



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA  
Tuesday, February 28, 2012**

**REGULAR CLOSED SESSION  
11:00 a.m., Board Room**

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. East Bay Municipal Utility District's Administrative Civil Liability Complaint and Order No. 09-01 Re: E-D Coat, Inc.'s Zinc Violations of CDO No. 93-2, Bypass of Pretreatment Systems and Unapproved Discharge Locations and E-D Coat's Appeal of Revision of Wastewater Discharge Permit No. 03300871.
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.

*(The Board will hold Closed Session in Conference Room 8A/B)*

**REGULAR BUSINESS MEETING  
1:15 p.m., Board Room**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PRESENTATIONS:**

- National Association of Clean Water Agencies Award for Research and Technology

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the Agenda.

**CONSENT CALENDAR:** (Single motion and vote approving 5 recommendations.)

1. Approve the Regular Meeting Minutes of February 14, 2012.
2. File correspondence with the Board.
3. Award a contract to the lowest responsible/responsive bidder Pacific Office Automation in the estimated annual amount of \$120,325 for supplying District-wide copier servicing and repair for the period beginning April 1, 2012 and ending March 31, 2014 with three options to renew for additional one-year periods for a total estimated cost of \$601,625 under Proposal No. 1211.
4. Authorize an agreement with Mobley Engineering, Inc. in an amount not to exceed \$530,000 for repair and modification of the underwater oxygen diffuser at Upper San Leandro Reservoir during the period March 1, 2012 to December 31, 2012.
5. Award a contract and authorize an agreement relating to the Mokelumne Aqueducts Interconnection Project.
  - 5a. Award a contract to the lowest responsive/responsible bidder, Proven Management, Inc., in the amount of \$8,218,000 for construction of the Mokelumne Aqueducts Interconnection Project, and consent to withdrawal of the second low bid of Monterey Mechanical Co. under Specification 2036.
  - 5b. Authorize an agreement with Diversified Contract Management Group in an amount not to exceed \$85,000 for labor compliance program services in association with the construction of the Mokelumne Aqueducts Interconnection Project.

**DETERMINATION AND DISCUSSION:**

6. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
7. General Manager's Report:
  - Water Supply Report

**REPORTS AND DIRECTOR COMMENTS:**

8. Committee Reports:
  - Sustainability/Energy
  - Planning
  - Legislative/Human Resources
  - Finance/Administration
9. Director Comments.

**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, March 13, 2012 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.*

**Disability Notice**

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*

**Document Availability**

*Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.*

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## BOARD CALENDAR

<b>Date</b>	<b>Meeting</b>	<b>Time/Location</b>	<b>Topics</b>
<b>Tuesday, February 28</b>	<b>Finance/Administration Committee</b> Katz (Chair), Mellon, Patterson  <b>Board of Directors</b>	10:15 a.m. Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• FY12 Semi-Annual Budget Performance Report</li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, March 13</b>	<b>Planning Committee</b> Linney (Chair), Foulkes, McIntosh  <b>Legislative/Human Resources Committee</b> McIntosh (Chair), Katz, Mellon  <b>Board of Directors</b>	9:15 a.m. Training Resource Center  10:15 a.m. Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, March 27</b>	<b>WSMP 2040 Workshop</b>  <b>Finance/Administration Committee</b> Katz (Chair), Mellon, Patterson  <b>Board of Directors</b>	TBD Training Resource Center  TBD Training Resource Center  11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Friday, March 30</b>	<b>Caesar Chavez Holiday</b>		<ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>

## MINUTES

**Tuesday, February 14, 2012**

**East Bay Municipal Utility District  
Board of Directors  
375 Eleventh Street  
Oakland, California**

### *Regular Closed Session Meeting*

President John A. Coleman called to order the Regular Closed Session Meeting of the Board of Directors at 11:00 a.m. in the Administration Center Board Room.

### ROLL CALL

Directors Katy Foulkes, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President John A. Coleman were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Assistant General Counsel Craig S. Spencer (Items 1a & 2), and Director of Water and Natural Resources Richard G. Sykes (Item 2).

### PUBLIC COMMENT

There was no public comment.

### ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Coleman announced the Closed Session agenda. The Board convened to Conference Room 8A/B for discussion.

### *Regular Business Meeting*

President Coleman called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. in the Administration Center Board Room.

### ROLL CALL

Directors Katy Foulkes, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President John A. Coleman were present at roll call.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, and Secretary of the District Lynelle M. Lewis.

## **BOARD OF DIRECTORS**

President Coleman led the Pledge of Allegiance.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PRESENTATIONS**

General Manager Alexander R. Coate announced that in recognition of its Seismic Improvement Program, the District is honored to receive the 2011 Leadership, Innovation, and Outstanding Accomplishments in Earthquake Risk Reduction Award from the Earthquake Engineering Research Institute (EERI) Northern California Chapter. Janiele Maffei, representative from EERI presented the award to Director Patterson who subsequently thanked staff for their exceptional work. The Board recognized the following staff members for their contributions to this program: Director of Engineering and Construction Xavier J. Irias, Engineering Manager David L. Pratt, Senior Civil Engineer David Lee, Associate Civil Engineer Eric Fieberling, Management Analyst Catherine Humphrey, Associate Civil Engineer Bernard Mo, and Public Information Representative Andrea Pook.

Next, General Manager Coate announced that the Lafayette Rotary Club had recently completed the construction of a stage at Lafayette Reservoir. On behalf of EBMUD and its customers, General Manager Coate commended the Lafayette Rotary Club and the Lafayette Community Foundation for their vision and thanked them for their gift to EBMUD's recreation area. He noted that the stage fits nicely into the landscape and will be a very useful asset for the public to use throughout the year. General Manager Coate introduced several members of the Lafayette Rotary Club and a member of the Lafayette Community Foundation. John Sherry and Dick Holt of the Lafayette Rotary Club made comments on the planning efforts and thanked EBMUD for working with them on this project. Mr. Sherry and Anne Grodin of the Lafayette Community Foundation presented a certificate to President Coleman gifting the stage to EBMUD. On behalf of the Board, President Coleman thanked both organizations for their work on this project and said that the stage was a great addition to the community.

Next, President Coleman acknowledged Director Andy Katz for his five years of service to the District. He noted that Director Katz was elected to the EBMUD Board in 2006 and re-elected in 2010, currently chairs two Board committees, and is serving his second year as Vice President of the Board of Directors. Additionally, President Coleman noted that Director Katz is a strong advocate for EBMUD's efforts to promote water conservation, use solar energy and expand conversion of food scraps into renewable energy. He led District initiatives to adopt a policy that protects tenants in apartment buildings from water service termination, and to expand the Customer Assistance Program to cover wastewater as well as water service. On behalf of the Board of Directors, President Coleman presented Director Katz with his five year certificate and pin. Director Katz thanked the Board and staff.

### **PUBLIC COMMENT**

There was no public comment.

### **CONSENT CALENDAR**

- Items 3, 6 and 7 were pulled from the Consent Calendar for discussion.
  - Motion by Director McIntosh, seconded by Director Linney, to approve Items 1-2 and 4-5 on the Consent Calendar, carried (7-0) by voice vote.
1. **Motion No. 015-12** -- Approved the Regular Meeting Minutes of January 24, 2012.
  2. The following documents were filed with the Board: 1) Letter dated February 8, 2012 to Alex Coates (sic), from Mayor Tom Bates, City of Berkeley, regarding interest in exploring the formation of a community choice aggregation partnership; and 2) Letter dated February 8, 2012 to EBMUD General Manager Alex Coates (sic) from Mayor Gayle McLaughlin, City of Richmond, regarding interest in exploring the formation of a community choice aggregation partnership.
  3. **Motion No. 018-12** -- Authorized an agreement with Burks Toma Architects in an amount not to exceed \$194,285 to provide architectural and landscape services for inclusion in a Mitigated Negative Declaration being prepared by District staff for the Diablo Vista Pumping Plant Replacement Project pursuant to the California Environmental Quality Act and for bid-period and construction-phase services.
- Item 3 was pulled from the Consent Calendar for discussion.
  - Mark Foley, President AFSCME Local 2019, voiced the union's opposition to the contracting out agreement for architectural services and said that this work should be performed by in-house staff. Director of Engineering and Construction Xavier J. Irias provided a response and said that this contract is for specialized work at a critical facility. Board members asked questions about the need for contracting out versus doing the work inside. They also asked whether the contract approval could be deferred. Mr. Irias said that the work was needed for inclusion in a Mitigated Negative Declaration being prepared for the project and that District staff does not have the expertise to perform architectural and landscape services at this level. Local 2019 disputed this and said that staff had performed high level architectural and landscape services for the Mokelumne Watershed Headquarters Building. Mr. Foley said that the District should prioritize the current workload of staff so that this work could be performed by District forces. The Board suggested that staff should provide more information in the alternatives portion of the staff report to clarify the need for contracting out.

- Director Foulkes made a motion to approve the recommended action. The motion was seconded by Director Mellon with the caveat that for controversial contracting out matters, staff should include the cost impact of using staff versus an outside contractor. The motion carried by the following roll call vote:

AYES:	Foulkes, Katz, McIntosh, Mellon, Patterson, Coleman
NOES:	Linney
ABSTAINED:	None
ABSENT:	None

4. **Motion No. 016-12** -- Authorized an agreement with Environmental Science Associates in an amount not to exceed \$288,456 for noise and vibration monitoring services for the Estates Reservoir Replacement Project pursuant to the Environmental Impact Report.
5. **Motion No. 017-12** -- Authorized the Office of the General Counsel to continue the employment of the law firm of Meyers Nave Riback Silver & Wilson, including provision of specialized legal services in the area of employment and labor, for an additional amount up to \$120,000.
6. **Resolution No. 33867-12** -- Appointing Eric L. Sandler As Director Of Finance.
  - Director Mellon pulled Item 6 from the Consent Calendar to congratulate Mr. Sandler on his appointment and welcome him to the District. Mr. Sandler addressed the Board and said that he was pleased to have been selected and looked forward to working at the District.
  - Motion by Director Mellon, seconded by Director Foulkes, to approve the recommended action for Item 6, carried (7-0) by voice vote.
7. **Resolution No. 33868-12** -- Authorizing First Amendment To General Manager Employment Agreement.
  - President Coleman pulled Item 7 from the Consent Calendar to highlight the accomplishments of General Manager Coate since his appointment in February 2011. He noted that the Board provided a positive appraisal of Mr. Coate's job performance as General Manager. President Coleman pointed out that General Manager Coate declined to accept additional compensation offered by the Board in light of the District's current financial situation and out of consideration for the sacrifices that all District employees made over the last two years in waiving their annual general salary increase.
  - Motion by President Coleman, seconded by Director Patterson, to approve the recommended action in Item 7, carried (7-0) by voice vote.



## **DETERMINATION AND DISCUSSION**

### **8. Legislative Update.**

Legislative/Human Resources Committee Chair Lesa R. McIntosh reported that the Committee unanimously voted to support the staff recommendations outlined in Legislative Report No. 01-12.

- Motion by Director McIntosh, seconded by Director Katz, to approve the recommended positions in Legislative Report No. 01-12, carried (7-0) by voice vote.

**Motion No. 019-12** -- Accepted Legislative Report No. 01-12 and approved positions on the following bills: SUPPORT AB 1540 (Buchanan) Sacramento-San Joaquin Delta: Invasive Weeds: South American Spongeplant; SUPPORT SB 200 (Wolk) Delta Levee Maintenance; SUPPORT H.R. 2939 (Slaughter) Pharmaceutical Stewardship Act of 2011.

Special Assistant Marlaigne Dumaine said that legislators are continuing to discuss pension reform initiatives but no legislation has been introduced.

### **9. General Manager's Report.**

Operations and Maintenance Department Manager Eileen M. White presented a status update on local and statewide water supply, precipitation and snow report, water supply forecast, and reservoir storage. She reported that February continues to be dry and statewide snow content is only 22% of average. She noted, however, that reservoir storage is good because of the last year's very wet season.

General Manager Alexander R. Coate announced that staff will be providing the Board with updates on main break activity. He reminded the Board of the retirement party for Human Resources Manager Gwen McDonald following the Board meeting.

## **REPORTS AND DIRECTOR COMMENTS**

### **10. Committee Reports.**

- Filed with the Board were the Minutes of the January 24, 2012 Finance/Administration Committee.

### **11. Director Comments.**

- Director Foulkes reported attending the Alameda County Special Districts meeting on February 1 and the ACWA Region 5 Board meeting on February 12 at Santa Clara Water District.
- Director Katz reported attending the LEAN conference February 10-11 in Sausalito.
- Director Linney had no comment.

- Director McIntosh had no comment.
- Director Mellon had no comment.
- Director Patterson had no comment.
- President Coleman reported attending the following: ACWA Board retreat on January 26 in Sacramento; ACWA Board meeting with Executive Officer on January 27 in Sacramento; ACWA Executive Committee meeting on January 31 in Roseville; Will Travis retirement celebration on February 2 in San Francisco; meeting with EBMUD General Manager Alexander R. Coate for agenda review on February 8 in Oakland; and ACWA JPIA workshop on February 13 in Roseville. He reported on plans to attend the following upcoming events: Contra Costa Council board meeting on February 17 in Concord and ACWA Conference February 26 through March 1 in Washington, DC.

#### **ADJOURNMENT**

President Coleman adjourned the meeting at 2:41 p.m.

SUBMITTED BY:

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Lynelle M. Lewis, Secretary of the District

APPROVED: February 28, 2012

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John A. Coleman, President of the Board

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AGENDA NO. 3.MEETING DATE February 28, 2012TITLE COPIER FULL SERVICE MAINTENANCE AND REPAIR☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Award a contract to the lowest responsible/responsive bidder Pacific Office Automation in the estimated annual amount of \$120,325 for supplying District-wide copier servicing and repair for the period beginning April 1, 2012 and ending March 31, 2014 with three options to renew for additional one-year periods for a total estimated cost of \$601,625 under Proposal No. 1211.

**SUMMARY**

A comprehensive copier full service maintenance and repair contract is needed to cover the various brand name copy machines owned by the District. The recommended contract will provide required maintenance, repair, and consumables, payable quarterly.

**DISCUSSION**

Since 2000 the District has consolidated the copier maintenance service contracts. This approach has allowed the District to consolidate District-wide requirements and to achieve significant cost savings as compared to continuing with separate agreements for each copier. This action has also enabled one central contract administrator to insure responsive maintenance services from the contract supplier. The assessment of low bid for this service is based on the annual service fees quoted by the prospective suppliers to provide the full service maintenance and repair for each covered machine.

**SERVICE PROVIDER SELECTION**

Requests for proposals were sent to 3 resource organizations and to 10 potential proposers.

**CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

Funds Available: FY 12/13		Budget Code: 317/VAR/VAR
DEPARTMENT SUBMITTING Administration	DEPARTMENT MANAGER or DIRECTOR <i>Carol Nishita</i> Carol Nishita	APPROVED <i>Julius C. [Signature]</i> General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **FISCAL IMPACT**

Funds are available for this work in the FY 12/13 budget.

## **ALTERNATIVE**

Return to the practice of negotiating individual maintenance agreements for each copier throughout the District. This is not recommended as no single contract administrator would be able to insure District-wide high service reliability standards and the District would lose its volume pricing advantage. The recommended action also positions the District to maintain one subject matter expert resulting in a more knowledgeable vendor interface.

Attachments



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>General Services Agreement</b> Copier Full Service Maintenance and Repair - 2 Year Contract with 3 One-Year Renewal Options						<b>DATE:</b> February 10, 2012					
<b>CONTRACTOR:</b> Pacific Office Automation Beaverton, OR					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$120,325 /Yr		<b>FIRM'S OWNERSHIP</b>		White Men		25%		100.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
		White	Male	Ethnic Minorities		25%		0.0%			
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Pacific Office Automation	\$120,325	White	X		100.0%	---	---	---	---	---	
<b>SUBS:</b> None					---	---	---	---	---	---	
<b>TOTAL</b>					\$120,325	100.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
		White Men	White Women	Ethnic Minorities	Total Employees						
No. of Employees:		381	140	88	609						
Percent of Total Employees:		62.6%	23.0%	14.4%							
MSA Labor Market %:		39.0%	33.7%	27.2%							
MSA Labor Market Location:		USA									
<b>COMMENTS</b>											
Contract Equity Participation - 100% White Men participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title: <b>Copier Full Service Maintenance and Repair - 2 Year Contract with 3 One-Year Renewal Options</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
General Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
DATE: 2/10/2012		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT MSA %
RP	WM	Company Wide	9	45	30	4	88	14.4% 27.2%
Pacific Office Automation Brook Newsom 14747 NW Greenbrier Pkwy Beaverton, OR 97006 503-641-2000		Manager/Prof	-	1	3	-	4	4.7%
		Technical/Sales	4	10	7	-	21	12.7%
		Clerical/Skilled	-	5	8	2	15	13.5%
		Semi/Unskilled	5	29	12	2	48	19.4%
		Bay Area	2	1	6	-	9	34.6% 39.9%
		AA Plan on File: NA	Date of last contract with District: N/A					
		Co. Wide MSA: USA	# Employees-Co. Wide: 609 Bay Area: 26					
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide: Bay Area:					
P	Foreign	Company Wide	664	551	308	6	1,529	41.1% 27.2%
Canon Business Solutions, Inc. Toyotsugu Kuwamura 4 Ohio Drive Lake Success, NY 11042 516-328-5000		Manager/Prof	109	98	80	-	287	29.7%
		Technical/Sales	249	268	162	5	684	37.9%
		Clerical/Skilled	296	180	65	1	542	59.0%
		Semi/Unskilled	10	5	1	0	16	44.4%
		Bay Area	7	22	28	3	60	52.2% 39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 3,724 Bay Area: 115					
P	WM	Company Wide	1	-	-	-	1	5.6% 34.1%
Electronic Risks Consultants, Inc. Avraam Zambas 456 Rt 22 W. Whitehouse Station, NJ 08889 908-823-0960		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	1	-	-	-	1	16.7%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA 39.9%
		Co. Wide MSA: New York	# Employees-Co. Wide: 18 Bay Area: 0					
P	Foreign	Company Wide	554	507	325	16	1,402	23.7% 27.2%
Konica Minolta Business Solutions USA, Inc. Myrtha Eugene 100 Williams Drive Ramsey, NJ 07446 201-825-4000		Manager/Prof	73	74	74	3	224	15.5%
		Technical/Sales	307	304	208	8	827	24.1%
		Clerical/Skilled	146	84	32	3	265	32.6%
		Semi/Unskilled	28	45	11	2	86	41.7%
		Bay Area	-	-	-	-	-	NA 39.9%
		Co. Wide MSA: USA	# Employees-Co. Wide: 5,904 Bay Area: 0					
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:	# Employees-Co. Wide: Bay Area:					

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

4.  
February 28, 2012

**TITLE      UPPER SAN LEANDRO RESERVOIR HYPOLIMNETIC OXYGENATION SYSTEM  
              DIFFUSER REPAIR AND MODIFICATION**

☒ MOTION                      ☐ RESOLUTION                      ☐ ORDINANCE

**RECOMMENDED ACTION**

Authorize an agreement with Mobley Engineering, Inc. in an amount not to exceed \$530,000 for repair and modification of the underwater oxygen diffuser at Upper San Leandro (USL) Reservoir during the period March 1, 2012 to December 31, 2012.

**SUMMARY**

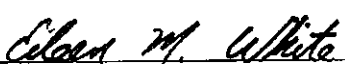
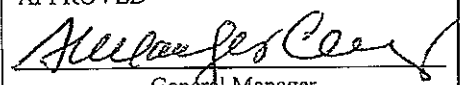
USL Reservoir has algal blooms that historically resulted in numerous customer complaints about bad taste and odor in their drinking water. The Hypolimnetic Oxygenation System (HOS) was installed in 2001. The HOS successfully reduced taste and odor-causing algal blooms and it has reduced the level of manganese which can cause discolored water at consumer taps. In the summer of 2011, staff noticed abnormal bubble patterns indicating damage along the diffuser; this observation correlates with its age and underwater deployment. In order to maintain operational effectiveness and efficiency, the existing diffuser needs to be repaired. Also, operational data indicate that extending the diffuser into one of the reaches of the reservoir would improve control of taste and odor-causing algae in USL Reservoir.

**DISCUSSION**

This Underwater Line Diffuser Technology, which was developed by the Tennessee Valley Authority and Mark Mobley, Principal Engineer at Mobley Engineering, requires specialized knowledge to design, fabricate, modify, and repair. Other water utilities and agencies nation-wide, including the U.S. Army Corps of Engineers, San Francisco Public Utilities Commission, and Contra Costa Water District, have utilized oxygen diffuser systems developed, designed, fabricated, and installed by Mobley Engineering. Another diffuser system by Mobley Engineering is currently under construction at Santa Clara Valley Water District (SCVWD).

**CONSULTANT SELECTION**

The District has no knowledge of another company with the necessary experience to provide the required services. When the District installed the HOS in 2001, every general contractor provided bids with

Funds Available: FY12		Budget Code: WSC/OMD/B773/2007528/5231
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Water Operations	 Eileen M. White	 General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

Mobley Engineering as the subcontractor for the HOS diffuser. SCVWD also found this to be the case with their recent bids.

### **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

### **FISCAL IMPACT**

Funding for this contract is included in FY12 capital budget.

### **PREVAILING WAGE**

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

### **UNION NOTIFICATION**

This type of work is not performed by District forces and consequently union notification was not required.

### **CEQA/ENVIRONMENTAL COMPLIANCE**

A Notice of Exemption was posted with the Alameda County Clerk on February 3, 2012.

### **ALTERNATIVES**

**Do not perform this work.** This is not recommended because a properly functioning HOS diffuser system is needed for control of taste and odor-causing algal blooms in USL Reservoir. Repair and modification are critical for maintaining operational efficiency and effectiveness.

**Conduct the work with District staff.** Currently, District staff do not have the technical expertise, training, or equipment necessary to support this work activity. This underwater oxygen diffuser is a specialized design that requires specialized knowledge and specialty parts to repair and modify.


### **ATTACHMENTS**

P-035 – Contract Equity Program Summary  
P-061 – Affirmative Action Summary



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Professional Services Agreement</b> Upper San Leandro (USL) Reservoir Hypolimnetic Oxygenation System (HOS) Diffuser Repair and Modification							<b>DATE:</b> January 31, 2012					
<b>CONTRACTOR:</b> Mobley Engineering, Inc. Norris, TN					Sole Source Small Business		<b>PERCENTAGE OF CONTRACT DOLLARS</b>					
<b>BID/PROPOSER'S PRICE:</b> \$520,000		<b>FIRM'S OWNERSHIP</b> Ethnicity: White Gender: Female		Availability Group White Men White Women Ethnic Minorities		Contracting Objectives 25% 6% 25%		Participation 0.0% 100.0% 0.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b> M    F		<b>CONTRACTING PARTICIPATION</b>						
<b>PRIME:</b> Mobley Engineering, Inc. <b>SUBS:</b> None		\$520,000	White		X	White-Men ---	White-Women 100.0%	Ethnic Minorities ---	Unclassified ---	Publicly Held Corp. ---	Gov't/Non Profit ---	Foreign ---
<b>TOTAL</b>		\$520,000				0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		5		2		0		7				
<b>Percent of Total Employees:</b>		71.4%		28.6%		0.0%						
<b>MSA Labor Market %:</b>		68.6%		22.9%		8.5%						
<b>MSA Labor Market Location:</b>		Anderson County, TN										
<b>COMMENTS</b>												
Contract Equity Participation - 100% White Men participation and no subcontract opportunities exist.												
Mobley Engineering, Inc.'s Affirmative Action profile indicates acceptable workforce diversity based on the applicable MSA and given the size of their workforce.												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				N/A								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

<b>Title:</b> Upper San Leandro (USL) Reservoir Hypolimnetic Oxygenation System (HOS) Diffuser Repair and Modification		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
<b>Professional Services Agreement</b>		<b>DATE:</b> 1/31/2012	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WW - SBE	Company Wide	-	-	-	-	0	0.0%	8.5%
Mobley Engineering, Inc. Susan R. Mobley 30 Hickory Trail Norris, TN 37828  865-494-0600		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Anderson County, TN		# Employees-Co. Wide:		7 Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

5a.  
February 28, 2012

TITLE MOKELUMNE AQUEDUCTS INTERCONNECTION

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

### RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Proven Management, Inc., in the amount of \$8,218,000 for construction of the Mokelumne Aqueducts Interconnection Project, and consent to withdrawal of the second low bid of Monterey Mechanical Co. (Monterey), under Specification 2036.

### SUMMARY

This project will improve the reliability of the District's water supply by adding interconnections between the District's three aqueducts in the Delta area and near Walnut Creek. Work includes furnishing and installing a reinforced concrete vault structure, piping, valves and appurtenances, and performing related required work at 1) Stockton interconnection near Highway 5 in Stockton, which is within the District's right-of-way; 2) Bixler interconnection at Bixler Yard in Brentwood; 3) Walnut Creek interconnection at the East Portal site near the Walnut Creek Water Treatment Plant, 4) surge control at the San Joaquin Wasteway Facility in Stockton; and 5) surge control at the Bixler Low Head Pumping Plant in Brentwood. See attached location map. This project was discussed at the Planning Committee on February 14, 2012.

### DISCUSSION

The Mokelumne Aqueducts do not currently have any interconnections along their 82-mile length, and each aqueduct is operated independently. The aqueduct system is vulnerable to damage in the Delta as a result of seismic events and from levee failures and flooding. The two oldest aqueducts, which were minimally seismically retrofitted, are also vulnerable to structural failures as a result of large earthquakes near the Delta. The interconnections will allow the District to bypass aqueduct segments that may be damaged following a levee failure or seismic event, thus maximizing flows through surviving segments of the aqueducts.

The Walnut Creek interconnection will facilitate isolation and bypassing of the two Lafayette Aqueducts that are located at the end of the Mokelumne Aqueducts. Work at that site includes two new aboveground valves that will improve operational flexibility of the existing interconnection piping.

Funds Available: FY12-13; CIP #1000810; Page 2.4-43		Budget Code: WSC\570\7999\5561\2006447
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Xavier J. Irias	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

Additional surge control is being provided on Mokelumne Aqueduct No. 3 to protect the two older aqueducts when they are operating in the interconnected mode, should there be a sudden shutdown of the Walnut Creek Raw Water Pumping Plant.

## **BID RESULTS**

Bids Received:	7
Documents Issued:	79
Range of Bids:	\$10,558,000 - \$14,458,100 (Base Bid Items 1 through 3 plus Additive Bid Items A through F) \$8,218,000 - \$11,464,000 (Base Bid Items 1 through 3)
Engineer's Estimate:	\$7,360,714 (Base Bid Items 1 through 3)

Bid documents were sent to 32 resource organizations and to 39 potential bidders. The low bid amount is approximately 11 percent over the Engineer's Estimate. Major factors accounting for the difference include higher mechanical equipment and material costs than estimated, and an increased cost impact due to the tight outage schedule.

The second low bid of \$8,373,000 was submitted by Monterey on February 1, 2012. Monterey requested permission to withdraw its bid due to a clerical error. The formal request, received on February 6, 2012, explained the error.

The total bid amount included three base bid items plus six additive bid items. The total amount bid exceeded the available grant funds for the project. Therefore, the contract award amount only includes the three base bid items. See attached Bid Summary for additional information.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

In July 2010, the District accepted a \$10 million grant under Proposition 84, Integrated Regional Water Management Program, from the California Department of Water Resources for the design and construction of facilities under this project.

This item is included in the FY12-13 Capital Improvement Program for the Raw Water Studies and Improvements Project under the Aqueduct Program.

## **PREVAILING WAGE**

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

## **UNION NOTIFICATION**

Local 444 was notified of this contract on October 6, 2011. Local 444 did not raise any specific issues related to this contract.

## **CEQA/ENVIRONMENTAL COMPLIANCE**

A Notice of Exemption was posted with the Contra Costa County Clerk on March 1, 2011 and the San Joaquin County Clerk on March 4, 2011.

## **ALTERNATIVES**

Do Not Perform the Work – This alternative is not recommended because this is a grant-funded project that will increase the reliability and operational flexibility of the District's raw water supply system.

Perform the Work with District Forces – This alternative is not recommended because District staff does not possess the resources and expertise needed to perform a project of this scale.

Attachments   Location Map  
                      Bid Summary  
                      Contract Equity Program Summary (P-035)  
                      Affirmative Action Summary (P-061)









**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**SPECIFICATION 2036**  
**MOKELUMNE AQUEDUCTS INTERCONNECTION**  
**Bids Opened February 1, 2012**

	<b>BIDDER</b>	<b>TOTAL AMOUNT BID</b>
1.	Proven Management, Inc. 712 Sansome St. San Francisco, CA 94111 (415) 421-9500	\$8,218,000 (Base Bid)  \$11,898,000 (Base Bid Items BB1 through BB3 + Additive Bid Items A through F)
2.	Monterey Mechanical Co. 8275 San Leandro St. Oakland, CA 94621 (510) 632-3173	\$8,373,000 (Base Bid)  \$10,558,000 (Base Bid Items BB1 through BB3 + Additive Bid Items A through F)
3.	Steve P. Rados, Inc. 2002 E. McFadden Ave. Ste 200 Santa Ana, CA 92705 (714) 835-4612	\$8,501,800 (Base Bid)  \$10,561,800 (Base Bid Items BB1 through BB3 + Additive Bid Items A through F)
4.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$8,526,200 (Base Bid)  \$11,211,200 (Base Bid Items BB1 through BB3 + Additive Bid Items A through F)
5.	McGuire and Hester 9009 Railroad Ave. Oakland, CA 94603 (510) 632-7676	\$8,732,000 (Base Bid)  \$11,209,000 (Base Bid Items BB1 through BB3 + Additive Bid Items A through F)





# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> SPECIFICATION NO.: 2036 Mokelumne Aqueducts Interconnection					<b>DATE:</b> February 14, 2012															
<b>CONTRACTOR:</b> Proven Management, Inc. San Francisco, CA					<b>PERCENTAGE OF CONTRACT DOLLARS</b>															
<b>BID/PROPOSER'S PRICE:</b> \$8,218,000		<b>FIRM'S OWNERSHIP</b>		White Men 25%		Contracting Objectives 25%		Participation 16.7%												
		Ethnicity	Gender	White Women 9%				0.2%												
		Hispanic	Male	Ethnic Minorities 25%				83.0%												
<b>CONTRACT EQUITY PARTICIPATION</b>																				
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION															
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign									
<b>PRIME:</b> Proven Management, Inc.										\$6,824,000	Hispanic	X		---	---	83.0%	---	---	---	---
<b>SUBS:</b> Jeffco Painting & Coating										\$204,000	White	X		2.5%	---	---	---	---	---	---
Camblin Steel Service										\$115,000	White	X		1.4%	---	---	---	---	---	---
F. Connolly Company										\$55,000	White	X		0.7%	---	---	---	---	---	---
Mid America Pipe & Fabricating										\$1,000,000	White	X		12.2%	---	---	---	---	---	---
Team North Construction Services										\$20,000	White		X	---	0.2%	---	---	---	---	---
														---	---	---	---	---	---	
														---	---	---	---	---	---	
														---	---	---	---	---	---	
														---	---	---	---	---	---	
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<b>TOTAL</b>										\$8,218,000				16.7%	0.2%	83.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>																				
					White Men		White Women		Ethnic Minorities		Total Employees									
No. of Employees:					13		3		37		53									
Percent of Total Employees:					24.5%		5.7%		69.8%											
MSA Labor Market %:					32.3%		27.8%		39.9%											
MSA Labor Market Location:					9 Bay Area Counties															
<b>COMMENTS</b>																				
Contract Equity Participation - 16.7% White Men participation, 0.2% White Women participation and 83% Ethnic Minority participation																				
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>					<b>Good Faith Outreach Efforts Requirement Satisfied</b>					<b>Award Approval Recommended</b>										
NA					YES															



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
Mokelumne Aqueducts Interconnection			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: 2036		DATE: 2/14/2012	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	
MSA %									
RP	EMM: H	Company Wide	2	31	4	-	37	69.8%	
	Proven Management, Inc.	Manager/Prof	-	1	-	-	1	14.3%	
	Alan Varela	Technical/Sales	-	-	-	-	-	NA	
	712 Sansome Street	Clerical/Skilled	2	30	4	-	36	450.0%	
	San Francisco, CA 94111-1704	Semi/Unskilled	-	-	-	-	0	0.0%	
	415-421-9500	Bay Area	2	31	4	-	32	84.2%	
		AA Plan on File:	NA		Date of last contract with District:		8/30/3010		
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		53 Bay Area: 53		
S	WM - SBE	Company Wide	-	29	1	-	30	43.5%	
	Jeffco Painting & Coating	Manager/Prof	-	-	-	-	0	0.0%	
	Steve Jeffress	Technical/Sales	-	-	-	-	-	NA	
	1260 Railroad Avenue, Bldg. 750	Clerical/Skilled	-	-	-	-	0	0.0%	
	Vallejo, CA 94592	Semi/Unskilled	-	29	1	-	30	53.6%	
	707-562-1900	Bay Area	-	29	1	-	30	43.5%	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		69 Bay Area: 69		
S	WM - L/SBE	Company Wide	3	17	-	-	20	29.9%	
	Camblin Steel Service, Inc.	Manager/Prof	-	1	-	-	1	16.7%	
	William Camblin	Technical/Sales	-	-	-	-	0	0.0%	
	1655 El Camino Avenue	Clerical/Skilled	-	1	-	-	1	25.0%	
	Sacramento, CA 95815	Semi/Unskilled	3	15	-	-	18	34.6%	
	916-922-6561	Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		67 Bay Area: 6		
S	WM	Company Wide	Information Not Provided						
	Mid America Pipe & Fabricating	Manager/Prof							
	John Fischer	Technical/Sales							
	2674 NW Highway 102	Clerical/Skilled							
	Scammon, KS 66773	Semi/Unskilled							
	620-827-6121	Bay Area						39.9%	
		Co. Wide MSA:	# Employees-Co. Wide:						Bay Area:
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:	# Employees-Co. Wide:						Bay Area:
P	WM	Company Wide	6	35	10	1	52	41.6%	
	Steve P. Rados, Inc.	Manager/Prof	1	3	5	-	9	23.7%	
	Walter S. Rados	Technical/Sales	-	-	-	-	0	0.0%	
	2002 E. McFadden Avenue, Suite 200	Clerical/Skilled	5	31	5	1	42	50.0%	
	Santa Ana, CA 92705	Semi/Unskilled	-	1	-	-	1	50.0%	
	714-835-4612	Bay Area	-	-	-	-	-	NA	
		Co. Wide MSA:	Orange County		# Employees-Co. Wide:		125 Bay Area: 0		

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data						
Mokelumne Aqueducts Interconnection			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Spec. No.: 2036		DATE: 2/14/2012	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
P	WM - LBE	Company Wide	6	-	1	1	8	4.3%
Mountain Cascade, Inc. Michael L. Fuller 555 Exchange Court Livermore, CA 94550  925-373-8370		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	2	-	1	-	3	16.7%
		Semi/Unskilled	4	-	-	1	5	3.6%
		Bay Area	2	-	1	1	4	4.4%
		Co. Wide MSA: California	# Employees-Co. Wide: 187				Bay Area: 91	
P	WM - LBE	Company Wide	13	165	8	3	189	58.7%
McGuire and Hester Michael R. Hester 9009 Railroad Avenue Oakland, CA 94603  510-632-7676		Manager/Prof	4	27	2	1	34	46.6%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	4	19	4	1	28	26.7%
		Semi/Unskilled	5	119	2	1	127	88.2%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA: California	# Employees-Co. Wide: 322				Bay Area: 0	
P	WM	Company Wide	1	47	1	2	51	50.5%
Ranger Pipelines Incorporated Thomas Hunt 1790 Yosemite Avenue San Francisco, CA 94124  415-822-3700		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	-	6	1	-	7	22.6%
		Semi/Unskilled	1	41	-	2	44	86.3%
		Bay Area	1	47	1	2	51	50.5%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 101				Bay Area: 101	
P	WM	Company Wide	2	31	1	3	37	22.8%
Syblon Reid Syblon Reid 1130 Sibley Street Folsom, CA 95630  916-351-0457		Manager/Prof	-	2	-	1	3	10.3%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	2	29	1	2	34	35.4%
		Semi/Unskilled	-	-	-	-	0	0.0%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 162				Bay Area: 0	
P	WM	Company Wide	2	31	1	3	37	22.8%
Syblon Reid Syblon Reid 1130 Sibley Street Folsom, CA 95630  916-351-0457		Manager/Prof	-	2	-	1	3	10.3%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	2	29	1	2	34	35.4%
		Semi/Unskilled	-	-	-	-	0	0.0%
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 162				Bay Area: 0	
P	WM - LBE	Company Wide	1	12	4	1	18	12.8%
Monterey Mechanical Company Richard Hamilton 8275 San Leandro Street Oakland, CA 94621  510-632-3173		Manager/Prof	-	1	2	1	4	13.3%
		Technical/Sales	-	-	1	-	1	50.0%
		Clerical/Skilled	1	7	1	-	9	9.5%
		Semi/Unskilled	-	4	-	-	4	28.6%
		Bay Area	1	12	4	1	18	12.8%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 141				Bay Area: 141	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)





AGENDA NO.  
MEETING DATE

5b.  
February 28, 2012

**TITLE      MOKELUMNE AQUEDUCTS INTERCONNECTION – LABOR COMPLIANCE  
PROGRAM SERVICES**

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_ ☐ ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an agreement with Diversified Contract Management Group (DCM) in an amount not to exceed \$85,000 for labor compliance program services in association with the construction of the Mokelumne Aqueducts Interconnection Project.

**SUMMARY**

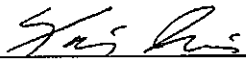
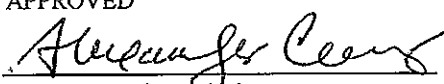
In accordance with the District's \$10 million grant agreement with the California Department of Water Resources, the District is required, through a third party, to adopt and enforce a Department of Industrial Relations (DIR)-certified Labor Compliance Program (LCP) that meets the requirements of Labor Code Section 1771.5 for projects funded by Proposition 84, Integrated Regional Water Management Program. This agreement will enable DCM to provide and implement an LCP for the duration of the construction contract.

**DISCUSSION**

A Labor Compliance Program has the goal of ensuring compliance with prevailing wage laws during construction of the project. The LCP must follow specific reporting and performance standards set forth in regulations adopted by the DIR. Under the LCP, DCM will inform contractors about their prevailing wage obligations, monitor compliance by obtaining and reviewing certified payroll reports, investigate complaints and other suspected violations, and take appropriate enforcement action if violations are found.

**CONSULTANT SELECTION**

Requests for Proposals were sent to seven firms listed on the DIR website as certified LCP providers. Four proposals were received and DCM was selected based on the strength of its qualifications and experience on similar projects.

Funds Available: FY12-13; CIP #1000810; Page 2.4-43		Budget Code: WSC\570\7999\5561\2006447
DEPARTMENT SUBMITTING  Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR   Xavier J. Irias	APPROVED   General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

## **CONTRACT EQUITY PROGRAM EFFORTS**

The completed P-035 and P-061 forms are attached.

## **FISCAL IMPACT**

This item is included in the FY12-13 Capital Improvement Program for the Raw Water Studies and Improvements Project under the Aqueduct Program, and a grant from the Department of Water Resources will reimburse EBMUD for the cost of this agreement.

## **UNION NOTIFICATION**

Under the grant agreement, the LCP must be developed and administered by a third party who is DIR-certified, therefore, these services could not be provided by District staff and consequently union notification was not required.

## **ALTERNATIVES**

Perform the Work with District Staff – This is not recommended because the District is required under the grant agreement to use a third party who is DIR-certified to develop and administer the LCP.

Do Not Perform the Work – This is not recommended because the District would not be in compliance with the terms of its grant agreement associated with the construction phase of the Mokelumne Aqueducts Interconnection Project.

Attachments: Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)





# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Professional Services Agreement</b> <b>Mokelumne Aqueducts Interconnection - Labor Compliance Program Services</b>						<b>DATE:</b> <b>February 16, 2012</b>						
<b>CONTRACTOR:</b> Diversified Contract Management Group      Small Business Sacramento, CA						<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$85,000		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
		Hispanic	Female	<b>Ethnic Minorities</b>		<b>25%</b>		<b>100.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
			<b>M</b>	<b>F</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Diversified Contract Management Group	\$64,840	Hispanic		X	---	---	76.3%	---	---	---	---	
<b>SUBS:</b> Labor Compliance and Monitoring Pro	\$20,160	Hispanic	X		---	---	23.7%	---	---	---	---	
<b>TOTAL</b>					\$85,000		0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		2		2		6		10				
<b>Percent of Total Employees:</b>		20.0%		20.0%		60.0%						
<b>MSA Labor Market %:</b>		32.7%		30.0%		37.3%						
<b>MSA Labor Market Location:</b>		Sacramento										
<b>COMMENTS</b>												
Contract Equity Participation - 100% Ethnic Minority participation												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				YES								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data						
Mokelumne Aqueducts Interconnection - Labor Compliance Program Services			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
		2/16/2012	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
RP	EMW:H - SBE	Company Wide	-	6	-	-	6	60.0%
Diversified Contract Management Group Victoria Castanea 1720 Capitol Avenue Sacramento, CA 95811  916-971-4929		Manager/Prof	-	1	-	-	1	100.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	5	-	-	5	55.6%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	6	-	-	6	60.0%
		AA Plan on File:	NA		Date of last contract with District:		N/A	
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		10 Bay Area: 10	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	
P	WM - SBE	Company Wide	1	-	-	-	1	7.1%
3QC James D. Becker 193 Blue Ravine Road, Suite 190 Folsom, CA 95630  916-496-8400		Manager/Prof	-	-	-	-	0	0.0%
		Technical/Sales	1	-	-	-	1	33.3%
		Clerical/Skilled	-	-	-	-	0	0.0%
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	-	-	-	-	-	NA
		Co. Wide MSA:	California		# Employees-Co. Wide:		14 Bay Area: 0	
P	EMW:B - SBE	Company Wide	3	2	3	-	8	80.0%
The Labor Compliance Managers Lindley Robertson 4911 3rd Street San Francisco, CA 94124  415-800-8960		Manager/Prof	3	2	3	-	8	80.0%
		Technical/Sales	-	-	-	-	-	NA
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	3	2	3	-	8	80.0%
		Co. Wide MSA:	San Francisco County		# Employees-Co. Wide:		10 Bay Area: 10	
P	EMM:B - I/SBE	Company Wide	3	2	-	-	5	62.5%
Davillier Sloan, Inc. Jake Sloan 1630 12th Street Oakland, CA 94607  510-835-7603		Manager/Prof	3	2	-	-	5	71.4%
		Technical/Sales	-	-	-	-	0	0.0%
		Clerical/Skilled	-	-	-	-	-	NA
		Semi/Unskilled	-	-	-	-	-	NA
		Bay Area	3	2	-	-	5	62.5%
		Co. Wide MSA:	Alameda/CC Counties		# Employees-Co. Wide:		8 Bay Area: 8	
		Company Wide						
		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:	

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)

## EAST BAY MUNICIPAL UTILITY DISTRICT

8.

DATE: February 23, 2012

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Sustainability/Energy Committee Minutes – February 14, 2012

Director Doug Linney called to order the Sustainability/Energy Committee meeting in the Training Resource Center at 8:19 a.m. Chair Andy Katz arrived at 8:20 a.m. and Director Katy Foulkes arrived at 9:15 a.m. Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Operations and Maintenance Michael J. Wallis, Engineering Manager Clifford C. Chan, Manager of Wastewater Engineering Edward H. McCormick, Senior Civil Engineer David V. Beyer, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

### **Environmental Protection Agency Climate Resilience Evaluation and Awareness Tool**

**Update.** Engineering Manager Clifford C. Chan provided an update on the pilot of the Environmental Protection Agency (EPA) Climate Resilience Evaluation and Awareness Tool (CREAT). CREAT provides a structured approach to assess climate change risks and identify adaptation measures. In the spring of 2011, the District continued its participation on the CREAT working group to identify new functionality for the next version of CREAT (CREAT 2.0). New features proposed for CREAT 2.0 include modules to evaluate multiple climate change scenarios, extreme events, and energy efficiency. In June 2011, District staff presented information on energy efficiency at the EPA's office in Washington D.C. as part of the first face-to-face meeting for CREAT 2.0. In the fall of 2011, the EPA held numerous webinars to train utilities across the United States on climate change and how CREAT can support utilities with their climate change evaluation. Staff will continue to participate on the working group 2.0 pilot. The release is anticipated in late 2012.

**Power Generation Station Renewable Energy Expansion Project Update.** Manager of Wastewater Engineering Edward H. McCormick presented an update on the new 4.6 megawatt (MW) turbine-generator at the Main Wastewater Treatment Plant (MWWTP). He reported that with the addition of the turbine, the District should be able to avoid flaring excess digester gas in the future and will be able to consistently export excess energy to the grid. Mr. McCormick noted that a dedication is scheduled for April 3, 2012 and the program will focus on the importance of renewable energy and the local benefits of the project. Mr. McCormick also reported that staff continues to aggressively pursue organic waste streams, not only to sustain the current level of biogas production but also to increase that level in the years to come. The Committee commended staff on the project and offered to assist in outreach to local cities that have compost programs and may therefore offer consistent organic waste streams.

**Water System Energy Management Strategy.** Senior Civil Engineer David V. Beyer summarized the District's energy management accomplishments and plans for FY12/13. He said that in FY11, the District produced 233,800 MWh of energy. In addition, the District is saving approximately \$1.2 million annually from existing natural gas microturbines, lighting replacements, distribution and raw water system operation optimization, and participation in demand response programs. For the remainder of FY12 and FY13, staff will be working on a number of projects including expanding the District's Western Area Power Administration (WAPA) contract to include qualifying distribution facilities, installing additional energy efficient lighting and participating in demand response programs. The Committee raised no questions.

**Community Choice Aggregation (CCA) Update.** Director of Operations and Maintenance Michael J. Wallis provided background on Community Choice Aggregation and EBMUD's past research on options to participate in the energy market. He said that the District's past investigations showed that CCA participation offers community benefits and a potential revenue stream but has significant risks that include the need to invest to cover upfront costs, to develop expertise to understand and operate a new utility function, to work in a new regulatory environment, and to ensure that costs incurred are properly allocated only to customers who benefit from the service being provided. Mr. Wallis also pointed out that the CCA legislation requires that the service provider offer the service to all customers within a city or county jurisdiction but District boundaries do not align with jurisdiction boundaries in many cases and EBMUD's service area only include portions of some cities and both Alameda and Contra Costa County. Additionally, he pointed out that funding a full feasibility study would be expensive and the authority to conduct the planning to form a CCA using water/wastewater system funds would require further study. Mr. Wallis reported that staff recently reviewed the feasibility studies conducted by the Sonoma County and Marin Energy Authority (MEA) to form a CCA. He said staff will continue to explore the challenges, will respond to requests from cities that have expressed interest in working with EBMUD to explore forming a CCA, and will provide an update to the Committee and to the Board later this year.

General Manager Coate reported that he had received letters from the City of Richmond and the City of Berkeley expressing interest in exploring forming a CCA partnership and that copies would be provided to the full Board. Several community representatives (Local Green Energy Alliance, Berkeley on Climate Change, Lean Energy U.S., Sierra Club, and Communities for a Better Environment) spoke in support of the public benefits of forming a CCA partnership. The Committee noted its conceptual support and urged staff to meet with local officials to assess this opportunity and provide a status update at the next committee meeting.

**Adjournment.** Chair Katz adjourned the Sustainability/Energy Committee meeting at 9:38 a.m.

ARC/LML/slb

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EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: February 23, 2012  
MEMO TO: Board of Directors  
THROUGH: Alexander R. Coate, General Manager *AR Coate*  
FROM: Lynelle M. Lewis, Secretary of the District *Lynelle M. Lewis*  
SUBJECT: Planning Committee Minutes – February 14, 2012

Chair Doug Linney called to order the Planning Committee at 9:30 a.m. in the Training Resource Center. Director Katy Foulkes was present at roll call. Director Lesa R. McIntosh arrived at 9:50 a.m. Staff present included: General Manager Alexander R. Coate, Director of Operations and Maintenance Michael J. Wallis, Director of Engineering and Construction Xavier J. Irias, Operations and Maintenance Department Manager Eileen White, Manager of Water Quality Ronald B. Hunsinger, Associate Civil Engineer Marshall McLeod, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Mokelumne Aqueduct Levee Improvements.** Operations and Maintenance Department Manager Eileen White presented an update on the multi-pronged approach to protect District aqueducts from flooding in the event of levee failures in the Delta. These strategies include levee strengthening, aqueduct interconnections, and standby materials and supplies to respond to an emergency. She reported that the District has been working with the five Reclamation Districts (RDs) to obtain funding for levee strengthening and to purchase emergency supplies. It was noted that four of the five 2012 levee projects are nearly complete and the fifth project is scheduled to be completed this summer. Construction on four additional levee projects is scheduled to be completed by June 2013. Another levee project remains in the design stage because it has complex environmental issues that need to be resolved before the project can proceed. Ms. White said the levee projects will substantially improve the stability of the levees and help protect the District's water supply and the region's agricultural, cultural, and historical resources, as well as the ecosystems in the Delta. The Committee raised no questions.

**Mokelumne Aqueducts Interconnection Project – Update.** Associate Civil Engineer Marshall McLeod presented an update on the design and construction of piping and related improvements along the Mokelumne Aqueducts. He said that the project's purpose is to mitigate risks and improve the reliability of the District's water supply by adding interconnections between the District's three aqueducts in the Delta area and near Walnut Creek. The interconnections will allow the District to bypass aqueduct segments that may be damaged following a levee failure or seismic event, thus maximizing flows through surviving segments of the aqueducts. The construction contract is scheduled to be presented to the Board of Directors for approval on February 28, 2012. Construction is scheduled to start in the summer of 2012 and will take approximately two years to complete. It was moved, seconded and carried to recommend approval of the contract to the full Board.

**Water Quality Program Semi-Annual Update.** Manager of Water Quality Ronald B. Hunsinger presented an update on ongoing efforts to ensure delivery of high quality drinking water served to our customers. He said that during the first half of FY12, the District was in compliance with all water quality regulations. In addition, the District met the much more stringent District water quality goals for 122 of the 123 parameters measured. Water quality goals were not met for total trihalomethanes (TTHMs). Action plans to address TTHMs as well as N-nitrosodimethylamine are underway which include research and operational changes. Mr. Hunsinger noted that controversy over fluoridation continues and staff is awaiting final guidance and instructions from the regulatory agencies for the optimum level for fluoride. The Committee raised no questions.

**Adjournment.** Chair Linney adjourned the meeting at 10:30 a.m.

ARC/LML/slb  
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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: February 23, 2012  
MEMO TO: Board of Directors  
THROUGH: Alexander R. Coate, General Manager *MC*  
FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*  
SUBJECT: Legislative/Human Resources Committee Minutes – February 14, 2012

Chair Lesa McIntosh called to order the Legislative/Human Resources Committee at 10:34 a.m. in the Training Resource Center. Directors Andy Katz and Frank Mellon were present at roll call. Staff present included: General Manager Alexander R. Coate, Special Assistants to the General Manager Marlaigne K. Dumaine and Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Legislative Report.** Special Assistant to the General Manager Marlaigne K. Dumaine highlighted the following legislative initiatives outlined in Legislative Report No. 01-12: SUPPORT AB 1540 (Buchanan) which designates Boating and Waterways as the lead agency in controlling South American Spongeplant; SUPPORT SB 200 (Wolk) which would extend the Delta levees maintenance program's 75 percent reimbursement limit to July 1, 2014; and SUPPORT H.R. 2939 (Slaughter) which would establish a National Pharmaceutical Stewardship Organization to create and implement a certified national pharmaceutical stewardship program, and would establish the Commission on Drug Disposal and its Public Safety, Public Health, and Environmental Impacts to develop a strategy to prevent entry of drugs into the nation's water supply.

The Committee moved, seconded and carried to forward the staff recommendations to the full Board.

**Adjournment.** Chair McIntosh adjourned the meeting at 10:37 a.m.

ARC/LML/slb

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