

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

July 9, 2024

FROM

NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District

SUBJECT

Contracts with BSK Associates for Laboratory Analytical Services

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve **Contract No. 24-624** with BSK Associates to provide laboratory and analytical services for the Areawide Stormwater Program in compliance with the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Phase I Permit and applicable federal and state regulations, in an amount not to exceed \$1,750,000, for the contract term of July 9, 2024 through June 30, 2029.
2. Approve **Contract No. 24-625** with BSK Associates to provide laboratory and analytical services for the Mojave River Watershed Group for the Mojave River, in compliance with the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Phase II Permit and applicable federal and state regulations, in an amount not to exceed \$100,000, for the contract term of July 9, 2024 through June 30, 2029.
3. Approve **Contract No. 24-626** with BSK Associates to provide laboratory and analytical services for the Seven Oaks Dam and Aquatic Pesticide Application Plan and special studies in compliance with National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System permits and applicable federal and state regulations, in an amount not to exceed \$1,150,000, for the contract term of July 9, 2024 through June 30, 2029.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of Recommendation No. 1 will not result in the use of additional Discretionary General Funding (Net County Cost). The contract with BSK Associates will provide laboratory and analytical services for the San Bernardino County Areawide Stormwater Program (Program) under Implementation Agreement No. 11-545, in an amount not to exceed \$1,750,000, for the contract period of July 9, 2024 through June 30, 2029. Sufficient appropriation and revenue are included in the San Bernardino County's Flood Control District's (District) 2024-25 budget (1990002550 F01777) and will be included in future recommended budgets. Funding for the proposed contract is detailed below:

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FUNDING ENTITY	PERCENTAGE	AMOUNT
Program		
District	5.00%	\$87,500
San Bernardino County	13.51%	\$236,425
Incorporated Cities (16)	81.49%	\$ 1,426,075
Total Program Costs	100%	\$1,750,000

Approval of Recommendation No. 2 will not result in the use of additional Discretionary General Funding (Net County Cost). The contract with BSK Associates will provide laboratory and analytical services for the Mojave River Watershed Group (MRWG) under Implementation Agreement No. 14-59, in an amount not to exceed \$100,000, for the contract period of July 9, 2024 through June 30, 2029. Sufficient appropriation and revenue are included in the District's 2024-25 budget and will be included in future recommended budgets (1990002548 D20151). Funding for the proposed contract is detailed below:

FUNDING ENTITY	PERCENTAGE	AMOUNT
MRWG		
San Bernardino County	21.40%	\$21,400
Incorporated Cities (3)	78.60%	\$78,600
Total MRWG Costs	100%	\$ 100,000

Approval of Recommendation No. 3 will not result in the use of Discretionary General Funding (Net County Cost). The contract with BSK Associates will provide laboratory and analytical services for Seven Oaks Dam monitoring, the Aquatic Pesticide Application Plan, and any future special studies, in an amount not to exceed \$1,150,000, for the contract period of July 9, 2024 through June 30, 2029. Funding for the proposed contract is funded by the District. Sufficient appropriation and revenue are included in the District's 2024-25 budget (1970002510 F02425) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The recommended contracts with BSK Associates will provide the laboratory and analytical services for the Program to comply with the National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System Permit (MS4 Permit) and applicable federal and state regulations and for the MRWG and District to comply with the NPDES Phase II Municipal Separate Storm Sewer System (small MS4) and the Aquatic Pesticide General Permit (collectively, Permits).

These actions align with the County and the Chief Executive Officer's goals by providing the District with a vendor to perform laboratory and analytical services necessary for compliance with the Permits. Achieving and maintaining compliance with these Permits will reduce the potential for incurring permit violations and significant fines and penalties, as well as protect the beneficial uses of the Santa Ana River and Mojave River Watersheds.

Regarding Recommendation No. 1:

On January 29, 2010, the Santa Ana Regional Water Quality Control Board (SARWQCB) adopted the NPDES MS4 Phase I Permit for urban stormwater discharges from the District, San Bernardino County (County), and the cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa (Permittees). The Permittees

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collectively developed the Program to cooperatively implement the requirements set forth in the NPDES MS4 Phase I Permit.

The NPDES MS4 Permit requires regular sampling and analytical services of various waters within the County to address water quality. The District requires comprehensive laboratory testing services for water and soil samples collected as required by the NPDES MS4 Phase I Permit and Total Maximum Daily Load (TMDL) implementation plans. The Program developed a monitoring plan describing the work necessary to comply with the NPDES MS4 Phase I Permit requirements. The plan was approved by SARWQCB. The samples collected will be analyzed in a timely manner to provide quality data to determine compliance with applicable limits and thresholds.

The current NPDES MS4 Phase I Permit expired on January 28, 2015 but was administratively extended by the SARWQCB. Issuance of the new NPDES MS4 Phase I Permit is expected within the next two years.

Regarding Recommendation No. 2:

On February 5, 2013, the California State Water Resources Control Board (SWRCB) adopted Order No. 2013-001-DWQ for stormwater discharges from small MS4. The cities of Hesperia and Victorville, the Town of Apple Valley, and the County were named as permittees and jointly formed the MRWG, through Agreement No. 14-59 approved by the Board of Supervisors (Board) on February 25, 2014 (Item No. 39) to cooperatively implement the requirements set forth in the Permits. The District is the facilitator for the MRWG under NPDES Phase II Small MS4 General Permit No. CAS000004 (Order No. 2013-0001-DWQ) and is responsible for conducting and/or coordinating required monitoring tasks on behalf of the MRWG parties. The General Permit expired on February 5, 2018 but was administratively extended by the SWRCB. Issuance of the new General Permit is expected within the next two years.

Regarding Recommendation No. 3:

The District, pursuant to the California Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges from Algae and Aquatic Weed Control Applications (APAP), applies algaecides and aquatic herbicides to various District and County facilities. These applications require monitoring, sampling, and laboratory support to verify compliance with appropriate use practice regulations. The APAP permit expired on November 30, 2018 but was administratively extended by the SWRCB.

The District requires comprehensive laboratory testing services for water and soil samples collected as required by the NPDES MS4 Permits, special studies as assigned (monitoring of Seven Oaks Dam and aquatic pesticide applications by the County and the District) in addition to the collection and analysis of unknown or illegal discharges that occur in geographic areas covered by the NPDES Phase I MS4 and Phase II Small MS4 Permits. The samples collected will be analyzed in a timely manner to provide quality data to determine compliance with applicable limits and thresholds.

Since 2022, both Phase I and Phase II Permits have been under review by Program, MRWG, and District staff. The proposed NPDES MS4 Phase I Permit, is said to be a Regional permit, which would include and govern: San Bernardino County, Riverside County, and Orange County. Issuance of the new NPDES MS4 Regional Permit started with the release of a Working Draft Tentative Order in December of 2022. This allowed for the three counties to review and redline the Working Draft Tentative Order provided by the SARWQCB. After reviewing the counties' questions and concerns, the SARWQCB responded with the release of

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a revised Tentative Order on March 2024. The proposed NPDES MS4 Regional Permit is expected to go into effect during 2024-25.

The District may terminate the contracts in whole or in part, with or without cause, upon 30 days written notice to BSK Associates.

District staff has reviewed the proposed scope of the proposed contracts and has determined that such do not constitute a “project” subject to the California Environmental Quality Act.

PROCUREMENT

On March 28, 2024, the County Administrative Office authorized the release of Request for Proposal (RFP) No. PWG124-LANDD-5272 for laboratory analytical services for the Program, MRWG, and the District. The RFP was sent to 49 vendors and advertised on the County’s Electronic Procurement Network (ePro). BSK Associates was the only vendor to submit a proposal in response to the RFP. The selection committee, comprised of a three-member team from the District, reviewed the proposal and determined that BSK Associates was qualified to perform the work as outlined in the RFP. The selection committee concluded that the cost is fair and reasonable per the scope of work. As such, the selection committee recommends BSK Associates to provide laboratory and analytical services.

The recommended contracts with BSK Associates have a total cumulative amount not-to-exceed \$3,000,000 to provide laboratory analytical services for the District, MRWG and the Program. In the event the SWRCB issues a new NPDES Permit with new laboratory analysis requirements beyond the scope and within the term of the proposed contracts, District staff may return to the Board to amend or terminate the contracts and issue a new RFP.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on June 5, 2024; Purchasing (Michael Candelaria, Lead, Buyer III, 387-8258) on June 25, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on June 20, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 21, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 9, 2024



cc: FCD - Bland w/ agrees
Contractor c/o FCD w/ agree
File w/ agree
JLL 07/15/2024