



# Santa Clara Valley Water District

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**File No.:** 20-0478

**Agenda Date:** 6/23/2020

**Item No.:** 5.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Approve and Authorize CEO to Execute Sole Source Consultant Services Agreement with National Water Research Institute for a Not-To-Exceed Amount of \$323,840 for Independent Advisory Panel Services for the Recycled and Purified Water Program, Project No. 91101004.

### **RECOMMENDATION:**

- A. Approve a sole source consultant services agreement with National Water Research Institute to provide Independent Advisory Panel services for the Recycled and Purified Water Program for a not-to-exceed amount of \$323,840, and
- B. Authorize the Chief Executive Officer to execute the attached agreement with National Water Research Institute to provide Independent Advisory Panel services for the Recycled and Purified Water Program.

### **SUMMARY:**

Staff recommends Board approval of the continued use of an expert technical panel led by the National Water Research Institute (NWRI) to address technical and regulatory challenges anticipated in Santa Clara Valley Water District's (Valley Water) development of advanced water reuse projects.

NWRI is a non-profit Joint Powers Authority founded by water and wastewater agencies/districts located in Southern California. It was established in 1991 to address water supply and quality issues facing our nation through cooperative research. NWRI serves as a major source of water-science research funding in the United States, focusing efforts on issues in drinking water, wastewater, water resources, and water reuse.

NWRI is the sole organization capable of satisfying Valley Water's requirements to assemble and administer Independent Advisory Panel (IAP) services specifically focusing on solutions to technical and regulatory challenges that will arise during development of state-of-the-art water reuse projects. NWRI is particularly well-suited to assist Valley Water with these panels through its extensive experience that has provided expert peer review of the technical, scientific, outreach and regulatory aspects on similar projects. In 2016, an NWRI IAP was formed to review the Soquel Creek Water District's Pure Water Soquel Project. Expertise provided exclusively by NWRI was provided to the City of San Diego's Water Reuse Study (2004-2006) and subsequent Indirect Potable Reuse and Conceptual Design study (2009-present). In addition to the panels mentioned above, NWRI has

convened additional IAPs for various water agencies that have addressed issues related to IPR and DPR. There is no other known organization besides NWRI that provides expert IAPs for water reuse projects.

A typical panel consists of 5-6 members, who are not only experts in their respective areas, but are also handpicked through a rigorous selection process which matches their expertise with the type of projects and programs that they will be advising. NWRI led IAPs are utilized by public water agencies when a project will benefit from having third-party scientific and technical review by a diverse group of water and wastewater experts. The IAP has been trusted by the public and regulators and used a sounding board for the public agencies' elected Board.

### **BACKGROUND:**

In 2012, based on the Recycled Water Committee recommendation, the first sole source consultant services agreement between Valley Water and NWRI was executed to evaluate Valley Water's Recycled and Purified Water Program, including efforts to implement Indirect Potable Reuse (IPR) and to develop a continuously available supply of high-quality water. The IAP has since evaluated feasibility of the Recycled and Purified Water program and associated planning efforts including public outreach. It is anticipated that the IAP will be intensifying its evaluation of the program and added elements such as potential Direct Potable Reuse (DPR) projects over the course of the next three years. These evaluations include review of technical, scientific, regulatory, policy, and outreach aspects of the Recycled and Purified Water Program.

Currently, there is no water reuse industry example of a successful IPR or DPR project implemented without support of an IAP. Since 2013, Valley Water's IAP has focused on identification of optimal solutions to a wide variety of technical, regulatory and outreach challenges as articulated by Valley Water staff. By maintaining a consistent IAP panel, continuity of this focus is guaranteed. IAP panel members are well-respected throughout the water reuse industry and are also acutely familiar with Valley Water's present and future water reuse challenges. Therefore, the selection of NWRI is necessary to ensure a seamless and successful continuation of Valley Water's IAP.

Important input and recommendations from the IAP have been instrumental in keeping Valley Water's Recycled and Purified Water Programs on track. The scope of services includes reviewing and providing feedback, recommendation, and guidance on public health and safety, advanced water treatment design issues, permitting and regulatory requirements, and public outreach and advocacy for the following program components:

1. Countywide Water Reuse Master Plan.
2. Direct Potable Reuse (DPR) and Indirect Potable Reuse (IPR) proposed projects and associated feasibility studies.
3. Reverse Osmosis Concentrate Management program.
4. Public outreach planning and activities

Staff recommends the Board approve an exemption from the regular competitive procurement process in selecting NWRI through the Sole Source process. EL-5.3.12.1 provides: The best interest Valley Water cannot be served through a competitive procurement because only one firm exists that can provide the service, supply, or equipment, and there is not an available equivalent to meet the District's minimum needs.

NWRI is the only organization qualified and capable of providing the requisite services that could meet the minimum needs of Valley Water in formation of IAPs for its Recycled and Purified Water Program. If an IAP for Valley Water's Recycled and Purified Water Program is not convened on a regular basis and lapses occur, the likelihood of successful and timely Potable Reuse projects will be significantly diminished. An IAP is a key component in providing an unbiased third-party review of Valley Water's Recycled and Purified Water Program and will be important for gaining public support for the related projects.

Valley Water's current contract with NWRI expires on December 30, 2020. Valley Water has been satisfied with NWRI's services and thus requests that the Board approve this new Agreement for IAP services by NWRI through December 30, 2023 and authorize the CEO to execute it.

**FINANCIAL IMPACT:**

Valley Water may require up to six IAP meetings during the next three years. Considering inflation and increasing complexities associated with the Recycled and Purified Water program and pertinent projects the IAP will be tackling, the projected cost will be \$323,840. Funds are available in Project No. 91101004 Recycled and Purified Water Program

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Agreement

**UNCLASSIFIED MANAGER:**

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