Integration</b>	<p>The MWDOC Board approved staff to proceed with the issuance of an RFP to build and calibrate an OC regional distribution system hydraulic model. A recommendation for consideration of award of a professional services contract to build and calibrate the hydraulic model will be presented to the Board in May 2020.</p>
<b>South Orange County Emergency Service Program</b>	<p>MWDOC, IRWD, and Dudek have completed the study to determine if the existing IRWD South Orange County Interconnection capacity for providing emergency water to South Orange County can be expanded and/or extended beyond its current time horizon of 2030.</p> <p>Dudek participated in the November 6 SOC workshop to re-engage with the SOC agencies on this project. Support from the agencies was expressed to take a small next step to install Variable Frequency Drives at a pump station within IRWD which would be paid for by SOC to help move water from the IRWD system to SOC in an emergency. The Variable Frequency Drives will provide</p>

	more flexibility to the IRWD operations staff to allow additional water to be sent to SOC while meeting all of the IRWD needs.
<b>Strand Ranch Project</b>	A meeting was held on February 14, 2020 between MWDOC, MET, and IRWD to further exchange ideas on how to implement the program to capture the benefits that can be provided by the development of “extraordinary supplies” from the Strand Ranch Project. Based on the meeting, staff from MWDOC and IRWD will need to continue to discuss methods of quantifying the benefits of the program.
<b>Poseidon Resources Huntington Beach Ocean Desalination Project</b>	<p>The Santa Ana Regional Water Quality Control Board (SARWQCB) continues to work with Poseidon on renewal of the National Pollutant Discharge Elimination System (NPDES) Permit for the proposed HB Desalination Project.</p> <p>The renewal of the NPDES permit for the proposed desalination facility requires a California Water Code section 13142.5(b) determination in accordance with the State’s Ocean Plan (a.k.a. the Desalination Amendment). To make a consistency determination with the Desalination Amendment, the Regional Board is required to analyze the project using a two-step process:</p> <ol style="list-style-type: none"> <li>1. Analyze separately as independent considerations, a range of feasible alternatives for the best available alternative to minimize intake and mortality of all forms of marine life: <ol style="list-style-type: none"> <li>a. Site</li> <li>b. Design</li> <li>c. Technology</li> <li>d. Mitigation Measures</li> </ol> </li> <li>2. Then consider all four factors collectively and determine the best combination of feasible alternatives.</li> </ol> <p>Regional Board staff reviewed hundreds of documents and input from both an independent reviewer and a neutral 3rd party reviewer to develop Tentative Order R8-2020-0005.</p> <p>The key areas required by the Ocean Plan on which the Santa Ana Water Board is required to make a determination, includes:</p> <ul style="list-style-type: none"> <li>• Facility onshore location;</li> <li>• Intake considerations including subsurface and surface intake systems;</li> <li>• <b>Identified need for the desalinated water;</b></li> <li>• Concentrated brine discharge considerations;</li> <li>• Calculation of the marine life impacts; and</li> <li>• Determination of the best feasible mitigation project available.</li> </ul>

	<p>In evaluating the proposed project, Santa Ana Regional Board staff interpreted “the identified need for the desalinated water” as whether or not the project is included in local area water planning documents, rather than a reliability need as analyzed in the OC Water Reliability Study. The Regional Board staff referenced several water planning documents; Municipal Water District of Orange County’s (MWDOC) 2015 Urban Water Management Plan (UWMP), the OC Water Reliability Study, OCWD’s Long Term Facilities Plan, and other OCWD planning documents in their evaluation of Identified Need.</p> <p>On December 6, 2019, SARWQCB, Regional Board staff conducted a workshop in Huntington Beach that was heavily attended with a considerable range of views expressed at the meeting. Several of the SARWQCB members were somewhat confused about the evaluation of “Identified Need” for the project (inclusion in local water planning documents vs. an identified reliability need for the project) and requested staff to help them understand the issue better.</p> <p><b>The SARWQCB scheduled a Special Board Meeting for a Poseidon Workshop on April 3, 2020. The special meeting has been postponed to a TBD date after mid-April to allow SARWQCB time to develop a solid procedure for public comment. The next SARWQCB Regular Board Meeting is scheduled for May 8, 2020 at Irvine Ranch Water District..</b></p> <p>Assuming success, Poseidon would then seek its final permits from the California Coastal Commission (CCC). The CCC has committed to reviewing the permit within 90 days of the SARWQCB NPDES permit issuance.</p>
<p><b>Trampas Canyon Dam and Reservoir</b></p>	<p>Trampas Canyon Reservoir and Dam (Trampas Reservoir) is a seasonal recycled water storage reservoir, with a total capacity of 5,000 AF, of which 2,500 AF is available to meet Santa Margarita Water District’s projected base recycled water demands, and 2,500 AF to meet future water supply needs. When completed, the Trampas Reservoir will allow SMWD to store recycled water in the winter and draw on that water during the peak summer months.</p> <p>The construction of the Trampas Canyon Recycled Water Seasonal Storage Reservoir consists of three main components:</p> <ol style="list-style-type: none"> <li>1. Trampas Canyon Dam (Dam)</li> <li>2. Conveyance facilities to transport recycled water into and out of the Reservoir (Pipelines)</li> <li>3. Trampas Canyon Pump Station (Pump Station)</li> </ol> <p>The construction of the facilities is being completed in three phases:</p> <ol style="list-style-type: none"> <li>1. Preconstruction/Site Preparation for the Dam and Pump Station Construction <ol style="list-style-type: none"> <li>a. Project Status - Complete</li> </ol> </li> <li>2. Dam and Pipelines</li> </ol>

	<p>a. Project Status - The Construction Contract was awarded in December 2017 and is approximately 82% complete.</p> <p>3. Pump Station</p> <p>a. Project Status - The pump station construction contract was award to Kingmen Construction on November 22, 2019 for \$3.356 million. The project is 25% complete and substantial completion of the pump station is anticipated August 2020. The pump station building construction is due to begin in March.</p>
<b>AMP Shutdown in Early 2021 to Replace PCCP Sections</b>	<p>MWDOC staff was just notified that the recent internal inspection of the AMP which included an electromagnetic surveys of the pipeline revealed two pipe segments with increased wire breaks within the PCCP portion South of OC-70. Metropolitan Engineering considers this section of the pipeline high-risk which will require relining. They are proposing to reline this section of the pipe in early 2021. The minimum relining length needed would be approximately 1,000 feet, which would require a minimum 1-month shutdown only South of OC-70. A longer shutdown duration would allow Metropolitan to reline approximately 3,300 feet, which would reduce the number of shutdowns needed for future relining of the entire PCCP portion of the AMP and would reduce the overall construction and shutdown costs. MET had originally scheduled the AMP PCCP relining to begin in about 5 years, but based on the survey, the relining of this initial section has been accelerated.</p> <p>Staff will keep both the Board and the AMP Participants informed as more information becomes available.</p>
<b>Other Shutdowns</b>	<p>Staff is tracking two additional shutdown, one being the relining of the Orange County Feeder from Bristol Ave to Corona Del Mar – this is the last section of this pipeline to be lined. MET has also proposed a winter 2021 shutdown the Second Lower Feeder just below the Diemer Treatment Plant because a recent pipeline survey identified increased wire breaks in the PCCP sections that will require an accelerated replacement.</p>
<b>Meetings</b>	
	<p>Karl Seckel, Charles Busslinger, and Chris Lingad attended meetings on April 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> with South Coast Water District, the City of San Clemente and the City of Fountain Valley. The purpose of these meetings is to discuss the water system operations of these agencies so MWDOC staff can provide more efficient support for planning purposes and during critical events.</p> <p>Future meetings will be scheduled with each of MWDOC's member agencies</p>
	<p>Charles Busslinger, Cathy Harris, &amp; Chris Lingad held a kick-off meeting on March 20, 2020 with consultants ABS and IDS regarding a value engineering review of the Admin building seismic retrofit and remodel. The review is currently underway as we await the City's 3<sup>rd</sup> Plan Review comments.</p>
	<p>Charles Busslinger participated in the March 25, 2020 CalDesal Regulatory Committee Meeting. The City of Santa Barbara is working with the Coastal Commission to fight back a challenge from SB Channelkeeper, Surfrider, &amp; Cal Coastal Protection Network regarding their opposition to the City's proposal to</p>



	relocate components of the seawater intake system. Meanwhile CalAm continues to try to obtain a Coastal Development Permit for the Monterey Peninsula Water Supply Project (MPWSP) which has become quite contentious. The issue was scheduled for the March 11-13 <sup>th</sup> CCC meeting, which was cancelled due to COVID-19.
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# Planning and Operations Committee

## WEROC Status Report

### Item 8b

## March 2020

### COVID-19 (CORONA VIRUS) COORDINATION

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- On-going information is being shared with WEROC Member Agencies Point of Contacts as it becomes available.
  - WEROC is conducting bi-weekly a conference calls with agencies for information sharing and continuity.
  - WEROC is coordinating and providing scarce resources for required personal protective equipment in order to not impact the current supply chain to hospitals.
  - WEROC is coordinating resource requests if received from the county. Example, coordination of a FEMA water trailers to support a County run homeless shelter operation in Trabuco Canyon.
  - All water and wastewater agencies have implemented an alternative work schedule or process to protect critical and essential functions.
  - WEROC is in constant contact with County Emergency Operations Center and the Orange County Health Care Agency.
  - There is no changes to water and waste water treatment and disinfections. WEROC is monitoring the CDC and WHO for updates.
  - WEROC is supporting agencies with recovery questions and cost tracking in relation to potential state and FEMA public assistance grant programs.
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### COMMUNICATION & COORDINATION WITH MEMBER AGENCIES

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- Before COVID-19, each Friday, WEROC is providing an informational email to members containing updates on events or recapping important actions from the past week.
  - During a critical event or disaster with imminent threat, information will be forwarded in real time.
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## **WEROC PROGRAM ASSESSMENT**

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- Vicki continues to work on the WEROC program assessment as the new Director and is developing a strategic plan for the organization.
  - A written review was previously identified to be completed in April, but due to the current COVID-19 situation, Vick is assessing processes and policies during this event to be included.
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## **MEETING WITH MEMBER AGENCIES**

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- Ongoing- Vicki will be meeting with member agencies in the coming months to discuss the current WEROC program and the future. The WEROC team met with Irvine Ranch Water District on March 11<sup>th</sup>. Unfortunately, the meeting scheduled with Trabuco Canyon District has to be postponed until further notice based on current real world events.
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## **AMERICA'S WATER INFRASTRUCTURE ACT (AWIA)**

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- WEROC and its consultant, Herndon Solutions Group (HSG) are continuing to work with the WEROC agencies to achieve compliance with America's Water Infrastructure Act (AWIA).
  - As a reminder, AWIA requires utilities to conduct a Risk and Resilience Assessment (RRA) of their community water systems.
  - All Tier I agencies should meet their March 31<sup>st</sup> self-reporting compliance deadline to Environmental Protection Agency (EPA) which has not been extended due to the current COVID-19 Pandemic as the Risk and Resilience Assessment documents were delivered to agencies via workshops over the first two weeks of March.
  - We are currently working on virtual plans to move forward with Phase III, the Emergency Response Plans, which are due 6 months later in September 2020.
  - Virtual solutions are being considered for Tier II Agencies (RRA Due December 2020) as majority of the Phase II workshops in March were cancelled.
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## **HAZARD MITIGATION**

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- WEROC followed up with all the member agencies who participated in the 2018 update of the Orange County Water and Wastewater Multi-Jurisdictional Hazard Mitigation Plan.

- On March 6<sup>th</sup>, WEROC submitted the final supporting documentation required by FEMA for final approval of the joint Hazard Mitigation Plan.
  - On March 9<sup>th</sup>, FEMA provided the final approval letter for our plan which was shared with all agencies.
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## **PUBLIC SAFETY POWER SHUTOFF (PSPS) AND CA PUBLIC UTILITIES COMMISSION HEARINGS**

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- On-going: California Public Utilities Commission (CPUC) proceedings regarding the Impacts from De-Energization with a Focus on First Responders and Local Government. MWDOC has received party status to these proceedings. Party Status was intended to ensure that we receive all communications regarding the proceedings and that our comments are included officially for consideration. Due to the COVID19 Pandemic, the legislation and CPUC hearing has been postponed or reduced. Vicki continues to work closely with Government Affairs and monitoring of these issues.
  - On March 9<sup>th</sup>, Vicki attended a San Diego Gas and Electric Public Safety Power Shutoff briefing on their fire and aviation program.
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## **COORDINATION WITH COUNTY OF ORANGE AND OUTSIDE AGENCIES**

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- On March 5<sup>th</sup>, the Orange County Emergency Management Organization (OCEMO) meeting held at Laguna Niguel City Hall. Presentations included an update of the Corona Virus, Urban Area Security Initiative Grant Program, and ReadyOC. Other topics of interest included Operational Area Managers Report, grant updates, the California Office of Emergency Services (CalOES) report, and OCEMO sub-committee updates.
  - Operational Area and makes recommendations to improve emergency management for the entire region. One item of interest was the approval of the Operational Area Agreement. The next step includes the County taking this agreement to the County Board of Supervisors for final approval. Once approved, it will be distributed to the Operational Area members including the water and waste water agencies for signature, timeline on this is to be determined.
  - WEROC continues to support California Water/Wastewater Agency Response Network (CalWarn).
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## **TRAINING AND EXERCISES**

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- Vicki submitted six Basic SEMS and NIMS courses which were approved by the state. Depending on the evolution of the COVID-19 pandemic, these classes will

either be cancelled or offered virtually. More information will be available next month.

- Vicki provided an 800Mhz radio training class on March 5<sup>th</sup> to Santa Margarita Water District.
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## **EOC READINESS**

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- Vicki and Daniel participated in the OA, WEROC and MET radio tests.
  - Janine completed updates to Safety Center, the Concept of Operations Plan (COOP), and WEROC contact lists.
  - On March 9<sup>th</sup>, in partnership with the American Red Cross, WEROC received one pallet (100 cases) of individual bottled water for use at the Emergency Operations Center(s). Daniel coordinated and took delivery.
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## **WEROC 800 MHZ RADIO SYSTEM**

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- Daniel is working with several agencies looking to acquire additional 800 MHz radio equipment as part of the WEROC radio system.
  - Laguna Beach Fire requested to add the WEROC radio channels to their increasing our capabilities and interoperability across the two disciplines.
  - Emerald Bay has received a handheld Motorola pack set and is working with Daniel to have the WEROC frequency template added.
  - WEROC hosted two radio user classes on February 19<sup>th</sup>, and February 27<sup>th</sup>. Orange County Sheriff's Department Communication Division taught this class and it was well received and attended
  - Santa Margarita Water District has received three new handheld pack sets and on March 4<sup>th</sup>, WEROC conducted a radio training class to their operations staff.
  - This is an ongoing project Daniel has been focused on for the past couple of months.
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Submitted by: Vicki Osborn

# Status of Water Use Efficiency Projects

March 2020

Description	Lead Agency	Status % Complete	Scheduled Completion or Renewal Date	Comments
<b>Smart Timer Rebate Program</b>	MWDSC	Ongoing	Ongoing	In February 2020, 220 smart timers were installed in Orange County.  To date, 26,742 smart timers have been installed through this program.
<b>Rotating Nozzles Rebate Program</b>	MWDSC	Ongoing	Ongoing	In February 2020, 44 rotating nozzles were installed in Orange County.  To date, 570,366 rotating nozzles have been installed through this program.
<b>SoCal Water\$mart Residential Indoor Rebate Program</b>	MWDSC	Ongoing	Ongoing	In February 2020, 303 high efficiency clothes washers and 35 premium high efficiency toilets were installed in Orange County.  To date, 120,782 high efficiency clothes washers and 60,537 high efficiency toilets have been installed through this program.
<b>SoCal Water\$mart Commercial Rebate Program</b>	MWDSC	Ongoing	Ongoing	In February 2020, 1,182 commercial premium high efficiency toilets, 35 residential premium high efficiency toilets, and 1 ice making machine were installed in Orange County.  To date, 109,698 commercial devices have been installed through this program.
<b>Industrial Process/ Water Savings Incentive Program (WSIP)</b>  <b>Industrial Process/ Water Savings</b>	MWDSC	Ongoing	Ongoing	This program is designed to improve water efficiency for commercial customers through upgraded equipment or services that do not qualify for standard rebates. Incentives are based on the amount of water customers save and allow for customers to implement custom water-saving projects.

<b>Description</b>	<b>Lead Agency</b>	<b>Status % Complete</b>	<b>Scheduled Completion or Renewal Date</b>	<b>Comments</b>
<b>Incentive Program (WSIP) (cont.)</b>				Total water savings to date for the entire program is 1,257 AFY and 4,625 AF cumulatively.
<b>Turf Removal Program</b>	MWDOC	Ongoing	Ongoing	<p>In February 2020, 27 rebates were paid, representing \$147,256.69 in rebates paid this month in Orange County.</p> <p>To date, the Turf Removal Program has removed approximately 22.7 million square feet of turf.</p>
<b>Spray to Drip Rebate Program</b>	MWDOC	Ongoing	Ongoing	<p>This is a rebate program designed to encourage residential and commercial property owners to convert their existing conventional spray heads to low-volume, low-precipitation drip technology.</p> <p>To date, the Spray to Drip Rebate Program has converted approximately 890,000 square feet of area irrigated by conventional spray heads to drip irrigation.</p>
<b>Recycled Water Retrofit Program</b>	MWDSC	Ongoing	Ongoing	<p>This program provides incentives to commercial sites for converting dedicated irrigation meters to recycled water.</p> <p>To date, 157 sites, irrigating a total of 1,563 acres of landscape, have been converted. MWDOC has paid a total of \$56,950.00 in grant funding to 20 of those sites. The total potable water savings achieved by these projects is 3,362 AFY and 12,022 AF cumulatively.</p>