

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-A

Meeting Date: January 4, 2011

Submitted By: Carl Niizawa

Presented By: Jim Heitzman

Reviewed By: Carl Niizawa/Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2011-01 to Approve Amendment No. 3 to the Professional Services Agreement with RMC Water and Environment for Continued Program Management and Engineering Services for the Regional Desalination Project

Detailed Description: The Board of Directors is requested to authorize Amendment No. 3 to extend the contract duration for the Professional Services Agreement with RMC Water and Environment (RMC) for continued Program Management and Engineering Services for the Regional Desalination Project from December 31, 2010 to January 31, 2011. There is no change in the scope of services or budget as defined in the Agreement adopted by Resolution No. 2010-09 and its amendments.

The original Agreement was signed on February 22, 2010 in the amount of \$341,000 and was intended to last for approximately 3 months, until approximately April 2010. The agreement was amended on June 22, 2010 in the amount of \$898,000 and was intended to last through November 2010. The agreement was amended again in November 2010 in the amount of \$578,000 to extend the agreement through December 31, 2010 and to add the engineering and permitting support for implementation of the test well program.

The Effective Date for the Regional Desalination Project is now expected to occur in January, 2011 after all conditions set forth in Article 25 of the Water Purchase Agreement have been satisfied. It is also expected that the Project Management Agreement (PMA) for the Regional Desalination Project will be authorized in January 2011.

Amendment No. 3 extends the contract duration to January 31, 2011 to include the period of time between December 31, 2010 and the Effective Date and authorization of the PMA. The activities included in the Agreement and its amendments occurring before the Effective Date are all classified as allowable pre-effective date costs as defined in the Water Purchase Agreement. Similarly, the activities included in the Agreement and its amendments occurring between the Effective Date and authorization of the Project Management Agreement are classified as allowable Project costs under the Water Purchase Agreement.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On February 22, 2010, the Board of Directors approved Resolution No. 2010-09. On June 22, 2010, the Board of Directors approved Resolution No. 2010-42. On November 9, 2010, the Board of Directors approved Resolution No. 2010-75.

Board Goals/Objectives: *Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2011-01.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2011-01 to approve Amendment No. 3 to the Professional Services Agreement with RMC Water and Environment for continued Program Management and Engineering Services for the Regional Desalination Project.

Action Required: ___X___Resolution _____Motion _____Review
(Roll call vote is required.)

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

January 4, 2011

Resolution No. 2011 - 01
Resolution of the Board of Directors
Marina Coast Water District
Approving Amendment No. 3 to a Professional Services Agreement with
RMC Water and Environment for Continued Program Management and Engineering Services
for the Regional Desalination Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on January 4, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, in October 2004, the District Board of Directors certified its *Environmental Impact Report - Regional Urban Water Augmentation Project* (Water Augmentation Project EIR); and,

WHEREAS, the Board of Directors approved Resolution No. 2009-39 and 2009-40 on June 9, 2009 adopting the Ord Community Budget and Compensation Plan for FY 2009/2010 which includes funding for this phase of the Regional Urban Water Augmentation Project; and,

WHEREAS, District staff and RMC staff have identified time critical tasks to continue a schedule that provides incremental potable water supply, the Board has passed Resolution Nos. 2005-56, 2006-07, 2006-12, 2006-47, 2006-82, 2007-77, 2007-89, 2008-52, and 2009-16 authorizing progressive phases of Program Management for the Regional Urban Water Augmentation Project, RMC has been in a leading role in the Regional Desalination Project work since inception, and RMC’s staff is exceptionally familiar with all of the progressive phases of the RUWAP due to their continuing role as overall RUWAP Program Managers; and,

WHEREAS, the Board of Directors approved Resolution No. 2010-09 on February 9, 2010 for a professional services agreement with RMC for \$341,000 for continued program management and engineering services during the then expected three month period until the California Public Utilities Commission (CPUC) provides final determination on the Regional Desalination Project; and,

WHEREAS, the Board of Directors approved Resolution No. 2010-42 on June 22, 2010 for an amendment to the professional services agreement with RMC for \$898,000 for continued program management and engineering services during the period thru November 2010 until the CPUC provides final determination on the Regional Desalination Project; and,

WHEREAS, the Board of Directors approved Resolution No. 2010-75 on November 9, 2010 for an amendment to the professional services agreement with RMC for \$578,000 for continued program management and engineering services during the period thru December 2010; and,

WHEREAS, the Effective Date for the Regional Desalination Project is now expected to occur in January, 2011 after all conditions set forth in Article 25 of the Water Purchase

Agreement have been satisfied. It is also expected that the Project Management Agreement (PMA) for the Regional Desalination Project will be authorized in January 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on January 4, 2011 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

William Y. Lee, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2011-01 adopted January 4, 2011.

Jim Heitzman, Secretary