

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER 

DATE: AUGUST 17, 2023

AGENDA ITEM

C

AUGUST 23, 2023

PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS. Receive Announcements and Reports from Directors
- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: AUGUST 17, 2023

AGENDA ITEM

D

AUGUST 23, 2023

CONSENT AGENDA


The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

Questions or clarification may be made by the Board members without removal from the Consent Agenda

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 9, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE PURCHASE OF DISTRICT VALVE EXERCISE VEHICLE [RECOMMEND APPROVE PURCHASE NOT TO EXCEED \$183,000]
- D-4) ADOPT PRE-QUALIFICATION STANDARD FOR THE BLACKLAKE SEWER LIFT STATION PROJECT AND ADOPT NOTICE OF EXCEMPTION [RECOMMEND ADOPT STANDARDS AND NOTICE OF EXCEPTION]
- D-5) ADOPT ORDINANCE RE-STATING AND UPDATING THE DISTRICT CODE [RECOMMEND ADOPT – WAIVE FURTHER READING, READ BY TITLE ONLY – ORDINANCE NO. 2023-136, AN ORDINANCE OF THE BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT RE-STATING AND ADOPTING THE DISTRICT CODE, ADOPTING PENALTIES FOR THE VIOLATION OF SUCH CODE, AND FINDING THAT THE ADOPTION OF THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 

FROM: JANA ETTEDDGUE
FINANCE DIRECTOR 

DATE: AUGUST 18, 2023

AGENDA ITEM
D-1(A)
AUGUST 23, 2023

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$ 420,596.81
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	NONE

Item D-1(A) Warrants AUGUST 23, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 08/23/2023 - 08/23/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 11462				
Akeso fka Industrial Medical	Pre-employment screening	S16599	08/23/2023	165.00
Akeso fka Industrial Medical	Pre-employment screening	S16641	08/23/2023	165.00
Payment 11462 Total:				330.00
Payment: 11463				
Allweather Landscape	LMD	48429	08/23/2023	777.00
Payment 11463 Total:				777.00
Payment: 11464				
Aqua-Metric Sales, Co.	3/4" and 1" meters	INV0096238	08/23/2023	86,322.55
Aqua-Metric Sales, Co.	1" meters	INV0096239	08/23/2023	15,468.14
Payment 11464 Total:				101,790.69
Payment: 11465				
Aquatics Informatics Inc.	WIMS software subscription	105661	08/23/2023	1,965.00
Payment 11465 Total:				1,965.00
Payment: 11466				
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI355951	08/23/2023	370.60
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI355950	08/23/2023	1,490.70
Brenntag Pacific, Inc.	Ammonium sulfate	BPI356071	08/23/2023	950.56
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI363175	08/23/2023	775.79
Payment 11466 Total:				3,587.65
Payment: 11467				
Cal-Coast Machinery, Inc.	Hose assembly	843474	08/23/2023	176.63
Payment 11467 Total:				176.63
Payment: 11468				
California Municipal Statistics,	ACFR report statistics FY 22-23	23073102	08/23/2023	1,050.00
Payment 11468 Total:				1,050.00
Payment: 11469				
Charter Communications	Dedicated fiber line - Shop	0225708080123	08/23/2023	734.20
Payment 11469 Total:				734.20
Payment: 11470				
Charter Communications	Dedicated fiber line - Shop	0224495080123	08/23/2023	734.20
Payment 11470 Total:				734.20
Payment: 11471				
Collaboration Business	Leadership Training Program	15506	08/23/2023	2,500.00
Payment 11471 Total:				2,500.00
Payment: 11472				
Eagle Aerial Photography Inc	WaterView SaaS Subscription -	20584	08/23/2023	12,370.00
Payment 11472 Total:				12,370.00
Payment: 11473				
Engel & Gray, Inc.	Biosolids collection	37X00010	08/23/2023	10,717.13
Payment 11473 Total:				10,717.13
Payment: 11474				
Environmental Systems	Enterprise Agreement Fee	94539257	08/23/2023	10,000.00
Payment 11474 Total:				10,000.00
Payment: 11475				
Famcon Pipe and Supply Inc.	B16 meter boxes	S100107382.001	08/23/2023	643.50
Famcon Pipe and Supply Inc.	B24 meter box lid	S100101192.003	08/23/2023	396.83
Payment 11475 Total:				1,040.33
Payment: 11476				
Heacock Trailers & Truck	Truck accessories - 2023 F250	18954	08/23/2023	8,080.52

Item D-1(A) Warrants AUGUST 23, 2023

Payment Dates: 08/23/2023 - 08/23/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount	
				Payment 11476 Total:	8,080.52
Payment: 11477					
Home Depot Credit Services	Supplies	JULY2023	08/23/2023	453.80	
				Payment 11477 Total:	453.80
Payment: 11478					
Iconix Waterworks (US) Inc.	Backflow repair kit	U2316032119	08/23/2023	220.50	
				Payment 11478 Total:	220.50
Payment: 11479					
Iglesias, Mario	Cell phone reimbursement	JULY2023	08/23/2023	65.00	
				Payment 11479 Total:	65.00
Payment: 11480					
Mission Uniform Service	Uniforms	519800353	08/23/2023	213.00	
Mission Uniform Service	Uniforms	519757900	08/23/2023	203.76	
				Payment 11480 Total:	416.76
Payment: 11481					
NewLane Finance Company	Telephone	114526-04/08/2023	08/23/2023	313.98	
				Payment 11481 Total:	313.98
Payment: 11482					
NexTraq	GPS subscription	SV029833	08/23/2023	300.00	
NexTraq	GPS subscription	AT1524365	08/23/2023	535.10	
				Payment 11482 Total:	835.10
Payment: 11483					
Nunley & Associates, Inc.	Branch St Waterline Project	102890	08/23/2023	5,133.26	
Nunley & Associates, Inc.	Frontage Road Trunk Sewer	102889	08/23/2023	1,596.50	
Nunley & Associates, Inc.	Supplemental Water Project	102934	08/23/2023	1,935.25	
Nunley & Associates, Inc.	Southland WWTF Influent LS	102956	08/23/2023	1,027.38	
Nunley & Associates, Inc.	Dana Reserve Water & Sewer	102935	08/23/2023	6,374.42	
Nunley & Associates, Inc.	Southland WWTF LS Bid Support	102957	08/23/2023	2,492.99	
Nunley & Associates, Inc.	Tract 3056 PCIA	102954	08/23/2023	854.90	
Nunley & Associates, Inc.	Tract 3163 PCIA	102955	08/23/2023	1,466.20	
				Payment 11483 Total:	20,880.90
Payment: 11484					
O'Connor Pest Control Central	Termite inspection	30369530	08/23/2023	100.00	
				Payment 11484 Total:	100.00
Payment: 11485					
Office Depot	Office supplies	324139573001	08/23/2023	183.22	
Office Depot	Office supplies	323409357001	08/23/2023	74.84	
				Payment 11485 Total:	258.06
Payment: 11486					
Perry's Electric Motors &	High voltage, puncture resistant	27009	08/23/2023	147.19	
				Payment 11486 Total:	147.19
Payment: 11487					
R. Baker, Inc.	Leak repair - Bracken St.	585	08/23/2023	13,641.31	
				Payment 11487 Total:	13,641.31
Payment: 11488					
Raminha Construction, Inc	Branch St Waterline Project	3	08/23/2023	204,609.38	
				Payment 11488 Total:	204,609.38
Payment: 11489					
ReadyRefresh by Nestle	Distilled water	03G0900023136	08/23/2023	80.96	
				Payment 11489 Total:	80.96
Payment: 11490					
Santa Maria Ford Lincoln	Oil and air filter change - 2020	231124	08/23/2023	173.11	
Santa Maria Ford Lincoln	Vehicle maintenance - oil	231102	08/23/2023	74.58	
Santa Maria Ford Lincoln	Vehicle repair - fuel assembly -	231146	08/23/2023	1,847.14	
				Payment 11490 Total:	2,094.83

Item D-1(A) Warrants AUGUST 23, 2023

Payment Dates: 08/23/2023 - 08/23/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 11491				
Simplot Grower Solutions	CAN 17	780162351	08/23/2023	971.57
Payment 11491 Total:				971.57
Payment: 11492				
Snyder, Diana	151 N OAK GLEN	AUG2023	08/23/2023	612.13
Payment 11492 Total:				612.13
Payment: 11493				
SoCalGas	Heat - shop/office	AUG2023A	08/23/2023	16.04
Payment 11493 Total:				16.04
Payment: 11494				
Sterling Communications	Radio install - F250 #232	0010994	08/23/2023	875.55
Sterling Communications	Radio install - #221	0010998-IN	08/23/2023	1,557.60
Sterling Communications	Service and radio installs - #172,	0010997-IN	08/23/2023	1,720.95
Payment 11494 Total:				4,154.10
Payment: 11495				
Tesco Controls, Inc.	Nipomo Palms LS Scada	0080333-IN	08/23/2023	4,489.60
Payment 11495 Total:				4,489.60
Payment: 11496				
Troia, Adam	Washer rebate	AUG2023	08/23/2023	75.00
Payment 11496 Total:				75.00
Payment: 11497				
UBEO Business Services fka Ray	B&W/Color copies	4204353	08/23/2023	300.31
UBEO Business Services fka Ray	B&W/Color copies	4204354	08/23/2023	260.67
Payment 11497 Total:				560.98
Payment: 11498				
US Bank National Association	Membership, education and	JULY2023G	08/23/2023	866.94
US Bank National Association	Recording fees	JULY2023E	08/23/2023	25.49
US Bank National Association	Storage unit	JULY2023B	08/23/2023	243.00
US Bank National Association	Software subscription	JULY2023D	08/23/2023	69.99
US Bank National Association	Operating supplies	JULY2023F	08/23/2023	1,388.50
US Bank National Association	Office supplies	JULY2023H	08/23/2023	1,220.56
US Bank National Association	Travel and meals	JULY2023C	08/23/2023	299.14
US Bank National Association	CSDA Annual Conference	JULY2023I	08/23/2023	3,020.00
US Bank National Association	Board meeting supplies	JULY2023A	08/23/2023	33.00
Payment 11498 Total:				7,166.62
Payment: 11499				
USA Bluebook	CHEMKEYS	INV00099745	08/23/2023	648.65
Payment 11499 Total:				648.65
Payment: 11458				
LINEWORKS	FIRE HYRANT	UB REFUND	08/23/2023	1,931.00
Payment 11458 Total:				1,931.00

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



FROM: JANA ETTEDDGUE
FINANCE DIRECTOR



DATE: AUGUST 18, 2023

**AGENDA ITEM
D-1(B)
AUGUST 23, 2023**

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$936,070.55
VOIDED CHECKS	NONE

Item D-1(B) Warrants AUGUST 23, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 08/23/2023 - 08/23/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 105				
Cannon Corporation	Blacklake Sewer Consolidation	85458	08/23/2023	12,695.00
Cannon Corporation	TO#17-005 Woodgreen LS	85534	08/23/2023	8,339.25
Payment 105 Total:				21,034.25
Payment: 106				
Nunley & Associates,	Construction management -	102936	08/23/2023	53,351.60
Nunley & Associates,	Blacklake WRF Permit	102891	08/23/2023	3,397.72
Payment 106 Total:				56,749.32
Payment: 107				
R. Baker, Inc.	Blacklake Sewer Consolidation - 3		08/23/2023	858,286.98
Payment 107 Total:				858,286.98

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: AUGUST 17, 2023

AGENDA ITEM
D-2
AUGUST 23, 2023

**APPROVE AUGUST 9, 2023
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. August 9, 2023 draft Regular Board Meeting Minutes

AUGUST 23, 2023

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

AUGUST 9, 2023 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

RICHARD MALVAROSE, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
ED EBY, DIRECTOR
DAN WOODSON, DIRECTOR
GARY HANSEN, DIRECTOR

PRINCIPAL STAFF

MARIO IGLESIAS, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASST GENERAL MANAGER
JANA ETTEDDGUE, FINANCE DIRECTOR
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
CRAIG STEELE, GENERAL COUNSEL

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Malvarose called the Regular Meeting of August 9, 2023, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS. Receive Announcements and Reports from Directors

Director Gaddis

- *August 3, meeting with a Clever Ducks software technician. Cause of NCSD e-mail attachments unable to be opened by Director Gaddis was due to a Clever Ducks upgrade change to their Clever Ducks server in the beginning of 2023. They now intend to change to a Microsoft server in a few weeks.*

Director Malvarose

- *August 1, attended Board Officers' Meeting*

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved receiving and filing presentations and reports.

Vote 5-0.

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

YES VOTES	NO VOTES	ABSTAIN
Directors Eby, Woodson, Hansen, Gaddis, and Malvarose	None	None

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]

- D-2) APPROVE JULY 26, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

- D-3) DECLARE 2013 AND 2010 FORD PICKUP TRUCKS SURPLUS AND AUTHORIZE SALE [RECOMMEND DECLARE 2013 AND 2010 FORD PICKUP TRUCKS SURPLUS AND AUTHORIZE STAFF TO DISPOSE OF BY SALE]

Staff answered questions regarding items D-1.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved the Consent Agenda. Vote 5-0.

YES VOTES	NO VOTES	ABSTAIN
Directors Eby, Hansen, Woodson, Gaddis, and Malvarose	None	None

E. ADMINISTRATIVE ITEMS

- E-1) CONTRACT APPOINTING RAYMOND DIENZO AS DISTRICT GENERAL MANAGER [RECOMMEND APPROVE EMPLOYMENT CONTRACT]

Mario Iglesias, General Manager, introduced the item.

Craig Steele, District Legal Counsel, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved the employment contract with Raymond Dienzo as General Manager, starting September 22, 2023. Vote 5-0.

YES VOTES	NO VOTES	ABSTAIN
Directors Eby, Gaddis, Hansen, Woodson, and Malvarose	None	None

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

E-2) INTRODUCTION OF ORDINANCE RE-STATING AND UPDATING THE DISTRICT CODE [RECOMMEND INTRODUCE, WAIVE FURTHER READING, READ BY TITLE ONLY ORDINANCE NO. 2023-136, AN ORDINANCE OF THE BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT RE-STATING AND ADOPTING THE DISTRICT CODE, ADOPTING PENALTIES FOR THE VIOLATION OF SUCH CODE, AND FINDING THAT THE ADOPTION OF THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")]

Mario Iglesias, General Manager, introduced the item.

Craig Steele, District Legal Counsel, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved the introduction of Ordinance 2023-136 and read by title only – Ordinance 2023-136, An Ordinance of the Board of Directors of the Nipomo Community Services District re-stating and adopting the District Code, adopting penalties for the violation of such code, and finding that the adoption of this ordinance is exempt from review under the California Environmental Quality ACT (CEQA).

Vote 5-0.

YES VOTES	NO VOTES	ABSTAIN
<i>Directors Eby, Hansen, Woodson, Gaddis, and Malvarose</i>	<i>None</i>	<i>None</i>

ORDINANCE NO. 2023-136
AN ORDINANCE OF BOARD OF THE DIRECTORS
OF THE NIPOMO COMMUNITY
SERVICES DISTRICT RE-STATING AND
ADOPTING THE DISTRICT CODE,
ADOPTING PENALTIES FOR THE VIOLATION
OF SUCH CODE, AND FINDING THAT THE ADOPTION OF THIS
ORDINANCE IS EXEMPT FROM REVIEW UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

F. GENERAL MANAGER’S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that there would be no closed session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION
PURSUANT TO GC §54956.9

- a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214,
SIXTH APPELLATE COURT CASE NO. H032750, AND ALL
CONSOLIDATED CASES

There were no public comments.

ADJOURN MEETING


President Malvarose adjourned the meeting at 9:46 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 46 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 46 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: AUGUST 18, 2023

**AGENDA ITEM
D-3
AUGUST 23, 2023**

**AUTHORIZE PURCHASE OF
REPLACEMENT VALVE EXERCISER TRUCK**

ITEM

Authorize staff to purchase replacement valve exerciser truck [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO PURCHASE FORD F550 TRUCK FROM PERRY FORD AT A COST OF \$85,812 AND TO PURCHASE VALVE EXERCISER FROM WACHS UTILITY PRODUCTS AT A COST OF \$93,297].

BACKGROUND

The District owns a trailer mounted valve exerciser that is used for maintaining the District's water distribution system valves and fire hydrant valves. The valve exerciser is a necessary piece of equipment used to exercise (open/close) valves on a regular preventive maintenance basis throughout the District so that the valves will operate under emergency conditions when they need to be closed. The existing Wachs Utility Products valve exerciser was purchased in 2010 and is nearing its end of useful life.

Wachs Utility Products valve exercisers are unlike any other valve exercisers available. Wachs Utility Products valve exercisers have a patented automation feature which monitors the torque applied to a valve and gradually increases the torque only as necessary during valve exercising. This feature significantly reduces the potential for breaking valves while they are being exercised, especially when exercising the District's older water system valves, some of which are more than 57 years old.

Wachs Utility Products valve exercisers can be mounted on a trailer or a truck chassis. The District's existing valve exerciser is trailer mounted. When exercising valves in a street intersection, the trailer and the truck required to pull it take up a considerable amount of space in the intersection and significantly disrupt the flow of traffic. Staff is proposing to purchase a truck mounted valve exerciser that will provide a more compact unit overall and will use less space, which is especially important when operating in an intersection.

District staff solicited quotes for similarly equipped trucks from two local dealers and received quotes as follows:

Dealer	Total Cost of 19,500 GVW Truck
Perry Ford	\$85,812
Gibbs	\$113,431

The vehicle quoted by Perry Ford meets the District's minimum specifications, and includes a steel flatbed that the valve exerciser will be mounted on as well as the labor involved in mounting the valve exerciser.

District staff solicited a quote from Wachs Utility Products for a truck mounted valve exerciser and received a quote as follows:

Dealer	Total Cost of Valve Exerciser
Wachs	\$93,297

As previously stated, there are no equivalents to the patented Wachs valve exerciser. In accordance with the District's purchasing policy, the District can sole source equipment when there is no equivalent available.

FISCAL IMPACT

Funding in the amount of \$180,000 is available in the FY 2023-2024 District budget for the purchase of a replacement valve exercising truck. The projected total cost is \$179,109.

STRATEGIC PLAN

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2023-XXXX, Replacement Valve Exerciser, to:

1. Authorize staff to purchase Ford F550 truck chassis and steel flatbed from Perry Ford for total cost of \$85,812.
2. Authorize staff to purchase valve exerciser from Wachs Utility Products for total cost of \$93,297.

ATTACHMENTS

- A. Resolution 2023-XXXX, Replacement Valve Exerciser

AUGUST 23, 2023

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF
VALVE EXERCISER TRUCK AT A TOTAL COST OF \$179,109**

WHEREAS, the District owns a Wachs Utility Products valve exerciser that is used for maintaining the District's water distribution system valves and fire hydrant valves; and

WHEREAS, the existing Wachs Utility Products valve exerciser was purchased in 2010 and is nearing its end of useful life; and

WHEREAS, Perry Ford provided a quote of \$85,812 for a 2024 Ford F550 with a steel flatbed that the replacement valve exerciser will be mounted on; and

WHEREAS, the District's current Purchasing Policy and Procedures ("Policy"), as updated in 2023, generally requires competitive solicitations for the purchase of goods and services, depending on the amount of the proposed purchase; and

WHEREAS, Section 3.4 of the Policy permits the Board, by Resolution, to authorize staff to dispense with competitive solicitation processes in specialized circumstances; and

WHEREAS, Wachs Utility Products provided a quote of \$93,297 for a truck mounted valve exerciser; and

WHEREAS, Pursuant to Section 3.4 of the District's Purchasing Policy, the Wachs Utility Products valve exerciser meets the District's needs, is unique and only available from one source and the price is reasonable.

**NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:**

1. The above recitals and referenced findings are true and correct and incorporated herein by this reference.
2. Staff is authorized to purchase a Ford F550 truck chassis and steel flatbed from Perry Ford for total cost of \$85,812.
3. Staff is authorized to purchase a valve exerciser from Wachs Utility Products for total cost of \$93,297.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF
VALVE EXERCISER TRUCK AT A TOTAL COST OF \$179,109**

The foregoing resolution is hereby adopted this 23rd day of August 2023.


RICHARD MALVAROSE
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
Interim General Manager and
Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
INTERIM GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: AUGUST 17, 2023

**AGENDA ITEM
D-4
AUGUST 23, 2023**

**CONSIDER ADOPTING A RESOLUTION TO ESTABLISH
PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR
BLACKLAKE SEWER SYSTEM CONSOLIDATION
PROJECT LIFT STATIONS**

ITEM

Establish Pre-Qualification Policy and Appeals Procedure for the Blacklake Sewer System Consolidation Project Lift Stations [RECOMMEND ADOPT RESOLUTION ESTABLISHING PRE-QUALIFICATION AND APPEALS POLICY FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS].

BACKGROUND

The Nipomo Community Services District ("District") worked with the Blacklake community to create an assessment district to fund the proposed Blacklake Sewer System Consolidation Project ("Project"). The Project involves the construction of the Blacklake sanitary sewer lift station and a force main to convey raw wastewater from the Blacklake Sewer Service Area to the Town Sewer Service Area for treatment at the District's Southland Wastewater Treatment Facility and decommissioning of the existing Blacklake Water Reclamation Facility.

A necessary step to implement the Project was an environmental review in compliance with the California Environmental Quality Act (CEQA). During the CEQA evaluation of the Project, SWCA, the District's environmental consultant, discovered that there was habitat for the California red-legged frog (CRLF) in the wastewater discharge pond located offsite and adjacent to the District's Blacklake Water Reclamation Facility, on property owned by the Blacklake Golf Course. CRLF is federally listed under the Endangered Species Act as a threatened species throughout its range in California. As a result, SWCA recommended that the District obtain an Incidental Take Permit (ITP) for CRLF under Section 10 of the Federal Endangered Species Act (FESA) for the Project. The need to obtain the Section 10 ITP was initially expected to delay construction completion of the overall Project for 12 to 16 months.

In order to mitigate some of the delay in constructing the Project, staff split the Project into two construction projects – force main and Blacklake lift station. The force main portion of the Project work involves, but is not limited to, the construction of approximately 19,400 linear feet of force main and 1,600 linear feet of gravity sewer line as well as associated appurtenances. Construction of the force main is currently underway and anticipated to be completed in December 2023. Staff anticipates that the Section 10 ITP will be issued in September 2023. The Blacklake lift station can be bid once the Section 10 ITP is obtained.

The District operates and maintains the Woodgreen Lift Station within the Blacklake Village of Nipomo. The lift station provides sewer service to residential homes within Blacklake. The

existing Woodgreen Lift Station and its components are very near the end of their useful life, and need to be replaced in the near future to ensure reliability of the station. The design of the replacement Woodgreen lift station is being finalized.

Staff is planning to bid and construct both lift stations as part of the same construction contract. Staff anticipates that combining the two lift stations into a single construction contract will result in construction cost savings to the District as well as cost savings in the construction management and inspection of the project. The project will be referred to as the Blacklake Sewer System Consolidation Project Lift Stations.

The California Public Contract Code ("PCC") Section 20101 permits the District to pre-qualify contractors who wish to bid on the District's public works contracts, such as the Blacklake Sewer System Consolidation Project Lift Stations. PCC Section 20101 requires the District to establish pre-qualification policies and the method by which decisions regarding Contractor's qualifications may be appealed. Pre-Qualification of Contractors will help ensure that the Project is constructed by reputable, experienced, and qualified contractors.

FISCAL IMPACT

The estimated Project cost for the force main and Blacklake lift station is \$10,300,000. The estimated project cost for the Woodgreen Lift Station is \$1,250,000. Funding is provided from Nipomo Community Services District Assessment District No. 2020-1 (Blacklake Sewer Consolidation) bond proceeds.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT.

Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

Goal 4. FINANCE.

Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

RECOMMENDATION

By motion and roll call vote, adopt the attached resolution establishing the Pre-Qualification and Appeals Policy for the Blacklake Sewer System Consolidation Project Lift Stations.

ATTACHMENTS

- A. Resolution 2023-XXXX BL SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS PRE-QUALIFICATION

AUGUST 23, 2023

ITEM D-4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS**

WHEREAS, California Public Contract Code (“PCC”) Section 20101 permits the Nipomo Community Services District (“District”) to pre-qualify contractors who wish to bid on public works contracts; and

WHEREAS, it is in the public interest for the District to adopt policies and procedures that will help ensure that the Blacklake Sewer System Consolidation Project Lift Stations (the “Project”) is constructed by reputable and qualified contractors at the best possible price; and

WHEREAS, it is in the public interest for the District to implement a program for pre-qualifying general contractors and selected subcontractors (“Contractors”) seeking to bid on the Project; and

WHEREAS, among other things, PCC Section 20101 requires the District to adopt an appeals procedure that will allow Contractors to appeal decisions regarding their qualifications to bid on the Project; and

WHEREAS, the District intends for this Resolution to establish pre-qualification policies and the method by which decisions regarding Contractor’s qualifications may be appealed; and

WHEREAS, the procedures adopted by this Resolution are intended to facilitate construction of the Project. Nothing herein, however, is intended, or should be interpreted, to compromise the District’s firm commitment to selecting responsible bidders for the Project.

NOW THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. EVALUATION OF CONTRACTORS REQUESTING PRE-QUALIFICATION

The Project Design Manager and the District Director of Engineering and Operations and/or their designees herein (“Contractor Evaluation Team”), will evaluate the information submitted by each Contractor to assess the Contractor’s capability and qualifications.

The Contractor Evaluation Team will evaluate the prequalification packages as follows:

a) The Contractor Evaluation Team will determine which Contractors are responsive to the material terms and conditions of the invitation to submit pre-qualification packages. The Contractor Evaluation Team will then determine which of the responsive Contractors are technically, financially, and otherwise qualified and responsible to perform the Project satisfactorily and who have demonstrated the capacity to meet all other requirements of the Project.

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b) If a Contractor is found responsive and qualified based upon the information in its prequalification package, the Contractor Evaluation Team will conduct interviews with the project references provided by the Contractor. The Contractor Evaluation Team will not conduct interviews with the project references provided by Contractors determined to be non-responsive or not qualified based on the information in their prequalification packages.

2. ESSENTIAL REQUIREMENTS

All contractors and subcontractors seeking pre-qualification must meet the essential requirements for pre-qualification in Part 1 of the “**Labor Commissioner’s Model Questionnaire, March 2019, Public Works Pre-Qualification of Contractors**” (“Pre-qualification Questionnaire”), which is adopted by reference herein.

A. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, **general contractors** must:

1. Have successfully completed at least three contracts for construction of a wastewater collection system lift station of similar type, complexity and comparable value (approximately \$1 million or greater) to the Project, in the past five years, including electrical, mechanical and instrumentation systems. Referenced projects must include: (1) earthwork including pipeline and structural excavations in public right-of-way requiring traffic control, (2) construction and installation of pre-cast and cast-in-place reinforced concrete structures, (3) installation of mechanical and yard piping, (4) installation of standby backup power generating systems, (5) coordination with on-going wastewater treatment plant operations, (6) construction and installation of butt-fused High Density Polyethylene (HDPE) pipe systems, (7) installation of fiber optic conduit and cable, (8) overall coordination of facility testing and start-up, and (9) overall coordination with other agencies having jurisdiction over the project, general public within the public right-of-way, and private property owners adjacent to work zones.

2. Identify two or more prospective project managers and superintendents who are currently employed by contractor and have held similar positions on at least two wastewater collection system lift station projects of type, complexity and value similar to the Project in the past three (3) years.

3. Provide general liability insurance covering Contractor and Subcontractors with policy limit of at least 5 million dollars per occurrence and 10 million dollars aggregate.

B. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, **electrical subcontractors** must also:

1. Have successfully completed electrical work valued at greater than \$200,000 for at least three projects of similar type, complexity and comparable value to the Project, in the past five years, that included elements such as (1) installation of 480 volt distribution switchboards and motor control centers (2) installation of electrical equipment and raceway in Class I hazardous locations, (3) installation of standby backup power systems with automatic transfer switches, and (4) installation of metering and monitoring equipment and integration with existing SCADA instrumentation and control systems, for operation and monitoring of wastewater treatment and/or collection facilities.

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2. Identify two or more prospective project managers and superintendents who are currently employed by contractor and have held similar positions on at least two wastewater collection system lift station projects of similar type, complexity, and value to this Project in the past three (3) years.

C. Contractors must meet all of the criteria listed above in order to be pre-qualified, in addition to receiving a passing score on the other evaluation criteria. Contractors who do not meet all of the criteria will not be found qualified to participate in bidding for the contract to construct the Project.

3. APPEAL PROCESS

The Contractor Evaluation Team will notify prospective contractors of the result of the pre-qualification process in writing. Any contractor who is not pre-qualified may appeal the determination to the District General Manager. The appeal process is as follows:

(a) Within five (5) calendar days of receipt of written notice that the contractor has not been pre-qualified, the prospective bidder shall notify the District General Manager of its intent to appeal. The notice of appeal shall be made in writing and delivered to the District General Manager at the address in the Notice Inviting Submission of Pre-qualification Packages. If requested by the prospective contractor in the notice of appeal, the District General Manager shall provide notification in writing of the basis of the disqualification and any supporting evidence received from others or adduced as a result of an investigation by the Contractor Evaluation Team. The District General Manager shall provide this information within five (5) calendar days of receiving the notice of appeal.

(b) Within five (5) calendar days of receipt of the District's information, the prospective bidder shall submit any and all evidence it wants the District General Manager to consider in support of its qualifications to perform the Project or submit a written request for a hearing at which to present evidence. The evidence or request for hearing shall be in writing and delivered to the District at the address in the Instructions for Completion of General Contractors and selected subcontractors Pre-qualification Package.

(c) If the District General Manager receives a timely request for a hearing, the hearing will be held within ten (10) calendar days of the date the District's General Manager receives the request. The hearing will be before the District General Manager or his designee and will be recorded on audio and/or video tape. The prospective bidder may request that the hearing be recorded steno-graphically. If the prospective bidder requests a stenographic record, it shall be solely responsible for arranging the stenographer and paying all costs for the transcript. At the District General Manager's request, the prospective bidder shall furnish the District General Manager with a copy of the transcript, and the District shall pay no more than the cost of the copy.

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(d) The District General Manager shall give the prospective bidder written notice of the outcome of the appeal no later than ten (10) calendar days after the hearing is concluded. The District General Manager's decision will be final and binding.

(e) If any of the above deadlines falls on a holiday or weekend day, then the deadline will be the next business day.

The District will strictly enforce the time limits in connection with appeals of determination of Contractor pre-qualification, and the bid date will not be extended on account of any appeal of a determination that a contractor is not qualified to submit a bid for the contract to construct the Project.

If a prospective bidder does not appeal a denial of pre-qualification through the process described above, the District's Contractor Evaluation Team's decision on pre-qualification may be adopted without further proceedings. **Failure to appeal within the time set forth above shall be deemed a failure to exhaust administrative remedies and act as a bar to subsequent litigation or other claims procedures.**

4. AUTHORITY OF GENERAL MANAGER

The District General Manager and/or his designee is authorized to modify the Model Forms created by the Department of Industrial Relations for Pre-qualification of Contractors Seeking To Bid On Public Works Projects and to prepare Pre-qualification Packages consistent with this Resolution.

5. MISCELLANEOUS

(a) A Contractor's pre-qualification status will immediately terminate if (1) the contractor's contracting license is suspended or terminated for any reason by the California State Licensing Board; (2) the District determines, after the Contractor is given the opportunity to respond, that the Contractor's application contains information that is materially false; or (3) the Contractor's control over a public works contract, whether within the District's jurisdiction or otherwise, is terminated for cause.

(b) Failure of a Contractor to give District written notice of changes in the information previously provided in its Pre-qualification Package not less than ten (10) days before a bid opening will result in the Contractor being ineligible to bid on the Project.

(c) Nothing contained within this Resolution, or otherwise, will require the District to rate or consider Contractors who have submitted documents that are materially false, substantially incomplete, or are untimely. Any Contractor who submits such documents will be deemed to have waived its right to be considered for bidding on the Project.

(d) The District's General Manager in his sole discretion at any time during the pre-qualification process, even after receiving and scoring applications, may cancel the pre-qualification process. If the pre-qualification process is cancelled as provided herein, and the District wishes to proceed with the Project, then the normal competitive bidding rules will apply. The District shall not be liable for the cost of prospective contractor may have incurred by

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submitting an application for pre-qualification, and the submittal of a pre-qualification application is a waiver to claim any such cost or losses due to cancellation of the process.

(e) Nothing contained in this Resolution is intended to delay or postpone the date for submitting and opening bids. Accordingly, to the extent practicable, the District's General Manager, or designee, will expedite the appeals process set forth here.

(f) This Resolution will remain effective until repealed or is superseded by subsequent Resolutions.

(g) This Resolution will take effect immediately upon adoption.

On the motion by Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

The foregoing resolution is hereby adopted this 23rd day of August 2023.

RICHARD MALVAROSE
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
Interim General Manager and
Secretary to the Board

CRAIG A. STEELE
District Legal Counsel