



Midpeninsula Regional
Open Space District

R-19-102
Meeting 19-19
July 24, 2019

AGENDA ITEM 7

AGENDA ITEM

Award Contract with Wagner & Bonsignore Consulting Civil Engineers for District-wide Water Rights and Water Engineering Services.

GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to enter into a contract with Wagner & Bonsignore Consulting Civil Engineers of Sacramento, California to provide water rights and engineering services for a base contract amount of \$100,000.

SUMMARY

Wagner & Bonsignore Consulting Civil Engineers have provided water rights monitoring, reporting, and engineering services for Midpeninsula Regional Open Space District (District) since 2014. These services have been critical in protecting and retaining the District's numerous water rights for the benefit of local wildlife and to continue operating onsite facilities and the conservation grazing program. The proposed contract of \$100,000 provides these services for a new four-year period. There are sufficient funds in the adopted Fiscal Year (FY) 2019-20 budget to cover the cost of the recommendation.

DISCUSSION

In May and June of 2014, a request for proposals and qualifications (RFPQ) was circulated for water rights services. Proposals from Wagner & Bonsignore Consulting Civil Engineers (WBE) (Sacramento), Stetson Engineers (Marin), and BSK Associates (Fresno) were received. WBE was selected as the most qualified consultant to serve the District's water resource consulting needs, at a fair and reasonable price (R-14-127). The contract was later extended and amended for a not-to-exceed total of \$160,000 (R-16-131).

WBE assisted the District in broad water rights matters prior to the hiring of the District's Water Resources Specialist. WBE's work to date has been critical to maintaining the District's water rights and has identified a number of areas that require additional work. Their current work involves general strategic advice concerning water rights and the State Water Resources Control Board administrative process, and the annual data interpretation and reporting required to maintain the District's water rights. Future work for WBE is likely to include the filling of new water rights applications on recently acquired properties, particularly those with small ponds, and resolving ambiguities with older water rights. WBE's previous contract expired on June 30, 2019. WBE has cost effectively performed these services on an 'as needed' basis.

Staff has determined WBE is uniquely qualified to perform these services for a fair and reasonable price and therefore is recommending a sole-source contract. WBE familiarity with the District as a client and the region's water rights (particularly the San Gregorio adjudication), their unmatched position within California's niche water rights administrative program, and a strong working relationship with the District's special water law counsel meet the criteria of special circumstances; no other firm is as qualified or capable. Board Policy 3.03, "Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing" provides for sole source contracts under special circumstances when it is "appropriate and in the best interest of the District under the specific circumstances of the project at issue," including circumstances such as here, where "services are of a unique type, or are for purposes of maintaining consistency and operational efficiency, so as to be available from only one source." In this case, WBE's familiarity with the District's water rights and reporting requirements is unique and no other firm would provide the same level of service and efficiency to meet the District's needs to assist staff in keeping the water rights program running smoothly for the next several years.

FISCAL IMPACT

There are sufficient funds in the adopted FY2019-20 Budget to cover the costs of the recommendation. The total cost estimate is equal to the amount budgeted. Future fiscal year budgets are projected and will be adopted as part of the annual Budget and Action Plan process.

The recommended action is not funded by Measure AA.

BOARD COMMITTEE REVIEW

This item has not been reviewed by a Board committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon authorization by the Board of Directors, the General Manager will enter into a four-year contract with WBE of Sacramento, CA.

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