

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
DECEMBER 3, 2013**

ITEM 6

SUBJECT

CONSIDERATION OF A RESOLUTION TO EXTEND THE TIMELINE FOR THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NORTH COAST WATER BOARD) TO EXECUTE AN AGREEMENT OR CONTRACT AND COMPLETE THE IMPLEMENTATION OF THE ELK RIVER RECOVERY ASSESSMENT AND PILOT PROJECT IN THE ELK RIVER WATERSHED (PROJECT)

DISCUSSION

On May 7, 2013, the State Water Board approved [Resolution 2013-0010](#) that allocated \$475,030 from the Cleanup and Abatement Account (CAA) to the North Coast Water Board for the Project.

The Resolution specifies that the Executive Director bring this item back to the State Water Board in December 2013 for possible rescission of funding if the agreement had not been executed by November 21, 2013. The Resolution also specifies that the funds would be available until May 30, 2016, and any unexpended funds would revert to the CAA as of August 30, 2016, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorized an extension.

The North Coast Water Board staff indicated that they would not be able to meet the specified dates in the Resolution due to the lengthy contracting process. The Project team was formed prior to the application for funding through a collaborative effort, and it was discovered that the Department of General Services (DGS) competitive bid requirements for contracts are not applicable to this Project. The North Coast Water Board staff ultimately returned to a Non-Competitive Bid contract with the lead contractor, CalTrout and other subcontractors.

North Coast Water Board staff has been working diligently with the State Water Board Contracts Unit on finalizing the Non-Competitive Bid Justification and contract request package that will be submitted to DGS for consideration. North Coast Water Board staff estimate that they will have a contract in place no later than May 1, 2014. This delay in contracting may also impact the Project completion date; the North Coast Water Board is therefore requesting an extension of the overall Project completion date to May 30, 2017.

POLICY ISSUE

Should the State Water Board:

1. Extend the deadline to have an agreement executed with the expectation that if the agreement has not been executed by May 1, 2014, the Executive Director will bring this item back to the State Water Board in June 2014 for possible rescission of funding?

2. Extend the timeline to make the funds available until May 30, 2017, and revert any unexpended funds to the CAA as of August 30, 2017, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension?

FISCAL IMPACT

There is no anticipated fiscal impact; the funds have already been committed in a previous resolution.

REGIONAL BOARD IMPACT

The Regional Board staff will complete the contract documents and oversee implementation of the Project.

STAFF RECOMMENDATION

The State Water Board should adopt the proposed Resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012, implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. It will also assist the Water Boards in reaching Goal 3 of the Strategic Plan Update: 2008-2012, increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year by 2015, and ensure adequate flows for fish and wildlife habitat. It will also assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012, to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

EXTEND THE TIMELINE FOR THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NORTH COAST WATER BOARD) TO EXECUTE AN AGREEMENT OR CONTRACT AND COMPLETE THE IMPLEMENTATION OF THE ELK RIVER RECOVERY ASSESSMENT AND PILOT PROJECT IN THE ELK RIVER WATERSHED (PROJECT)

WHEREAS:

1. On May 7, 2013, the State Water Board approved [Resolution 2013-0010](#) VBB that allocated \$475,030 from the Cleanup and Abatement Account (CAA) to the North Coast Water Board for the Project;
2. The Resolution specifies that the Executive Director would bring this item back to the State Water Board in December 2013 for possible rescission of funding if the agreement had not been executed by November 21, 2013. The Resolution also specifies that the funds would be available until May 30, 2016, and any unexpended funds would revert to the CAA as of August 30, 2016, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorized an extension;
3. The North Coast Water Board staff indicated that they would not be able to meet the specified dates in the Resolution due to the lengthy contracting process. The Project team was formed prior to the application for funding through a collaborative effort, and it was discovered that the Department of General Services (DGS) competitive bid requirements for contracts are not applicable to this Project. North Coast Water Board staff ultimately returned to a Non-Competitive Bid contract with the lead contractor, CalTrout and other subcontractors;
4. North Coast Water Board staff has been working diligently with the State Water Board Contracts Unit on finalizing the Non-Competitive Bid Justification and contract request package that will be submitted to DGS for consideration;
5. North Coast Water Board staff estimate that they will have a contract in place no later than May 1, 2014; and
6. This delay in contracting may also impact the Project completion date; the North Coast Water Board is therefore requesting an extension of the overall Project completion date to May 30, 2017;

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Extends the deadline to have a contract executed for the Project approved in Resolution 2013-0010 with the expectation that if the contract has not been executed by May 1, 2014, the Executive Director will bring this item back to the State Water Board in June 2014 for possible rescission of funding; and

D R A F T

2. Extends the availability of the funds for the Project until May 30, 2017, and revert any unexpended funds to the CAA as of August 30, 2017, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on December 3, 2013.

Jeanine Townsend
Clerk to the Board