



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: John Brodie, Water Resources Programs Manager

DATE: August 8, 2024

RE: Ratification of Execution of Task Order with EKI Environment and Water, Inc. for Technical Support Services and Related Expenditure of \$131,000 from the FY2025 SGMA Northern Delta-Mendota Region Fund

BACKGROUND

On February 8, 2024, the Board of Directors approved the Water Authority's Fiscal Year 2025 (FY 25) budget, including budgets for Activity Agreements which contain three separate funds to provide Sustainable Groundwater Management Act (SGMA) Services to Activity Agreement members in the Delta-Mendota Subbasin. These funds are identified as the "Coordinated Cost-Share Agreement" (Fund 63), "Northern Delta-Mendota Region" (Fund 64), and "Central Delta-Mendota Region" (Fund 65). The various governance Committees for these three funds approved budgets for staff augmentation support for \$71,040 in each of those three funds, plus an additional \$750,000 carry over from a FY 2024 Task Order under a Special Project Agreement for Fund 63, which has all been contracted with EKI Environment and Water as a consultant.

The Northern Delta-Mendota Region Activity Agreement members are seeking additional technical assistance to inform the development of a Pumping Reduction Plan (PRP) to achieve groundwater sustainability and SGMA compliance within their management zone. The proposed technical assistance budget is \$131,000, bringing the total for that consultant under fund 64 to \$202,040, which exceeds the Water Authority's \$200,000 delegation of authority threshold. Board authorization is required to ensure consistency with the Authority's Procurement Policy.

ISSUE FOR DECISION

Whether the Board of Directors should ratify execution of a Task Order with EKI Environment and Water, Inc. for Technical Support Services and the related expenditure of \$131,000 from the FY2025 SGMA Northern Delta-Mendota Region Fund (Fund 64).

RECOMMENDATION

Staff recommends ratifying execution of the Task Order and related expenditure.

ANALYSIS

Articles 1.1(b) and 4.5 of the Water Authority's Consolidated Procurement Policy require Board authorization for contracts over \$200,000. In this instance, staff is seeking approval of an additional task order for \$131,000, which results in an amount exceeding \$200,000 for technical support services for Fund 64. The technical support will assist Northern Delta-Mendota Region SGMA participants with development of a pumping reduction plan required for SGMA compliance.

The Northern Delta-Mendota Region Management Committee voted to authorize execution of the Task Order and expenditure of \$131,000 on July 3, 2024. In order to allow work to proceed, which must be complete by October 31, 2024, the Task Order was executed prior to the August 8, 2024 Board Meeting, and staff is seeking ratification of this action by the Board.

BUDGET

The required funds will be paid by Northern Delta-Mendota Region participants according to the established cost sharing percentages.

ATTACHMENTS

1. Task Order

SLDMWA-EKI ENVIRONMENT & WATER, INC.

AGREEMENT FOR PROFESSIONAL SERVICES

TASK ORDER F25-AA-005-TO05-64

**Technical Support for the Development of a Pumping Reduction Plan for the
Northern Management Committee of the Delta-Mendota Subbasin**

Detailed Scope of Work

TASK 1 – Development of a Groundwater Overdraft Mitigation Plan

The Northern Delta-Mendota Region Management Committee Groundwater Sustainability Agencies (NDM GSAs) have agreed to reduce annual groundwater extraction by at least 20% annually beginning in January 2025 and for each of the subsequent four years until collectively reducing groundwater extraction by approximately 9,000 acre feet per year (AFY), primarily from the Lower Aquifer.

Subtask 1A: Development of an Overdraft Mitigation Policy

EKI will develop a draft overdraft mitigation policy (OMP) that details a technical approach, criteria, and tools that will be used to meet the requirements. The OMP will specify the required level of measurement, monitoring, and reporting by the NDM GSAs. A technical methodology will be recommended to determine the rate and extent of pumping reduction to satisfy the criteria, including recommendations for necessary adjustments and adaptations.

Subtask 1B: Coordinate Pumping Reductions with Other Pumping Reduction Plan (PRP) Criteria

EKI will attempt to coordinate the reductions proposed with those that will most likely be required to meet the requirements of the (Tasks 2 through 4):

- Groundwater Level Minimum Threshold (GWL-MT) Avoidance Plan
- Water Quality MT (WQ-MT) Avoidance Plan
- Subsidence Avoidance Plan

EKI will meet remotely with an ad hoc committee to discuss a proposed methodology and receive feedback. The model will not be calibrated and GSA-level water budgets will be approximate. Meeting costs are included in the Task 6 budget. Specific parts of the work under Subtask 1B that require the modeling work under Tasks 2-4 as a prerequisite will be conducted if and when the additional scope of work planned for after October 2024 is approved.

EKI will provide a Pumping Reduction Plan (PRP) section outlining the Overdraft Mitigation Plan

Task 2 – Development of the Northern Delta-Mendota Groundwater Level Minimum

Threshold Avoidance Plan

EKI will work with the NDM GSAs to develop a draft GWL-MT Avoidance Plan that outlines monitoring, investigation, and GSA action to respond to declining groundwater levels and avoid the occurrence of an MT exceedance for Chronic Lowering of Groundwater Levels. The plan will include establishment of well-specific triggers, a technical approach for implementation of pumping reductions, and additional monitoring and reporting requirements if a trigger is reached.

The technical approach developed will include a methodology to define rate and extent of pumping reductions including a zone of influence for Representative Monitoring Network Wells (RMWs) and sensitivity rates.

EKI will meet remotely with an ad hoc committee to discuss a proposed methodology and receive feedback. The model will not be calibrated and the GWL-MT avoidance plan will be approximate. Meeting costs are included in the Task 6 budget. Development of RMW-specific zones of influence and rates of pumping reduction is deferred until after October 2024 and will be conducted if and when the additional scope of work is approved.

EKI will provide a PRP section outlining the GWL-MT Avoidance Plan.

TASK 3 – Development of the Northern Delta-Mendota Water Quality Minimum Threshold Exceedance Plan

Similar to Task 2, the NDM GSAs must outline a monitoring, investigation, and GSA action(s) to respond to an MT exceedance for Degraded Water Quality. Per the Groundwater Sustainability Plan (GSP), triggers for the plan for any constituent of concern (COC) include the exceedance of a water quality MT at a RMW or a statistically significant increasing trend in water quality concentration in three consecutive years of data that indicate an MT exceedance is projected to occur within a year.

EKI will develop a WQ-MT Exceedance Plan that describes the investigation GSAs must conduct upon exceedance of one of the above triggers to assess whether degradation of water quality is caused by groundwater management actions (pumping or recharge).

EKI will meet remotely with an ad hoc subcommittee to discuss a proposed methodology and receive feedback. Meeting costs are included in the Task 6 budget.

EKI will provide a PRP section outlining WQ-MT Exceedance Plan.

Task 4 – Development of the Northern Delta-Mendota Subsidence Avoidance Plan

The Subsidence Avoidance Plan will define monitoring and measurement required for successful implementation, applicable triggers for GSA action, a technical approach for defining the rate and extent of pumping reduction to address potential subsidence MTs, and a tracking approach to adapt and adjust the pumping reduction.

The technical approach developed under the Subsidence Avoidance Plan will likely use the same tools and methodology under GWL-MT Avoidance Plan, but focus on the relationship between

pumping and subsidence. The approach developed will include a zone of influence for RMWs and sensitivity rates.

EKI will meet remotely with an ad hoc subcommittee to discuss a proposed methodology and receive feedback. The model will not be calibrated and the Subsidence Avoidance Plan will be approximate. Meeting costs are included in the Task 6 budget. Development of RMW-specific extents and rates of pumping reduction is deferred until after October 2024 and will be conducted if and when the additional scope of work is approved.

EKI will provide a PRP section outlining the Subsidence Avoidance Plan.

TASK 5 – Develop Groundwater Allocation Backstop Implementation Criteria

EKI will summarize the requirements of the PRP and outline the criteria under which GSAs will not be in compliance, triggering the groundwater allocation backstop plan and implementation of a pumping allocation equivalent to sustainable yield. The Groundwater Allocation Backstop Plan will define the measurement and monitoring required for successful compliance with the PRP, and the criteria under which a GSA can become compliant and exit the groundwater allocation backstop.

EKI expects to hold up to one 1-hr virtual meeting with the ad-hoc committee to discuss the proposed plan and receive feedback. Findings of this task will be summarized in respective sections of the PRP TM, for adoption by October 2024.

EKI will meet remotely with an ad hoc subcommittee to discuss the proposed backstop and receive feedback. The model will not be calibrated, and as such, the Groundwater Allocation Backstop Plan allocations will remain approximate and will not be informed by a local estimate of sustainable yield. Meeting costs are included in the Task 6 budget.

EKI will provide a PRP Section outlining the Groundwater Allocation Backstop Implementation Criteria.

TASK 6 – Project Management and Client Coordination

EKI will provide routine project management and communications tasks on an as-needed and as-requested basis that will be charged on a time and materials basis. EKI will be available to attend up to three meetings with the NDM GSA Group to coordinate PRP development and facilitate its adoption. EKI will also hold up to two check-in calls with the NDM GSP Group Project Manager. The EKI Team will also provide progress summary reports and budget summaries as part of EKI's monthly invoices.

Meetings will be held remotely. Costs for the meetings scoped under Tasks 1 through 5 are included in the budget for this Task. The NDM GSAs will develop and provide the required information under the first component of the PRP (monitoring and data collection plan) in a timely manner for provision to EKI to support its efforts on Tasks 1 through 5.

EKI will provide monthly budget and progress summary reports, as needed check-in calls (up to two).

Online Document Accessibility: Consultant will provide electronic copies of documents and materials designated for public access on the Authority’s public website consistent with Web Content Accessibility Guidelines (WCAG) 2 Level AA Conformance and/or current state and federal standards for accessibility. If Consultant has any question as to whether a deliverable is subject to these requirements, Consultant shall confirm with the Authority whether the deliverable is anticipated to be posted to the Authority website. Consultant may reference the California Department of Technology’s Web Accessibility Assessment Checklist at [SIMM 25 IT Accessibility Resource Guide \(ca.gov\)](https://www.cdte.org/resources/simm-25-it-accessibility-resource-guide) to help Consultant comply with State and WCAG standards and requirements. Consultant should ensure documents and materials created for the Authority are compatible with most major Internet browsers, including Chrome, Firefox, and Safari. The Authority reserves the right to return to Consultant for correction any deliverable that is required to be website accessible, and that the Authority determines not be compliance, in accordance with these standards. Any such modification shall be done at Consultant’s cost and without further charge to the Authority.

EKI will adhere to the following contract provision, now being added into all SGMA-related Professional Services Agreements:

This is a “Not to Exceed” Task Order. EKI will not exceed its submitted budget estimate for the scope of work and tasks as detailed below without prior approval from SLDMWA. EKI may request to amend and add to the submitted budget of \$131,000 prior to the end of the fiscal year. If such a request is made, EKI agrees to reimburse reasonable expenses incurred by SLDMWA in preparation of the Task Order Budget Amendment, including but not limited to: staff time, legal review, and scheduling and conducting special meetings and consultations with Local Project Sponsors and the NDM GSAs.

Basis of Payment: Time and materials

Budget Maximum: Not to exceed \$131,000



Estimate of Time Schedule: August 1, 2024 – October 31, 2025

SLDMWA Project Lead: John Brodie, john.brodie@sldmwa.org

Consultant Project Lead: Anona Dutton, adutton@ekiconsult.com

Special Instructions: (1) All invoices should be sent to Project Lead John Brodie and Felicia Luna felicia.luna@sldmwa.org pursuant to Article 6 of Exhibit B to the Agreement; (2) All invoices shall reference: “Task Order F25-AA-005-TO05-64”

Accepted:

San Luis & Delta-Mendota Water Authority	Consultant
By:  Federico Barajas Executive Director	By:  Anona Dutton Vice President

San Luis & Delta-Mendota Water Authority	EKI Environment & Water,
Date: 8/1/2024	Inc. Date: 7/26/2024

Budget Estimate for Proposed Scope of Work												
Technical Support for Development of a Pumping Reduction Plan for the Northern Delta-Mendota Region Management Committee												
SLDMWA Fund 64 - Services for Northern Delta-Mendota												
Fiscal Year 2025: 1 March 2024 through 28 February 2025												
TASKS	EKI Labor / Rates						Expenses			TOTAL (1)		
	Officer and Chief Engineer-Scientist	Senior 1 Engineer	Scientist	Grade 1 Engineer	Grade 2 Engineer	Grade 3 Engineer	Grade 5 Engineer	OTHER DIRECT COSTS				
Task 1 – Development of a Groundwater Overdraft Mitigation Plan												
Subtask 1.A – Development of an Overdraft Mitigation Policy	4	18	18	20	20	-	32	2,000				
Subtask 1.B – Coordinate Pumping Reductions with Other PRP Criteria	2	6	6	2	2	-	8					
Subtotal	6	24	24	22	22	-	40	2,000				\$30,000
Task 2 – Development of a Groundwater Level Minimum Threshold Avoidance Plan												
Subtotal	10	24	30	22	22	-	32					\$29,000
Task 3 – Development of a Water Quality Minimum Threshold Avoidance Plan												
Subtotal	4	6	-	20	20	8	20					\$13,000

<u>Task 4 – Development of a Subsidence Avoidance Plan</u>										
Subtotal			10	24	30	14	-	40		\$29,000
<u>Task 5 – Development Groundwater Allocation Backstop Implementation Criteria</u>										
			4	8	14	8	12	20		\$15,000
Subtotal										
<u>Task 6 – Project Management and Client Coordination</u>										
			14	18	10	10	-	-		\$15,000
Subtotal										
Total			48	104	108	96	20	152		\$131,000
Notes:										
<p>A communications charge of 4% of labor costs covers e-mail access, web conferencing, cellphone calls, messaging and data access, file sharing, local and long-distance telephone calls and conferences, facsimile transmittals, standard delivery U.S. postage, and incidental in-house copying. Numbers rounded to nearest \$100.</p> <p>“Other Direct Costs” includes direct expenses, as listed below, incurred in connection with the work and will be reimbursed at cost plus fifteen percent (15%) for items such as:</p> <ol style="list-style-type: none"> Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work. Consultants, soils engineers, surveyors, drillers, laboratories, and contractors. Rented vehicles, local public transportation and taxis, travel and subsistence. Special fees, insurance, permits, and licenses applicable to the work. Outside computer processing, computation, and proprietary programs purchased for the work. <p>Reimbursement for company-owned automobiles, except trucks and four-wheel drive vehicles, used in connection with the work will be at the rate of sixty cents (\$.60) per mile. The rate for company-owned trucks and four-wheel drive vehicles will be seventy five cents (\$.75) per mile. There will be an additional charge of thirty dollars (\$30) per day for vehicles used for field work. Reimbursement for us of personal vehicles will be at the federally allowed rate plus fifteen percent (15%).</p> <p>CADD and other specialized software computer time will be charged at twenty dollars (\$20) per hour. In-house material and equipment charges will be in accordance with the current rate schedule or special quotation. Excise taxes, if any, will be added as a direct expense.</p> <p>Rate for professional staff for legal proceedings or as expert witnesses will be at a rate of one and one half (1 ½) times the hourly rates specified above.</p>										

