



# San Bernardino County

## Legislation Text

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**File #: 5496, Agenda Item #: 61**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF BOARD GOVERNED COUNTY SERVICE AREAS AND RECORD OF ACTION**

**February 8, 2022**

#### **FROM**

**BRENDON BIGGS, Director, Department of Public Works - Special Districts**

#### **SUBJECT**

Contract for Asbestos-Cement Pipe Condition and Longevity Assessments

#### **RECOMMENDATION(S)**

Acting as the governing body of the Board Governed County Service Areas, approve a professional services contract, including non-standard terms, with HDR Engineering, Inc. in the amount of \$124,900 to perform Asbestos-Cement Pipe Condition and Longevity Assessments within County Service Area 64 Spring Valley Lake and County Service Area 70J Oak Hills for a term of February 8, 2022 through October 6, 2022. (Presenter: Brendon Biggs, Director, 387-7906)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

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

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as the \$124,900 cost of this recommended contract will be funded entirely by County Service Area 64 Spring Valley Lake (CSA 64) and County Service Area 70J Oak Hills (CSA 70J) (together called "Districts") through a small portion of the Districts' annual fee revenue. The Districts have sufficient appropriation and revenue available for this contract in their respective 2021-22 budgets.

#### **BACKGROUND INFORMATION**

The Department of Public Works - Special Districts, Water and Sanitation Division (Division) operates, maintains, and manages the domestic water distribution systems in CSA 64 and CSA 70J in a manner that is consistent with the requirements of all Federal and State regulatory agencies.

In May 2020 the State Water Resources Control Board (SWRCB) completed a sanitary survey for CSA 64. A Sanitary Survey is a comprehensive review and inspection conducted by SWRCB to evaluate the adequacy of a water system to provide safe drinking water. They are a proactive public health measure and an important component of maintaining and operating a public water system.

The Division seeks to take further proactive action in the continued support, maintenance, and operation of the water system based upon the suggested recommendations noted in the sanitary survey, including implementation of a capital improvement plan (CIP) for mainline replacement of old, aging asbestos-cement

(AC) pipe. Accordingly, the Division sought consultants with specific experience and technical expertise in AC pipe condition and longevity assessments, and practical application of methods. Requested work includes development of pipe sampling study; sampling procedures and physical collection; soil and pipe sample laboratory testing; and a service life assessment analysis and report of findings. Collection, or field work will be bid separately and completed by a qualified contractor capable of extracting small samples of pipe, adhering to health and safety guidelines while ensuring pipe and system integrity. Sample collection will be based upon the physical sampling procedures and methodology to be developed as part of this recommended contract. This process is being pursued to quantify the condition of pipe and need of replacement, if at all needed. This process will allow a phased approach in programming both CIP funds and projects over time rather than attempting to do each as a single, invasive, disruptive and costly project.

The expected outcome from the recommended contract with HDR Engineering, Inc. (HDR) of Riverside, California, is a comprehensive report detailing pipe conditions based on selected, diversified sample locations for use as a guide to prioritize future system improvements and address any immediate pipe replacement should it be warranted.

Although not specifically identified by SWRCB in its sanitary survey, CSA 70J is being included in this assessment process because it also maintains 150 miles of AC pipe. Given the similarities between the two water systems, inclusion of CSA 70J is also a preemptive measure prior to the next State survey. This will enable CSA 70J to evaluate and proactively plan for potential capital improvements within CSA 70J as it is subject to the same SWRCB operational and sustainability criteria.

The recommended contract with HDR has exceptions to the Districts' standard contract, which includes terms that differ from the Districts' standard contract and omits certain standard language. The non-standard and missing terms include the following:

1. Indemnification. The contract limits HDR's indemnity obligation from all claims arising out of any cause, including the acts, errors or omissions of any person, to any and all claims arising out of any breach of the contract by HDR and/or the negligence, recklessness, or willful misconduct of HDR and/or any persons directly responsible to HDR.
  - The Districts' standard contract indemnity provision requires the Consultant to indemnify, defend, and hold the Districts harmless from all claims arising out of the contract from any cause whatsoever and arising out of the acts, errors or omissions of any person.
  - Potential Impact: HDR's obligation to defend, indemnify or hold the Districts harmless is limited to claims arising out of any breach of the contract by HDR and/or the negligence, recklessness, or willful misconduct of HDR and/or any persons directly responsible to HDR. Therefore, if the Districts are sued for any claim arising outside of breach of contract, negligence, recklessness, or willful misconduct of HDR and/or any persons directly responsible to HDR, the Districts may be solely liable for the costs of defense and damages, which could exceed the total contract amount.

The Division recommends approval of the contract with HDR, including the non-standard terms, in order to acquire specialized engineering services from a consultant with specific experience and technical expertise in AC pipe condition and longevity assessments.

## **PROCUREMENT**

Request for Proposal (RFP) SDD-016 for the subject services was released through the County's Electronic Procurement Network (ePro) No. SPD121-SPDAD-4260, and sent directly to specialty engineering firms on June 11, 2021. Three proposals were received in response to the RFP on July 30, 2021. A selection committee comprised of Department of Public Works - Special Districts, Water and Sanitation and Project Management staff evaluated the proposals against the criteria prescribed in Section VII of the RFP, including assessment experience, technical expertise, approach, and methodology of pipe sampling, testing and

evaluation. Based on these criteria, the committee determined that HDR would best meet the needs of the Districts and therefore recommends contracting with HDR for the subject services. No protests were received.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on January 20, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on January 21, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on January 25, 2022.