



COUNTY OF SAN LUIS OBISPO
CENTRAL SERVICES DEPARTMENT

Christopher Lopez *Director*

**REQUEST FOR PROPOSAL PS- #XXXX
PASO ROBLES GROUNDWATER BASIN
COST OF SERVICE RATE STUDY**

October 26, 2023

The County of San Luis Obispo (County) is currently soliciting proposals for professional services for the Paso Robles Groundwater Basin Cost of Service Rate Study.

Each proposal shall specify each and every item as set forth in the attached specifications. Any and all exceptions must be clearly stated in the proposal. Failure to set forth any item in the specifications without taking exception may be grounds for rejection. The County reserves the right to reject any and all proposals and to waive any irregularity or informality in any proposal or in the RFP process, as long as, in the judgment of the County, such action will not negate fair competition and will permit proper comparative evaluation of the proposals submitted.

This RFP is posted on the County's Purchasing website at http://www.slocounty.ca.gov/GS/Purchasing/Current_Formal_Bids_and_Proposals.htm. Any changes, additions, or deletions to this RFP will be in the form of written addenda issued by the County. Any addenda will be posted on the website. Prospective proposers must check the website for addenda or other relevant new information during the response period. The County is not responsible for the failure of any prospective proposer to receive such addenda. All addenda so issued shall become a part of this RFP.

If your firm is interested and qualified, please submit two (2) separate Adobe Acrobat Portable Data Format (.pdf) files, one (1) technical proposal and one (1) cost proposal, through the County's Purchasing website at the address listed above, by **3:00 p.m. on November 22, 2023**.

If you have any questions about the proposal process, please contact the Buyer directly.

MISSY VILES
Buyer II – Central Services Purchasing
mviles@co.slo.ca.us

PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY

Table of Contents

I. INTRODUCTION..... 3

A. PURPOSE3

B. BACKGROUND4

II. SCHEDULE AND SUBMITTAL 5

A. RFP SCHEDULE5

B. QUESTIONS6

C. PROPOSAL SUBMITTAL6

D. PRE-PROPOSAL CONFERENCE6

III. GENERAL INSTRUCTIONS..... 6

A. COUNTY RIGHTS & OPTIONS6

B. PREVAILING WAGE9

C. CHANGES TO THE RFP9

D. COMMUNICATIONS9

E. INSURANCE9

F. EXCEPTIONS & DEVIATIONS 10

G. AWARD AND STANDARD AGREEMENT 10

IV. PROPOSAL FORMAT 11

V. PROPOSAL SELECTION & CONTRACT AWARD..... 12

A. SELECTION PROCEDURES 12

B. SELECTION CRITERIA 13

C. FINAL SELECTION 13

D. CONTRACT AWARD AND EXECUTION 13

E. PROTEST OF AWARD 14

VI. DEFINITIONS..... 15

APPENDIX A – SCOPE OF SERVICES 16

APPENDIX B – SAMPLE CONTRACT..... 20

APPENDIX C – LOCAL VENDOR PREFERENCE 21

APPENDIX D – RISK ASSESSMENT QUESTIONNAIRE..... 22

APPENDIX E – COUNTY TRAVEL POLICY 24

APPENDIX F – DESIGNATION OF SUBCONTRACTORS FORM..... 25

APPENDIX G – PROPOSER CHECKLIST..... 26

APPENDIX H – PBCC MEMEORANDUM OF AGREEMENT 27

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

I. INTRODUCTION

A. PURPOSE

The purpose of this Request for Proposals (RFP) is to solicit proposals from qualified firms to complete a Cost-of-Service Rate Study (Study) to support funding groundwater management related activities for the Paso Robles Groundwater Subbasin (Basin) pursuant to the Sustainable Groundwater Management Act (Water Code §§ 10720 et seq.) (SGMA). More specifically, the primary purpose of this analysis is to support regulatory fees (Water Code § 10730; Proposition 26) for distributing administrative costs (e.g. costs for general administration, operations, groundwater extraction measurement and Basin monitoring and reporting) to Basin extractors (administrative fees) and to support additional fees (Water Code § 10730.2; Proposition 218) for distributing Groundwater Sustainability Plan (GSP) project costs to Basin extractors (project fees). This Study shall comply with the requirements of SGMA (e.g. it shall not call for the imposition of a regulatory fee on a de minimis extractor unless the extractor is being regulated under SGMA) and the requirements of all other applicable laws, including, without limitation, the procedural and substantive requirements of Propositions 26 and 218 and shall provide supporting documentation evidencing said compliance. Without limiting the foregoing, regarding compliance with Proposition 26, the rate study shall provide supporting documentation necessary to determine whether the administrative fees fall within one of the enumerated exceptions from the definition of a “tax” and that the amount of the administrative fees are no more than necessary to cover the reasonable costs of the governmental activities and that the manner in which those costs are allocated to an extractor bear a fair or reasonable relationship to the extractor’s burdens on, or benefits received from, the governmental activity (California Constitution, Article XIII C, Section 1). Regarding compliance with Proposition 218, the rate study shall provide supporting documentation evidencing that the project fees do not exceed the proportional cost of the service attributable to each parcel. The Study shall build off the relevant legal opinions and court decisions that provide a foundation for the recommended charges, and the consultant shall work with the County’s legal advisor and / or other relevant counsel early and often in the preparation of the Study consistent with the discussion of funding in the GSP.^a

All work will be completed in accordance with the County of San Luis Obispo and other applicable local, state, and federal agency regulatory and code requirements.

See Appendix A for detailed scope of work.

The consultant contract is planned to be a “Time and Materials” based contract and the County shall pay to the Consultant as compensation in full for all services performed at the rates

^a The GSP states: “Any imposition of fees, taxes or other charges would need to follow the applicable protocols outlined in the above sections and all applicable Constitutional requirements based on the nature of the fee. Such protocols would likely include public outreach, notification of all property owners, and at least one public hearing where the opinions and concerns of all parties are heard and considered before the [Groundwater Sustainability Agencies] [GSAs] make a determination to proceed with a fee or other charge. It is assumed that any fee structure adopted by the individual GSAs would be adopted by resolution or ordinance and would be identical in all material respects, i.e. with respect to levels and classes of uses. As part of or in conjunction with the feasibility study and in order to reduce the risk of a legal challenge, the GSAs plan to obtain the legal advice necessary to ensure that the proposed fee is consistent with all applicable legal requirements *and rights*.” (emphasis added) (GSP, pp. 10-3 – 10-4, available at: <https://www.slocounty.ca.gov/Departments/Groundwater-Sustainability/Groundwater-Basins/Paso-Robles-Groundwater-Basin/Groundwater-Sustainability-Plan-Annual-Reporting.aspx>)

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

specified in the Consultant's Rate Sheet (to be included in the Consultants Proposal). The term of the contract will not exceed six (6) months.

B. BACKGROUND

The Basin is identified by the Department of Water Resources (DWR) in Bulletin 118 as Subbasin No. 3-004.06. The Basin is part of the greater Salinas Valley Basin in the Central Coastal region of California. The Basin as defined in the GSP encompasses an area of approximately 436,240 acres, or 681 square miles and is entirely within San Luis Obispo County. The Basin boundaries delineate the groundwater basin and are graphically depicted in the Basin Location Map (Figure 1 of the GSP). The watershed, which includes the area that drains the surface water to the Basin, encompasses a much larger area. The Basin is classified by DWR as a high priority groundwater basin with critically over drafted conditions.

SGMA requires sustainable groundwater management in all high and medium priority basins throughout the State of California. SGMA's first critical deadline required formation of GSAs by June 30, 2017. SGMA authorizes any local agency, or combination of local agencies (e.g. counties, cities, certain special districts) overlying a groundwater basin to decide to become a GSA for that basin within its service area after holding the properly noticed public hearing(s) (Water Code § 10723(b)). The County originally decided to become a GSA for portions of the Basin through the adoption of Resolution No. 2017-146 on May 23, 2017 and notified DWR of this action pursuant to Water Code Section 10723.8. The County is a local public agency organized as a general law County under the State Constitution and has land use responsibility for the unincorporated areas of the Basin.

In the summer of 2017, four (4) other GSAs formed within the Basin, prior to the statutory deadline within the Basin, and executed a Memorandum of Agreement (MOA) regarding Preparation of a GSP for the Paso Robles Groundwater Basin (MOA) for purposes of establishing the process by which the GSAs would collaboratively prepare a GSP. The original parties to this MOA included the following:

- City of Paso Robles GSA
- County GSA
- San Miguel Community Services District (CSD) GSA
- Shandon-San Juan GSA
- Heritage Ranch Community Services District (CSD) GSA

These GSA agencies (together, Paso Basin GSAs), whose service areas collectively cover the entire Basin, entered into the MOA, establishing the Paso Basin Cooperative Committee (PBCC) for the purpose of developing a single GSP to be considered for adoption by each Paso Basin GSA and subsequently submitted to DWR by the SGMA deadline of January 31, 2020 and for the purpose of continued coordination during the period of GSP adoption and DWR approval. The MOA also sets forth a process for retaining consultants; and although the County now often acts as the contracting agent, the procurement process outlined in Section 6 is still generally followed and is reflected in this RFP. Staff is working on a minor amendment to the MOA consistent with County staff's current role.

In early 2020, the GSAs entered into Amendment No. 1 to the MOA noting that the Heritage Ranch Community Services District had withdrawn from the MOA and stating that the MOA may also serve as the basis for continued cooperation among the GSAs in the management of the Paso Basin during the period between adoption of the GSP and development of a long-term

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

governance structure for implementation of the GSP. (Copies of the MOA and Amendment No. 1 are included in Appendix H). There is a possibility that the Paso Basin GSAs could decide to create a more refined governance structure prior to / to assist with funding (e.g. the formation of a Joint Powers Authority or development of a more robust agreement).

On January 21, 2022, DWR announced that the GSP had received an incomplete determination under the provisions of SGMA and the Final GSP Emergency Regulations. The determination started a 180-day window to address DWR's comments. Subsequently, the Paso Basin GSAs revised the GSP to address several deficiencies that were identified by DWR and the updated GSP was recommended for adoption by each of the Paso Basin GSAs at the Cooperative Committee's April 27, 2022, meeting consistent with the terms of the MOA. Each of the Paso Basin GSA's held public hearings and adopted the revised GSP prior to July 20, 2022, to comply with SGMA requirements. On June 20, 2023, the Paso Basin GSAs were officially notified that DWR had approved the revised GSP.

On June 6, 2023, after the Estrella-El Pomar Creston Water District (EPCWD) adopted a resolution forming the EPCWD GSA, the County Board of Supervisors approved Resolution No. 2023-142 withdrawing from serving as the GSA within the EPCWD service area through modification of the boundaries of the County GSA and approving the addition of the EPCWD as a party to the MOA, as outlined in the MOA. Subsequently, the EPCWD notified DWR of its decision to become a GSA, and its decision took effect on September 20, 2023 such that it is now presumed to be the exclusive GSA within its service area.

To date, the costs associated with the preparation and administration of the GSP have been self-funded by the GSAs, under the terms a proportional cost share arrangement set forth in Section 5.2 of the MOA. With the approval of the GSP, the Paso Basin GSAs are now beginning the implementation phase of the GSP, which will include the development of various projects and programs / management actions. The Paso Basin GSAs recognize that the implementation of the projects, management actions, and programs that will be required to reduce groundwater overdraft and achieve sustainability will require funding mechanisms which are designed to distribute costs to extractors in a reasonable manner based on the burden on the Basin / benefits received from management (administrative fees) and such that the fees do not exceed the proportional cost of the service attributable to each parcel (project fees). Such funding will provide for the continued progression toward sustainable groundwater conditions in the Basin, while maintaining local control of water resources, and ensuring water supply availability for domestic, municipal, and commercial uses including the agricultural sector.

II. SCHEDULE AND SUBMITTAL

A. RFP SCHEDULE

The following represents the tentative schedule for this RFP. Any change in the scheduled dates for the Pre-Proposal Conference, Deadline for Final Questions, Proposal Submission Deadline, or Interviews will be advertised in the form of an addendum to this RFP. The schedule for other milestones dates may be adjusted without notice.

RFP Schedule	Date
Issued	October 26, 2023

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

Pre-Proposal Conference	November 8, 2023
Deadline for Final Questions	November 15, 2023
Proposal Submission Date	November 22, 2023
Evaluation of Proposals Completed	December 8, 2023
Interviews (if needed)	December 15, 2023
Contract Negotiations Completed	December 22, 2023
Intent to Award Issued	December 27, 2023
Award by Board of Supervisors	January 9, 2024
Notice to Proceed	January 10, 2024

B. QUESTIONS

All questions (requests for interpretations or corrections) pertaining to the content of this RFP must be made in writing through the County's Purchasing website by 3:00 p.m. on **November 15, 2023**. Requests submitted after said date may not be considered. Questions will receive a response within five (5) business days. Questions and responses will be posted (anonymously) on the Purchasing website and can be viewed by accessing the RFP. The County reserves the right to determine the appropriateness of comments / questions that will be posted on the website.

C. PROPOSAL SUBMITTAL

If your firm is interested and qualified, please submit two (2) separate Adobe Acrobat Portable Data Format (.pdf) files, one (1) technical proposal and one (1) cost proposal, through the County's Purchasing website at the address listed on the title page by 3:00 p.m. on **November 22, 2023**.

D. PRE-PROPOSAL CONFERENCE

An onsite pre-proposal conference will be held on **November 8, 2023**, at 10:00AM at SLO County Government Center 1055 Monterey Street STE 454 San Luis Obispo, CA 93408. Interested consultants must RSVP for this meeting to Blaine Reely, Groundwater Sustainability Director via email at breeley@co.slo.ca.us no later than 5 p.m. on **November 6, 2023**. This pre-proposal conference is not mandatory, however, it is highly recommended.

III. GENERAL INSTRUCTIONS

A. COUNTY RIGHTS & OPTIONS

1. All proposals must be submitted to the County's Purchasing website in Adobe PDF format no later than 3:00 p.m. on November 22, 2023. Late proposals will not be considered.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

2. The County reserves the right to request any missing information in a proposal submitted in response to this RFP. Proposer shall have 24 hours to provide the information to the requesting Buyer.
3. All costs incurred in the preparation and submission of proposals and related documentation will be borne solely by the proposer.
4. This RFP does not constitute an offer of employment or to contract for services.
5. The County may, in its sole and absolute discretion, accept or reject any and all proposals, in whole or in part, with or without cause, in response to this RFP and make more than one award, or no award, or postpone or cancel, at any time, this RFP process, which the County determines to be in its best interests.
6. The County reserves the right to remedy technical errors, modify the published scope of services and approve or disapprove the use of all sub-consultants.
7. The issuance of this RFP does not constitute an agreement by the County that any subsequent selection process will occur, or that any contract will be entered into by the County. Proposals and other materials will not be returned.
8. The County has the right to use any or all ideas or concepts presented in any proposal or interview without restriction, without conversation to all applicants.
9. All documents submitted to the County in response to this RFP will become the exclusive property of the County.
10. All proposals shall remain firm for one hundred eighty, (180) days following closing date for receipt of proposals.
11. The County reserves the right to award the contract to the firms who present the proposal which, in the judgment of the County, best accomplishes the desired results.
12. The term of the contract will be six (6) months from date of award. Pricing will remain unchanged throughout the term of contract.
13. Any contract awarded pursuant to this RFP will incorporate the requirements and specifications contained in this RFP. All information presented in a proposer's proposal will be considered binding upon selection of the successful proposer, unless otherwise modified and agreed to by the County during subsequent negotiations.
14. Under the provisions of the California Public Records Act (the "Act"), Government Code section 6252 et seq., the County may be obligated to provide a copy of any and all records that the proposer provides County relating to this RFP (hereafter "Records from Proposer") , including those records which the proposer believes constitute confidential information. If the County determines (in its sole discretion) that (i) a person/entity has requested a copy of records that would include Records from Proposer, and (ii) the County does not have sufficient direct, first-hand knowledge to independently conclude that such Records from Proposer are exempt from disclosure under the Act, and (iii) the requester is not willing to accept the proposer's claim that the Records from Proposer are exempt from disclosure under the Act, the County will provide the proposer written notice thereof (via mail and/or email). If the proposer does not, within seven court business days thereof, file the appropriate papers in San Luis Obispo County Superior Court ("Court") seeking a court order preventing the County from disclosing any such Records from Proposer to the requester, and have its request heard by the Court within 30 days thereof, the proposer shall be deemed to have waived any claim that the Records from Proposer are exempt under the Act. (The County reserves the right to issue a written extension of time if it determines (in its sole discretion) that one is appropriate.) Under no circumstances shall the proposer be entitled to recover from County any of its court costs, attorney's fees or

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

other litigation expenses that are related in any way to whether any Records from Proposer are exempt under the Act. If any proposer believes that information contained in its response to this RFP should be protected from disclosure, the proposer MUST specifically identify the pages of the response that contains the information by properly marking the applicable pages and inserting the following notice in the front of its response:

***NOTICE:** The data on pages _ of this response identified by an asterisk (*) contain technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the proposer's competitive position. Proposer requests that such data be used only for the evaluation of the response, but understands that the disclosure will be limited to the extent the County considers proper under the law. If an agreement is entered into with the proposer, the County shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.*

The County will not honor any attempt by proposer to designate its entire proposal as proprietary. If there is any dispute, lawsuit, claim or demand as to whether information within the response to the RFP is protected from disclosure under the Act, proposer shall indemnify, defend, and hold harmless, the County arising out of such dispute, lawsuit, claim or demand.

15. The proposer warrants that no official or employee of the County has an interest, has been employed or retained to solicit or aid in the procuring of any contract resulting from this RFP, if any, and further warrants that such person will not be employed in the performance of the contract without immediate written notice to the County.
16. Firms submitting proposals shall warrant that their offer is made without any previous understanding, agreement or connection with any person, firm or corporation submitting a separate proposal for the same project and is in all respects fair, without outside control, collusion, fraud or otherwise illegal action. This condition shall not apply to proposals which are submitted by firms who have partnered with others to submit a cooperative proposal that clearly identifies a primary contractor and the associated sub-contractors.
17. Contractor shall comply with all laws and regulations governing nondiscrimination in employment, including the Americans with Disabilities Act of 1990, the Fair Employment and Housing Act (California Government Code §§ 12900, et seq.), and the applicable regulations promulgated thereunder (2 California Code of Regulations §§ 7285, et seq.).
 - 17.1. **Nondiscrimination:** The Contractor, with regard to the work performed by them during the Contract, shall not discriminate on the grounds of race, color or national origin or other legally protected criteria in employment or the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Contract covers a program set forth in Appendix B of the Regulation.
 - 17.2. **Solicitation for Subcontracts, Including Procurement of Materials and Equipment.** In all solicitation, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

supplier shall be notified by the Contractor of the Contractor’s obligations under this Contract and the regulations

- 18. Unforeseen additional items and/or services may be required. The County therefore reserves the right to negotiate with the successful proposer for additional items and/or services beyond what is described in Appendix A to be added to the final contract.

B. PREVAILING WAGE

NOT APPLICABLE FOR THIS RFP.

C. CHANGES TO THE RFP

This RFP is posted on the County’s Purchasing website at http://www.slocounty.ca.gov/GS/Purchasing/Current_Formal_Bids_and_Proposals.htm. Any changes, additions, or deletions to this RFP will be in the form of written addenda issued by the County. Any addenda will be posted on the website. Prospective proposers must check the website for addenda or other relevant new information during the response period. The County is not responsible for the failure of any prospective proposer to receive such addenda. All addenda so issued shall become a part of this RFP. Any proposer who has already submitted their proposal and desires to make corrections, may remove and replace their proposal on the Purchasing website up to the date and time for which this RFP closes.

D. COMMUNICATIONS

All communications concerning this RFP shall be directed to Missy Viles, mviles@co.slo.ca.us. All other communication is not binding and shall in no way modify the RFP or the obligations of the County.

The proceedings of the Selection Committee are confidential, and members of the Selection Committee are not to be contacted by the proposers. After the solicitation has closed, proposers can view the RFP on the Purchasing website where any available award information will be posted and updated within the solicitation. Any questions and requests for information must be addressed to the Buyer.

E. INSURANCE

The selected proposer will be required to provide insurance coverage in the amount of One Million Dollars (\$1,000,000) Commercial General Liability (CGL) Insurance and Two Million Dollars (\$2,000,000) Professional Liability Insurance. See Appendix B – Sample Contract for complete insurance and indemnification requirements.

INSURANCE REQUIRED	AMOUNT
CGL & Property Damage	\$ 1.0 Million per occurrence
Professional Liability	\$ 1.0 Million per occurrence / \$ 2.0 Million aggregate
Auto Liability /Property Damage/Bodily Injury	\$ 1.0 Million per occurrence
Workers Compensation & Disability Benefits	\$ 1.0 Million per occurrence

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

The selected proposer shall provide within five (5) days after the Notice of Award is issued a certificate of liability insurance naming the County of San Luis Obispo and the other GSAs and their employees and officers as additionally named insured. This shall be maintained in full force and effect for the duration of the contract and must be in an amount and format satisfactory to the County.

F. EXCEPTIONS & DEVIATIONS

Any exceptions to or deviations from the requirements set forth in this RFP must be declared in the proposal submitted by the proposer. Such exceptions or deviations must be segregated as a separate element of the proposal under the heading "Exceptions and Deviations" as instructed below in section IV. The County may waive any immaterial deviation or defect in a proposal.

G. AWARD AND STANDARD AGREEMENT

The County reserves the right to make awards within one hundred eighty, (180) days after the date of the RFP closing. The successful proposer is expected to execute a contract similar to the contract in Appendix B. This sample contract is for reference to the anticipated terms and conditions governing the County and the successful proposer. The proposer must take exception in their proposal to any section of the attached contract they do not agree with. Failing to do so will be deemed as acceptance by the proposer to the terms spelled out in the sample contract. The County reserves the right, in its sole discretion, to add, delete, or modify, or negotiate additional terms and conditions to the attached contract. **BEFORE BEGINNING ANY WORK OR SUBMITTING A PROPOSAL IT IS ADVISED THAT PROPOSERS READ THE COUNTY INSURANCE AND INDEMNIFICATION REQUIREMENTS IN THE ATTACHED SAMPLE CONTRACT.** The selected proposer will be asked to provide evidence that County insurance requirements have been met.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

IV. PROPOSAL FORMAT

Technical Proposal:

A qualifying technical proposal must address all of the following points and shall be in the format outlined in this section:

- A. Project Title**
- B. Applicant or Firm Name**
- C. Format and Firm Qualifications**

To respond to the RFP, a proposer must submit a proposal on or before the deadline. The proposal shall be limited to forty (40) pages in length, not including resumes, Cost Proposal or the following forms which can be included in the appendices: Risk Assessment Questionnaire, Designation of Subcontractors Form, Local Vendor Preference or the Proposer Checklist. The proposal must be signed by a person authorized to bind the proposing firm to the representations, commitments and statements contained in the proposal. The proposal must contain the following information and documents:

- a. A cover letter summarizing the key points of the proposal (2 pages max.)
- b. **Description of Firm.** A description of the firm's organizational structure, the jurisdiction in which the firm is organized and date of such organization. In addition, provide a description of the firm's qualifications and experience on projects of similar nature to those described in the proposal as well as projects/clients where consultant has performed as an extension of staff. Specifically include information focused on firm's / team's specific experience (citing examples) in providing rate setting services to agencies / entities engaged in the management of groundwater basins in California. Provide examples of successful and unsuccessful efforts.
- c. **Authorized representative of the proposer.** The name, address, telephone number, and email address of the person authorized to represent the proposer with respect to all notices, negotiations, discussions, and other communications relating to this proposal, to any negotiation relating to the contract.
- d. **Staffing.** Provide an organizational chart identifying: 1) the project manager for the work; 2) each key person who would be assigned to carry out the work, and their respective roles in performing the work. Provide a separate description of the experience and qualifications of such manager and key persons, including a summary of experience on similar projects to those described in this proposal. Resumes should be included for all key individuals as an appendix to the submittal.
- e. **References.** A list of no more than three references for the proposer and no more than three references for subconsultants, including the names, addresses and telephone numbers of recent clients, preferably other public agencies and a listing of the specific projects and key individuals that have participated in them. Include

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

the dollar amount related to the participation. Identify how much experience the firm and sub consultant has had with public agencies.

- f. **Scope.** A clear concise statement of the proposer's understanding of the nature and extent of the services required and a specific outline to demonstrate how personnel would be organized to handle these services.

D. Work Plan / Technical Services

- a. This section should establish that the proposer understands the County's objectives and requirements, demonstrate the proposer's ability to meet those requirements and outline clearly and concisely the plan for accomplishing the specified work as outlined in Appendix A, Scope of Services.
- b. Indication of information and participation the proposer will require from County staff.

E. Required Attachments Appendix

- a. Resumes. In the Appendix, proposer shall include resumes for all key personnel, the specific projects and roles of the individuals, specialty licenses, certificates or relevant training. List all similar work.

Cost Proposal:

A. Fees

Propose total Not to Exceed (NTE) fees as described under Project Scope. The consultant contract is planned to be a "Time and Materials" based contract, with a NTE amount and the County shall pay to Consultant as compensation in full for all services performed at the rates specified in the Consultant's Rate Sheet (to be included in the Consultants Proposal). Fees shall detail the billing rates for each firm's key individuals, other position's overhead rates and other costs. Include any and all other costs for office, vehicle, cell phones, per diem, etc. Travel cost reimbursement rates must conform to the County's Travel Policy reimbursements; costs above these rates are not allowed. See Appendix E. Cost proposal must be submitted in a separate Adobe Acrobat Portable Data Format (.pdf) file and shall not be included within the technical proposal.

V. PROPOSAL SELECTION & CONTRACT AWARD

A. SELECTION PROCEDURES

Proposals will be evaluated by a Selection Committee comprised of individuals from one or more of the following groups: County departments; PBCC Ad Hoc Committee Members; Paso Basin GSA staff; and stakeholders. The Selection Committee will consider the completeness of a proposal and how well the proposal meets the needs of the County. Evaluations will be based on criteria as outlined in **Section B (Selection Criteria)** below. All proposals in response to this RFP will be evaluated using the same criteria.

The sole purpose of the selection procedure is to determine, from among the responses received, which one is the best qualified firm and compensation that the agency determines to be fair and reasonable. Any final analysis or weighted score does not imply that one proposer is superior to another, but simply that, in the Selection Committee's judgment, the selected proposer appears to be best qualified for the County's current and

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

anticipated needs.

The County may require the proposers who receive top rankings during the initial evaluation phase to conduct an on-site interview or oral presentation of their proposal on the date specified in **RFP Schedule**. The County will provide a required agenda, for those proposers, specifying the items to be covered during the proposer's presentation.

B. SELECTION CRITERIA

The County will evaluate the proposals based on, but not limited to, the following criteria:

Selection Criteria – RFP	Points Available
Understanding of scope of work / completeness of Work Plan	20
Demonstrated expertise in performing recent similar work	20
Qualifications and experience of key staff (all disciplines)	15
Familiarity with state public financing laws / limitations / requirements	15
Previous successful experience working with local agencies	10
Project delivery schedule and milestones, and deliverables clearly defined (Include Schedule and Milestones in Proposal, i.e. not Fee Proposal)	10
Staffing plan and manhour estimates by discipline clearly defined (Include Staffing Plan and Manhour Estimates in Proposal, i.e. not Fee Proposal)	10
Total Points Available Per Contractor	100

C. FINAL SELECTION

The Selection Committee will formulate its recommendation for award of the Contract and forward its selection to the appropriate parties for approval. The Contract will likely include a provision stating that the County will not issue a notice to proceed until the PBCC confirms the consultant and Contract.

D. CONTRACT AWARD AND EXECUTION

The County reserves the right to enter into a contract without further discussion of the submitted proposal. Therefore, the proposal should be initially submitted on the most favorable terms the proposer can offer.

The County reserves the right to withdraw the RFP in whole or in part, at any time and for any reason. Submission of a proposal confers no rights upon a proposer and does not obligate the County in any manner. The County reserves the right to award no contract and to solicit additional offers at a later date.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

Each proposer, by submitting a proposal, agrees that if the County accepts its proposal, such proposer will furnish all items and services upon the terms and conditions in this RFP and subsequent contract. Proposals that do not meet the mandatory requirements set forth in this RFP will be considered non-compliant. Proposers may be disqualified and the proposal may be rejected by the County for any of, but not limited to, the following reasons:

- Failure to properly respond to the RFP;
- Evidence of collusion among the proposers submitting the proposals;
- Failure to comply with the specification requirements of the RFP.

Terms, conditions, prices, methodology, or other features of the Contractor's proposal may be subject to negotiation and subsequent revision. As part of the negotiations, the Contractor may be required to submit additional financial information and other data to allow for a detailed evaluation of the feasibility, reasonableness, and acceptability of the proposal.

The RFP document and the successful proposer's proposal response, as amended by agreement between the County and the successful Contractor, including e-mail or written correspondence relative to the RFP, may become part of the contract documents. Additionally, the County may verify the successful proposer's representations that appear in the proposal. Failure of the successful proposer to perform as represented may result in elimination of the successful proposer from competition or in contract cancellation or termination.

The requirements listed in this RFP are not negotiable and will remain unchanged unless the County determines that a change in such requirements is in the best interest of the County.

The County expressly reserves the right, in its sole judgment, to accept or reject any or all proposals, with or without cause, modify, alter, waive any technicalities or provisions, or to accept the proposal which, in its sole judgment, is determined to be the best evaluated offer resulting from negotiation and taking into consideration other evaluation factors set forth in the RFP. The successful proposer will be expected to enter into a contract with the County. If the successful proposer fails to sign a contract within fifteen (15) business days, unless the County grants an extension, following the delivery of the contract documents, the County may elect to negotiate a contract with the next-highest ranked proposer.

The County shall not be bound, or in any way obligated, until both parties have executed a contract. The selected proposer may not incur any chargeable costs prior to final contract execution. The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during the negotiation of the final Contract.

The supplies and services are to be provided in compliance with all applicable state and federal standards, rules and regulations. The County reserves the right to request additional written and/or oral information from proposers at any time before contract award, in order to obtain clarification of their responses.

E. PROTEST OF AWARD

Any objection to the County's final decision will be handled according to applicable state and local procurement laws.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

VI. DEFINITIONS

Response: The written, signed and sealed complete document submitted according to the proposal instructions. Response does not include any verbal or documentary interaction apart from submittal of a formal Response.

Request/Proposal/Bid: The completed and released document, including all subsequent addenda, made publicly available to all prospective proposers.

We/Us/Our: Terms that refer to the County of San Luis Obispo, a duly organized public entity. They may also be used as pronouns for various subsets of the County organization, including, as the context will indicate.

Purchasing: The Contracts and Purchasing Services Division of the Department of Central Services.

Department/Division: The department or division requesting the goods or services contained in this request, for which this PROPOSAL is prepared and which will be the end user of the requested goods or services.

You/Your: Terms that refer to businesses/individuals submitting a response. The term may apply differently as the context will indicate.

Supplier: A business entity engaged in the business of providing services.

Proposer: A business entity submitting a Response to this proposal. Suppliers which may express interest in this proposal, but who do not submit a Response, have no obligations with respect to the proposal requirements.

Contractor: The proposer(s) whose Response to this proposal is evaluated as meeting the needs of the County. Contractor(s) will be selected for award, and will enter into a contract(s) for provision of the services described in this proposal.

Contractor's Employee: All persons who can be offered to provide the services described in the proposal. All employees of the Contractor shall be covered by the insurance programs normally provided to persons employed by a company (ex: Worker's Comp, SDI, etc.).

Mandatory: A required element of this request/proposal/bid. Failure to satisfy any element of this request/proposal/bid defined as "mandatory" will disqualify the particular response.

Default: A failure to act as required by any contract resulting from this request, which may trigger the right to sue or may excuse the other party's obligation to perform under the contract.

Cancellation/Termination: A unilateral or mutual decision to not complete an exchange or perform an obligation under any contract resulting from this request.

"Or Equal": A statement used for reference to indicate the character or quality desired in a requested product or service. When specified in a proposal document, equal items will be considered, provided the response clearly describes the article. Offers of equal items must state the brand and number, or level of quality. When brand, number, or level of quality is not stated by proposer, the offer will be considered exactly as specified. The determination of the Purchasing Agent as to what items are equal is final and conclusive.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX A – SCOPE OF SERVICES

Introduction

The scope of work required under the terms of this RFP will include providing the necessary experienced staff and expertise as may be required to complete the Study for the Basin. The purpose of this analysis is to support funding groundwater management related activities for the Basin pursuant to SGMA. More specifically, the primary purpose of this analysis is to support regulatory fees (Water Code § 10730; Proposition 26) for distributing administrative costs (e.g. costs for general administration, operations, groundwater extraction measurement and Basin monitoring and reporting) to Basin extractors (administrative fees) and to support additional fees (Water Code § 10730.2; Proposition 218) for distributing Groundwater Sustainability Plan (GSP) project costs to basin extractors (project fees). This Study shall comply with the requirements of SGMA (e.g. it shall not call for the imposition of a regulatory fee on a de minimis extractor unless the extractor is being regulated under SGMA) and the requirements of all other applicable laws, including, without limitation, the procedural and substantive requirements of Propositions 26 and 218 and shall provide supporting documentation evidencing said compliance. Without limiting the foregoing, regarding compliance with Proposition 26, the rate study shall provide supporting documentation necessary to determine whether the administrative fees fall within one of the enumerated exceptions from the definition of a “tax” and that the amount of the administrative fees are no more than necessary to cover the reasonable costs of the governmental activities and that the manner in which those costs are allocated to an extractor bear a fair or reasonable relationship to the extractor’s burdens on, or benefits received from, the governmental activity (California Constitution, Article XIII C, Section 1). Regarding compliance with Proposition 218, the rate study shall provide supporting documentation evidencing that the project fees do not exceed the proportional cost of the service attributable to each parcel. The Study shall build off the relevant legal opinions and court decisions that provide a foundation for the recommended charges, and the consultant shall work with the County’s legal advisor and / or other relevant counsel early and often in the preparation of the Study consistent with the discussion of funding in the GSP.

Based on the above, specific deliverables include, without limitation:

- provide support to the Paso Basin GSAs in developing consensus on proceeding with a defensible rate structure.
- prepare a study that provides the documentation necessary to meet SGMA, Proposition 218, Proposition 26 and all other legal requirements for setting administrative and project rates in consultation with County legal counsel and / or other relevant counsel.
- Facilitate a community-based process that considers public input and that will result in a fee structure that each of the GSAs (or a subsequently formed single agency) can adopt in 2024; it is anticipated that each pumper’s proposed fee will initially be calculated by the consultant based on estimated pumping data utilizing satellite-based evapotranspiration data; however, the consultant should also develop a process whereby a pumper can provide verifiable pumping data to the relevant GSA for purposes of calculating their fee.

The project scope will include, at a minimum, the following tasks:

COMPREHENSIVE METHODOLOGY REVIEW AND DEVELOPMENT

The Consultant shall gather and review background data, review the potential cost recovery strategies, propose a methodology to establish the preferred alternative to meet Proposition 218 and Proposition 26 requirements, and develop a study detailing the proposed Proposition 218 and Proposition 26 calculation methodology for Paso Basin GSAs’ review.

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

Task 1 - Data Acquisition and Review

Consultant will review relevant background information to be provided by the Paso Basin GSAs as applicable to the development of the Study. This information will be used to develop a thorough understanding of GSA's services, programs, and projects for which costs must be recovered.

Task 2 - Identify Revenue Requirements

Consultant will work with the Paso GSAs to develop a 5-year budget, to include annual estimates of administrative and project costs to identify costs to be recovered. Costs considered will include estimated costs associated with GSA / PBCC / other agency administration, operations, groundwater extraction measurement, Basin monitoring, planning, public outreach and communications, program development and implementation, capital projects, and debt service. Current sources of funds will also be identified including funding provided by the Paso Basin GSAs and grant funds.

Task 3 - Identify Cost Components

Consultant will identify the cost components of the Paso Basin GSAs to define services that are common to all extractors versus those that are specific. For example, the cost categories for delivering recycled and / or blended water supplies could be identified (e.g. the cost of supplying, pumping, treating, and distributing the recycled and / or blended water supplies). Services providing benefits to all extractors would be identified as "general services" common to all. At the end of this analysis, Consultant will have an understanding of all the cost components to be analyzed and a methodology for allocating the combined Paso Basin GSAs costs to those components.

Task 4 - Analyze Extractor Categories

Using the various extractor categories that exist within the Paso Basin GSAs service areas, Consultant will analyze extractor demand and use patterns for recommending appropriate customer classes. Customer categories could include agricultural, rural, commercial, industrial, and urban / municipal extractors. Consultant will work with the Paso Basin GSAs to determine the extractor categories to which costs can be allocated.

Task 5 - Review and Develop Cost Recovery Alternatives

Consultant will review potential rate recovery alternatives and identify up to three (3) cost recovery alternatives for both types of fees (administrative and project fees) based upon analysis of cost components to be recovered and the extractor classes. Consultant will identify the pros and cons of each of the alternatives and their ability to:

- Optimize recovery of Paso Basin GSAs estimated costs associated with GSA / PBCC / other agency administration, operations, groundwater extraction measurement, Basin monitoring, planning, public outreach and communications, program development and implementation, capital projects, and debt service.
- Successfully implement a Proposition 218 approval process and compliance with Proposition 26 rate design and implementation.

Task 6 - Alternative Selection Workshop

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

Consultant will hold a cost recovery strategy workshop to select/confirm the alternative used to develop cost allocation and rates to be approved through the Proposition 218 and Proposition 26 processes. Consultant will present the pros and cons of the cost recovery strategies. Attendance by Paso Basin PBCC members and GSA staff will be required. Input from Basin stakeholders and the public will be solicited.

Task 7 - Draft and Final Methodology Technical Memorandum

Consultant will prepare a draft Study that summarizes the recommended methodology for Paso Basin GSAs and PBCC review. Comments received from the Paso Basin GSAs, and potentially other stakeholders, will be incorporated into the methodology description to ensure that the developed fee approach meets PBCC policy, and Proposition 218, Proposition 26, and California Constitution requirements. Consultant will then provide an electronic copy of a final Study to the County who will distribute the document to each of the Paso Basin GSAs..

Task 8 - General Support Services

Subtask 8.1 Interagency Support

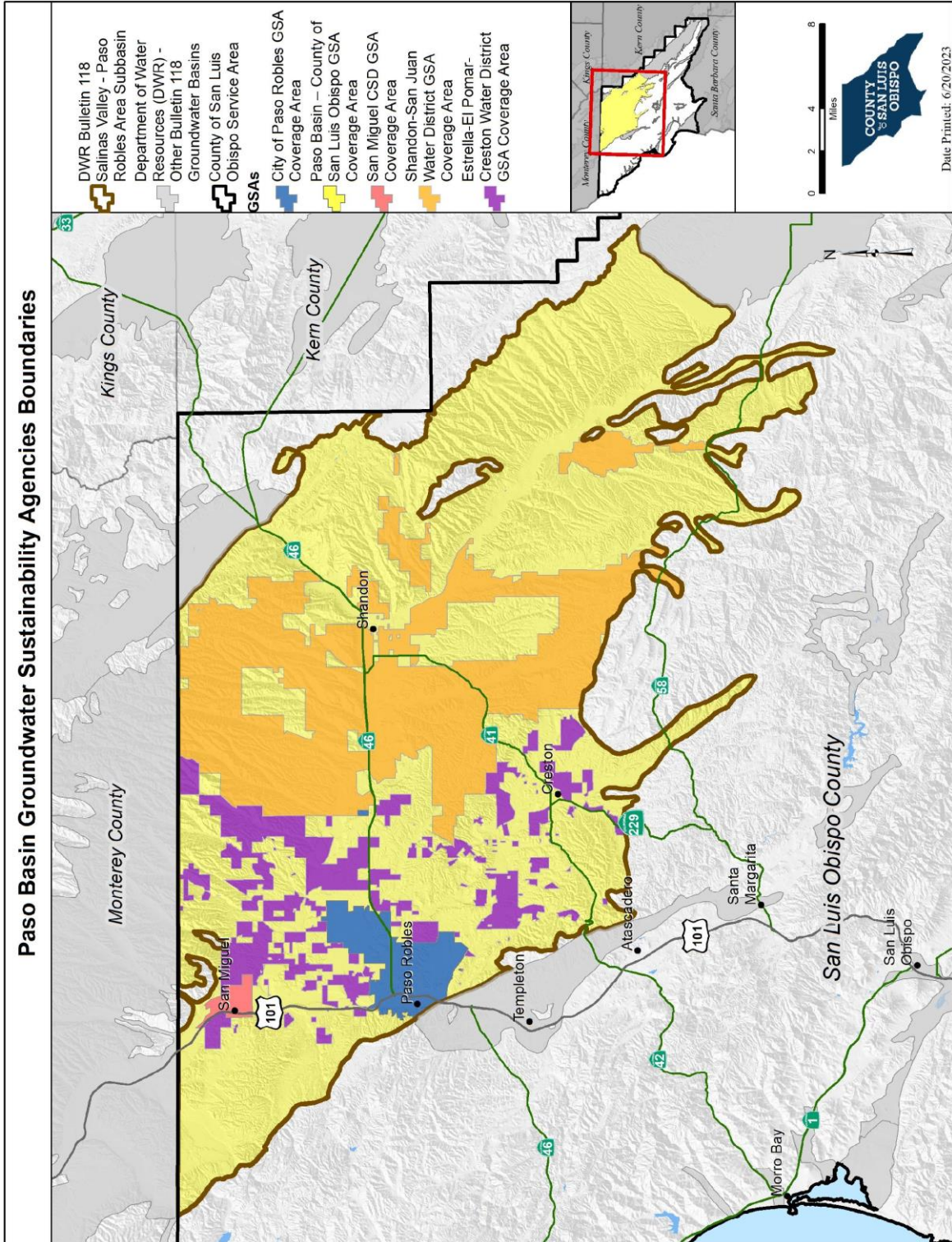
Subtask 8.2 General Paso Basin GSAs and PBCC Technical Support

Subtask 8.3 General Management Support Services

Subtask 8.4 Public Outreach Support (a minimum of 3 public meetings to obtain input on the rates proposal)

PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY

Figure 1
Paso Robles Groundwater Basin Location Map



**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX B – SAMPLE CONTRACT

(Attached as a separate document.)

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**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX C – LOCAL VENDOR PREFERENCE

The County has established a local vendor preference. When quality, service, and other relevant factors are equal, responses to Requests for Proposals will be evaluated with a preference for local vendors. Note the following exceptions:

1. Those contracts which State Law or, other law or regulation precludes this local preference.
2. Public works construction projects.

A "local" vendor preference will be approved as such when, 1) The vendor conducts business in a fully staffed office with a physical address within the County of San Luis Obispo; 2) The vendor holds a valid business license issued by the County or a city within the County; and 3) The vendor has conducted business at the local address for not less than six (6) months prior to the due date of this Request for Proposal.

Proposals received in response to this Request for Proposal will be evaluated by the Selection Committee considering the local vendor preference described above when quality, service and other relevant factors are equal. The burden of proof will lie with proposers relative to verification of "local" vendor preference. Should any questions arise, please contact a buyer at (805) 781-5200.

	YES	NO
Do you claim local vendor preference?		
Do you conduct business in an office with a physical location within the County of San Luis Obispo?		
Business Address: _____		
Years at this Address: _____		
Does your business hold a valid business license issued by the County or a City within the County?		
Name of Local Agency which issued license: _____		

Business Name: _____

Authorized Individual: _____ Title: _____

Signature: _____ Dated: _____

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX D – RISK ASSESSMENT QUESTIONNAIRE

Required Submittal

- List the full names of any partners, owners, officers or other persons occupying a position of authority or responsibility in your organization, as well as their DUNS number.

DUNS Number	Organization

NOTE: A DUNS number is not required but must be listed if the entity has one.

- Have the individual(s) in item #1 been subject to bankruptcy, insolvency or receivership proceedings in the last five (5) years? Yes No If yes, please enclose details.
- Has your business/company/organization filed for bankruptcy within the last five (5) years? Yes No If so, please enclose details.
- Has your business/company/organization/individual(s) in item #1 ever had a contract for the general type of services/product sought by the County terminated for non-compliance or inadequate performance? Yes No If yes, please enclose details.
- Has your business/company/organization/individual(s) in item #1 ever defaulted on a contract for the general type of services/product being sought by the County? Yes No If yes, please enclose details.
- Has there been, in the last five (5) years, or is there now pending or threatened, any litigation, arbitration, governmental proceeding or regulatory proceeding involving claims in excess of \$100,000 with respect to the performance of any services or the provision of any product by your business/company/organization/individual(s) in item #1? Yes No If yes, please enclose details.
- Has your business/company/organization/individual(s) in item #1 ever defaulted in fulfilling all of its obligations relating to the payment of county taxes, fees, or other obligations? Yes No If yes, please enclose details.

PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY

- 8. In the last five (5) years, has your business/company/organization/individual(s) in item #1, been or currently involved in any action, audit or investigation brought by any federal government agency or authority or by any state or local governmental agency? Yes No If yes, please enclose details.

- 9. In the last five (5) years, has your business/company/organization/individual(s) in item #1 been debarred or suspended for any reason by any federal, state or local government or refrained from bidding on a project due to an agreement with such governmental agency? Yes No If yes, please attach a full explanation.

- 10. In the past five (5) years, has your business/company/organization/individual(s) in item #1 had its surety called upon to complete any contract, whether government or private sector? Yes No If yes, please enclose details.

- 11. In the past five (5) years, has your business/company/organization/individual(s) in item #1 had a revocation, suspension or disbarment of any business or professional permit and/or license? Yes No If yes, please enclose details.

- 12. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
Yes No If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Signature

THE UNDERSIGNED HEREBY CERTIFIES THAT THE RESPONSES PROVIDED ARE CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND FOR THOSE RESPONSES GIVEN WHICH ARE BASED ON INFORMATION AND BELIEF, THOSE RESPONSES ARE TRUE AND CORRECT BASED ON MY PRESENT BELIEF AND INFORMATION.

Dated this _____ day of _____ of the year _____

Name of organization: _____

Signature: _____

Printed Name and title: _____

**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX E – COUNTY TRAVEL POLICY

(Attached as a separate document)

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**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX F – DESIGNATION OF SUBCONTRACTORS FORM

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned proposer sets forth the following:

- a. The name, License No. if applicable, DIR Registration No., and location of the place of business of prime contractor and each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the scope of the work.

	Business Name	License No.	DIR Reg. No.**	Address
Prime Contractor (your information)				
Subcontractors				

By: _____
(Proposer's Signature/Printed Name and Title/Company Name)

NOTE: Contractors, and all applicable subcontractors listed in your proposal, MUST register with the DIR prior to the RFP closing. The County will not consider any proposal submitted in response to this RFP where prevailing wages shall be paid to either the prime contractor, or their subcontractor(s), if the prime contractor (and its subcontractors, if applicable) are not registered with the Department of Industrial Relations at the time the RFP closes.

If you are already registered with the DIR, please double check that you have renewed your registration for the fiscal year before submitting your proposal.

The following link will take you to the registration page of the DIR website:

<http://www.dir.ca.gov/Public-Works/Contractor-Registration.html>

PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY

APPENDIX G – PROPOSER CHECKLIST

Please check all documents in which you have included with your submittal.

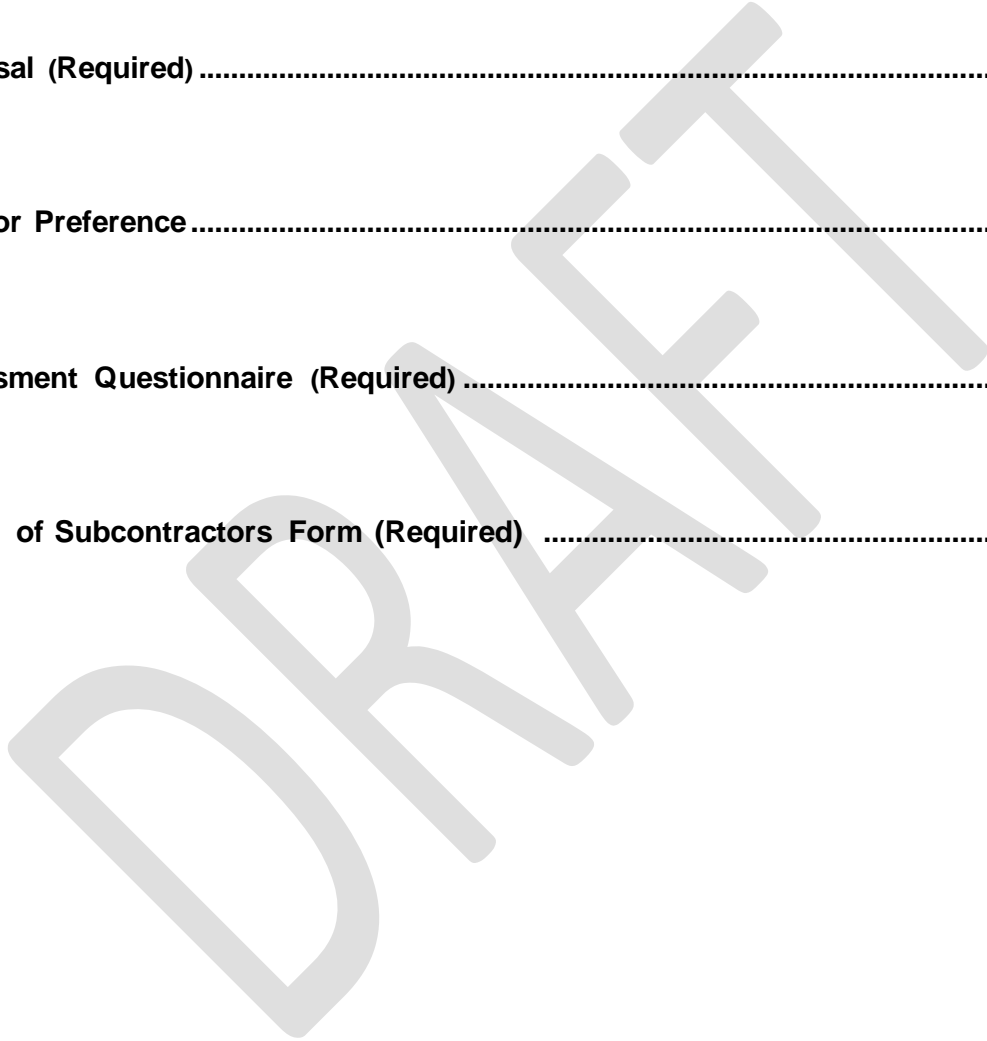
Technical Proposal (Required)
(Including resumes)

Cost Proposal (Required)

Local Vendor Preference

Risk Assessment Questionnaire (Required)

Designation of Subcontractors Form (Required)



**PASO ROBLES GROUNDWATER SUBBASIN
COST OF SERVICE RATE STUDY**

APPENDIX H – PBCC MEMEORANDUM OF AGREEMENT

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