



**UNION SANITARY DISTRICT BOARD MEETING/
UNION SANITARY DISTRICT FINANCING AUTHORITY
AGENDA**

**Monday, September 12, 2022
Regular Meeting - 4:00 P.M.**

**Union Sanitary District
Administration Building
5072 Benson Road
Union City, CA 94587**

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

CORONAVIRUS (COVID-19) ADVISORY NOTICE

This meeting will be held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting will not be physically open to the public and Board Members will be teleconferencing into the meeting. **To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting by following the steps listed below, and may provide public comment by sending comments to the Board Clerk by email at assistanttogm@unionsanitary.ca.gov before or during the meeting or via voicemail by calling 510-477-7599 before 3:00 p.m. on the date of the meeting.** Comments will then be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Board President's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

Any member of the public who needs accommodations should email or call the Board Clerk, assistanttogm@unionsanitary.ca.gov or 510-477-7503, who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the Union Sanitary District procedure for resolving reasonable accommodation requests.

To listen to this Regular Board Meeting:

Call: 1-888-788-0099 or 1-877-853-5247

Meeting ID: 834 6197 3140 #

Participant ID: #

Click the Zoom link below to watch and listen:

<https://us02web.zoom.us/j/83461973140>

	1.	Call to Order.
	2.	Salute to the Flag. (This item has been suspended until in-person meetings resume.)
	3.	Roll Call.
Motion	4.	Approve Minutes of the Union Sanitary District Board Meeting of August 22, 2022.
Motion	5.	Approve Minutes of the Union Sanitary District Special Board Meeting of August 23, 2022.
Motion	6.	Approve Minutes of the Union Sanitary District Special Board Meeting of August 25, 2022.
Information	7.	Fourth Quarter Fiscal Year 2022 District-Wide Balanced Scorecard Measures <i>(to be reviewed by the Legal/Community Affairs Committee)</i> .
	8.	Written Communications.
	9.	Public Comment. Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available in the Boardroom and are requested to be completed prior to the start of the meeting.
Motion	10.	Authorize the General Manager to Execute certain Documents with Zovich Construction and the Bay Area Air Quality Management District for the Clean Air Charge! Program and the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project <i>(to be reviewed by the Engineering and Information Technology Committee)</i> .
Motion	11.	Consider a Resolution Declaring an Emergency and Authorizing the Emergency Expenditure of Funds for the Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation <i>(to be reviewed by the Engineering and Information Technology Committee)</i> .
Motion	12.	Review and Consider Approval of Policy 3030 Boardmember Business and Travel Expense <i>(to be reviewed by the Budget & Finance Committee)</i> .
Motion	13.	Review and Consider Approval of Policy 2755, Procurement Policy <i>(to be reviewed by the Budget & Finance Committee)</i> .
Motion	14.	COVID-19 Update and Consider Adoption of a Resolution Authorizing the Use of Teleconference Meetings in Compliance with AB 361.
Information	15.	Annual Report to Union City Fiscal Year 2022 <i>(to be reviewed by the Legislative Committee)</i> .
Information	16.	Check Register.
Information	17.	Committee Meeting Reports. <i>(No Board action is taken at Committee meetings):</i>

- a. Budget & Finance Committee – Wednesday, September 7, 2022, at 9:00 a.m.
 - Director Kite and Director Toy
- b. Legislative Committee – Wednesday, September 7, 2022, at 10:30 a.m.
 - Director Fernandez and Director Handley
- c. Engineering and Information Technology Committee – Thursday, September 8, 2022, at 11:30 a.m.
 - Director Handley and Director Lathi
- d. Legal/Community Affairs Committee – Friday, September 9, 2022, at 10:30 a.m.
 - Director Kite and Director Lathi
- e. Personnel Committee – will not meet.
- f. Investment & Portfolio Committee – will not meet.

Information

-
- 18. General Manager’s Report. *(Information on recent issues of interest to the Board).*
-
- 19. Other Business:
 - a. Comments and questions. *Directors can share information relating to District business and are welcome to request information from staff.*
 - b. Scheduling matters for future consideration.
-
- 20. Adjournment – The Board will adjourn to the next Regular Board Meeting to be held virtually on Monday, September 26, 2022, at 4:00 p.m.
-

The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager’s office at (510) 477-7503 at least 24 hours in advance of the meeting.



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Directors

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Jennifer Toy

Officers

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*General Manager/
District Engineer*

Karen W. Murphy
Attorney

BUDGET & FINANCE COMMITTEE MEETING

Committee Members: Director Kite and Director Toy

AGENDA

Wednesday, September 7, 2022

9:00 A.M.

Alvarado Conference Room

5072 Benson Road

Union City, CA 94587

This meeting will be held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting via conference call. To maximize public safety while still maintaining public access, members of the public can observe the meeting by calling 510-477-6190 to listen to the committee meeting, and may provide public comment by sending comments to the Board Clerk by email anytime during the meeting at assistanttogm@unionsanitary.ca.gov or via voicemail by calling 510-477-7599 up to one hour before the scheduled meeting start time.

1. Call to Order

2. Roll Call

3. Public Comment

Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available and are requested to be completed prior to the start of the meeting.

4. Items to be reviewed for the Regular Board meeting of September 12, 2022:

- Review and Consider Approval of Policy 3030 Boardmember Business and Travel Expense
- Review and Consider Approval of Policy 2755, Procurement Policy

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting. No action will be taken at committee meetings.

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Karen W. Murphy
Attorney

LEGISLATIVE COMMITTEE MEETING

Committee Members: Director Fernandez and Director Handley

AGENDA

**Wednesday, September 7, 2022
10:30 A.M.**

**Alvarado Conference Room
5072 Benson Road
Union City, CA 94587**

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1. Call to Order

2. Roll Call

3. Public Comment

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4. Items to be reviewed for the Regular Board meeting of September 12, 2022:

- Annual Report to Union City Fiscal Year 2022.

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting. No action will be taken at committee meetings.

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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

**ENGINEERING AND INFORMATION TECHNOLOGY
COMMITTEE MEETING**
Committee Members: Director Handley and Director Lathi

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

AGENDA
Thursday, September 8, 2022
11:30 A.M.

Karen W. Murphy
Attorney

Alvarado Conference Room
5072 Benson Road
Union City, CA 94587

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1. Call to Order

2. Roll Call

3. Public Comment

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4. Items to be reviewed for the Regular Board meeting of September 12, 2022:

- Authorize the General Manager to Execute certain Documents with Zovich Construction and the Bay Area Air Quality Management District for the Clean Air Charge! Program and the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project
- Consider a Resolution Declaring an Emergency and Authorizing the Emergency Expenditure of Funds for the Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting. No action will be taken at committee meetings.

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*General Manager/
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Karen W. Murphy
Attorney

LEGAL/COMMUNITY AFFAIRS COMMITTEE MEETING

Committee Members: Director Kite and Director Lathi

AGENDA

Friday, September 9, 2022

10:30 A.M.

Alvarado Conference Room

5072 Benson Road

Union City, CA 94587

This meeting will be held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting via conference call. To maximize public safety while still maintaining public access, members of the public can observe the meeting by calling 510-477-6190 to listen to the committee meeting, and may provide public comment by sending comments to the Board Clerk by email anytime during the meeting at assistanttoggm@unionsanitary.ca.gov or via voicemail by calling 510-477-7599 up to one hour before the scheduled meeting start time.

1. Call to Order

2. Roll Call

3. Public Comment

Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available and are requested to be completed prior to the start of the meeting.

4. Items to be reviewed for the Regular Board meeting of September 12, 2022:

- Fourth Quarter Fiscal Year 2022 District-Wide Balanced Scorecard Measures

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting. No action will be taken at committee meetings.

The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager's office at (510) 477-7503 at least 24 hours in advance of the meeting.

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
August 22, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

President Lathi called the meeting to order at 4:00 p.m. The regular meeting time was modified due to the COVID-19 emergency.

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Paul Eldredge, General Manager/District Engineer
Leah Castella, District Counsel
Mark Carlson, Business Services Manager/CFO
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Raymond Chau, Interim Technical Services Manager
Alisa Gordon, Human Resources Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Gus Carrillo, ETSU Assistant Engineer
Trieu Nguyen, IT Administrator
Sharon Anderson, Administrative Specialist

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF AUGUST 8, 2022

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of August 8, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

JULY 2022 MONTHLY OPERATIONS REPORT

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. General Manager Eldredge provided an overview of the Monthly Report, and Business Services Manager/CFO Carlson provided an overview of the financial reports.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

REVIEW AND CONSIDER APPROVAL OF POLICY 2090 RESERVES, ALLOCATIONS AND FUND BALANCE

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson presented a proposal to update the District's reserve policy to reflect the EBDA Emergency Reserves Policy passed by EBDA on 11/18/2021, and update the Plant and Pump Station Renewal and Replacement Fund allocation from \$250,000 to \$400,000. Staff recommended the Board review and consider approval of Policy 2090 Reserves, Allocations and Fund Balance.

It was moved by Secretary Toy, seconded by Director Handley, to Approve Policy 2090 Reserves, Allocations and Fund Balance. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 4 WITH HAZEN AND SAWYER TO PROVIDE ENGINEERING SERVICES DURING CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PROGRAM PHASE 1A CAMPUS BUILDING PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin provided an overview of the scope of services and fee for Task Order No. 4 that is included in the Board packet.

The construction contract for the Campus Building Project was awarded to Zovich Construction on June 13, 2022. Staff recommended the Board authorize the General Manager to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project).

It was moved by Director Kite, seconded by Director Handley, to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project). Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 1 WITH ZOVICH CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1A CAMPUS BUILDING PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin stated the construction contract for the Project to Zovich Construction was awarded on June 13, 2022. The award included the procurement of Bid Alternates for a Builder's Risk policy and Act of God insurance. Zovich Construction was able to acquire a Builders Risk insurance policy that had a minimum coverage limit for flood of \$10,000,000.00, which is less than the amount in the contract of \$25,000,000.00. Staff concurs with the proposed limit after reviewing the flooding risks with the District's Risk Management Consultant. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project.

It was moved by Secretary Toy, seconded by Director Handley, to Authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

COVID-19 UPDATE AND CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts. AB 361 requires public agencies to make findings by

majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. The District is continuing to hold teleconferenced meetings as allowed under AB 361 due to the ongoing public health threat of COVID-19. The proposed resolution includes findings required by AB 361 to allow the District to hold teleconferenced meetings. Staff provided an update on the status of the COVID-19 Emergency Order and will forward additional information to the Board as it becomes available. President Lathi requested language revisions of the COVID-19 staff report and AB 361 Resolution. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Director Handley, seconded by Secretary Toy, to Adopt Resolution No. 2981 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

RECEIVE INFORMATION AND PROVIDE DIRECTION REGARDING REIMBURSEMENT FOR MEALS WHILE TRAVELING FOR DISTRICT BUSINESS

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson requested the Board provide direction regarding reimbursement for meals while traveling for District business. The Board directed staff to retain current meal reimbursement methodology.

INFORMATION ITEMS:

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Engineering and Information Technology, and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

- There has been recent news coverage regarding the Algal Bloom in the SF Bay and Oakland Estuary. All signs indicate these blooms are naturally occurring phenomenon.
- The General Manager presented an overview of several topics that were presented at the CASA Conference, including PFAS, Cyber Security, and Flushables.
- The next CASA Conference is expected to be held in January 2023.
- The Annual District Update Board Workshop will be held Tuesday, August 23, 2022 @ 4pm.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:57 p.m. to a Board Workshop to be held virtually on Tuesday, August 23, 2022, at 4:00 p.m.

SUBMITTED:

ATTEST:

SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 12th day of September 2022

**MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
August 23, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

President Lathi called the special meeting to order at 4:00 p.m.

ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Paul Eldredge, General Manager/District Engineer
Sharon Anderson, Administrative Specialist

PUBLIC COMMENT

There was no public comment.

BOARD WORKSHOP

General Manager Eldredge presented information regarding current and upcoming District activities.

ADJOURNMENT:

The special meeting was adjourned at approximately 5:53 p.m. to the Board Closed Meeting to be held virtually on Thursday, August 25, 2022, at 4:00 p.m.

SUBMITTED:

SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

ATTEST:

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 12th day of September, 2022

**MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
August 25, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

President Lathi called the special meeting to order at 4:00 p.m.

ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Paul Eldredge, General Manager/District Engineer
Jose Rodrigues, Collection Services Workgroup Manager
Sharon Anderson, Administrative Specialist
Leah Castella, District Counsel

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

The Union Sanitary District Board of Directors adjourned to closed session for the following:

CONFERENCE WITH LEGAL COUNSEL –ANTICIPATION OF LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One potential case

There was no reportable action.

ADJOURNMENT:

The special meeting was adjourned at approximately 4:36 p.m. to the next Regular Board Meeting to be held virtually on Monday, September 12, 2022, at 4:00 p.m.

SUBMITTED:

ATTEST:

SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 12th day of September, 2022



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Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 7**

TITLE: **Fourth Quarter FY 22 District-Wide Balanced Scorecard Measures (*This is an Information Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, CFO/ Business Services Work Group Manager
Alisa Gordon, Organizational Support Team Coach
Karoline Terrazas, Organizational Performance Manager
Jason Yeates, Organizational Performance Coordinator

Recommendation
Information only.

Discussion

This report summarizes progress meeting the District's strategic objectives and safety measures for the fourth quarter of fiscal year 2022 to date (April 1 – June 30, 2022).

Safety

The District continues its efforts of maintaining COVID-19 safety protocols that align with the requirements of the Alameda County Health Department, CDC, and Cal OSHA. With recent increases in cases this past quarter, the District has reinstituted several preventative measures, such as meeting virtually and reducing mixing between groups, when possible. Both of the OSHA recordable incidents this quarter were the result of COVID-19 transmission at work, but the District has responded swiftly to prevent any disruptions to service.

The District was also notified in the fourth quarter of four employees that had a measurable shift in hearing during routine testing in the third quarter, and that quarter has been updated with the incidents. The District is required to conduct periodic hearing tests on various positions. Additionally, lost time wages continued to exceed targets due to an employee out on extended leave on a worker's compensation matter.

District employees completed five safety trainings in the fourth quarter, with a 92.65% completion rate.

Operational Excellence

Operational Excellence scorecard measures are displayed in table 2 (a total of 5 pages). Note that the track and report measures do not have a colored outcome.

- Customer measures- Outreach efforts and response to service continue to be shining examples of the District's commitment to customer service, with outreach exceeding the number of events targeted and response times being quicker than our goal.
- Financial measures- There are several new annual measures listed under financial objectives that will be updated when appropriate. The District remains under budget for special project expenditures and chemical costs and usage continue to be monitored.
- Internal process measures- An extensive amount of work orders were completed in the fourth quarter, which continues to demonstrate the Districts thorough asset management and prevention of any process failures. While slightly reduced in the fourth quarter, the plant's sludge volume index continues to exceed the general range. As shared previously, the planned updates to plant infrastructure will improve our overall sludge volume index levels. Critical projects at the District were slightly behind schedule, usually due to construction delays or resource availability. A new annual metric displays the number of hours project points (District employees from other departments) spend supporting District projects.
- Employee growth and development measure- The District had several retirements this year, making development goals even more important. Over half of the employees completed additional training beyond the minimum and staff hope to increase this percentage, as the District continues to move back to more normal operations. Several of the training metrics, and the committee participation numbers were below target, as a result of disruption from COVID-19 and a continuation of remote operations.

Measure Outcome Color Key

District will meet and/or exceed this metric
District is monitoring/taking action on this metric
District anticipates not meeting this metric by fiscal end
T&R- Track and report metric

Background

District-Wide Balanced Scorecard Measures are presented quarterly.

Previous Board Action

None

Attachment:

Table 1: Safety Objectives and Measures

Table 2: Operational Excellence Objectives and Measures

Table 1: Safety Objectives and Measures

USD Safety Balanced Scorecard

	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments	FY21	FY20	FY19
Reduce the number of incidents										
Total incidents with lost days	0	1	0	2	2	5	4 incidents are a result of COVID exposure	2	0	1
Other OSHA recordable incidents	≤4	0	1	6	2	9	4 incidents are a result of COVID exposure, 4 hearing shifts in 3rd quarter were not confirmed until 4th quarter.	1	1	0
# Incidents of vehicle or equipment accidents/damage	≤2	2	0	0	1	3		1	6	2
Reduce the impact of incidents on employees and the District										
Cost associated with vehicle/equipment accidents	≤\$5000	\$1,088.75	\$250.00	\$0.00	\$0.00	\$1,338.75		\$11,194.02	\$0.00	\$646.00
Ave FTE lost time	<0.5	1.21	0.86	0.37	0.00	0.61	Result of employees out for an extended period of time.	1.03	0.66	0.09
Total Costs: Lost time Wages only	≤\$46,883	\$39,425.12	\$28,800.07	\$15,505.97	\$0.00	\$83,731.16		\$99,187.81	\$70,759.00	\$2,164.50
Ave FTE limited duty time	≤0.5	0	0	0	0	0		0	0	0
Total costs: Limited duty/Other 1/2 wages	≤\$23,441	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
X- Mod	≤1.0					0.83		0.82	0.94	0.82
Identify and correct poor practices and potential hazards										
# Facility inspections completed (SIT)	0	N/A	N/A	N/A	N/A	N/A	On hold due to COVID	N/A	1	4
% of areas of concern identified during internal facility inspections that are resolved within 45 days of report	0	N/A	N/A	N/A	N/A	N/A		N/A	100%	93%
# work site inspections completed	278	81	53	88	91	313		346	335	335
Implement industry best practices										
# site visits (for potential BMPS) completed and discussed by ET	0	N/A	N/A	N/A	N/A	N/A	On hold due to COVID	N/A	0	1
Communicate our commitment to safety										
# GM communications on status of safety program and performance	≥4	11	10	12	14	47		34	19	7
# safety strategy reviews conducted by ET and EHSS	4	1	0	0	1	2		48	12	4
Educate employees in safe work practices										
# of major safety training events offered	9	4	4	4	5	17		13	9	11
Ave % of targeted employees trained vs. plan	≥90%	91.57%	94.24%	92.57%	92.65%	92.76%		92.66%	89.77%	90.73%
Create a positive safety culture										
% Positive responses on the employees safety survey (aver)	≥75%	N/A	N/A	N/A	N/A	N/A	Postponed at this time	POSTPONED	POSTPONED	N/A

Table 2: Operational Excellence Objectives and Measures

CUSTOMER OBJECTIVES										
	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments	FY21	FY20	FY19
Stewardship: Demonstrate responsible stewardship of District assets and the environment										
# of Outreach Activities/Events Completed	57	21	43	46	28	138		90	107	126
Community Events / Online Outreach	51	16	25	17	26	84		9	13	11
Business	0	1	1	1	0	3		4	3	5
Schools	1	1	16	25	2	44		73	87	108
Civic	5	3	1	3	0	7		4	4	2
Service: Provide reliable, high quality service										
% of service calls responded to within 1 hour	≥95%	100%	100%	100%	100%	100%		98.43%	98.78%	96.90%
Average time to customer contact	T&R	22 minutes	19 minutes	16 minutes	20 minutes	19 minutes		N/A	N/A	N/A
Initial response time to contact USD website inquiries (% within 3 business days)	≥90%	98%	100%	100%	100%	100%		99.50%	98.50%	100%
Average Response time of contact USD website inquiries (in days)	T&R	0.58	0.53	0.63	0.43	0.54		N/A	N/A	N/A
# of adverse impacts on customers that were caused by USD (non-SSO)	≤10	2	1	1	0	4		2	3	3
Emergencies: Be prepared for emergencies										
# of Emergency Preparedness Activities/Events Completed	4	1	3	1	2	7		5	3	3
Drills	2	0	0	0	1	1		1	1	1
Training/Exercises (or Communication)	1	0	2	1	0	3		1	2	2
Documents, Plans, Policies Updated	1	1	1	0	1	3		3	0	0

Table 2: Operational Excellence Objectives and Measures (continued)

FINANCIAL OBJECTIVES										
	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments	FY21	FY20	FY19
Fiscal responsibility: Ensure funding for critical programs and projects, while maintaining comparable rates										
Residential Sewer Service Charge (SSC) compared to other local agencies	T&R					11.7th		5.8th	5.8th	5.8th
\$: SSC Union Sanitary District	T&R					\$491.00		\$454.57	\$421	\$407
\$: SSC Regional Average	T&R					Annual	FY22 not published yet	\$482	\$469	\$446
\$: SSC National Average	T&R					Annual	FY22 not published yet	\$551	\$512	\$504
Total Service Population Change	T&R					344,855		356,823	356,823	N/A
Total Parcels Served	T&R					93,378		92,714	91,054	N/A
Fiscal responsibility:(Financial) Accurately project and control costs										
Debt Coverage Ratio	1.5					Annual		N/A	9.90	9.71
PERS Funding Level	90-100%					Annual		N/A	67.02%	68.04%
OPEB Funding Level	90-100%					Annual		N/A	60.85%	48.41%
% of Budgeted Operating Expenditures	95-103%	23.32%	21.03%	25.78%	21.73%	91.86%		100%	96%	94%
% of Budgeted Overtime Used	T&R	20.19%	32.32%	20.33%	20.78%	93.62%		N/A	N/A	N/A
% of Budgeted Special Projects Expenditures	80-110%	1.86%	0.76%	11.05%	11.80%	25.47%		N/A	N/A	N/A
Fiscal responsibility: (Chemical Usage) Accurately project and control costs										
Ferrous Chloride Usage	≤ 40	42.6 GPH	39.6 GPH	39.4 GPH	35.8 GPH	39.3 GPH				
Hydrogen Peroxide Usage	≤ 14	17 GPH	15.1 GPH	12.1 GPH	13.0 GPH	14.3 GPH				
Hypochlorite Usage	≤ 143	156.9 GPH	144.8 GPH	135.8 GPH	132.1 GPH	142.4 GPH				
Polymer Usage - Gravity Belt Thickener (GBT)	≤ 5.5	3.5 lbs/dry ton	3.6 lbs/dry ton	4.2 lbs/dry ton	5.1 lbs/dry ton	4.1 lbs/dry ton				
Polymer Usage - Dewatering	≤ 37	35.0 lbs/dry ton	34.1 lbs/dry ton	35.0 lbs/dry ton	37.1 lbs/dry ton	35.3 lbs/dry ton				

Table 2: Operational Excellence Objectives and Measures (continued)

FINANCIAL OBJECTIVES (Con't)										
	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments	FY21	FY20	FY19
Fiscal responsibility: (Process) Accurately project and control costs										
Energy Produced: Cogeneration	T&R	35,911 kwh/d	29,236 kwh/d	30,992 kwh/d	35, 411 kwh/d	32,887 kwh/d				
Energy Produced: Solar	T&R	333 kwh/d	193 kwh/d	308 kwh/d	560 kwh/d	348 kwh/d				
Total Electrical Usage	T&R	51,466 kwh/d	51,595 kwh/d	53,433 kwh/d	51,660 kwh/d	52,039 kwh/d				
Plant Daily Flow (Average)	T&R	22.6 mgd	23.2 mgd	22.6 mgd	22.0 mgd	22.6 mgd				
Influent Total Suspended Solids	T&R	379 mg/L	338 mg/L	340 mg/L	387 mg/l	361 mg/L				
Effluent Total Suspended Solids	T&R	11.7 mg/L	11.3 mg/L	9.3 mg/L	9 mg/l	10.3 mg/L				
% Removal of Total Suspended Solids	≥85%	97%	97%	97%	98%	97%				

Table 2: Operational Excellence Objectives and Measures (continued)

INTERNAL PROCESS OBJECTIVES								FY21	FY20	FY19
	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments			
Asset Management: Manage and maintain assets and infrastructure										
Total # of Maintenance Activities to Prevent Failures	T&R	6,063	5,383	6,785	6,593	24,824		N/A	N/A	N/A
Corrective Maintenance	T&R	690	672	431	427	2,220		N/A	N/A	N/A
Preventative Maintenance	T&R	4,131	3,548	5,581	5,331	18,591		N/A	N/A	N/A
Proactive Corrective Maintenance (Predictive)	T&R	1,242	1,163	773	835	4,013		N/A	N/A	N/A
Total hours used for Maintenance Activities to Prevent Failures	T&R	10,949.63	9,637.90	8,607.93	10,087.80	39,283.26		N/A	N/A	N/A
Corrective Maintenance	T&R	3,372.80	3,298.50	3,038.16	2,840.80	12,550.26		N/A	N/A	N/A
Preventative Maintenance	T&R	4,428.60	3,554.25	3,128.54	4,528.00	15,639.39		N/A	N/A	N/A
Proactive Corrective Maintenance (Predictive)	T&R	3,148.23	2,785.15	2,441.23	2,719.00	11,093.61		N/A	N/A	N/A
Total # of Urgent Responses	T&R	31	76	82	88	277		N/A	N/A	N/A
Total hours used for Urgent Responses	T&R	255.5	660	595.95	719	2230.45		N/A	N/A	N/A
% of Collection System Cleaned per Plan	100%	21.4%	25.7%	26.5%	30.5%	104.1%		N/A	N/A	N/A
% asset renewal/year: Plant	T&R					Annual		11.80%	5.03%	2.32%
% asset renewal/year: Collection System	T&R					Annual		0.06%	0.04%	0.08%
Environmental Protection: Maintain our ability to meet current and future regulations										
# of Category 1 SSO's	0	0	0	0	0	0		0	0	0
# of Category 2/3 SSO's	≤10	0	0	1	0	1		3	1	2
Settleability Performance: Sludge Volume Index (SVI)	100 - 150 ml/gal	332 mL/gal	350 mL/gal	221 mL/gal	202 mL/gal	276 mL/gal		N/A	N/A	N/A
Number of Days SVI Outside of Range	T&R	64	58	56	54	232		N/A	N/A	N/A
Planning: Plan for long-term financial, project, and staffing needs										
Districtwide Critical Projects On schedule	≥85					68.4%	CIP: 12/18, IT: 1/1	N/A	N/A	N/A
How many hours project points expend on District projects	T&R					1,336.12		N/A	N/A	N/A
Efficiency: Optimize processes; Use technology and resources effectively										
# of projects that improve efficiency	T&R					6		N/A	N/A	N/A

Table 2: Operational Excellence Objectives and Measures (continued)

EMPLOYEE GROWTH & DEVELOPMENT OBJECTIVES										
	Target	Q1	Q2	Q3	Q4	FY22 to Date	Comments	FY21	FY20	FY19
Employees: Maintain a highly competent, flexible workforce										
Employee Turnover Rate- Total	T&R					9.29%		3.57%	5.11%	5.11%
Employee Turnover Rate Nonretirement	T&R					5%		2.14%	2.19%	2.00%
% of employees completing training beyond District scheduled	≥80%					54%		60%	N/A	N/A
Average training hours per FTE	≥20	3.71	4.03	4.64	7.27	19.65		16.99	N/A	N/A
Business Services	≥20	2.83	3.18	4.52	5.48	16.01		19.15	N/A	N/A
Technical Services	≥20	2.09	3.62	5.29	6.02	17.02		18.25	N/A	N/A
Collections Systems	≥20	5.03	4.06	4.72	8.48	22.29		15.181	N/A	N/A
Fabrication, Maintenance, and Construction	≥20	3.83	5.74	3.44	12.25	25.26		18.85	N/A	N/A
Treatment and Disposal	≥20	4.06	3.53	4.94	3.83	16.36		14.66	N/A	N/A
Safety: Work safely; reduce accidents and injuries										
See Safety Scorecard										
Culture: Foster a collaborative employee-management relationship that encourages new ideas and continuous improvement										
% of employee participating in committee and/or taskforces (Excludes management)	≥45%					34%		36%	44%	43%
# Districtwide Employee Engagement Activities Completed (Survey, training, events)	T&R	0	0	0	0	0		N/A	N/A	N/A

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 10**

TITLE: Authorize the General Manager to Execute certain Documents with Zovich Construction and the Bay Area Air Quality Management District for the Clean Air Charge! Program and the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project. *(This includes 3 Motion Items)*

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Gus Carrillo, Enhanced Treatment and Site Upgrade Assistant Engineer
ETSU Steering Committee (Armando Lopez, Raymond Chau, Robert Simonich)

Recommendation

Staff recommends the Board:

1. Authorize the General Manager to execute Contract Change Order No. 2 with Zovich Construction (Zovich) for a credit of \$250,000.00 for removing the Electric Vehicle Charging Stations and Building Main Entrance PV System for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project) and;
2. Authorize the General Manager to execute a Transportation Fund for Clean Air (TFCA) Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the Union Sanitary District's Electric Vehicle Charging Station Project and;
3. Conditionally authorize the General Manager to execute Contract Change Order No. 3 with Zovich for \$250,000.00 to Add the Union Sanitary District's Electric Vehicle Charging Station Project to the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project) contingent upon the BAAQMD executing a TFCA funding agreement for the Union Sanitary District's Electric Vehicle Charging Station Project.

Discussion

The Board awarded the construction contract for the Project to Zovich Construction on June 13, 2022 in the amount of \$76,375,000.00. The Project includes electrical vehicle charging stations as well as a small photovoltaic solar panel system over the main entrance to the Campus Building. Note that this main entrance solar panel system is separate from the solar panel system planned for the Campus Building Roof and the Campus Parking lot.

In March 2022 staff applied to the BAAQMD Charge! Program for a grant for the charging stations. The Charge! Program provides grant funding to offset the cost of purchasing and installing new chargers for electric vehicles. More information is available at: www.baaqmd.gov/charge.

On July 28, 2022 BAAQMD proposed a grant of \$103,000. This award amount is determined by the number of publicly accessible electric vehicle chargers, the speed level of the chargers, and the combination of the chargers with a solar power generation facility. The amount of the grant is increased by a maximum of \$4,000 if the electric vehicle charging project includes a solar power generation component.

The Campus main entrance system meets this solar component and the requirements of the program. Staff opted not to include the larger solar installation as a part of this grant application because it would not increase the amount of the grant and the larger solar panel systems were bid alternates for the Campus Building Project with uncertainty about which components were likely to be built until after award by the Board.

BAAQMD requires that procurement and installation not commence until after the attached TFCA funding agreement is executed. Staff negotiated Change Order No. 2 with Zovich construction to remove the chargers and the building main entrance solar power generation facility from the Campus Building Project for a credit of \$250,000.00.

Change Order No. 3 adds the Union Sanitary District's Electric Vehicle Charging Station Project scope into the contract conditioned upon execution of the agreement with BAAQMD. A summary of the change orders to date can be found in the table below.

No.	Status	Contract Change Order Title	Contract Time Adjustment, Calendar Days	Cost of Change
1	Executed	Flood Insurance Coverage Reduction	0	\$(326,655.75)

2	Proposed	Delete EV Charging Stations & Building Main Entrance PV System	0	\$(250,000.00)
3	Proposed	Add the Union Sanitary District's Electric Vehicle Charging Station Project	0	\$250,000.00
Total				\$ (326,655.75)

Staff reviewed the attached TFCA funding agreement for the Charge! Grant with legal counsel. Staff recommends authorizing the General Manager to execute the funding agreement with BAAQMD.

Staff recommends conditionally authorizing the General Manager to execute Change Order No. 3 with Zovich provided USD successfully executes the attached TFCA funding agreement with BAAQMD.

Background

The ETSU Program is the culmination of the District's planning efforts and is based on the outcomes and findings of the Plant Solids System/Capacity Assessment – Phases 1 and 2, Administration/Control/FMC Buildings Evaluation, the Effluent Management Study and the Secondary Treatment Process Improvements evaluation. The Program includes projects recommended for implementation that will be phased to address both immediate drivers (poor sludge settleability, treatment capacity, effluent disposal and aging infrastructure), while preparing for future requirements such as nutrient regulations for discharge in the Bay that are currently being considered by the Regional Water Quality Control Board.

The Phase 1 and 2 projects included in this program were presented to the Board during the workshop held on May 8, 2019 and are summarized in the Final Report which was approved by the Board on August 26, 2019. A third phase of projects was briefly outlined that covered the timeframe from 2040 to 2058 and included potentially stricter nutrient limits in the more distant future. The projects identified in the ETSU Program and modified by the 30% design report to be implemented in the near-term (the next seven to ten years) are included in Phase 1 and are summarized in the table below.

Phase 1A	Aeration Basin Modifications	Retrofitting existing Aeration Basins 1 through 7 and construction of an 8 th aeration basin with the flexibility to operate initially with an anaerobic selector during the implementation phase and transitioning to a biological nutrient removal (BNR) process following completion.
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Phase 1A	Campus Building (Admin, FMC, Ops)	Construction of a new combined Campus Building, including associated site and utility improvements.
Phase 1B	Secondary Clarifiers	Construction of four new 160-foot diameter secondary clarifiers, mixed liquor control box, and centralized RAS pump station.
Phase 1B	Effluent Facilities	Construction of new chlorination/dechlorination contact basins, effluent pump stations, and relocation of existing effluent force main.
Phase 1C	Plant Equalization Storage	Retrofitting existing Secondary Clarifiers 1 through 4 to operate as primary effluent equalization basins.

The full version of the ETSU Program report, including appendices, can be found at the following link: <https://unionsanitary.ca.gov/ETSU>.

ETSU Phase 1A Project

Staff developed a Phase 1A Project scope which includes the Aeration Basin Modifications project and the Campus Building project. These two projects were being designed together for the initial construction because they are the first two concurrent projects that must be constructed to facilitate the construction of the remainder of Phase 1 program. However, due to a number of factors including the Covid 19 pandemic the design of the Aeration Basins Modifications Project was able to be completed prior to the Campus Building Project.

The major scope items for the Campus Building Project are as follows:

- Construction of the new 65,000 SF Campus Building which includes administrative, laboratory, machine shop, painting booth, treatment plant operations control room, and other support areas.
- Construction of a new Storm Drain Pump Station
- Construction of Electric Vehicle Charging Stations including EV Chargers for USD's vehicle fleet and public parking areas.
- Construction of 435+ kW Photovoltaic systems including PV systems over the building main entrance (canopy), parking lot-based (carport), and rooftop-based systems.

Previous Board Action

August 26, 2019, the Board Adopted Resolution 2864 Approving the District's Final Report for the Enhanced Treatment & Site Upgrade Program.

January 13, 2020, the Board authorized the General Manager to execute an Agreement and Task Order No. 1 with Hazen and Sawyer in the amount of \$6,752,860 for the Enhanced Treatment and Site Upgrade Phase 1A Project to provide the 30% design services for all projects in Phase 1 of the ETSU Program (excluding the Campus Building project) and final design services associated with the Aeration Basin Modifications Project.

March 9, 2020, the Board authorized the General Manager to execute Task Order No. 2 with Hazen and Sawyer in the amount of \$3,737,412 for the Enhanced Treatment and Site Upgrade Phase 1A Project to complete the design of the Campus Building Project.

June 13, 2022, the Board awarded the construction contract for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project to Zovich Construction in the amount of \$76,375,000.00.

PRE/RP/GC

Attachments:

CCO No. 002 – Delete EV Charging Stations & Building Main Entrance PV System
Transportation Fund for Clean Air Funding Agreement Between The Bay Area Air Quality
Management District And Union Sanitary District for Project Number: G-2202-27794
CCO No. 003 – Add the Union Sanitary District’s Electric Vehicle Charging Station Project

CONTRACT CHANGE ORDER No. 002

ETSU Phase 1A – Campus Building Project

Item: Delete EV Charging Stations & Building Main Entrance PV System

Contractor is hereby directed to make the herein described changes from the plans and specifications or do the following work not included in the plans and specifications of this contract. All new work herein described shall be done in accordance with the applicable provisions of the plans and specifications, except as specifically modified by this Contract Change Order.

DESCRIPTION OF CHANGE:

The Contractor shall credit the District to delete the provision and installation of the fifteen (15) dual port and two (2) single port Level II Electric Vehicle Charging Stations, and two (2) Level III Charging Stations in the publicly accessible parking lot of the new Campus Building as shown in Exhibit A and described in specification 26 33 43.

The Contractor shall credit the District to delete the provision and installation of the Building Main Entrance Photovoltaic System capable of producing a minimum of 9,724 Watts as described in specification 48 14 03 Part 2.1.D.

Contractor agrees that the scope of work described in this change order to be deleted may be added back to the contract at a cost of \$250,000.00 provided such addition to the scope is included by a new change order executed within a period of ninety (90) days after the executed date of this change order.

COST OF CHANGE: \$ (250,000.00) Credit

CONTRACT TIME AJUSTMENT: 0 Days

We, the undersigned Contractor, have given careful consideration to all aspects of the change proposed and hereby agree. This Contract Change Order constitutes full and complete compensation for all labor, equipment, materials, overhead, profit, any and all indirect costs and time adjustment, including any delay and rescheduling, required to perform the above described change and will accept this Contract Change Order as full and final payment.

This document supplements the Contract Documents and all provisions of the Contract Documents will apply thereto. It is understood that the Contract Change Order shall be effective when fully executed by the District.

ACCEPTED:

Zovich Construction Co.
Contractor:

By: _____
Ante Zovich

Date: _____

RECOMMENDED FOR ACCEPTANCE:

Psomas / Vanir
Construction Manager:

By: _____
Mike Redig

Date: _____

Union Sanitary District
ETSU Program Manager:

By: _____
Ric Pipkin, P.E.

Date: _____

APPROVAL:

The Contractor shall not commence with the above-described work of this change order prior to the approval by the District's Authorized Representative.

Union Sanitary District
Authorized Representative:

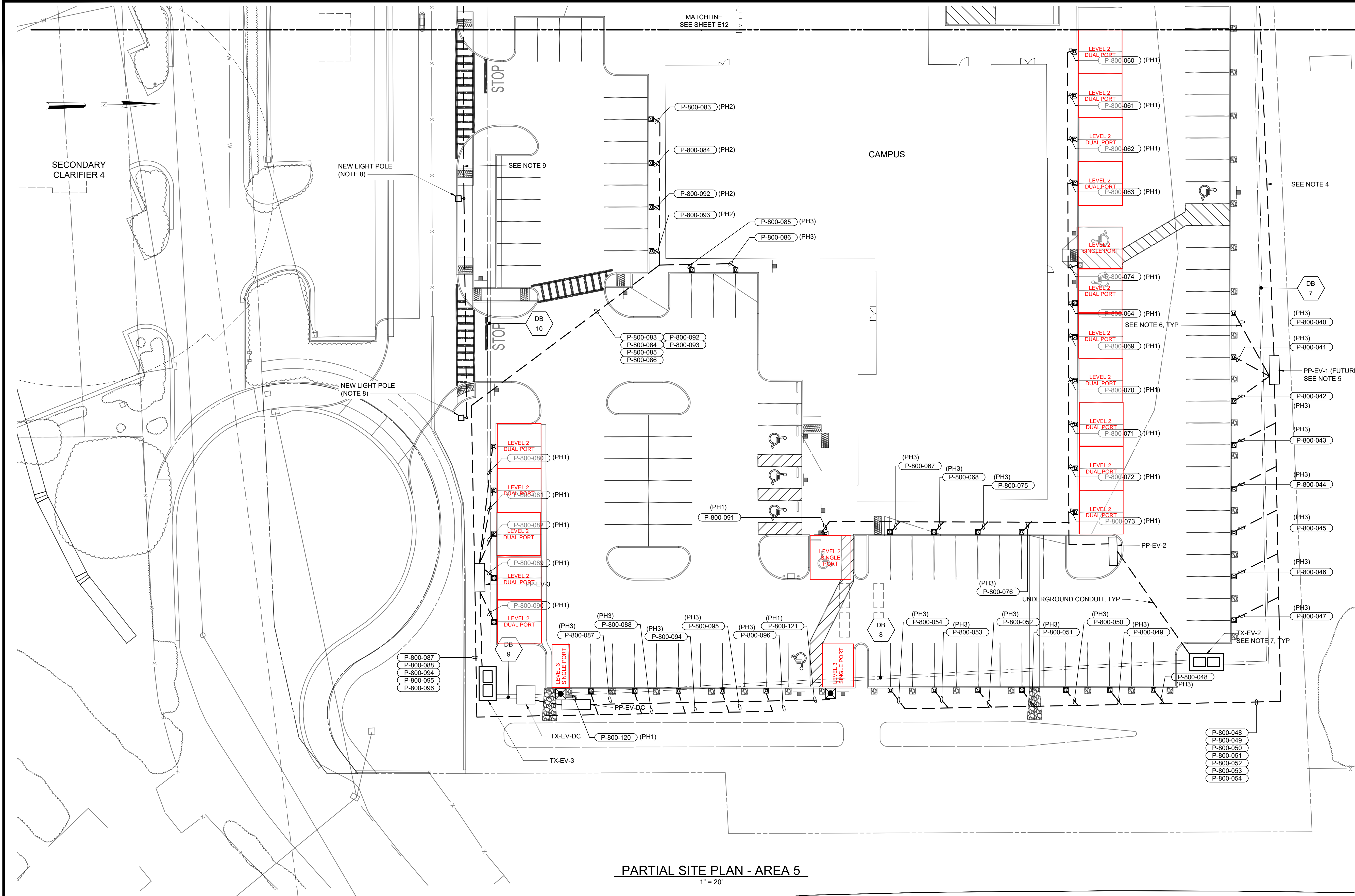
By: _____
Paul R. Eldredge, P.E.
General Manager/District Engineer

Date: _____

Executed Contract Change Orders

No.	Contract Change Order Title	Contract Time Adjustment, Calendar Days	Cost of Change
1	Flood Insurance Coverage Reduction	0	\$(326,655.75)
2	Delete EV Charging Stations & Building Main Entrance PV System	0	\$(250,000.00)
Total		0	\$ (576,655.75)

File: C:\USERS\SDAC\Documents\HAZEN AND SAWYER\2011\03 UNION SANITARY DISTRICT-CAMPUS BUILDING\PROJECT FILES\HAZEN\E15 Saved by: SDAC Save date: 6/29/2022 10:45 AM
33 LOT DATE: 6/29/2022 12:19 PM BY: SDAC
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- NOTES:**
- RELOCATE THE TWO EXISTING CHARGE POINT CHARGERS AT THE ADMIN BUILDING PARKING LOT TO THE NEW CAMPUS BUILDING.
 - PROVIDE DUAL PORT EV CHARGER PEDESTAL TO BE EQUIPPED WITH CHARGEPOINT CT4000 (LEVEL 2) AT 208V, 1PH.
 - PROVIDE DUAL PORT EV CHARGER PEDESTAL TO BE EQUIPPED WITH CHARGEPOINT CPE250 AT 480V, 3PH.
 - PROVIDE SPARE UNUSED UNDERGROUND CONDUIT FROM THE TRANSFORMER VAULT TO THE PROPOSED FUTURE EV CHARGING POWER DISTRIBUTION PANEL AS SHOWN. THE UNUSED CONDUIT SHALL BE CAPPED AT BOTH ENDS TO ALLOW FUTURE INSTALLATION OF TRANSFORMER SECONDARY CONDUCTORS.
 - PROVIDE SPARE UNUSED UNDERGROUND CONDUITS FROM THE PROPOSED EV CHARGING POWER DISTRIBUTION PANELS TO ALL FUTURE CHARGING STATION LOCATIONS. REFER TO PANEL SCHEDULES FOR CONDUIT IDENTIFICATION OF FUTURE EV CHARGING STATION. THE UNUSED CONDUITS SHALL BE CAPPED AT BOTH ENDS TO ALLOW FOR FUTURE INSTALLATION OF POWER DISTRIBUTION PANEL, EV CHARGING STATIONS, AND BRANCH CIRCUIT CONDUCTORS. ENSURE THE CONDUIT STUB-UPS ARE PROPERLY ARRANGED TO ACCOMMODATE FUTURE POWER DISTRIBUTION PANEL.
 - PROVIDE SPARE UNUSED UNDERGROUND CONDUITS FROM THE NEW EV CHARGING POWER DISTRIBUTION PANEL TO ALL FUTURE EV CHARGING STATIONS. REFER TO PANEL SCHEDULES FOR CONDUIT IDENTIFICATION OF FUTURE EV CHARGING STATION. THE UNUSED CONDUITS SHALL BE CAPPED AT EACH FUTURE CHARGING STATION LOCATION.
 - PROVIDE AN ADEQUATELY SIZED TRANSFORMER PAD FOR EACH EV CHARGING TRANSFORMER. THE DIMENSION OF THE TRANSFORMER PAD SHALL BE BASED ON THE PAD-MOUNTED TRANSFORMER SIZE AS SHOWN IN THE SINGLE LINE DIAGRAM.
 - PROVIDE NEW LIGHT POLE (BEGA 99 499).
 - CONTRACTOR SHALL TIE-IN TO CIRCUITS AT THE EXISTING LIGHT POLE USING CIRCUITS 7, 9, AND 13 FROM EXISTING PANEL H2 AT THE MAINTENANCE BUILDING ELECTRICAL ROOM. SEE NOTE 1 ON SHEET G09.

- LEGEND:**
- LEVEL 2 EVCS (CHARGEPOINT CT4000)
 - LEVEL 3 EVCS (CHARGEPOINT CPE250)

**CONTRACT CHANGE ORDER NO. 2
EXHIBIT A**

PROJECT ENGINEER:	A. BRIGGS
DESIGNED BY:	J. ALONZO
DRAWN BY:	J. ALONZO
CHECKED BY:	J. YAO
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE	0 1/2" 1"
REV	ISSUED FOR
DATE	BY

THIS DOCUMENT
ORIGINALLY ISSUED
FOR CONSTRUCTION
BY JACK YAO,
SEAL NUMBER E-18390

HAZEN AND SAWYER
90 NEW MONTGOMERY ST, SUITE 333
SAN FRANCISCO, CALIFORNIA 94105

UNION
SANITARY
DISTRICT

ENHANCED TREATMENT
AND SITE UPGRADE
PROGRAM

PHASE 1A PROJECT -
CAMPUS BUILDING

SITE
ELECTRICAL
PARTIAL SITE PLAN -
AREA 5

DATE:	07/12/2022
HAZEN NO.:	20118-003
CONTRACT NO.:	1
DRAWING NUMBER:	E15
SHEET NUMBER:	

TRANSPORTATION FUND FOR CLEAN AIR FUNDING AGREEMENT

BETWEEN

THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

AND

UNION SANITARY DISTRICT

PROJECT NUMBER: G-2202-27794

This Funding Agreement (“Agreement”) is made and entered into between Union Sanitary District, hereinafter referred to as “Project Sponsor,” and the Bay Area Air Quality Management District, hereinafter referred to as the “Air District” (and hereinafter referred to jointly as the “Parties”).

**SECTION I
RECITALS**

- 1) California Health and Safety Code Sections 44223, 44225, and 44229 authorize the Air District to levy a fee on motor vehicles registered within its jurisdiction and to use those fees to implement mobile source and transportation control projects that result in surplus emission reductions.
- 2) The Air District has established a grant fund, entitled the Transportation Fund for Clean Air (“TFCA”) to implement such projects. Under the TFCA’s Regional Fund Program, the Air District may issue TFCA funds to public agencies and, for certain vehicle-based projects, to other entities for projects within the Air District’s jurisdiction (“TFCA Program”).
- 3) California Health and Safety Code Section 44241 lists the permissible types of projects, all of which must conform to the transportation control measures and mobile source measures that are included in the Air District’s air quality plan(s) adopted pursuant to California Health and Safety Code Sections 40233, 40717, and 40919 and are in effect as of the date of execution of this Agreement.
- 4) The Air District established the Mobile Source Incentive Fund (“MSIF”) in December 2004. MSIF revenues are collected from a \$2 registration surcharge fee on vehicles registered with the Department of Motor Vehicles in the Air District’s jurisdiction.
- 5) Pursuant to California Health and Safety Code Section 44229, MSIF funds can be used for, among other project types, alternative fuel and electric infrastructure projects solicited and selected through a competitive bid process.
- 6) On April 6, 2022, the Air District’s Board of Directors approved funding allocations for the TFCA Program for Fiscal Year Ending (FYE) 2022, under California Health and Safety Code Section 44241, and authorized the Executive Officer/Air Pollution Control Officer to execute Grant Agreements for eligible projects funded by the TFCA Program, with individual grant awards up to \$500,000.
- 7) On April 6, 2022, the Air District’s Board of Directors also approved the cost-effectiveness limit for projects receiving TFCA Program funds.
- 8) On December 7, 2021, the Air District released the *Application Guidance for Charge! Program for FYE 2022 with subsequent updates* (“Program Guidance”), which includes the Program Policies and sets forth additional requirements for eligible charging station projects.
- 9) On June 1, 2022, the Air District’s Board of Directors approved the selection of Project Number G-2202-27794 (“Project”), which was evaluated as part of a competitive application process, as an eligible air quality improvement project in the San Francisco Bay Area air basin based on the Program Guidance and the information provided in the Project Sponsor’s application.
- 10) The Project Sponsor affirms that the Project has not commenced, would not have otherwise commenced without TFCA Program funding, and will result in surplus emission reductions.

- 11) The Parties desire to enter into this Agreement to implement the Project in accordance with the terms and conditions of this Agreement, including all attachments thereto.

NOW, THEREFORE, the Parties hereby agree as follows:

SECTION II
PROJECT SPONSOR OBLIGATIONS

- 1) The Project Sponsor hereby agrees to implement the Project, which is described in “Project Information” (Attachment A), in accordance with the costs, terms, and conditions in the “Project Budget and Payment Process” (Attachment B), and all applicable provisions of federal, state, and local law and regulations. Failure to implement the Project in accordance with the terms and conditions set forth in this Agreement and all attachments thereto shall be deemed a breach of this Agreement and may result in the Air District’s enforcement of the Agreement, termination of the Agreement, a reduction of the Project’s Funds Awarded that are specified in Attachment B, or other remedies sought by the Air District at its sole discretion.
- 2) The Project Sponsor shall pay all Project costs necessary to complete the Project prior to submission of the Final Invoice to the Air District for reimbursement. Air District’s funding obligation under this Agreement is limited to reimbursement of Eligible Costs, as specified in Attachment B, the amount of which shall not exceed the Funds Awarded, also as specified in Attachment B. The Project Sponsor shall be solely responsible for all costs that exceed the Funds Awarded.
- 3) The Project Sponsor is responsible for assuring that all funds received under this Agreement and Matching Funds are expended only in accordance with the requirements of the TFCA Program, *Charge!* Program guidelines, this Agreement, and all applicable provisions of law and regulations.
- 4) The Project Sponsor shall allow the Air District and its authorized representatives to conduct performance and fiscal audits of the Project at any time during the Term of this Agreement. The Project Sponsor shall cooperate with such audits and shall make available to the Air District all records relating to Project performance and expenses incurred in the implementation of the Project.

The Project Sponsor shall allow the Air District or its authorized representatives to inspect the Project site(s) and equipment at any time between the Effective Date of the Agreement and the conclusion of the Project Operational Period. The Project Sponsor shall cooperate with such inspections.

The Project Sponsor shall allow the Air District or its authorized representatives to conduct inspections as well as financial and performance audits of the Project at the Air District’s sole discretion. Failure to comply with inspection and/or audit requirements shall be deemed a breach of this Agreement.

- 5) The Project Sponsor shall prepare and maintain all necessary Project Records to document Project activities and performance, including invoicing documentation set forth in Section V of Attachment B, documentation to support the Project reporting requirements set forth in Attachment C, and insurance documentation set forth in Attachment D (all of which comprise “Project Records”). Project Records shall also include documentation that verifies compliance with the requirements set forth in Section II.8. The Project Sponsor shall keep Project Records in one central location for a period of three (3) years after the later of a) the date of the Air District’s final payment, or b) the end of the Project Operational Period.
- 6) The Project Sponsor shall submit the reports specified in Attachment C to the Air District by the due dates specified in Attachment C. These reports are public documents. At its discretion, the Air District may accept and process a late-submitted report, without thereby waiving or amending the submission deadline of any or all subsequent reports.
- 7) The Project Sponsor shall submit the funded charging station information to the U.S. Department of Energy Alternative Fuel Data Center as described in Attachment A. This is only required for publicly available chargers. At its discretion, the Air District may accept a late submission without thereby waiving or amending the submission deadline.

- 8) The Project Sponsor shall implement and operate the Project for the duration of the Project Operational Period. The Project Sponsor may not make any changes to the operational status of the Project without the prior approval of the Air District. Failure to obtain prior approval is a breach of this Agreement.

For purposes of this Agreement, a “change to the operational status” occurs whenever any portion of the Project is removed from active service other than for routine maintenance, relocated to a different location than what is specified in this Agreement (Attachment A), rendered inoperable, sold, or transferred to another entity, before full completion of the Project Operational Period.

If the Project Sponsor intends to make a change to the Project’s to the operational status, the Project Sponsor must seek a modification of this Agreement in advance to allow for a change pursuant to Section IV.3.

- 9) The Project Sponsor shall acknowledge, and require any third-party that implements any portion of the Project (“Sub-awardee”) to also acknowledge, the Air District as a Project funding source at all times throughout the Project Operational Period as specified in Attachment A. The Project Sponsor shall use, and require any Sub-awardee to use, the Air District’s approved logo for the Project. The required documentation and materials are specified in Attachment C.
- 10) Beginning when the Project starts and throughout the Project Operational Period, the Project Sponsor shall obtain, maintain, and comply, and require any Sub-awardee to also obtain, maintain, and comply, with the insurance coverage specified in Attachment D, “Insurance Requirements,” and with all insurance requirements set forth therein, including the provision of documentation of said insurance coverage.
- 11) To the extent not otherwise prohibited by law, and to the extent required by the California Public Records Act (Government Code Section 6250 et seq.), the Project Sponsor shall place in the public domain any software, written document, or other product developed with funds as part of the Project and shall require recipients of any funds, if any, to do the same.
- 12) The Project Sponsor shall use the Funds Awarded only for the implementation of a project that will result in surplus motor vehicle emission reductions within the Air District’s jurisdiction and be responsible for demonstrating the emission reductions achieved. Surplus emission reductions are those that exceed the requirements of applicable regulations (e.g., CALGreen building codes) or other legal obligations (e.g., contracts, mitigation, etc.) as of the Effective Date of this Agreement.
- 13) The Project Sponsor shall comply with all Program requirements set forth in the Program Guidance, dated December 7, 2021, and which are incorporated herein and made a part hereof by this reference as if fully set forth herein.
- 14) Nondiscrimination: During the performance of this Agreement, the Project Sponsor and its contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religious creed, color, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, sexual orientation, medical condition, marital status, age (over 40) or allow denial of family-care leave, medical-care leave, or pregnancy-disability leave. The Project Sponsor and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The Project Sponsor and its contractors shall comply with the provisions of the Fair Employment and Housing Act [Gov. Code Section 12990 (a-f) et seq.] and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 10000 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. The Project Sponsor and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- 15) To be bound by all the provisions of State Labor Code Section 1771 regarding prevailing wages paid to workers employed on public works and to provide confirmation of compliance if requested.
- 16) To accept tax liability associated with accepting grant funds.

- 17) To neither seek nor accept other private or public financial incentives for the Project without prior approval from the Air District. If Project Sponsor seeks or accepts such funds or incentives without prior Air District approval, the Air District may terminate this Agreement for breach, which may also disqualify Project Sponsor from participating in future Air District incentive programs.

SECTION III AIR DISTRICT OBLIGATIONS

- 1) The Air District will provide funds for this Project in an amount not to exceed the Funds Awarded, in accordance with the formula set forth in Attachment B. In the event that the Total Project Cost is less than the amount listed in Attachment B, the Air District shall recalculate its contribution to the Project in accordance with the provisions of Section III of Attachment B.
- 2) The Air District will endeavor to pay the undisputed amount of an approved invoice within thirty (30) calendar days of the date of Air District's approval of such invoice and in accordance with the Invoice and Payment Schedule set forth in Section V of Attachment B.
- 3) The Air District will provide timely notice to the Project Sponsor prior to conducting any audits of the Project. Also, the Air District makes reasonable efforts to conduct audits and inspections during normal business hours of the Project Sponsor.
- 4) The Air District will provide the Project Sponsor a copy of the fiscal audit of the Project as specified in California Health and Safety Code Section 44242.
- 5) The Air District will provide the Project Sponsor all applicable Air District-approved reporting and invoice forms.
- 6) The Air District will make its logo available to Project Sponsor solely for use to fulfill the Project Sponsor's obligation under Section II.8 of this Agreement.

SECTION IV GENERAL PROVISIONS

- 1) **Effective Date:** The effective date of this Agreement is the date the Air District Executive Officer/Air Pollution Control Officer executes this Agreement ("Effective Date").
- 2) **Term:** The term of this Agreement shall commence on the Effective Date of this Agreement and end three (3) years from the later of either a) the date of the Air District's final payment, or b) the last day of the Project Operational Period, unless this Agreement is terminated or amended as provided below, or the Term is extended pursuant to Special Conditions, Attachment A.
- 3) **Amendment:** This Agreement may not be modified except in writing, signed by both Parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect. Any change in Project scope shall require an Amendment under this Agreement.
- 4) **Project Liaison:** Within thirty (30) calendar days from the Effective Date of this Agreement, the Project Sponsor shall notify the Air District of the Project Sponsor's Project Liaison and of the Liaison's address, telephone number, and email address. The Project Liaison shall be the liaison to the Air District pertaining to implementation of this Agreement and shall be the day-to-day contact about the Project. All correspondence shall be addressed to the Project Liaison. The Project Liaison shall notify the Air District of a change of Project Liaison or of the Liaison's contact information in writing no later than thirty (30) calendar days from the date of the change.
- 5) **Notices:** All notices that are required under this Agreement shall be provided in the manner set forth herein, unless specified otherwise. Notice to a party shall be delivered to the attention of the person at the address listed below, or to such other person or persons as may hereafter be designated by that party in writing. Notice shall be in writing sent by e-mail AND either by personal delivery service, first class mail, or certified mail (return receipt requested).

E-mail communications shall be deemed to have been received on the date of such transmission, provided such date was a business day and delivered prior to 4:00 p.m. PST/PDT. Otherwise, receipt of e-mail communications shall be deemed to have occurred on the following business day. In the case of notice by mail, notice shall be deemed to have been delivered on the mailing date and received five (5) business days after the date of mailing. The date of valid notice under this Agreement shall be the earliest date notice is deemed received, whether that be by e-mail or mail/personal delivery.

DISTRICT:	Bay Area Air Quality Management District 375 Beale Street, Suite 600 San Francisco, CA 94105 Attn: Danny Fung Project #: G-2202-27794 dfung@baaqmd.gov
PROJECT SPONSOR:	Union Sanitary District 5072 Benson Road Union City, CA 94587 Attn: Caleb Merriam Project #: G-2202-27794 calebm@unionsanitary.ca.gov

- 6) Project Due Dates: If any Project act or task must be performed by a specific deadline or date, which day falls on a Saturday or holiday (which includes Sunday), that act or task may be performed by the next business day, except where otherwise noted in Special Conditions, Attachment A.

- 7) Breach and Termination:

A. Voluntary: Either Party may terminate this Agreement by giving written notice to the other Party in accordance with Section IV.5. The notice of termination shall specify the effective date of termination. The terminating party shall provide notice that is a minimum of forty-five (45) calendar days from the date of the notice. However, if any payments are due to either party, this Agreement may not be terminated earlier than the date that all parties have received all payments they are due under this Agreement. In this circumstance, each party shall notify the other party of having received all payments due and the date of receipt. The notice of the termination shall be delivered as provided for in Section IV.5.

If the Project Sponsor terminates this Agreement, the Project Sponsor shall not be entitled to the full amount of the Funds Awarded. The Air District will calculate the amount of funds to which the Project Sponsor is entitled, based on the Air District's determination of what funds are Eligible Costs and the formula set forth in Attachment B, Section III. If the Air District has paid the Project Sponsor more than the amount of funds to which the Project Sponsor is entitled, the Project Sponsor shall reimburse any funds owed to the Air District prior to the effective date of termination, which may include all or a portion of the funds that Project Sponsor has already received but is not entitled to retain.

If the Air District terminates this Agreement pursuant to this provision, any costs incurred on the Project following the effective date of termination shall be ineligible for reimbursement of funds, except costs for any work that the Air District has specified in the notice of termination that the Project Sponsor may continue to perform for the specified period of time. The Air District will reimburse Project Sponsor for all Eligible Costs that were expended prior to the date specified in the notice of termination based on the formula set forth in Attachment B.

The Agreement cannot be terminated unless all payments have been fully made.

- B. Breach: In the case of Project Sponsor's breach of this Agreement, the Air District will deliver a written Notice of Breach in accordance with Section IV.5. The notice will specify the nature of the breach and will direct the Project Sponsor to cease all work immediately upon receipt of the notice, except as specifically provided for in the notice. At its discretion, the Air District may allow the Project Sponsor to cure the breach; in that instance, the Notice of Breach will specify the date by which such breach must be cured ("Cure Period"). As one of its remedies, the Air District may terminate this Agreement. In that event, the Notice of Breach will specify the date of termination, which shall be no less than thirty (30) calendar days from the date of notification of such Notice of Breach.

The Notice of Breach will also notify the Project Sponsor that the Project Sponsor may not be entitled to the full amount of the Funds Awarded. The notice will specify the amount of the Funds Awarded; the amount of funds the Air District has paid to date, if any; and that some or all of the Funds Awarded may be subject to reimbursement to, or withholding by, the Air District. In no event shall the Agreement terminate prior to the Project Sponsor's reimbursement of any funds owed to the Air District.

- 8) Additional Provisions and Additional Acts and Documents: Each Party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents that are reasonably required to carry out the provisions, intent and purpose of this Agreement. All attachments to this Agreement are expressly incorporated herein by this reference and made a part hereof as though fully set forth.
- 9) Indemnification: The Project Sponsor shall indemnify and hold the Air District, its officers, employees, agents, and successors-in-interest harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Project Sponsor, its officers, agents, or employees. The Project Sponsor shall require any third-party who owns, operates, controls, or implements any portion of the Project to indemnify and hold the Air District, its officers, employees, agents, and successors-in-interest harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the third-party, its officers, agents, or employees.
- 10) Independent Contractor: Neither the Project Sponsor nor its officers, employees, agents, or representatives shall be considered employees or agents of the Air District. This Section does not apply to elected officials serving concurrently on the governing boards of both the Project Sponsor and the Air District.
- 11) Assignment: Neither Party shall assign, sell, license, or otherwise transfer any rights or obligations under this Agreement to a third-party without the prior written consent of the other Party. All of the terms, provisions and conditions of this Agreement will be binding upon and inure to the benefit of the Parties and their respective successors, assigns and legal representatives.
- 12) Waiver: No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the Party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a Party to enforce performance by the other Party of any term, covenant, or condition of this Agreement, and the failure of a Party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that Party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
- 13) Severability: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected.

- 14) Force Majeure: Neither the Air District nor the Project Sponsor shall be liable for, or deemed to be in default for, any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the Project, or other causes, except financial, that are beyond the reasonable control of the Air District or the Project Sponsor, for a period of time equal to the period of such force majeure event, provided that the Party failing to perform notifies the other Party within fifteen (15) calendar days of discovery of the force majeure event, and provided further that that Party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to a Party's own action or inaction, then such cause shall not excuse that Party from performance under this Agreement.
- 15) Governing Law: Any dispute that arises under or relates to this Agreement shall be governed by California law, excluding any laws that direct the application of another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Agreement, including mediation, shall be San Francisco, California.
- 16) Public Entities – Conflict of Interest: The Project Sponsor warrants and represents that its public officials, including its officers and employees in their official capacity, presently have no interest and agrees that its public officials, including its officers and employees in their official capacity, will not acquire any interest which would represent a conflict of interest under California Government Code Sections 1090 et seq. and 87100 et seq. during the performance of this Agreement.
- 17) Integration: This Agreement, including all attachments hereto, represents the final, complete, and exclusive statement of the agreement between the Air District and the Project Sponsor related to the Parties' rights and obligations and subject matter described in this Agreement, and supersedes all prior and other contemporaneous understandings and agreements of the Parties. No Party has been induced to enter into this Agreement by, nor is any Party relying upon, any representation or warranty outside those expressly set forth herein.
- 18) Survival of Terms: Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled, and shall apply to both Parties' respective successors and assigns. Such terms include the requirements set forth in Sections IV.9 and II.5.
- 19) Each of the undersigned expressly affirms that he or she is authorized to execute this Agreement on behalf of the Party whom he or she represents.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by their duly authorized officers.

SIGNATURES:

by: _____
Sharon Landers
Interim Executive Officer/Air Pollution Control Officer
Bay Area Air Quality Management District

by: _____
Paul Eldredge
General Manager/District Engineer
Union Sanitary District

Date: _____

Date: _____

Approved as to legal form:

Approved as to legal form (optional):

by: _____
Alexander Crockett
District Counsel
Bay Area Air Quality Management District

by: _____
Legal Counsel

**ATTACHMENT A
PROJECT INFORMATION**

(Note: The section numbers shown in parentheses below refer to sections in the Agreement.)

1. **Project Number (Section IV.5):** G-2202-27794
2. **Project Sponsor:** Union Sanitary District
3. **Project Title:** Union Sanitary District's Electric Vehicle Charging Station Project.
4. **Project Description:** Project Sponsor shall install and operate 2 DCFC, 1 single-port Level 2 (high), and 15 dual-port Level 2 (high) charging stations with solar at 1 workplace facility in Union City.
5. **Project Goal:** The goal of this Project is to reduce motor vehicle emissions by supporting electric vehicle charging station installation.
6. **Usage Requirement:** The charger(s) listed in Table 1 shall dispense an aggregate total of at least 513,000 kWh of electricity and the solar component shall generate an aggregate total of at least 16,000 kWh of electricity during the Project Operational Period.
7. **Project Operational Period:** Three (3) years from the date all of the charging stations have been placed into service.
8. **Project Schedule:**

<u>Milestone</u>	<u>Date</u>
Project Starts	Effective Date of Agreement
All funded equipment installed and placed into service, start of the Project Operational Period	By December 31, 2024
End of Project Operational Period	By December 31, 2027

9. **Special Conditions (Sections II.1, II.4, II.8, IV.3):**
 - A. Project Sponsor shall maintain the charging stations properly and guarantee that the stations are accessible, functional and serviceable for at least 90 percent of the calendar days during each calendar year throughout the Project Operational Period.
 - B. Project Sponsor shall use only State of California-licensed engineers and contractors to perform the Project work.
 - C. Charging stations must be available for use by the general public at least 250 days per year, for at least eight hours per day during normal business hours.
 - D. Charging Station requirements:
 - i. Installed at a stationary location shall be connected to the electrical grid;
 - ii. Installed on a mobile platform shall remain on, and be operated and maintained at, the approved Facility Location specified in Attachment A, Table 1;
 - iii. Project Sponsor must either own the land on which the Project infrastructure is installed or provide evidence (e.g., lease agreement) from the property owner allowing the Project Sponsor to install and operate charging stations for the duration of the Project Term;
 - iv. Infrastructure Equipment and parts must be new – remanufactured or refurbished equipment and parts are not eligible;
 - v. Charging infrastructure Equipment must include an operational energy meter or energy management software throughout the Project Operational Period. If this meter fails for any reason, the energy meter must be repaired or replaced as soon as possible;

- vi. Charging stations must be certified by a National Recognized Testing Laboratory (e.g., Underwriters Laboratory, Intertek) located at <https://www.osha.gov/dts/otpcanrtl/nrtllist.html>; and
- vii. Meet the equipment specific requirements in Attachment A, Table 1.
- E. Project Sponsor shall site, construct, install, maintain, and operate any services, equipment, or infrastructure paid for with Program funds in accordance with the respective manufacturer's specifications, all applicable state, federal and local laws and regulations including compliance with all applicable requirements of the Americans with Disabilities Act (ADA).
- F. Project Sponsor shall allow the Air District, and its authorized representatives, to collect and share usage information about the Project.
- G. Project Sponsor shall provide all of the information necessary about the funded charging stations to the U.S. Department of Energy in order for the stations to be listed on the Alternative Fuel Data Center after the charging stations are placed into service. This is only required for chargers that are publicly available. The Air District will not pay invoices until the listing for each funded station has been verified.
- H. For Projects that receive funding from another source (e.g., California Energy Commission, NRG, PG&E), Project Sponsor is required to provide documentation/information on those funds and sources along with the invoice that adequately demonstrates the charging station(s) installed as part of this Project will result in surplus emission reductions that are beyond what is required by regulations, settlement, local ordinances, and other legally binding obligations.
- I. Project Sponsor is required to acknowledge the Air District as a Project funding source during the Project Operational Period. Examples of documentation and material acknowledgement may include the following: photographs of equipment operated as part of the Project with Air District logos attached; documentation of use of the logo on the Project Sponsor's website, promotional materials, and on brochures, handbooks, and maps that promote or inform the public about the Project services; and copies of press releases and newsletter articles related to the Project (Section II.8).
- J. Security Interest: Project Sponsor hereby grants the Air District a security interest in the Project Equipment that has been purchased partially or entirely with funding provided by the Air District pursuant to this Agreement and any amendments thereto. Project Sponsor acknowledges and agrees that the Air District shall have all lien rights as a secured creditor on the Project Equipment throughout the Term of the Agreement. Project Sponsor agrees and authorizes the Air District to file a Uniform Commercial Code (UCC) financing statement (Form UCC-1) or similar security instrument to secure its interests in the Project Equipment. In the event the Project Equipment is repossessed or Project Sponsor files for dissolution or bankruptcy protection, Project Sponsor shall notify the Air District within ten (10) business days of the repossession or court filing.
- K. Project Sponsor must use Electric Vehicle Infrastructure Training Program (EVITP) certified electricians for the installation of the Project Equipment in accordance with California Public Utilities Code Article 740.20:
 - i. All electric vehicle charging infrastructure and equipment shall be installed by a contractor with the appropriate license classification, as determined by the California Contractors State License Board, and at least one electrician on each crew, at any given time, who holds an EVITP certification; and
 - ii. Projects that install a charging port supplying 25 kilowatts or more to a vehicle have at least 25% of the total electricians working on the crew for the project, at any given time, who hold EVITP certifications.

- L. Payment Requirements: All funded Project Equipment must comply with Senate Bill 454, Chapter 418, such that persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. The total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, shall be disclosed to the public at the point of sale. An electric vehicle charging station that requires payment of a fee shall allow a person desiring to use the station to pay via credit card or mobile technology, or both.

Table 1: Detailed Project Description					
Facility Information	Qty	Project Equipment*	Total Usage & Project Equipment Operational Period	AB 617 Location	Funding Source & Funds Awarded
Facility #1026 Workplace 5072 Benson Road Union City, CA 94587	1	Single-port Level 2 (high) Connector spec: J1772 Each port capable of an output rating of 6.6+ kW	18,000 kWh (18,000 kWh each) 3 years	None	TFCA: Max of 85% of the Eligible costs up to \$3,000 (\$3,000 each)
	15	Dual-port Level 2 (high) Connector spec: J1772 Each port capable of an output rating of 6.6+ kW Plus-up funding for dual-port Level 2 (high)	315,000 kWh (21,000 kWh each) 3 years		TFCA: Max of 85% of the Eligible costs up to \$60,000 (\$4,000 each)
	2	DC Fast Connector requirement: CHAdeMO or SAE Combo Each port capable or an output rating of 50+ kW	180,000 kWh (90,000 kWh each) 3 years		TFCA: Max of 85% of the Eligible costs up to \$36,000 (\$18,000 each)
	1	Plus-up funding for solar component: Photovoltaic (PV) panel system rated at 9,724 W or greater	16,000 kWh (16,000 kWh each) 3 years		TFCA: Max of 85% of the Eligible costs up to \$4,000 (\$4,000 each)
Total Funds Awarded:					\$103,000

* Project Sponsor may propose Equivalent Equipment subject to advanced written approval from the Air District. The Equivalent Equipment must result in the same or better emissions reductions and meet or exceed the operational parameters specified in Attachment A of this Agreement. Changes to Project Equipment, Assembly Bill 617 (AB 617) Location, or Facility Information may affect Total Usage and Funding Source & Funds Awarded. This may result in a decrease in funding of base funding and/or Plus-up Funding.

**ATTACHMENT B
PROJECT BUDGET AND PAYMENT PROCESS**

(Note: The section numbers shown in parentheses below refer to sections in the Agreement.)

1. **Total Project Cost (Section II.2):** \$250,000

The Total Project Cost is the sum of the Eligible Costs that are listed in Section 4 of Attachment B.

2. **Matching Funds (Sections II.2, 3):** The Project Sponsor is responsible for all Project costs that are not covered by the Funds Awarded.

3. **Funds Awarded (Sections II.2, II.11, III.1, IV.7):** The Air District will provide funds for this Project in an amount not to exceed \$103,000 or 85% of the actual total project cost, whichever is lower. If the Project Sponsor modifies or reduces the scope of the project, the Air District will recalculate the Funds Awarded based on the Base Funding and Plus-Up funding as described in the Program Guidance, dated December 7, 2021, not to exceed a maximum of 85% of the actual total cost for the project:

Attachment A, Table 1 shows how the Funds Awarded are distributed to the project.

The Air District shall cancel this Agreement if the Project is implemented in any way such that the Funds Awarded is reduced to below \$10,000.

If this Agreement is terminated pursuant to Section IV.7 of this Agreement, the Air District will calculate the final Funds Awarded, which is the amount of funds to which the Project Sponsor is entitled, by multiplying the amount of Funds Awarded by the ratio of the actual usage requirement completed, which is the total energy delivered by the project equipment in kWh at the time of the effective date of termination, to the required usage requirement in kWh for the Project Operational Period:

Final Funds Awarded =

$$\text{Funds Awarded} \times \left(\frac{\text{actual energy in kWh delivered}}{\text{the required usage requirement in kWh for the Project Operation Period}} \right)$$

4. **Eligible Costs:** Eligible Costs may only be incurred on or after the Effective Date of this Agreement and prior to the date all funded equipment is installed and placed into service, and must be directly and solely related to the implementation (site preparation, installation, and construction) of the Project.

The Air District will not reimburse any project costs if equipment costs are incurred prior to a fully executed Agreement. For the purposes of determining eligibility of Project costs, the date for equipment costs incurred shall be the date the Project Sponsor submits a signed purchase order or other document that commits the order, and for direct labor costs incurred shall be the date such services were rendered. If the Project Sponsor orders or purchases equipment prior to the execution of the Agreement, this will be deemed a breach of this Agreement and the Air District is not obligated to reimburse any costs incurred by the Project Sponsor.

Eligible Costs include:

- A. Costs for the purchase of equipment and material(s) (e.g., charging station hardware, electrical panels, transformers, and other materials) including tax, and shipping fees;
- B. Equipment rental costs (e.g., dump truck, concrete road paver, and other equipment) including tax, and shipping fees;
- C. Documented labor charges (e.g., salaries, wages, and benefits);
- D. Contractor labor charges; and
- E. Permit fees.

Costs that are not included in the list above are not Eligible Costs, for example:

- A. Costs related to maintenance, repairs, rehabilitation, or upgrades;

- B. Costs related to any other work performed or equipment purchased that is not required for the Project;
 - C. Operating costs (e.g., salaries after the Project is open for public use, ongoing training/support, advertising, and rent/leases);
 - D. Planning activities or feasibility studies; and
 - E. Indirect and administrative costs.
5. **Invoice and Payment Schedule (Section III.2):** The Project Sponsor shall submit a single invoice (Final Invoice) along with the Expenditure Report as specified in Attachment C. No costs or financial commitments that are incurred or undertaken prior to the date of full execution of the Agreement will be considered for reimbursement from the Air District. Project Sponsor must disclose all other private or public financial incentives applied for or used for this project.

The Final Invoice shall be prepared on the Air District's General Invoice Form and shall include:

- A. The Project Number;
- B. An itemized list of all expenses incurred by the Project Sponsor, specifying which are Eligible Costs and dates labor was performed and equipment was purchased;
- C. The total funds being requested;
- D. Supporting documentation of Project Sponsor's payments made for goods and services incurred, such as cancelled checks, bank statements, SSAE-18 (Service Auditors Report) for organizations that have a fiscal agent, or other documents deemed acceptable by Air District at its discretion; invoices from vendors, consultants, or contractors, with an explanation of the goods or services provided for the Project; time sheets documenting hourly labor costs incurred; and
- E. Confirmation that the funded chargers are listed/submitted to the U.S. Department of Energy Alternative Fuel Data Center for listing on the website. This is only required for chargers that are publicly available.
- F. Completed *Charge!* Program EVITP Affidavit, specifying contractor and certified electrician information.

Any invoices dated and/or signed prior to the execution of the Agreement will be deemed a breach of this Agreement and the Air District is not obligated to reimburse any costs incurred by the Project Sponsor.

The Air District will not process any invoice until all current Project obligations are fulfilled.

The Air District shall retain fifteen percent (15%) of the final Funds Awarded until the project has fulfilled its usage and operational requirements and the Final Report has been received and approved by the Air District.

ATTACHMENT C
MONITORING OF PROJECT PERFORMANCE

(Note: The section numbers shown in parentheses below refer to sections in the Funding Agreement.)

1. **Semi-annual Reports (Section II.6):** The Project Sponsor shall submit Semi-annual Reports to the Air District summarizing Project progress. Semi-annual Reports shall be prepared on the Air District's Semi-annual Report form.

Due Dates: Beginning sixty (60) calendar days after the Effective Date, every April 15 and October 15 until the Expenditure Report has been submitted.

2. **Expenditure Report (Sections II.6, II.8):** The Project Sponsor shall submit Expenditure Report to the Air District. Expenditure Report shall be prepared on the Air District's Expenditure Report form.

Due Date: By March 1, 2025, and following the start of the Project Operational Period.

The Expenditure Report shall include the following information:

- A. The address of each approved Facility and the following information for each of the funded chargers by Facility: date construction was completed; date charger was placed into service; dates
- B. and time charger is open for use by the public (e.g., employees, residents); and the pricing structure (\$ per kWh, flat fee per use, etc.);
- C. A discussion of any pertinent issues or problems experienced with the project to date;
- D. Documentation that the Project Sponsor has acknowledged the Air District as a Project funding source, such as photographs of the charging station(s) with Air District logos attached; documentation of use of the Air District's logo on promotional materials, brochures, handbooks, and maps that promote or inform the public about the Project services; and copies of press releases and newsletter articles related to the Project (Section II.8); and
- E. Documentation confirming that information about the funded stations have been submitted and are listed on the U.S. Department of Energy's Alternative Fuel Data Center. This is only required for chargers that are publicly available.

3. **Annual Reports (Sections II.6):** Annual Reports shall be prepared on the Air District's Annual Report form.

Due Dates: By March 1, 2025, March 1, 2026, and March 1, 2027.

Each Annual Report shall cover a 12-month period (from January 1 to December 31) and include the following information for each charger (the first and last report may cover a shorter or longer period):

- A. For each month, the amount of electricity in kWh dispensed;
- B. A discussion of any pertinent issues or problems that arose during the charging station(s)'s operation (e.g., repairs, downtime);
- C. A discussion of any work that has been performed to the Station(s) (e.g., maintenance, repair), as well as any expansion or upgrade plans;
- D. The actual number of days that each charger was operating; and
- E. The pricing structure (per kWh, flat fee per use) on a charger basis.

4. **Final Report (Sections II.6):** The Project Sponsor shall submit the Final Report to the Air District. The Final Report shall be prepared on the Air District's Final Report form and shall include the same information listed above under Annual Reports and must be received by the Air District by March 1, 2028, and following the end of the Project Operational Period.

**ATTACHMENT D
INSURANCE REQUIREMENTS**

Verification of Coverage

Project Sponsor shall provide, and require any sub-awardee to provide, the Air District certificates and/or other evidence of the insurance coverage required below. The Air District reserves the right to require Project Sponsor to provide complete, certified copies of any insurance offered in compliance with these specifications. Certificates, policies and other evidence provided shall specify that the Air District shall receive thirty (30) calendar days advanced notice of cancellation from the insurers.

The Project Sponsor may submit evidence that listed insurance is not required for the Project.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII. The Air District may, at its sole discretion, waive or alter this requirement or accept self-insurance in lieu of any required policy of insurance.

Minimum Scope of Insurance

Throughout the Project Operational Period, Project Sponsor shall obtain and maintain in full force and effect the insurance as set forth below, and shall require any third-party to obtain and maintain in full force and effect the insurance as set forth below. Project Sponsor must initial next to each checked insurance requirement to confirm understanding and Agreement with the applicable Project insurance requirements:

**Required
if marked**

1. Liability Insurance

☒

Initial

Corporations/Private and Public Entities – a limit of not less than \$1,000,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the Project Sponsor, and to the operation of the vehicles, engines or equipment operated by the Project Sponsor.

☐

Initial

Single Vehicle Owners – a limit of not less than \$750,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the Project Sponsor, and to the operation of the vehicles, engines or equipment operated by the Project Sponsor.

2. Property Insurance

☒

Initial

Repower and New Vehicle/Equipment Purchase – in an amount of not less than the insurable value of Project Sponsor's vehicles, engines or equipment funded under the Agreement of which this Attachment is a part, and covering all risks of loss, damage or destruction of such vehicles, engines or equipment.

☐

Initial

Property Insurance for Retrofit Projects – for all 2003 model year or newer vehicles in an amount of not less than the insurable value of Project Sponsor's vehicles, covering all risks of loss, damage or destruction of such vehicles, engines or equipment.

3. Workers Compensation Insurance.

☒

Initial

Workers Compensation Insurance – as required by California law and employers' liability insurance with a limit not less than \$1 million.

CONTRACT CHANGE ORDER No. 003

ETSU Phase 1A – Campus Building Project

Item: Add the Union Sanitary District's Electric Vehicle Charging Station Project

Contractor is hereby directed to make the herein described changes from the plans and specifications or do the following work not included in the plans and specifications of this contract. All new work herein described shall be done in accordance with the applicable provisions of the plans and specifications, except as specifically modified by this Contract Change Order (CCO).

DESCRIPTION OF CHANGE:

The Contractor shall provide and install fifteen (15) dual port and two (2) single port Level II Electric Vehicle Charging Stations, and two (2) Level III Charging Stations in the publicly accessible parking lot of the new Campus Building as shown in Exhibit A and described in specification 26 33 43.

The Contractor shall provide and install the Building Main Entrance Photovoltaic System capable of producing a minimum of 9,724 Watts as described in specification 48 14 03.

The Contractor shall indemnify and hold harmless the Bay Area Air Quality Management District, its officers, employees, agents, and successors-in-interest harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of the work described in this Change Order only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Contractor, its officers, agents, or employees.

Contractor shall include the Bay Area Air Quality Management District, its officers, employees, agents, and successors-in-interest as additional insured in specification 00 73 00 Part 2.1.1 through 2.1.3

This scope of work was competitively bid previously with the ETSU Phase 1A Campus Building Project and is now being added to the project as the Union Sanitary District's Electric Vehicle Charging Station Project.

COST OF CHANGE: \$ 250,000.00

CONTRACT TIME ADJUSTMENT: 0 Days

We, the undersigned Contractor, have given careful consideration to all aspects of the change proposed and hereby agree. This Contract Change Order constitutes full and complete compensation for all labor, equipment, materials, overhead, profit, any and all indirect costs and time adjustment, including any delay and rescheduling, required to perform the above described change and will accept this Contract Change Order as full and final payment.

This document supplements the Contract Documents and all provisions of the Contract Documents will apply thereto. It is understood that the Contract Change Order shall be effective when fully executed by the District.

ACCEPTED:

Zovich Construction Co.
Contractor:

By: _____
Ante Zovich

Date: _____

RECOMMENDED FOR ACCEPTANCE:

Psomas / Vanir
Construction Manager:

By: _____
Mike Redig

Date: _____

Union Sanitary District
ETSU Program Manager:

By: _____
Ric Pipkin, P.E.

Date: _____

APPROVAL:

The Contractor shall not commence with the above-described work of this change order prior to the approval by the District's Authorized Representative.

Union Sanitary District
Authorized Representative:

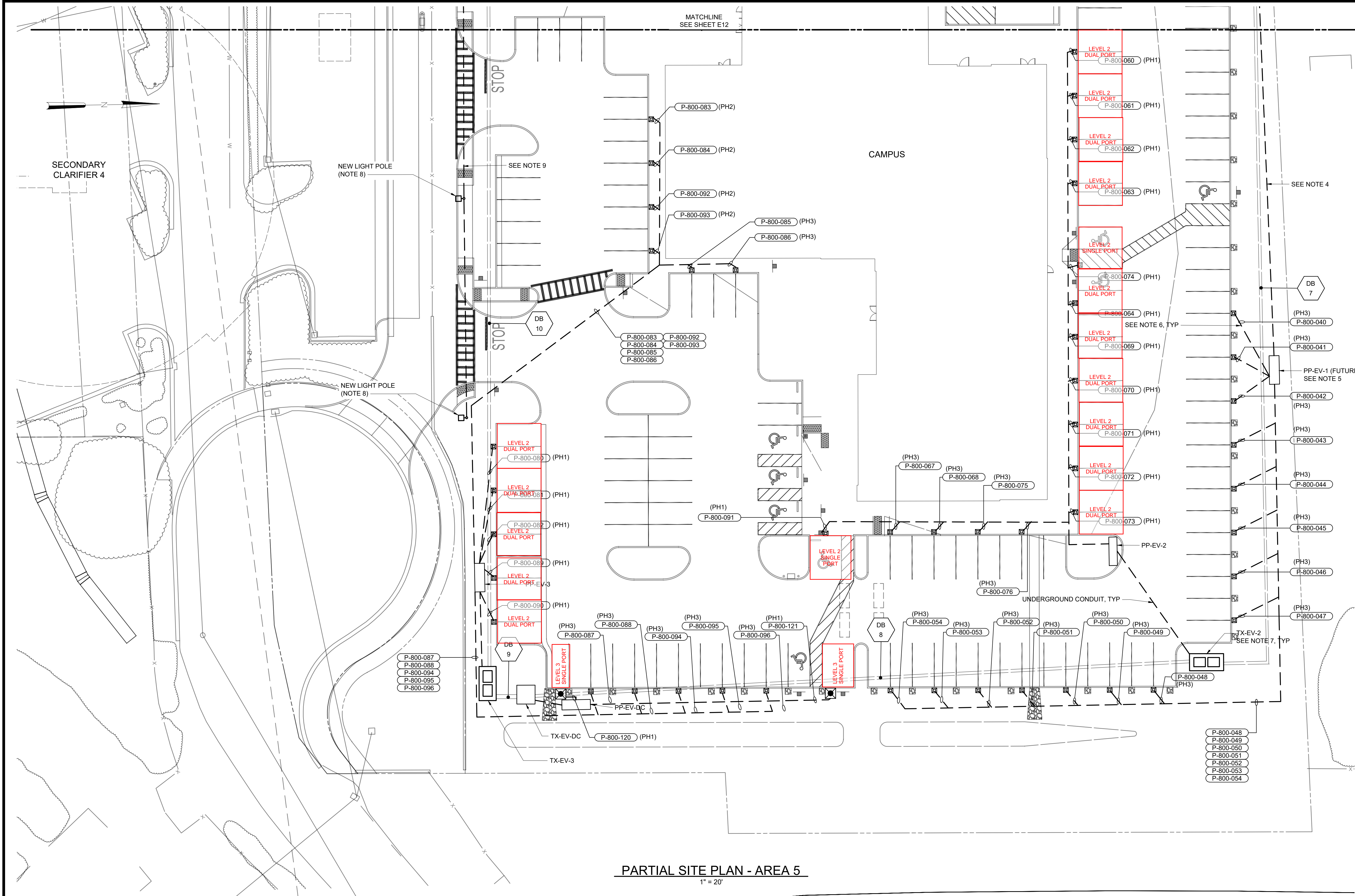
By: _____
Paul R. Eldredge, P.E.
General Manager/District Engineer

Date: _____

Executed Contract Change Orders

No.	Contract Change Order Title	Contract Time Adjustment, Calendar Days	Cost of Change
1	Flood Insurance Coverage Reduction	0	\$(326,655.75)
2	Delete EV Charging Stations & Building Main Entrance PV System	0	\$(250,000.00)
3	Add the Union Sanitary District's Electric Vehicle Charging Station Project	0	\$250,000.00
Total		0	\$ (326,655.75)

File: C:\USERS\SDAC\Documents\HAZEN AND SAWYER\201118-003 UNION SANITARY DISTRICT-CAMPUS BUILDING\PROJECT FILES\HAZEN\E15 Saved by: SDAC Save date: 6/29/2022 10:45 AM
PLOT DATE: 6/29/2022 12:19 PM BY: SDAC
Page 5 of 144



- NOTES:**
1. RELOCATE THE TWO EXISTING CHARGE POINT CHARGERS AT THE ADMIN BUILDING PARKING LOT TO THE NEW CAMPUS BUILDING.
 2. PROVIDE DUAL PORT EV CHARGER PEDESTAL TO BE EQUIPPED WITH CHARGEPOINT CT4000 (LEVEL 2) AT 208V, 1PH.
 3. PROVIDE DUAL PORT EV CHARGER PEDESTAL TO BE EQUIPPED WITH CHARGEPOINT CPE250 AT 480V, 3PH.
 4. PROVIDE SPARE UNUSED UNDERGROUND CONDUIT FROM THE TRANSFORMER VAULT TO THE PROPOSED FUTURE EV CHARGING POWER DISTRIBUTION PANEL AS SHOWN. THE UNUSED CONDUIT SHALL BE CAPPED AT BOTH ENDS TO ALLOW FUTURE INSTALLATION OF TRANSFORMER SECONDARY CONDUCTORS.
 5. PROVIDE SPARE UNUSED UNDERGROUND CONDUITS FROM THE PROPOSED EV CHARGING POWER DISTRIBUTION PANELS TO ALL FUTURE CHARGING STATION LOCATIONS. REFER TO PANEL SCHEDULES FOR CONDUIT IDENTIFICATION OF FUTURE EV CHARGING STATION. THE UNUSED CONDUITS SHALL BE CAPPED AT BOTH ENDS TO ALLOW FOR FUTURE INSTALLATION OF POWER DISTRIBUTION PANEL, EV CHARGING STATIONS, AND BRANCH CIRCUIT CONDUCTORS. ENSURE THE CONDUIT STUB-UPS ARE PROPERLY ARRANGED TO ACCOMMODATE FUTURE POWER DISTRIBUTION PANEL.
 6. PROVIDE SPARE UNUSED UNDERGROUND CONDUITS FROM THE NEW EV CHARGING POWER DISTRIBUTION PANEL TO ALL FUTURE EV CHARGING STATIONS. REFER TO PANEL SCHEDULES FOR CONDUIT IDENTIFICATION OF FUTURE EV CHARGING STATION. THE UNUSED CONDUITS SHALL BE CAPPED AT EACH FUTURE CHARGING STATION LOCATION.
 7. PROVIDE AN ADEQUATELY SIZED TRANSFORMER PAD FOR EACH EV CHARGING TRANSFORMER. THE DIMENSION OF THE TRANSFORMER PAD SHALL BE BASED ON THE PAD-MOUNTED TRANSFORMER SIZE AS SHOWN IN THE SINGLE LINE DIAGRAM.
 8. PROVIDE NEW LIGHT POLE (BEGA 99 499).
 9. CONTRACTOR SHALL TIE-IN TO CIRCUITS AT THE EXISTING LIGHT POLE USING CIRCUITS 7, 9, AND 13 FROM EXISTING PANEL H2 AT THE MAINTENANCE BUILDING ELECTRICAL ROOM. SEE NOTE 1 ON SHEET G09.

- LEGEND:**
- LEVEL 2 EVCS (CHARGEPOINT CT4000)
 - LEVEL 3 EVCS (CHARGEPOINT CPE250)

**CONTRACT CHANGE ORDER NO. 3
EXHIBIT A**

PROJECT ENGINEER:	A. BRIGGS
DESIGNED BY:	J. ALONZO
DRAWN BY:	J. ALONZO
CHECKED BY:	J. YAO
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE	0 1/2" 1"
REV	ISSUED FOR
DATE	BY

THIS DOCUMENT
ORIGINALLY ISSUED
FOR CONSTRUCTION
BY JACK YAO,
SEAL NUMBER E-18390

Hazen
HAZEN AND SAWYER
90 NEW MONTGOMERY ST, SUITE 333
SAN FRANCISCO, CALIFORNIA 94105

USP
UNION
SANITARY
DISTRICT

ENHANCED TREATMENT
AND SITE UPGRADE
PROGRAM

PHASE 1A PROJECT -
CAMPUS BUILDING

SITE
ELECTRICAL
PARTIAL SITE PLAN -
AREA 5

DATE:	07/12/2022
HAZEN NO.:	20118-003
CONTRACT NO.:	1
DRAWING NUMBER:	E15
SHEET NUMBER:	



USD TREAT
PROTECT
PRESERVE
est. 1918
TRI-CITY WASTEWATER

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 11**

TITLE: Consider a Resolution Declaring an Emergency and Authorizing the Emergency Expenditure of Funds for the Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Jose Rodrigues, Collection Services Work Group Manager
Raymond Chau, Technical Services Work Group Manager
Curtis Bosick, CIP Team Coach

Recommendation

Adopt the attached resolution declaring an emergency and authorizing the emergency expenditure of funds for the repair of two sewer lines in the City of Fremont damaged by fiber optic line installation.

Discussion

Two gravity sewer mains in the City of Fremont have been damaged by a private third-party contractor installing 5G fiber optic lines in the City's right-of-way. Staff has been working with the contractor and its insurance company in order to seek reimbursement and complete the repair. Although ongoing, discussions up to this point have not resulted in a resolution.

Given the upcoming wet weather season and time required to complete the work, it is necessary for the District to expeditiously proceed with the repair, while concurrently working toward reimbursement of funding from the contractor. The damaged sewer mains in their current condition create enough risk to the District that staff is recommending an emergency be declared to expedite the necessary repairs.

The District's Purchasing Policy and California Public Contract Code (PCC) Section 20806 allow for emergency contracting without competitive bidding in accordance with the requirements of PCC Section 22050. Section 22050(a) provides that the District, pursuant to a four-fifths vote of the Board, "may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts."

The attached resolution addresses the requirements of the PCC to declare the emergency and authorize additional expenditures without the need for competitive bidding. Upon adoption of the resolution, the District would then proceed with the work under our emergency services contract with McGuire and Hester. Cost estimates range from \$583,000, with McGuire and Hester fully performing all of the repairs, to \$459,000, with McGuire and Hester performing the sewer line work and HP/ JK Communications performing the paving and restoration.

Further, the Board is required by the PCC to review the status of the emergency action at each subsequent meeting until the emergency action is terminated, and to authorize continuation of the emergency action by a four-fifths vote. Staff will therefore bring an agenda item to the Board to continue the emergency until it is terminated.

Background

In March of 2022, the District was notified that a contractor, HP Communications and JK Communication & Construction/Kleven Construction (JKC), working in the City of Fremont installing 5G fiber optic lines had damaged three separate sewer lines. Staff confirmed the damages by CCTV inspection. HP Communications repaired one of the damaged sewer mains due to its shallow depth and location. The District began discussions with the contractor and its insurance company about the repair of the other two damaged sewer mains given concerns about an inexperienced contractor further damaging the District's facilities sewer due to both sewer mains depth at (15'), groundwater concerns, the need to bypass sewage and possibly soft soil conditions in the area. The size and locations of the remaining damaged sewer mains are:

1. 8" sewer main near the intersection of Paseo Padre Parkway and Washington Blvd.
2. 18" sewer main near the intersection of Fremont Blvd. and Clipper Court.

Staff have been negotiating with the contractor and its insurance company for months to resolve the issue and complete the work without expending public funds, but the parties have not reached an acceptable resolution.

Previous Board Action

Not Applicable

PRE/JR/RC/CB

Attachments: Resolution

Figures 1 through 4 – Location Maps and Photos of Damaged Sewers

RESOLUTION NO. _____

**DECLARING AN EMERGENCY AND AUTHORIZING THE EMERGENCY
EXPENDITURE OF FUNDS FOR THE REPAIR OF TWO SEWER LINES IN THE CITY
OF FREMONT DAMAGED BY FIBER OPTIC LINE INSTALLATION**

WHEREAS, two gravity sewer mains in the City of Fremont located at (1) the intersection of Paseo Padre Parkway and Washington Blvd; and (2) the intersection of Fremont Blvd. and Clipper Court, have been damaged by a private third-party contractor installing 5G fiber optic lines in City's right-of-way; and

WHEREAS, the District has not been able to reach resolution with the contractor and its insurance company regarding the completion of the repair and reimbursement to the District; and

WHEREAS, given the upcoming wet weather season and time required to complete the work, it is necessary for the District to expeditiously proceed with the repair, while concurrently working toward resolution of the reimbursement of funding from the contractor; and

WHEREAS, the damaged sewer mains in their current condition create risk to the District and must be repaired; and

WHEREAS, compliance with competitive bidding procedures typically takes a number of months and would not allow prompt action to be taken to complete the repair, as required to safeguard the public and District facilities; and

WHEREAS, the District's Purchasing Policy and California Public Contract Code (PCC) Section 20806 allow for emergency contracting without competitive bidding in accordance with the requirements of PCC Section 22050; and

WHEREAS, the California Environmental Quality Act establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, the damage involves a clear and imminent threat, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, and essential public services.

**NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY
DISTRICT BOARD OF DIRECTORS, BASED ON THE STAFF REPORT AND ORAL
AND WRITTEN TESTIMONY, AS FOLLOWS:**

1. The above recitals are true and correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

2. The Board finds and declares, pursuant to Public Contract Code section 22050(a), that based on substantial evidence presented before the Board, the emergency will not permit a delay resulting from competitive solicitation for bids for the repair of the District's damaged sewer mains, and that this action is necessary to respond to the emergency.

3. The Board authorizes staff to continue to proceed with the repair or replacement of the two sewer mains in Fremont located at (1) the intersection of Paseo Padre Parkway and Washington Blvd; and (2) the intersection of Fremont Blvd. and Clipper Court, and procurement of the necessary equipment, services and supplies for that purpose without giving notice for bids to let contracts.

4. The Board will review the status of the emergency at each subsequent meeting of the Board of Directors and vote to authorize continuation of this resolution until the emergency action is completed.

PASSED, APPROVED, AND ADOPTED by at least a four-fifths vote, at a regular meeting of the Board of Directors on this 12th day of September, 2022.

AYES:

NOES:

ABSENT:

Jennifer Toy, Secretary

Anjali Lathi, President

Figure 1 - Location of Damaged 18" Sewer Main



Figure 2 - Photo of Damaged 18" Sewer Main



Figure 3 - Location of Damaged 8" Sewer Main

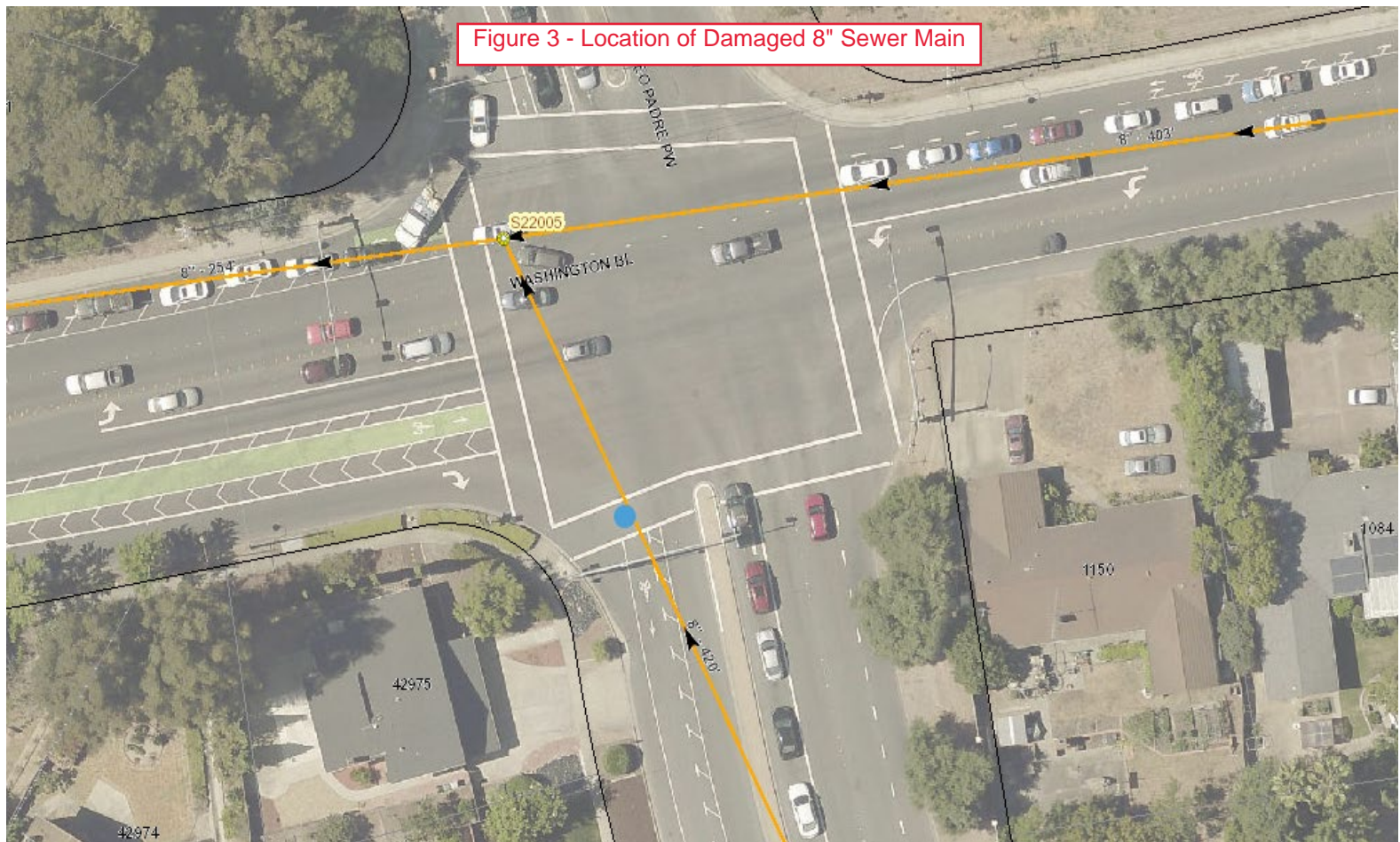
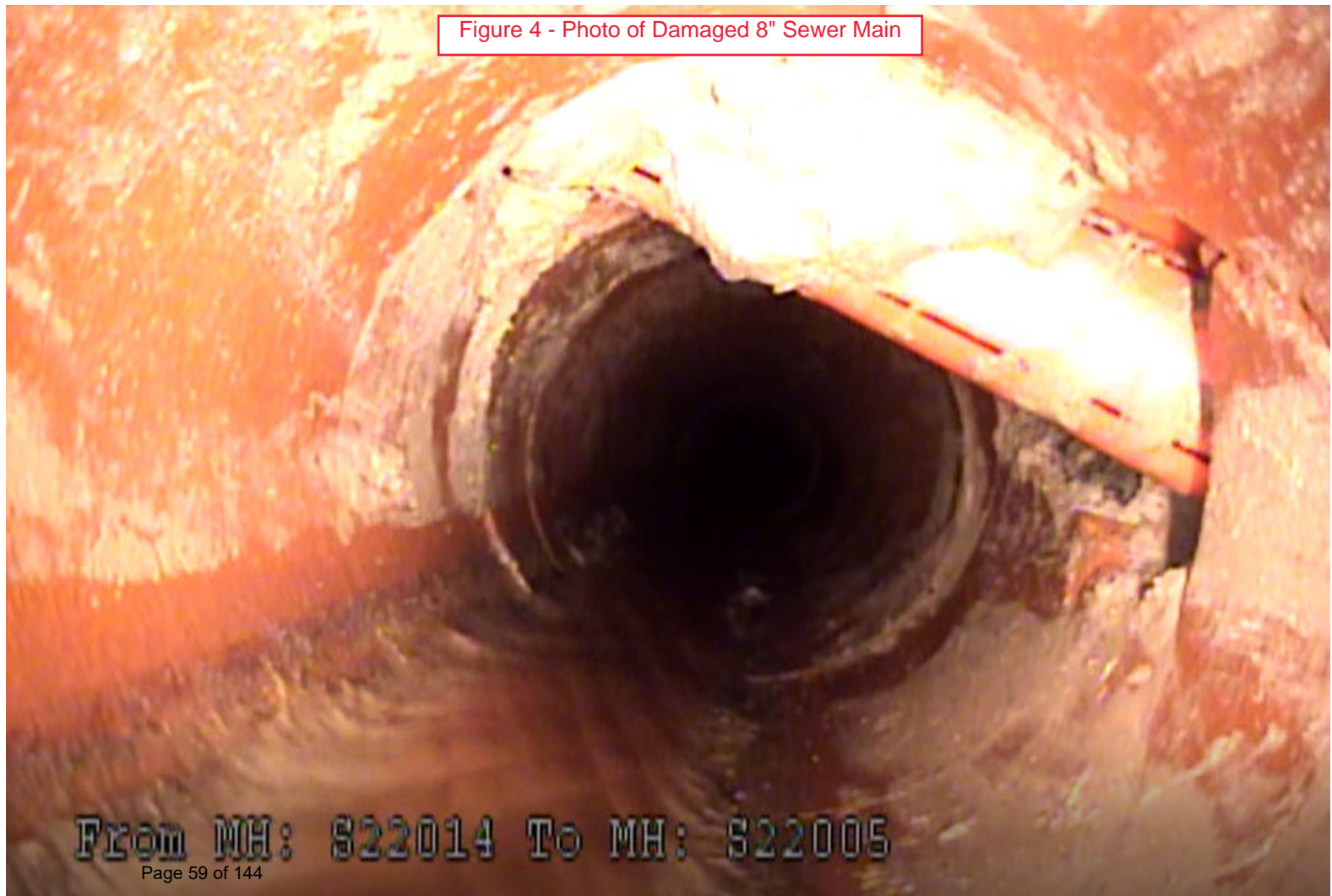


Figure 4 - Photo of Damaged 8" Sewer Main





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Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 12**

TITLE: Review and Consider Approval of Policy 3030 Boardmember Business and Travel Expense (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, Business Services Work Group Manager/CFO

Recommendation

Review and consider approval of Policy 3030 Boardmember Business and Travel Expense.

Discussion

At the August 22, 2022 Board meeting, the Board discussed whether to continue with the per diem methodology or to change back to a receipt-based method. The Board directed staff to continue with the current per diem method. There are no recommended changes to this policy other than minor administrative updates and clarifications.

Background

The Board last updated this policy in October 2017. At that time a change from a receipt-based meals reimbursement method to a daily per diem rate was implemented.

Previous Board Action

10/23/2017 Board Meeting – Approval of Review and Approve Proposed Changes to Policy No. 3030, Boardmember Business and Travel Expense

Attachments

Policy 3030 Boardmember Business and Travel Expense – Redline version
Policy 3030 Boardmember Business and Travel Expense – Cleanline version

**Union Sanitary District
Policy and Procedures Manual**

Effective <u>10/23/2017</u> <u>September 2022</u>	Boardmember Business and Travel Expense	Policy Number 3030 Page 1 of 4
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Policy

Boardmembers shall be compensated/reimbursed for actual and necessary expenses incurred in the performance of their official duties, subject to applicable Federal, State, and local laws and procedures established by the Board of Directors. Official expenses are limited to those which would be deductible business expenses under IRS regulations. If Boardmembers accept meals or gifts, the member must report them as gifts to elected officials in accordance with the state regulations Political Reform Act of 1974.

Purpose

To establish a uniform method for payment/reimbursement of business expenses incurred by Boardmembers in the performance of their duties.

Reimbursable occurrences

As indicated in Board Policy No. 3045, events qualifying for expense reimbursement include meetings, seminars, workshops, or conferences conducted by CASA, CSDA, CWEA, BACWA, California Water, APWA, East Bay Economic Development Alliance, EPA, NACWA, Special District and Local Government Institute, WEF, the Chamber of Commerce for each Tri-City (if the Board member is attending as a USD Boardmember not a chamber member) or WaterReuse. In addition, attendance at State or Regional Water Quality Control Board meetings and ethics classes as required by the California Government Code are qualifying events. If the function is conducted by any other organization, attendance and qualification for reimbursement must be approved by the Board in open session. District Policy 3050 includes a list of what qualifies as a compensable meeting.

Costs which are reimbursable

Reimbursable business expenses include:

- a) **Lodging.** One night's lodging at the conference site or equal for each day's attendance at a meeting, provided the site is at least a 60-minute drive time from the District's Office. Lodging reimbursement will be based upon single occupancy rates. In instances where the conference room rate or the conference hotel is not available, Boardmembers should make every attempt to secure comparable rates at the nearest hotel and will be reimbursed no more than the standard rack rate at the conference hotel plus 20 percent. Boardmembers are strongly encouraged to make every effort to secure travel arrangements far enough in advance to take advantage

of conference room rates and to minimize staff time involved in facilitating last minute requests.

- b) **Meals for Seminars and Travel.** Meals associated with seminars, conferences, training or while traveling for District business, including normally scheduled meals missed due to travel, are eligible for reimbursement. Meal reimbursements will be based on averages calculated using the Federal General Services Administration (GSA) Meals & Incidental Expenses (M&IE) reimbursement rates for the applicable year. The information for GSA reimbursement amounts can be found on the www.gsa.gov homepage by clicking on the "Meals & IE" tab of the "Making Travel Easier" table. ~~The table lists the six M&IE tiers in the lower 48 continental United States. The average rate is calculated by adding together the highest and lowest per diem rate from the "M&IE Total" column and then dividing this total by the number two.~~ ~~Meal reimbursements for overnight stays shall be the average of the GSA M&IE total daily allowance (see "Total" column of M&IE table).~~ An allowance for lunches for non-overnight stays while attending a seminar or training shall be the **average** of the GSA lunch allowance for the applicable year. Alcoholic beverages are not eligible for reimbursement. Reimbursements for lunch not associated with an overnight stay are considered taxable income.
- c) **Parking.** Parking reimbursement for airport parking will be based on using the lowest available cost option. Valet parking at the conference venue will be reimbursed if no other parking option is available on site, or within one block of the hotel, or if there is a physical impediment requiring vehicle drop off at the hotel or conference site.
- d) **Rental Cars.** Boardmembers will be reimbursed for all reasonable rental car expenses associated with travel to a conference or other qualifying event where personal vehicles are not used. Boardmembers will share rental car expenses wherever practical. Rental car expenses will be reimbursed for only the days of the conference and up to one additional day if required due to travel arrangements. The District has an account with Enterprise Rent-A-Car that should be used whenever possible when renting a car for District business. Rental car charges will be direct billed by Enterprise to the District. Boardmembers should not elect optional insurance coverages as they are included in the District's rental rates.
- If a different rental car company must be used due to unavailability of Enterprise, Vehicle Class Type (size) must be at the compact car rate or equivalent. The optional insurance coverages for Collision Damage Waiver and Supplemental Liability Protection should be elected. Instructions on renting a car from Enterprise are located on the Accounting/Travel Page on the Portal under "Rental Car Reservation Instructions (sharepoint.com) Rental Car Reservation Instructions/Booking State of California Business Travel Reservations Online" and are attached hereto as Attachment A. Spouses or other non-District

individuals may not drive rental cars that have been authorized for District business unless the Boardmember is incapacitated or there is an emergency rendering the Boardmember unable to drive.

- e) **Vehicle usage.** Where a personal vehicle is used in lieu of air travel, Boardmembers will be reimbursed for actual mileage, or the sum of reasonable coach airfare + airport parking + shuttle, taxi or ride-sharing service (~~e.g. such as~~ Uber or Lyft) to the event site + other transportation costs associated with air travel, whichever is less. Personal vehicle mileage will be reimbursed at the IRS standard mileage rate based on the mileage as determined by Google Maps, Map Quest, or similar web based mapping function, or a reasonable alternate route.
- f) **Air Fare Costs.** Air fare reimbursement is restricted to reasonable, available “coach” class seating. Boardmembers are encouraged to make travel plans early to take advantage of lower air fares.
- g) **Miscellaneous Costs.** Boardmembers will be reimbursed for tips (up to limits provided in this policy) in connection with reimbursable lodging, dining, parking or transportation services. Boardmembers will also be reimbursed the actual costs of other transportation services, such as BART or other public transit, taxis, shuttles or ride-sharing services (~~e.g. such as~~ Uber or Lyft).
- h) **Tips.**
 - Tips for housekeeping – limit of up to \$2.00 per day
 - Tips for Bellhops or skycaps – limit of \$1.00 per bag
 - Tips for ground transportation (taxis, shuttles, ~~ride-shareuber or lyft~~) shall be limited to 10% of the fare
 - Tips for meals not associated with an overnight stay are limited to 15% before tax
- i) **Non-Reimbursable Expenses.** The following items of a personal nature, even if they are incurred in conjunction with expenditures that are subject to reimbursement, are not reimbursable: movies, entertainment, premium television services, alcoholic beverages, dry-cleaning, spas, gyms, barber, magazines, shoe shines, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, golf related expenses, personal losses incurred while on District business, spouse and/or guest expenses, meals or expenses for non-employees, valet parking (medical reasons excepted or if no other option exists), trip protection insurance, early boarding priority, repairs to personal vehicles, office equipment, and other items of a personal nature.

Procedure

1. Boardmembers, or the Executive Assistant to the General Manager/Board Clerk at the request of a Boardmember, are to make arrangements for attending events, including but not limited to meetings and conferences.

2. Boardmembers are encouraged to obtain the lowest commercial coach airfare whenever possible.
3. If prepayment is desired for travel, lodging, and/or conference registration, the Boardmember should check the “prepayment” box of the Expense Report form and forward it to the General Manager for review and authorization two weeks prior to the deadline to allow for check processing.
4. Reimbursement claims will be submitted on the Expense Report form, to be reviewed and approved by the General Manager. Forms will be submitted within 45 days after the expense was incurred and will include detailed receipts documenting each expense as required by this policy. These Expense Report forms will be reviewed by the Board quarterly. Form and related documents are public records.
5. Members of the Board will use government and group rates offered by a provider of transportation or lodging services when available. For rental cars, reservations should be made through Enterprise Car Rental where USD has obtained special reduced rates. The Assistant to the General Manager can make arrangements upon request.
6. Boardmembers are responsible for reimbursing any expenses incurred by the District for cancellations that are for their convenience and not beyond their control.
7. Boardmembers will provide a brief report on meetings attended (those paid for by the District) at the next regularly scheduled meeting of the Board.
8. A Boardmember may verbally request the Board of Directors to approve an exception to the provisions of this policy at a regular Board meeting under “Other Business”.

Management Responsibility

The General Manager will be responsible for compliance with this policy, including reviewing expense/reimbursement forms for consistency with the policy. Any inconsistencies or irregularities in a Boardmember’s implementation of this policy shall first be brought to the attention of the individual Boardmember and then, if necessary, to the entire Board.

Approved by Board of Directors:

Reviewers: Board of Directors, General Manager, District’s General Counsel

Notify Person: General Manager

Review Frequency: Every 3 years

Next Review: ~~October 2020~~ September 2025

**Union Sanitary District
Policy and Procedures Manual**

Effective September 2022	Boardmember Business and Travel Expense	Policy Number 3030 Page 1 of 4
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Policy

Boardmembers shall be compensated/reimbursed for actual and necessary expenses incurred in the performance of their official duties, subject to applicable Federal, State, and local laws and procedures established by the Board of Directors. Official expenses are limited to those which would be deductible business expenses under IRS regulations. If Boardmembers accept meals or gifts, the member must report them as gifts to elected officials in accordance with the state regulations Political Reform Act of 1974.

Purpose

To establish a uniform method for payment/reimbursement of business expenses incurred by Boardmembers in the performance of their duties.

Reimbursable occurrences

As indicated in Board Policy No. 3045, events qualifying for expense reimbursement include meetings, seminars, workshops, or conferences conducted by CASA, CSDA, CWEA, BACWA, California Water, APWA, East Bay Economic Development Alliance, EPA, NACWA, Special District and Local Government Institute, WEF, the Chamber of Commerce for each Tri-City (if the Board member is attending as a USD Boardmember not a chamber member) or WaterReuse. In addition, attendance at State or Regional Water Quality Control Board meetings and ethics classes as required by the California Government Code are qualifying events. If the function is conducted by any other organization, attendance and qualification for reimbursement must be approved by the Board in open session. District Policy 3050 includes a list of what qualifies as a compensable meeting.

Costs which are reimbursable

Reimbursable business expenses include:

- a) **Lodging.** One night's lodging at the conference site or equal for each day's attendance at a meeting, provided the site is at least a 60-minute drive time from the District's Office. Lodging reimbursement will be based upon single occupancy rates. In instances where the conference room rate or the conference hotel is not available, Boardmembers should make every attempt to secure comparable rates at the nearest hotel and will be reimbursed no more than the standard rack rate at the conference hotel plus 20 percent. Boardmembers are strongly encouraged to make every effort to secure travel arrangements far enough in advance to take advantage of conference room rates and to minimize staff time involved in facilitating last minute requests.

- b) **Meals for Seminars and Travel.** Meals associated with seminars, conferences, training or while traveling for District business are eligible for reimbursement. Meal reimbursements will be based on averages calculated using the Federal General Services Administration (GSA) Meals & Incidental Expenses (M&IE) reimbursement rates for the applicable year. The information for GSA reimbursement amounts can be found on the www.gsa.gov homepage by clicking on the “Meals &IE” tab of the “Making Travel Easier” table. The table lists the six M&IE tiers in the lower 48 continental United States. The average rate is calculated by adding together the highest and lowest per diem rate from the “M&IE Total” column and then dividing this total by the number two. An allowance for lunches for non-overnight stays while attending a seminar or training shall be the **average** of the GSA lunch allowance for the applicable year. Alcoholic beverages are not eligible for reimbursement. Reimbursements for lunch not associated with an overnight stay are considered taxable income.
- c) **Parking.** Parking reimbursement for airport parking will be based on using the lowest available cost option. Valet parking at the conference venue will be reimbursed if no other parking option is available on site, or within one block of the hotel, or if there is a physical impediment requiring vehicle drop off at the hotel or conference site.
- d) **Rental Cars.** Boardmembers will be reimbursed for all reasonable rental car expenses associated with travel to a conference or other qualifying event where personal vehicles are not used. Boardmembers will share rental car expenses wherever practical. Rental car expenses will be reimbursed for only the days of the conference and up to one additional day if required due to travel arrangements. The District has an account with Enterprise Rent-A-Car that should be used whenever possible when renting a car for District business. Rental car charges will be direct billed by Enterprise to the District. Boardmembers should not elect optional insurance coverages as they are included in the District’s rental rates.
- If a different rental car company must be used due to unavailability of Enterprise, Vehicle Class Type (size) must be at the compact car rate or equivalent. The optional insurance coverages for Collision Damage Waiver and Supplemental Liability Protection should be elected. Instructions on renting a car from Enterprise are located on the Accounting/Travel Page on the Portal under “[Rental Car Reservation Instructions \(sharepoint.com\)](http://sharepoint.com)” and are attached hereto as Attachment A. Spouses or other non-District individuals may not drive rental cars that have been authorized for District business unless the Boardmember is incapacitated or there is an emergency rendering the Boardmember unable to drive.
- e) **Vehicle usage.** Where a personal vehicle is used in lieu of air travel, Boardmembers will be reimbursed for actual mileage, or the sum of reasonable coach airfare +

airport parking + shuttle, taxi or ride-sharing service (e.g. Uber or Lyft) to the event site + other transportation costs associated with air travel, whichever is less. Personal vehicle mileage will be reimbursed at the IRS standard mileage rate based on the mileage as determined by Google Maps, Map Quest, or similar web based mapping function, or a reasonable alternate route.

- f) **Air Fare Costs.** Air fare reimbursement is restricted to reasonable, available “coach” class seating. Boardmembers are encouraged to make travel plans early to take advantage of lower air fares.
- g) **Miscellaneous Costs.** Boardmembers will be reimbursed for tips (up to limits provided in this policy) in connection with reimbursable lodging, dining, parking or transportation services. Boardmembers will also be reimbursed the actual costs of other transportation services, such as BART or other public transit, taxis, shuttles or ride-sharing services (e.g. Uber or Lyft).
- h) **Tips.**
 - Tips for housekeeping – limit of up to \$2.00 per day
 - Tips for Bellhops or skycaps – limit of \$1.00 per bag
 - Tips for ground transportation (taxis, shuttles, ride-share) shall be limited to 10% of the fare
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Procedure

1. Boardmembers, or the Executive Assistant to the General Manager/Board Clerk at the request of a Boardmember, are to make arrangements for attending events, including but not limited to meetings and conferences.
2. Boardmembers are encouraged to obtain the lowest commercial coach airfare whenever possible.
3. If prepayment is desired for travel, lodging, and/or conference registration, the Boardmember should check the “prepayment” box of the Expense Report form and

forward it to the General Manager for review and authorization two weeks prior to the deadline to allow for check processing.

4. Reimbursement claims will be submitted on the Expense Report form, to be reviewed and approved by the General Manager. Forms will be submitted within 45 days after the expense was incurred and will include detailed receipts documenting each expense as required by this policy. These Expense Report forms will be reviewed by the Board quarterly. Form and related documents are public records.
5. Members of the Board will use government and group rates offered by a provider of transportation or lodging services when available. For rental cars, reservations should be made through Enterprise Car Rental where USD has obtained special reduced rates. The Assistant to the General Manager can make arrangements upon request.
6. Boardmembers are responsible for reimbursing any expenses incurred by the District for cancellations that are for their convenience and not beyond their control.
7. Boardmembers will provide a brief report on meetings attended (those paid for by the District) at the next regularly scheduled meeting of the Board.
8. A Boardmember may verbally request the Board of Directors to approve an exception to the provisions of this policy at a regular Board meeting under "Other Business".

Management Responsibility

The General Manager will be responsible for compliance with this policy, including reviewing expense/reimbursement forms for consistency with the policy. Any inconsistencies or irregularities in a Boardmember's implementation of this policy shall first be brought to the attention of the individual Boardmember and then, if necessary, to the entire Board.

Approved by Board of Directors:

Reviewers: Board of Directors, General Manager, District's General Counsel

Notify Person: General Manager

Review Frequency: Every 3 years

Next Review: September 2025



**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 13**

TITLE: Review and Consider Approval of Policy 2755, Procurement Policy (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, CFO, Business Services Work Group Manager

Recommendation

Review and consider approval of Policy 2755, Procurement Policy.

Discussion

The Board approved the most recent Procurement Policy in February 2021. Since that time the Board also approved the creation of a Senior AFA (Accounting and Financial Analyst) position and the elimination of the Business Services Coach position. With this change, there is a need to grant the Senior AFA position a level of purchasing authority commensurate with the expectations and duties of the role. Staff is proposing an update to the Procurement Policy granting purchasing authority to the Senior AFA of up to \$10,000. This is the only proposed change to the policy. The revised section of the policy is shown below and in the attachments:

Operating Funds

Staff	may initiate requisitions but must have approvals as below
Storekeepers	up to \$7,500 for warehouse stock replenishment orders
<u>Senior Accounting and Financial Analyst</u>	<u>up to \$10,000</u>
Coaches (includes ETSU APM)	up to \$25,000
Work Group Managers (includes ETSU PM)	up to \$50,000
General Manager	up to \$100,000
Board of Directors	above \$100,000

Staff is recommending that the Board approve the changes as presented.

Background

The Procurement Policy was last updated and approved by the Board in February 2021. The Board approved the Senior AFA position in May of 2022.

Previous Board Action

02/08/2021 Board Meeting – Approval of Policy No. 2755 Procurement Policy

05/23/2022 Board Meeting – Review and Consider Approval of Collection Services Workgroup Manager, Coach, Collection Services, and Senior Accounting and Financial Analyst Position Descriptions, and Revision To Salary Ranges

Attachments

Procurement Policy 2755 - Redline Version

Procurement Policy 2755 – Cleanline Version



PROCUREMENT POLICY

Union Sanitary District Policy No. 2755

Effective Date: September, 2022~~February 2021~~

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A. Approval Authority Levels for Entering into Contracts for TS Workgroup and ETSU Projects	
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C. Purchasing Options by Dollar Amount Matrix	
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Union Sanitary District
Policy and Procedure Manual

Effective Date: February 2021	Procurement Policy	Policy Number 2755
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Policy & Purpose

The Union Sanitary District procurement function is intended to provide internal customers with functional expertise and guidance in the procurement of goods and services needed at the District. This is accomplished by promoting accountability, innovation, and continuous improvement in all interactions and dealing with the supplier community in an open and equitable manner, while obtaining the best possible value for the District.

The intent of this policy is to promote the most cost-effective use of taxpayer dollars while contributing to fairness and equal access to business opportunities with the District. The policy is also intended to promote value for ratepayers by ensuring compliance with applicable laws and regulations.

It is the intent of this Policy to be consistent with the California Government Code, California Public Contract Code, and any other California codes and regulations governing public contracting and procurement (“California Law”). In the event of any conflict between this Policy and California Law, California Law shall prevail. In addition, to the extent California Law allows or is amended to allow less stringent purchasing or procurement requirements than required in this Policy, the less stringent requirements set forth in California Law shall be applicable.

Exceptions to this policy may be approved by the Executive Team or Board of Directors on a case-by-case basis.

Uniform Guidance

The District maintains written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District has established a Gratuities Policy allowing acceptance of unsolicited items of nominal value. District standards of conduct provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the District.

Definitions

<i>Addendum</i>	Any alteration, correction, or adjustment to a solicitation document prior to award.
<i>Adjusted Base Amount</i>	The new dollar amount of a Contract including Change Orders, or the sum of all Task Orders, including amendments, as approved by the Approver, for sums exceeding their predecessor's approval authority limit, or exceeding 115% (see Attachment A for variable Change Order rates) of the Base Amount or previous Adjusted Base Amount (see also Base Amount).
<i>Amendment</i>	Modification of terms and/or pricing for goods, professional or non-professional services contract, or task order.
<i>Approver</i>	The individual with the authority to designate appropriated funding for a specific procurement.
<i>Authority to Enter into Contracts</i>	The term "Authority to Enter into Contracts" shall mean that the individual has authority to sign written contracts with outside parties.
<i>Base Amount</i>	The dollar amount of an initial Contract or Task Order.
<i>Best Value</i>	The tradeoff between price and performance that provides the greatest overall benefit under the specified selection criteria.
<i>Blanket Purchase Agreement</i>	An open agreement to purchase a given quantity of specific goods or standard services over a specified period of time.
<i>Blanket Purchase Agreement for Task Orders</i>	A consulting or professional services contract agreement generally intended between the District and a consultant for support services on an on-call basis and on more than one project, where a time of performance limit and an annual transaction maximum compensation limit is set by the terms of the agreement.
<i>Budgeted Procurements</i>	Projects or purchases that have been included as part of the fiscal year budget, or as a respective augmentation thereof, and authorized by the Board.
<i>Capacity Funds (CPTY)</i>	Funds that are set aside for activities related to increases in or preservation of the capacity of the collection, transport, and/or treatment system (both capital and non-capital are included in this fund).

<i>Centralized Procurement</i>	Unless otherwise stated in this policy, all purchases of goods and services are made by the District's procurement function to avoid duplication, overlapping and non-uniform procurement.
<i>Change Order</i>	A written order directing changes to the original purchase order and/or contract amount, timing, or scope of work.
<i>Construction Management Consultant</i>	Consulting firm hired under a separate contract to oversee contractor work on a construction project.
<i>Consultant</i>	A person or company that provides a professional service to the District.
<i>Contract</i>	Any voluntary, deliberate, and legally binding agreement(s), purchase order(s), or written documents which memorialize or establish a contractual agreement between the District and another party for the procurement or disposal of supplies, services, or construction.
<i>Cooperative Contracts</i>	Contracts already solicited and/or awarded by public agencies allowing the District to purchase goods, services, and equipment at competitively bid or assessed pricing, without the need for the District to undertake a separate solicitation request action.
<i>Declared Emergency</i>	For the purpose of procuring professional and non-professional services or goods and related services, a declared emergency is a sudden, generally unexpected, sustained occurrence or set of ongoing circumstances that has been declared by any local, state, or federal agency as an emergency. Or the District has declared an emergency requiring immediate action, the absence of which would undermine essential District services or cause an economic loss to the District or to prevent or mitigate the loss or impairment of life, health, property, or essential public services in accordance with applicable laws.
<i>District Projects</i>	Any construction, reconstruction, alteration, enlargement, renewal, rehabilitation, or replacement of District owned sewer facilities or property including but not limited to furnishing of supplies or materials for any such work and where the expenditure exceeds the limits specified in Public Contract Code Section 20803 (\$15,000). These projects must be formally bid out.
<i>Emergency Operational Purchases</i>	An emergency is a sudden, generally unexpected, sustained occurrence or set of ongoing circumstances requiring immediate action, the absence of which would undermine essential District services or cause an economic

	loss to the District or to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
<i>Force Account/In-House Projects</i>	New construction, preservation, support, mending, rehabilitation, restoration, and renovation projects performed utilizing in-house staff for the entire scope of the project. The District can perform force account work with no dollar limit or competitive bidding on labor, provided that the work is performed by the District's staff. Other project items such as Professional Services, materials, and equipment required to complete the work would still need to comply with the terms of this Purchasing Policy.
<i>Goods</i>	All supplies, materials, and/or equipment which are moveable at the time of sale and can be furnished to or used by the District. This also includes goods purchased separately for District Projects.
<i>Invitation for Bid (IFB)</i>	A formal bid process used when there is no substantive difference among the products or services that meet specifications so that the only difference among responsive bids is price.
<i>Non-Professional Services</i>	All services not within the scope of the definitions of Professional Services below. They are nontechnical or non-consultant services that provide support to and facilitate District operations. Typically, "trade" services that furnish labor to repair or provide maintenance for District-owned equipment or property. These types of services include, but are not limited too, maintenance agreements, uniform rental services, electrical, HVAC, plumbing, and mechanical. Final product of engagement is that something is built, repaired, diagnosed, or otherwise improved.
<i>Pre-Purchased Equipment</i>	Equipment purchased by the District for a District or Special Project, generally before the start of work on a construction project and under a separate contract with the supplier or manufacturer.
<i>Professional Services</i>	<p>Services that require specialization/higher level of expertise, or a formal certification by a professional body such as legal, medical, accounting, architecture, land surveying, professional engineering, real estate appraising, etc., including IT and programming work where the scope is mainly services. The Executive Team also maintains authority to qualify other services appropriate to be categorized as such.</p> <p><i>Note: Professional Services contracts may be executed to assist the District in data collection, pilot studies, analyses, or making process or other recommendations to the District based on a service provider's unique area of expertise. These contracts may be precursors or separately executed in association with either Force Account or District Project work.</i></p>

<i>Renewal and Replacement Funds for Equipment (VHEQ), (ISRR), (PPSR)</i>	Funds for the specific purpose of replacing vehicles and equipment including renewals and replacements for Information Systems, Plant and Pump Station, and transport systems equipment.
<i>Request for Information (RFI)</i>	An RFI could be a first step or component included in establishing criteria for an IFB or RFP. This mechanism may be used solely for information gathering purposes.
<i>Request for Proposal (RFP)</i>	A formal bid process used for contracting of complex goods or services (professional or non-professional) where multiple factors must be considered along with price (experience, qualifications, specifications, etc.).
<i>Request for Quotation (RFQ)</i>	An informal bid process used when products or services are standard or off-the-shelf, which allows the District to compare various bids easily. No guarantee of subsequent purchase is implied when an RFQ is issued.
<i>Short List</i>	A periodically reviewed, pre-approved list of professional service providers who may be directly engaged by the District based on special qualifications or knowledge.
<i>Small Contract Threshold</i>	Collective value of a contract or smaller sums over a period of time not to exceed 5 years or \$100,000, whichever comes first, at which time the contract must be reviewed for continued suitability of pricing and terms by contract initiator and the Procurement Team.
<i>Special Projects Construction</i>	Any construction, reconstruction, alteration, enlargement, rehabilitation, renewal, or replacement of District-owned sewer facilities or property including but not limited to furnishing of supplies or materials for any such work where the expenditure is less than the \$15,000 limit specified in Public Contract Code Section 20803. These projects may be awarded either formally or informally, depending on the complexity of the project.
<i>Special Projects Funds</i>	Funds approved by the Board for a specific project or purpose. Each project has an appropriate account number and a Project Manager/Program Manager listed under "Accounting/CIP Project List" on the District's "Portal".

<i>Standardized Equipment List</i>	A periodically reviewed, pre-approved list of equipment where standardization is desirable for a variety of reasons (maintenance, parts commonality, training, etc.). Items on this list may be purchased using sole source or without considering substantially “equal” substitutions.
<i>Structural Renewal and Replacement Fund</i>	Funds for the specific purpose of the renewal and replacement of infrastructure. Funds must replace or extend life of the asset and are included in the Capital Improvement Program budget.
<i>Task Order</i>	A directive to a consultant under a consultant or sub-consultant contract, Professional Services Agreement, or a Blanket Purchase Agreement for Task Orders, detailing the work scope, payment, and schedule of a definitive task or tasks.

Approval Thresholds

The Board of Directors designates the authority to commit specific funds as indicated below.

Operating Funds

Staff	may initiate requisitions but must have approvals as below
Storekeepers	up to \$7,500 for warehouse stock replenishment orders
<u>Senior Accounting and Financial Analyst</u>	<u>up to \$10,000</u>
Coaches (includes ETSU APM)	up to \$25,000
Work Group Managers (includes ETSU PM)	up to \$50,000
General Manager	up to \$100,000
Board of Directors	above \$100,000

Over \$100,000 List

Each fiscal year, the Board of Directors approves the District budget. As part of the budget approval process, the Board reviews and approves the “*Annual Contract Purchases of Supplies, Services, and Vehicle and Equipment Renewal/Replacement Over \$100,000*”. Once the budget is approved, expenditure authority for the line items listed in the list is delegated to staff without additional Board approval.

Vehicle and Equipment Funds (VHEQ)

The Collection Services Manager or other Work Group Manager designated by the General Manager is authorized to approve individual expenditures of Board approved VHEQ budgeted funds for purchases of the vehicles and equipment listed in the budget, subject to the signature authority in this policy. Individual vehicle/equipment not on the over \$100,000 list will require separate Board action to approve.

Information Systems Renewal and Replacement Funds (ISRR) and Plant and Pump Stations Renewal and Replacement Funds (PPSRR)

The Fabrication, Maintenance, and Technology Manager, or other Work Group Manager designated by the General Manager, is authorized to approve individual expenditures of Board approved ISRR and PPSRR budgeted funds for purchases of hardware, software, and other information systems related as well as plant or pump station equipment or repairs, subject to the signature authority in this policy. Items not on the over \$100,000 list will require separate Board action to approve.

Once Board approval for the VHEQ, ISRR and PPSRR is reflected by budget or other Board action, the following exceptions require additional Board approval:

- Increase in the purchase quantity of a listed item; or
- Addition of a newly identified item for purchase not listed in the approved budget; or
- Purchase of an upgrade to an item not listed in the approved budget; or
- Expenditure exceeding 15% of the estimated purchase amount for a listed vehicle or equipment over \$100,000.

Special Projects Funds, Structural Renewal and Replacement Fund, and/or Capacity Funds

Approval of individual expenditures of Board approved RNWL and/or CPTY budgeted funds is authorized by the TS Workgroup Manager or other Work Group Manager designated by the General Manager in accordance with the Approval Authority Levels of Expenditures for Approved, Budgeted Funds for TS Workgroup and ETSU Projects Matrix (Attachment B).

Approval of individual expenditures made by a Work Group other than TS using RNWL and CPTY funds may be authorized by any employee shown as the "Project Manager" or "Program Manager" for any project or purpose as listed in the current Operating and CIP Budgets with an appropriate account number provided that the total project budget amount is not exceeded by more than 15%. The General Manager has the same authority as Project/Program Managers. Project or Program Managers may be assigned to projects after the budget is approved.

The Project Manager/Program Manager is responsible for maintaining an accurate accounting of the funds used and obtaining Board approval prior to authorizing any overages in excess of 15% of the approved project budget.

Methods of Procurement

The following are approved methods for procurement at the District; however, specific rules for use still apply.

Blanket Purchase Order Agreements

An agreement to purchase a given quantity of specific goods or standard services over a specified period of time, usually one year. These agreements are established by the Procurement team after negotiating terms and conditions with suppliers and publishing a maximum per purchase and per year dollar value as internal guidance for staff.

CAL-Card

The District's credit card (CAL-Card) may be used for purchases in accordance with the rules and regulations set forth in the *CAL-Card Handbook*.

District Projects

Expenditures for District Projects that exceed \$15,000 must be contracted through formal competitive bidding and let to the lowest responsive and responsible bidder after notice, subject to the provisions of Section 20800 et. seq. of the California Public Contract Code. Construction contracts for District Projects identified in the annual CIP budget are generally procured by the Technical Services Workgroup, with assistance from the Procurement Team. Refer to *Approval Authority Levels for Entering into Contracts for TS Workgroup and ETSU Projects* (Attachment A).

Technical Services - General Service Agreements

The Technical Services Workgroup maintains general service agreements with select consultants to provide professional services for projects or tasks, generally under \$50,000 in value and not to exceed two-years and provides the Procurement Team with copies of these agreements. These projects typically address an immediate need and/or other needs not necessarily associated with a Capital Improvement Project. The consultant's published hourly rates and other fees are attached to these agreements, which the Technical Services Workgroup maintains. When the Technical Services Workgroup determines there is a need to hire the consultant, the consultant prepares a task order to the agreement. The task order includes the scope of services, deliverables, budget, and schedule. The Technical Services Workgroup tracks the number of task orders executed and monitors the budgets to ensure that the terms stipulated in the agreement are met. Staff prepares Board information items when new agreements are executed.

Technical Services – Consultants Short List

The Technical Services Workgroup maintains a Consultants Short List of consultants who provide services that the District may need to utilize at a future date such as pipeline design, plant and pump station design, construction management, studies and master plans, and PLC and SCADA design. Technical Services conducts a process to update the list every three years. This process reduces the lead time on projects as the consultants have been vetted in advance. When a

project need arises, this list serves as a starting point for reaching out to consultants while following the applicable purchasing guidelines. This list does not preclude Technical Services from reaching out to other consultants when needed. Professional Services Agreements and Task Orders for projects identified in the CIP program are generally procured by the Technical Services Workgroup.

Cooperative Contracts

As allowed by law, the District may participate in and acquire items under cooperative contracts. As such, this is a preferred method of procurement. One exception is that General Services Administration (GSA) federal contracts may only be utilized for price comparisons.

Emergency Purchases: Declared Emergency and Emergency Operational Purchases

- District Work Group Managers may make emergency procurements when a declared emergency arises, and District needs cannot be met through normal procurement methods. An emergency procurement shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency.
- In case of emergency, the General Manager may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a minimum four-fifths (4/5ths) vote of the Board of Directors.
- Upon adoption of the resolution, the Board of Directors may authorize expenses in any sum required in an emergency without complying with requirements of this policy (see Public Contract Code §22050).
- In the case of such emergency, if a 4/5ths quorum of the Board of Directors is unavailable to convene a timely meeting of the Board, the General Manager or designee is authorized to determine that the public interest and necessity demand the immediate expenditure of District funds to safeguard life, health or property and may commit up to \$500,000 for such purpose without complying with the requirements of this Policy.
- The General Manager or designee shall, at the earliest reasonable opportunity, notify the Board of Directors of such an emergency and the need for such expenditures. Following such notification, the Board of Directors shall hold an emergency meeting to authorize or discontinue additional expenditures pursuant to the emergency (see Public Contract Code §22050).
- Purchase requisition procedures and approval limits remain the same for the authorization of the expenditures; however, formal bidding procedures may not apply.
- Emergency Operational purchases may be made using the limits listed under *Approval Thresholds, Operating Funds* above.

Force Account Work

The District can perform force account work with no dollar limit or competitive bidding on labor, provided that the work is performed by the District's staff. Purchases required to complete the work, such as materials and equipment, would still need to comply with the terms of this Purchasing Policy. Professional Services can be utilized for design and consultation on the project, provided they do not perform any of the physical work on the project. Force Account Work may be a standalone project or a subcomponent of a larger project that the District has determined can be completed using its own labor. The use of District labor under this section is still subject to project approvals as provided by District policies and guidelines.

Sole Source

Employees requesting a purchase of goods or services from a single manufacturer or other supplier source (dealer, distributor, provider), not included in the CIP Standardized Equipment List or the FMC sole source list for parts and equipment (governed by policy 2760) for the purchase of certain parts and equipment for operational needs shall complete a *Non-Competitive Procurement Request Form (Attachment D)*.

- Requests for over \$25,000 value per item, group of items, or service require Executive Team approval. The Procurement Team will evaluate the request and make a recommendation to procure the good or service from the suggested source or solicit the market for the item. If Executive Team approval will not be timely, the General Manager can also provide approval.

Standardized Equipment List

For efficient maintenance and operations throughout the District, Technical Services and FMC have each developed Standardized Equipment Lists for certain equipment. This minimizes spare parts inventory, and costs associated with training staff on operations of this equipment. The lists shall be maintained by the respective Coach (per Policy #2760 - Standardized Equipment List) and shall be reviewed by the Executive Team and approved by the Board of Directors every three years.

Any additions to the list will be handled per policy 2760. Authorized personnel may utilize the list to purchase listed equipment without looking for an "or equal" substitution.

Formal Bidding

Formal bidding is a method where only an Invitation for Bid (IFB) or Request for Proposal (RFP) is utilized to obtain bids or proposals.

Invitation for Bid (IFB)

An IFB is a formal method issued by Purchasing to solicit bids for Goods and Non-Professional Services. An award will be made to the vendor who meets the minimum requirements and offers the lowest responsive and responsible bid as determined by the District. When choosing the IFB method, the following points should be met:

- Price is the only consideration.
- The good or services are standard, routine, common, or off the shelf.
- Other than minimum qualifications, there are no additional bid requirements to consider (i.e. vendor experience/background, performance criteria, special terms and conditions).

Request for Proposals (RFP)

An RFP is utilized to solicit proposals from qualified vendors for complex goods, Non-Professional Services, or Professional Services when the specifications are complex in nature and additional factors need to be considered along with price.

Awards are based on the offer that best meets the needs of the District and is most advantageous in terms of the criteria as designated in the RFP.

Informal Bidding

Informal bidding is a method where a Request for Quote (RFQ) or a Request for Qualifications is utilized to obtain pricing for routine goods or services.

Request for Quotation (RFQ)

An RFQ is an informal method issued by Purchasing to solicit quotes when products or services are standard or off-the-shelf, which allows the District to compare various bids easily.

Request for Qualifications

A qualification-based selection is a method used for Professional Services where the most qualified firm is selected through a process utilizing criteria related to the competence and qualifications of the individual or firms. Prices are not revealed during the competitive selection process. This process is utilized to create the *USD Consultant Short Lists*.

Additional Purchasing Guidelines

Bid procedures shall be open and unrestricted; however, the District shall not be obligated to solicit bids from every supplier of any given service or material.

If only one (1) responsive bid is received in response to an IFB, RFP, or RFQ an award may be made, at the District's sole discretion, to the single contractor if the District finds that:

- the price(s) submitted are fair and reasonable, or
- the prices(s) submitted are consistent with current market conditions, or
- there is not adequate time for re-solicitation.

Otherwise, the bid may be rejected and new bids may be solicited, the proposed procurement may be canceled; or, if the District determines the one price is not reasonable, and the re-solicitation results would not change, negotiations may be entered into with the lone bidder. If

new bids are solicited, the prices originally submitted shall not be released to the public to maintain the integrity of the procurement process.

Prior to utilizing the IFB process specifically, the requesting workgroup will evaluate the project to ensure it meets the IFB guidelines.

In all District procurement activities, acquisitions shall not be artificially divided to circumvent bidding requirements. The procurement team will perform routine audits of internal transactions to verify and report findings to the Executive Team for action.

Product Demonstrations may be utilized to determine viability of various products or services for the District at all procurement levels. The Procurement Team should be engaged before a product is demonstrated for potential use and will assist in the process to minimize risk and liability to the District. The Procurement Team's involvement in these demonstrations is intended to ensure that insurance and other pertinent documents are obtained and filed appropriately with the District. A product demonstration does not guarantee future business with the District.

Guidelines Based on Dollar Amount

Purchases Up to - \$25,000

- Expenditures for the procurement of supplies, equipment, materials, or services having an estimated value of less than \$25,000 may be made on the open market with the requestor's discretion without following formal procurement methods.
- If informal methods indicate costs may exceed the \$25,000 threshold staff should consult with the procurement team prior to proceeding.
- A single quote may be obtained to purchase goods and services. The Work Group Manager should request that the vendor provide a written quote containing all details of the purchase. It is recommended that three (3) written competitive quotes be obtained, to ensure the District is receiving the best value, however, it is not required.

Purchases \$25,001 - \$100,000

- Three (3) quotes should be obtained to purchase goods and services. If three quotes are not available, staff should consult with the Procurement Team for guidance.
- If only one (1) responsive bid is received in response to the solicitation, see "Additional Purchasing Guidelines" section.

Purchases Over \$100,000

- Board approval is required.

Note: Refer to *Purchasing Options by Dollar Amount Matrix* (Attachment C) for additional information.

Contract Severance & Bid/Proposal Protest Procedures

Per the District's Terms and Conditions for Professional and Non-Professional Services, contracts may be subject to cancellation for either cause or convenience. The District will maintain records for the rationale behind such cancellations. General Manager, Work Group Managers, Coaches, or designees are responsible for creating and forwarding rationale for contract cancellations to the Procurement Team for filing.

Authority of Officials

The procedures for protesting selection of successful bidders described below are mandatory, and the time limits are absolute. The purpose of this section is to minimize disputes and litigation. For "District Projects", bid protest procedures shall be as described in the project specifications.

For all other competitive bidding processes the bid protest procedures shall be as set forth herein, unless otherwise provided in the procurement documents.

If a bidder disagrees with the District's recommendation of award of any competitively bid contract the protest must be submitted in writing within five (5) calendar days of the award recommendation of the contract. The Business Services Manager shall respond within five (5) calendar days of receipt of the protest.

Failure to submit a written protest within five (5) calendar days of the District's recommendation of award of the contract shall constitute a waiver of any protest or appeal and any right to file a claim regarding the award of the contract.

Appeal Procedure

Appeals of District decisions may be allowed in the circumstances set forth below. For "District Projects," the procedure for appealing District decisions on bid protests, if any, shall be as described in the project bid documents and specifications.

For all other competitive bidding processes, the procedure for appealing District decisions on bid protests, if any, shall be set forth in the procurement documents. If not set forth in the procurement documents, there shall be an appeal provided as set forth herein. The protestor may submit an appeal that shall:

- be in writing, and
- be directed to the General Manager, and
- include the documents necessary to substantiate the position of the appellant.

Such appeal must be filed on or before the fifth (5th) calendar day following the decision of the Business Services Manager.

The General Manager shall respond in writing to any such written appeal within 45 calendar days of receipt of the appeal. However, the General Manager may request in writing additional documentation to render his or her decision, within ten (10) calendar days of receipt of an appeal. Additional documentation and information requested must be requested and provided by the protester within five (5) calendar days of such request.

Bidders or protestors have no right to appeal to the Board of Directors of Union Sanitary District. The decision of the General Manager will be final and constitute exhaustion of administrative remedies by the bidder.

After the exhaustion of the above administrative remedies, a claimant may file a claim pursuant to Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910, or Part 3 of Division 3.6 of Title 1 of the California Government Code). The procedures outlined above shall not extend the time to file a formal claim to the Board of Directors pursuant to Section 900 et seq. of the Government Code.

Responsibilities and Frequency

Employee Responsibility

District employees who are involved in any procurement activity have the responsibility to follow this policy and supporting procedures. Employees should engage the Procurement Team directly for process clarifications on procurement methods.

Procurement Responsibility

The Procurement Staff have the responsibility to coordinate and support the procurement activities and adhere to this policy and supporting procedures.

Management Responsibility

The District's management staff has the responsibility to ensure that this policy and supporting procedures are followed by employees. The Executive Team will review and approve all Non-Compete Form requests submitted and notify the Procurement Team of their determinations.

Attachment List

- A. Approval Authority Levels for Entering into Contracts for TS Workgroup and ETSU Projects
- B. Approval Authority Levels of Expenditures for Approved Budgeted Funds TS Workgroup Projects and ETSU Projects
- C. Purchasing Options by Dollar Amount Matrix
- D. Non-Competitive Procurement Request Form

Approved by:	Board of Directors
Author/Owner:	Business Services Manager
Reviewers:	Executive Team,
Notify Person:	Business Services Manager

Revision Frequency: Every 3 Years

Next Review: ~~February 2024~~ September 2025

APPROVAL AUTHORITY LEVELS FOR ENTERING INTO CONTRACTS FOR TS WORKGROUP AND ETSU PROJECTS

ATTACHMENT A

Fund 80 (RNWL) and Fund 90 (CPTY)

Type of Contract Approval	Project Manager	Coach or Asst. ETSU PM	ETSU PM or WGM	General Manager	Board of Directors
1. Enter into a Contract for Construction	Not authorized	Not authorized	Up to \$50,000 and requires an "information only" notification to the Board.	Up to \$100,000 and requires an "information only" notification to the Board.	>\$100,000 Board Secretary and General Manager signs contract
2. Approve Change Orders (CCO) under Construction Contracts	Project Mgr. may elect to give Construction Manager authority up to \$10,000 or one day of Time & Material work, whichever is less.	Up to \$25,000	Up to \$50,000	Up to \$100,000	<u>CCO Amount per Contract</u> 0 to \$25M 15% \$25M to \$50M 10% \$50M to \$100M 5% Above \$100M 2.5% >\$100,000 or when the cumulative value of the CCO's exceeds the above sliding scale percentage per contract. (1) Board authorizes General Manager to sign contract change order.
3. Enter into a Contract for Study, Pre-Design, Design, Engineering Support During Construction, Construction Management, Inspection, Programming, or other professional services Contracts, Task Orders, and other expenditures for Budgeted Projects	Not authorized	Not authorized	Up to \$50,000	Up to \$100,000	>\$100,000 Board authorizes General Manager to sign contract.

Type of Contract Approval	Project Manager	Coach or Asst. ETSU PM	ETSU PM or WGM	General Manager	Board of Directors
4. Sole-Source Equipment Acquisition Request	Not Authorized	Not Authorized	Not Authorized	GM authorization required for equipment not on the Standardized Equipment List. See Policy No. 2760	Board authorization required for updating the Standardized Equipment List. See Policy No. 2760
5. Execute Task Orders under a Blanket Agreement	Not authorized	Up to \$25,000	Up to \$50,000	Up to \$100,000	>\$100,000 Board authorizes General Manager to sign contract.
6. Execute Subsequent Task Orders	Not authorized	Up to \$10,000	Up to \$50,000	Up to \$100,000 or if >15% of adjusted base amount when sum is >\$50,000	>\$100,000 or if >15% of adjusted base amount when sum is >\$100,000. Board authorizes General Manager to sign contract.
7. Execute Task Order Amendments	Not Authorized	Not Authorized	Up to \$50,000	Up to \$100,000 or if >15% of cumulative adjusted base amount, when sum is >\$50,000	>\$100,000 or if >15% of cumulative adjusted base amount when sum is >\$100,000. Board authorizes General Manager to sign contract.
8. Execution of Non-Monetary Amendments (e.g.: significant changes in contract language, liability, or time of completion).	Not authorized	Not authorized	Not authorized	General Manager Approves	Not Applicable
Acceptance of a Construction Contract and Authorize Filing of Notice of Completion	Not authorized	Not authorized	Up to \$50,000 <i>with an informational report to the Board</i>	Up to \$100,000 <i>with an informational report to the Board</i>	>\$100,000 Board Secretary and General Manager signs documents

Credit-type change order or Task Orders Amendments (negative value) shall follow the same approval authority levels, except absolute values of credits greater than \$100,000 can be authorized by the General Manager.

(1) Should the original change order authority be exceeded for any project (based upon the sliding scale above), the Board shall have the authority to increase the change order amount to an amount the Board deems reasonable on a case by case basis. In these instances, staff will provide a change order summary to the Board quarterly showing all the change orders approved since the change order authority was increased.

**APPROVAL AUTHORITY LEVELS OF EXPENDITURES FOR
APPROVED, BUDGETED FUNDS FOR TS WORKGROUP AND ETSU PROJECTS**

ATTACHMENT B

Applies to Funds 80 (RNWL), 90 (CPTY) and 30 (Special Projects)

Type of Expenditure Approval	Project Manager	Coach or ETSU Asst. PM	ETSU PM or WGM	General Manager	Board of Directors
<p>Approved, budgeted expenditure relating to an approved Contract or Agreement for:</p> <ul style="list-style-type: none"> Contractor Invoices for Progress Payments Consultant Invoices for Approved Task Orders and Amendments 	<p>Up to \$200,000</p> <p>Up to \$50,000</p>	<p>Up to \$400,000</p> <p>Up to \$100,000</p>	<p>No limit if $\leq 100\%$ + applicable CCO rate of contract amount (See Attachment A)</p> <p>No limit if $\leq 115\%$ of contract amount (Adjusted base amounts > \$100,000)</p>	<p>No limit if $\leq 100\%$ + applicable CCO rate of contract amount (See Attachment A)</p> <p>No limit if $\leq 115\%$ of contract amount (Adjusted base amounts > \$100,000)</p>	<p>>100% + applicable CCO rate of contract amount (See Attachment A)</p> <p>>115% of contract amount (Adjusted base amounts > \$100,000)</p>
Requisitions for Budgeted Projects	Not authorized	Up to \$25,000 for Coach position only	Up to \$50,000	Up to \$100,000	>\$100,000

**PURCHASING OPTIONS BY DOLLAR AMOUNT MATRIX
ATTACHMENT C**

Formal or Informal Bidding	Purchasing Options by Dollar Amount	No. of Quotes Required
	Up to \$25,000 - All Items Except District Projects >\$15,000	
Informal	Request for Quote	1
Informal	Cooperative Contract	1
Informal	Technical Services General Services Agreement	1
Informal	Standardized Equipment List	1
Informal	Sole Source	1
	\$25,000 - \$100,000 - Goods and Services & Non-Professional Services	
Formal	Invitation for Bid	3
Formal	Request for Proposal	3
Informal	Request for Quote	3
Informal	Cooperative Contract	1
Informal	Standardized Equipment List	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1
	\$25,000 - \$100,000 - Professional Services and District Projects >\$15,000	
Formal	Request for Proposal	3
Informal	Request for Quote	3
Informal	Technical Services General Services Agreement (up to \$50,000)	1
Informal	Cooperative Contract	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1
	>\$100,000 - Goods, Non-Professional Services & Professional Services <i>Any purchase in this section requires Board approval</i>	
Formal	Invitation for Bid	3
Formal	Request for Proposal	3
Informal	Cooperative Contract	1
Informal	Standardized Equipment List	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1



ATTACHMENT D NON-COMPETITIVE PROCUREMENT REQUEST (Products & Services)

Date:	Supplier/Brand Name/Contractor:
Type of Product/Service:	
Requisition #:	Estimated Cost:

Because the Union Sanitary District is a public agency, it is a goal of the Purchasing Department to acquire needed products and services at fair and reasonable prices and by methods that are considered in the best interest of the District and the public.

Other than defined construction “projects” with dollar value greater than \$15,000, the District is not required to solicit competitive, formal sealed bids for the acquisition of products and services. However, best practices procurement for a public agency, as is Union Sanitary District, provides that we engage in soliciting competitive pricing for the products and services we acquire with dollar values greater than \$15,000 for a single item or group of items or services, unless a determination of non-competition is made.

Competition may not exist or be limited by:

- Many products and services are unique to our industry and a few, or perhaps only one source of supply may exist or be available to provide a certain good or service, and/or;
- Some parts and equipment require adherence to a particular brand name (but not a particular supplier of the brand name) in order to maintain the form, fit and function of a part, parts or system, and/or;
- Some suppliers of certain specialized services, by their focus on the wastewater treatment industry, are uniquely better suited to perform a particular service or repair to our equipment or systems, and/or;
- Maintaining proper performance of the system and/or warranty validity issues can be part of a determination for selection of a certain supplier on a non-competitive basis.

When a request (requisition) is made for a non-competitive acquisition of a good(s) or service(s) that contain specifications and/or other operational/technical requirements which limits the ability for the District to seek more than one bid or quotes in the marketplace (as described above), the requesting department representative must complete the information below and obtain approval of the action.

Thank you for your cooperation.

Please check one of the following that applies to your request. Provide the information requested for the category you checked.

1. ☐ **SOLE-SOURCE:** Products or services are available from one source only (i.e.: one manufacturer, service provider of proprietary service, etc. not one supplier)
What are the unique features of the product/brand/service/service provider that are not available in any other brand/service/service provider?

For services: What unique qualifications, rights, licenses, etc. does the recommended supplier possess to support a sole-source award of contract to them?

2. ☐ **SOLE-BRAND OR SERVICE:** Multiples sources may be able to supply the specified model and brand. In this case, competitive bids or quotes may be solicited for the requested brand or service only. If only one source of supply of the brand exists (i.e.: a dealer is the only one in a "protected" territory) the purchase will be made without further solicitation of bids or quotes.

Why is the specified brand required (not merely preferred) and how would your requirements for this specific brand be inhibited or burdened without purchase of the particular brand or service requested?

3. ☐ **STANDARDIZATION REQUEST:** The District requires the item(s) or services in order to standardize on parts, design, quality, adherence to form, fit and/or function, and/or to maintain warranty or a maintenance contract on an existing product or system.

If justification is based on the need to match the new item or service with existing equipment, parts, etc., list the quantity, manufacturer/brand and model of the existing equipment pertaining to this request and why the matching is required.

4. ☐ **OTHER NON-COMPETITIVE RECOMMENDATION:** Examples include: 1. Emergency Operational Purchase (per Purchasing Policy), 2. pre-qualified suppliers (suppliers awarded contracts under State of California bidding or other cooperative bidding, where price and other factors have already been assessed), or 3. quality/reliability and performance history indicates an award of a contract to a particular supplier would be in the best interest of the District.

Indicate which situation exists for this request. For No. 1 - Describe the unexpected occurrence or set of circumstances that demands immediate action:

5. ☐ This approval will be part of the *Sole Source Vendors for Standardized Equipment* list and will remain on that list for up to 3 years.

U. S. D. Requestor Name:	Purchasing Dept. Recommendation & Concurrence
Coach or Workgroup Mgr. approval (up to \$15,000 requisition value). _____	Recommendation: _____ By: _____, Purchasing Agent
Executive Team approval (over \$15,000 requisition value) By: _____ <u>(Note: Board of Directors approves award of sole-source contracts over \$100,000 value)</u>	Date: _____



PROCUREMENT POLICY

Union Sanitary District Policy No. 2755

Effective Date: September, 2022

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Union Sanitary District
Policy and Procedure Manual

Effective Date: February 2021	Procurement Policy	Policy Number 2755
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Policy & Purpose

The Union Sanitary District procurement function is intended to provide internal customers with functional expertise and guidance in the procurement of goods and services needed at the District. This is accomplished by promoting accountability, innovation, and continuous improvement in all interactions and dealing with the supplier community in an open and equitable manner, while obtaining the best possible value for the District.

The intent of this policy is to promote the most cost-effective use of taxpayer dollars while contributing to fairness and equal access to business opportunities with the District. The policy is also intended to promote value for ratepayers by ensuring compliance with applicable laws and regulations.

It is the intent of this Policy to be consistent with the California Government Code, California Public Contract Code, and any other California codes and regulations governing public contracting and procurement (“California Law”). In the event of any conflict between this Policy and California Law, California Law shall prevail. In addition, to the extent California Law allows or is amended to allow less stringent purchasing or procurement requirements than required in this Policy, the less stringent requirements set forth in California Law shall be applicable.

Exceptions to this policy may be approved by the Executive Team or Board of Directors on a case-by-case basis.

Uniform Guidance

The District maintains written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District has established a Gratuities Policy allowing acceptance of unsolicited items of nominal value. District standards of conduct provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the District.

Definitions

<i>Addendum</i>	Any alteration, correction, or adjustment to a solicitation document prior to award.
<i>Adjusted Base Amount</i>	The new dollar amount of a Contract including Change Orders, or the sum of all Task Orders, including amendments, as approved by the Approver, for sums exceeding their predecessor's approval authority limit, or exceeding 115% (see Attachment A for variable Change Order rates) of the Base Amount or previous Adjusted Base Amount (see also Base Amount).
<i>Amendment</i>	Modification of terms and/or pricing for goods, professional or non-professional services contract, or task order.
<i>Approver</i>	The individual with the authority to designate appropriated funding for a specific procurement.
<i>Authority to Enter into Contracts</i>	The term "Authority to Enter into Contracts" shall mean that the individual has authority to sign written contracts with outside parties.
<i>Base Amount</i>	The dollar amount of an initial Contract or Task Order.
<i>Best Value</i>	The tradeoff between price and performance that provides the greatest overall benefit under the specified selection criteria.
<i>Blanket Purchase Agreement</i>	An open agreement to purchase a given quantity of specific goods or standard services over a specified period of time.
<i>Blanket Purchase Agreement for Task Orders</i>	A consulting or professional services contract agreement generally intended between the District and a consultant for support services on an on-call basis and on more than one project, where a time of performance limit and an annual transaction maximum compensation limit is set by the terms of the agreement.
<i>Budgeted Procurements</i>	Projects or purchases that have been included as part of the fiscal year budget, or as a respective augmentation thereof, and authorized by the Board.
<i>Capacity Funds (CPTY)</i>	Funds that are set aside for activities related to increases in or preservation of the capacity of the collection, transport, and/or treatment system (both capital and non-capital are included in this fund).

<i>Centralized Procurement</i>	Unless otherwise stated in this policy, all purchases of goods and services are made by the District's procurement function to avoid duplication, overlapping and non-uniform procurement.
<i>Change Order</i>	A written order directing changes to the original purchase order and/or contract amount, timing, or scope of work.
<i>Construction Management Consultant</i>	Consulting firm hired under a separate contract to oversee contractor work on a construction project.
<i>Consultant</i>	A person or company that provides a professional service to the District.
<i>Contract</i>	Any voluntary, deliberate, and legally binding agreement(s), purchase order(s), or written documents which memorialize or establish a contractual agreement between the District and another party for the procurement or disposal of supplies, services, or construction.
<i>Cooperative Contracts</i>	Contracts already solicited and/or awarded by public agencies allowing the District to purchase goods, services, and equipment at competitively bid or assessed pricing, without the need for the District to undertake a separate solicitation request action.
<i>Declared Emergency</i>	For the purpose of procuring professional and non-professional services or goods and related services, a declared emergency is a sudden, generally unexpected, sustained occurrence or set of ongoing circumstances that has been declared by any local, state, or federal agency as an emergency. Or the District has declared an emergency requiring immediate action, the absence of which would undermine essential District services or cause an economic loss to the District or to prevent or mitigate the loss or impairment of life, health, property, or essential public services in accordance with applicable laws.
<i>District Projects</i>	Any construction, reconstruction, alteration, enlargement, renewal, rehabilitation, or replacement of District owned sewer facilities or property including but not limited to furnishing of supplies or materials for any such work and where the expenditure exceeds the limits specified in Public Contract Code Section 20803 (\$15,000). These projects must be formally bid out.
<i>Emergency Operational Purchases</i>	An emergency is a sudden, generally unexpected, sustained occurrence or set of ongoing circumstances requiring immediate action, the absence of which would undermine essential District services or cause an economic

	loss to the District or to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
<i>Force Account/In-House Projects</i>	New construction, preservation, support, mending, rehabilitation, restoration, and renovation projects performed utilizing in-house staff for the entire scope of the project. The District can perform force account work with no dollar limit or competitive bidding on labor, provided that the work is performed by the District's staff. Other project items such as Professional Services, materials, and equipment required to complete the work would still need to comply with the terms of this Purchasing Policy.
<i>Goods</i>	All supplies, materials, and/or equipment which are moveable at the time of sale and can be furnished to or used by the District. This also includes goods purchased separately for District Projects.
<i>Invitation for Bid (IFB)</i>	A formal bid process used when there is no substantive difference among the products or services that meet specifications so that the only difference among responsive bids is price.
<i>Non-Professional Services</i>	All services not within the scope of the definitions of Professional Services below. They are nontechnical or non-consultant services that provide support to and facilitate District operations. Typically, "trade" services that furnish labor to repair or provide maintenance for District-owned equipment or property. These types of services include, but are not limited too, maintenance agreements, uniform rental services, electrical, HVAC, plumbing, and mechanical. Final product of engagement is that something is built, repaired, diagnosed, or otherwise improved.
<i>Pre-Purchased Equipment</i>	Equipment purchased by the District for a District or Special Project, generally before the start of work on a construction project and under a separate contract with the supplier or manufacturer.
<i>Professional Services</i>	<p>Services that require specialization/higher level of expertise, or a formal certification by a professional body such as legal, medical, accounting, architecture, land surveying, professional engineering, real estate appraising, etc., including IT and programming work where the scope is mainly services. The Executive Team also maintains authority to qualify other services appropriate to be categorized as such.</p> <p><i>Note: Professional Services contracts may be executed to assist the District in data collection, pilot studies, analyses, or making process or other recommendations to the District based on a service provider's unique area of expertise. These contracts may be precursors or separately executed in association with either Force Account or District Project work.</i></p>

<i>Renewal and Replacement Funds for Equipment (VHEQ), (ISRR), (PPSR)</i>	Funds for the specific purpose of replacing vehicles and equipment including renewals and replacements for Information Systems, Plant and Pump Station, and transport systems equipment.
<i>Request for Information (RFI)</i>	An RFI could be a first step or component included in establishing criteria for an IFB or RFP. This mechanism may be used solely for information gathering purposes.
<i>Request for Proposal (RFP)</i>	A formal bid process used for contracting of complex goods or services (professional or non-professional) where multiple factors must be considered along with price (experience, qualifications, specifications, etc.).
<i>Request for Quotation (RFQ)</i>	An informal bid process used when products or services are standard or off-the-shelf, which allows the District to compare various bids easily. No guarantee of subsequent purchase is implied when an RFQ is issued.
<i>Short List</i>	A periodically reviewed, pre-approved list of professional service providers who may be directly engaged by the District based on special qualifications or knowledge.
<i>Small Contract Threshold</i>	Collective value of a contract or smaller sums over a period of time not to exceed 5 years or \$100,000, whichever comes first, at which time the contract must be reviewed for continued suitability of pricing and terms by contract initiator and the Procurement Team.
<i>Special Projects Construction</i>	Any construction, reconstruction, alteration, enlargement, rehabilitation, renewal, or replacement of District-owned sewer facilities or property including but not limited to furnishing of supplies or materials for any such work where the expenditure is less than the \$15,000 limit specified in Public Contract Code Section 20803. These projects may be awarded either formally or informally, depending on the complexity of the project.
<i>Special Projects Funds</i>	Funds approved by the Board for a specific project or purpose. Each project has an appropriate account number and a Project Manager/Program Manager listed under "Accounting/CIP Project List" on the District's "Portal".

<i>Standardized Equipment List</i>	A periodically reviewed, pre-approved list of equipment where standardization is desirable for a variety of reasons (maintenance, parts commonality, training, etc.). Items on this list may be purchased using sole source or without considering substantially “equal” substitutions.
<i>Structural Renewal and Replacement Fund</i>	Funds for the specific purpose of the renewal and replacement of infrastructure. Funds must replace or extend life of the asset and are included in the Capital Improvement Program budget.
<i>Task Order</i>	A directive to a consultant under a consultant or sub-consultant contract, Professional Services Agreement, or a Blanket Purchase Agreement for Task Orders, detailing the work scope, payment, and schedule of a definitive task or tasks.

Approval Thresholds

The Board of Directors designates the authority to commit specific funds as indicated below.

Operating Funds

Staff	may initiate requisitions but must have approvals as below
Storekeepers	up to \$7,500 for warehouse stock replenishment orders
Senior Accounting and Financial Analyst	up to \$10,000
Coaches (includes ETSU APM)	up to \$25,000
Work Group Managers (includes ETSU PM)	up to \$50,000
General Manager	up to \$100,000
Board of Directors	above \$100,000

Over \$100,000 List

Each fiscal year, the Board of Directors approves the District budget. As part of the budget approval process, the Board reviews and approves the “*Annual Contract Purchases of Supplies, Services, and Vehicle and Equipment Renewal/Replacement Over \$100,000*”. Once the budget is approved, expenditure authority for the line items listed in the list is delegated to staff without additional Board approval.

Vehicle and Equipment Funds (VHEQ)

The Collection Services Manager or other Work Group Manager designated by the General Manager is authorized to approve individual expenditures of Board approved VHEQ budgeted funds for purchases of the vehicles and equipment listed in the budget, subject to the signature authority in this policy. Individual vehicle/equipment not on the over \$100,000 list will require separate Board action to approve.

Information Systems Renewal and Replacement Funds (ISRR) and Plant and Pump Stations Renewal and Replacement Funds (PPSRR)

The Fabrication, Maintenance, and Technology Manager, or other Work Group Manager designated by the General Manager, is authorized to approve individual expenditures of Board approved ISRR and PPSRR budgeted funds for purchases of hardware, software, and other information systems related as well as plant or pump station equipment or repairs, subject to the signature authority in this policy. Items not on the over \$100,000 list will require separate Board action to approve.

Once Board approval for the VHEQ, ISRR and PPSRR is reflected by budget or other Board action, the following exceptions require additional Board approval:

- Increase in the purchase quantity of a listed item; or
- Addition of a newly identified item for purchase not listed in the approved budget; or
- Purchase of an upgrade to an item not listed in the approved budget; or
- Expenditure exceeding 15% of the estimated purchase amount for a listed vehicle or equipment over \$100,000.

Special Projects Funds, Structural Renewal and Replacement Fund, and/or Capacity Funds

Approval of individual expenditures of Board approved RNWL and/or CPTY budgeted funds is authorized by the TS Workgroup Manager or other Work Group Manager designated by the General Manager in accordance with the Approval Authority Levels of Expenditures for Approved, Budgeted Funds for TS Workgroup and ETSU Projects Matrix (Attachment B).

Approval of individual expenditures made by a Work Group other than TS using RNWL and CPTY funds may be authorized by any employee shown as the "Project Manager" or "Program Manager" for any project or purpose as listed in the current Operating and CIP Budgets with an appropriate account number provided that the total project budget amount is not exceeded by more than 15%. The General Manager has the same authority as Project/Program Managers. Project or Program Managers may be assigned to projects after the budget is approved.

The Project Manager/Program Manager is responsible for maintaining an accurate accounting of the funds used and obtaining Board approval prior to authorizing any overages in excess of 15% of the approved project budget.

Methods of Procurement

The following are approved methods for procurement at the District; however, specific rules for use still apply.

Blanket Purchase Order Agreements

An agreement to purchase a given quantity of specific goods or standard services over a specified period of time, usually one year. These agreements are established by the Procurement team after negotiating terms and conditions with suppliers and publishing a maximum per purchase and per year dollar value as internal guidance for staff.

CAL-Card

The District's credit card (CAL-Card) may be used for purchases in accordance with the rules and regulations set forth in the *CAL-Card Handbook*.

District Projects

Expenditures for District Projects that exceed \$15,000 must be contracted through formal competitive bidding and let to the lowest responsive and responsible bidder after notice, subject to the provisions of Section 20800 et. seq. of the California Public Contract Code. Construction contracts for District Projects identified in the annual CIP budget are generally procured by the Technical Services Workgroup, with assistance from the Procurement Team. Refer to *Approval Authority Levels for Entering into Contracts for TS Workgroup and ETSU Projects* (Attachment A).

Technical Services - General Service Agreements

The Technical Services Workgroup maintains general service agreements with select consultants to provide professional services for projects or tasks, generally under \$50,000 in value and not to exceed two-years and provides the Procurement Team with copies of these agreements. These projects typically address an immediate need and/or other needs not necessarily associated with a Capital Improvement Project. The consultant's published hourly rates and other fees are attached to these agreements, which the Technical Services Workgroup maintains. When the Technical Services Workgroup determines there is a need to hire the consultant, the consultant prepares a task order to the agreement. The task order includes the scope of services, deliverables, budget, and schedule. The Technical Services Workgroup tracks the number of task orders executed and monitors the budgets to ensure that the terms stipulated in the agreement are met. Staff prepares Board information items when new agreements are executed.

Technical Services – Consultants Short List

The Technical Services Workgroup maintains a Consultants Short List of consultants who provide services that the District may need to utilize at a future date such as pipeline design, plant and pump station design, construction management, studies and master plans, and PLC and SCADA design. Technical Services conducts a process to update the list every three years. This process reduces the lead time on projects as the consultants have been vetted in advance. When a

project need arises, this list serves as a starting point for reaching out to consultants while following the applicable purchasing guidelines. This list does not preclude Technical Services from reaching out to other consultants when needed. Professional Services Agreements and Task Orders for projects identified in the CIP program are generally procured by the Technical Services Workgroup.

Cooperative Contracts

As allowed by law, the District may participate in and acquire items under cooperative contracts. As such, this is a preferred method of procurement. One exception is that General Services Administration (GSA) federal contracts may only be utilized for price comparisons.

Emergency Purchases: Declared Emergency and Emergency Operational Purchases

- District Work Group Managers may make emergency procurements when a declared emergency arises, and District needs cannot be met through normal procurement methods. An emergency procurement shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency.
- In case of emergency, the General Manager may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a minimum four-fifths (4/5ths) vote of the Board of Directors.
- Upon adoption of the resolution, the Board of Directors may authorize expenses in any sum required in an emergency without complying with requirements of this policy (see Public Contract Code §22050).
- In the case of such emergency, if a 4/5ths quorum of the Board of Directors is unavailable to convene a timely meeting of the Board, the General Manager or designee is authorized to determine that the public interest and necessity demand the immediate expenditure of District funds to safeguard life, health or property and may commit up to \$500,000 for such purpose without complying with the requirements of this Policy.
- The General Manager or designee shall, at the earliest reasonable opportunity, notify the Board of Directors of such an emergency and the need for such expenditures. Following such notification, the Board of Directors shall hold an emergency meeting to authorize or discontinue additional expenditures pursuant to the emergency (see Public Contract Code §22050).
- Purchase requisition procedures and approval limits remain the same for the authorization of the expenditures; however, formal bidding procedures may not apply.
- Emergency Operational purchases may be made using the limits listed under *Approval Thresholds, Operating Funds* above.

Force Account Work

The District can perform force account work with no dollar limit or competitive bidding on labor, provided that the work is performed by the District's staff. Purchases required to complete the work, such as materials and equipment, would still need to comply with the terms of this Purchasing Policy. Professional Services can be utilized for design and consultation on the project, provided they do not perform any of the physical work on the project. Force Account Work may be a standalone project or a subcomponent of a larger project that the District has determined can be completed using its own labor. The use of District labor under this section is still subject to project approvals as provided by District policies and guidelines.

Sole Source

Employees requesting a purchase of goods or services from a single manufacturer or other supplier source (dealer, distributor, provider), not included in the CIP Standardized Equipment List or the FMC sole source list for parts and equipment (governed by policy 2760) for the purchase of certain parts and equipment for operational needs shall complete a *Non-Competitive Procurement Request Form (Attachment D)*.

- Requests for over \$25,000 value per item, group of items, or service require Executive Team approval. The Procurement Team will evaluate the request and make a recommendation to procure the good or service from the suggested source or solicit the market for the item. If Executive Team approval will not be timely, the General Manager can also provide approval.

Standardized Equipment List

For efficient maintenance and operations throughout the District, Technical Services and FMC have each developed Standardized Equipment Lists for certain equipment. This minimizes spare parts inventory, and costs associated with training staff on operations of this equipment. The lists shall be maintained by the respective Coach (per Policy #2760 - Standardized Equipment List) and shall be reviewed by the Executive Team and approved by the Board of Directors every three years.

Any additions to the list will be handled per policy 2760. Authorized personnel may utilize the list to purchase listed equipment without looking for an "or equal" substitution.

Formal Bidding

Formal bidding is a method where only an Invitation for Bid (IFB) or Request for Proposal (RFP) is utilized to obtain bids or proposals.

Invitation for Bid (IFB)

An IFB is a formal method issued by Purchasing to solicit bids for Goods and Non-Professional Services. An award will be made to the vendor who meets the minimum requirements and offers the lowest responsive and responsible bid as determined by the District. When choosing the IFB method, the following points should be met:

- Price is the only consideration.
- The good or services are standard, routine, common, or off the shelf.
- Other than minimum qualifications, there are no additional bid requirements to consider (i.e. vendor experience/background, performance criteria, special terms and conditions).

Request for Proposals (RFP)

An RFP is utilized to solicit proposals from qualified vendors for complex goods, Non-Professional Services, or Professional Services when the specifications are complex in nature and additional factors need to be considered along with price.

Awards are based on the offer that best meets the needs of the District and is most advantageous in terms of the criteria as designated in the RFP.

Informal Bidding

Informal bidding is a method where a Request for Quote (RFQ) or a Request for Qualifications is utilized to obtain pricing for routine goods or services.

Request for Quotation (RFQ)

An RFQ is an informal method issued by Purchasing to solicit quotes when products or services are standard or off-the-shelf, which allows the District to compare various bids easily.

Request for Qualifications

A qualification-based selection is a method used for Professional Services where the most qualified firm is selected through a process utilizing criteria related to the competence and qualifications of the individual or firms. Prices are not revealed during the competitive selection process. This process is utilized to create the *USD Consultant Short Lists*.

Additional Purchasing Guidelines

Bid procedures shall be open and unrestricted; however, the District shall not be obligated to solicit bids from every supplier of any given service or material.

If only one (1) responsive bid is received in response to an IFB, RFP, or RFQ an award may be made, at the District's sole discretion, to the single contractor if the District finds that:

- the price(s) submitted are fair and reasonable, or
- the prices(s) submitted are consistent with current market conditions, or
- there is not adequate time for re-solicitation.

Otherwise, the bid may be rejected and new bids may be solicited, the proposed procurement may be canceled; or, if the District determines the one price is not reasonable, and the re-solicitation results would not change, negotiations may be entered into with the lone bidder. If

new bids are solicited, the prices originally submitted shall not be released to the public to maintain the integrity of the procurement process.

Prior to utilizing the IFB process specifically, the requesting workgroup will evaluate the project to ensure it meets the IFB guidelines.

In all District procurement activities, acquisitions shall not be artificially divided to circumvent bidding requirements. The procurement team will perform routine audits of internal transactions to verify and report findings to the Executive Team for action.

Product Demonstrations may be utilized to determine viability of various products or services for the District at all procurement levels. The Procurement Team should be engaged before a product is demonstrated for potential use and will assist in the process to minimize risk and liability to the District. The Procurement Team's involvement in these demonstrations is intended to ensure that insurance and other pertinent documents are obtained and filed appropriately with the District. A product demonstration does not guarantee future business with the District.

Guidelines Based on Dollar Amount

Purchases Up to - \$25,000

- Expenditures for the procurement of supplies, equipment, materials, or services having an estimated value of less than \$25,000 may be made on the open market with the requestor's discretion without following formal procurement methods.
- If informal methods indicate costs may exceed the \$25,000 threshold staff should consult with the procurement team prior to proceeding.
- A single quote may be obtained to purchase goods and services. The Work Group Manager should request that the vendor provide a written quote containing all details of the purchase. It is recommended that three (3) written competitive quotes be obtained, to ensure the District is receiving the best value, however, it is not required.

Purchases \$25,001 - \$100,000

- Three (3) quotes should be obtained to purchase goods and services. If three quotes are not available, staff should consult with the Procurement Team for guidance.
- If only one (1) responsive bid is received in response to the solicitation, see "Additional Purchasing Guidelines" section.

Purchases Over \$100,000

- Board approval is required.

Note: Refer to *Purchasing Options by Dollar Amount Matrix* (Attachment C) for additional information.

Contract Severance & Bid/Proposal Protest Procedures

Per the District's Terms and Conditions for Professional and Non-Professional Services, contracts may be subject to cancellation for either cause or convenience. The District will maintain records for the rationale behind such cancellations. General Manager, Work Group Managers, Coaches, or designees are responsible for creating and forwarding rationale for contract cancellations to the Procurement Team for filing.

Authority of Officials

The procedures for protesting selection of successful bidders described below are mandatory, and the time limits are absolute. The purpose of this section is to minimize disputes and litigation. For "District Projects", bid protest procedures shall be as described in the project specifications.

For all other competitive bidding processes the bid protest procedures shall be as set forth herein, unless otherwise provided in the procurement documents.

If a bidder disagrees with the District's recommendation of award of any competitively bid contract the protest must be submitted in writing within five (5) calendar days of the award recommendation of the contract. The Business Services Manager shall respond within five (5) calendar days of receipt of the protest.

Failure to submit a written protest within five (5) calendar days of the District's recommendation of award of the contract shall constitute a waiver of any protest or appeal and any right to file a claim regarding the award of the contract.

Appeal Procedure

Appeals of District decisions may be allowed in the circumstances set forth below. For "District Projects," the procedure for appealing District decisions on bid protests, if any, shall be as described in the project bid documents and specifications.

For all other competitive bidding processes, the procedure for appealing District decisions on bid protests, if any, shall be set forth in the procurement documents. If not set forth in the procurement documents, there shall be an appeal provided as set forth herein. The protestor may submit an appeal that shall:

- be in writing, and
- be directed to the General Manager, and
- include the documents necessary to substantiate the position of the appellant.

Such appeal must be filed on or before the fifth (5th) calendar day following the decision of the Business Services Manager.

The General Manager shall respond in writing to any such written appeal within 45 calendar days of receipt of the appeal. However, the General Manager may request in writing additional documentation to render his or her decision, within ten (10) calendar days of receipt of an appeal. Additional documentation and information requested must be requested and provided by the protester within five (5) calendar days of such request.

Bidders or protestors have no right to appeal to the Board of Directors of Union Sanitary District. The decision of the General Manager will be final and constitute exhaustion of administrative remedies by the bidder.

After the exhaustion of the above administrative remedies, a claimant may file a claim pursuant to Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910, or Part 3 of Division 3.6 of Title 1 of the California Government Code). The procedures outlined above shall not extend the time to file a formal claim to the Board of Directors pursuant to Section 900 et seq. of the Government Code.

Responsibilities and Frequency

Employee Responsibility

District employees who are involved in any procurement activity have the responsibility to follow this policy and supporting procedures. Employees should engage the Procurement Team directly for process clarifications on procurement methods.

Procurement Responsibility

The Procurement Staff have the responsibility to coordinate and support the procurement activities and adhere to this policy and supporting procedures.

Management Responsibility

The District's management staff has the responsibility to ensure that this policy and supporting procedures are followed by employees. The Executive Team will review and approve all Non-Compete Form requests submitted and notify the Procurement Team of their determinations.

Attachment List

- A. Approval Authority Levels for Entering into Contracts for TS Workgroup and ETSU Projects
- B. Approval Authority Levels of Expenditures for Approved Budgeted Funds TS Workgroup Projects and ETSU Projects
- C. Purchasing Options by Dollar Amount Matrix
- D. Non-Competitive Procurement Request Form

Approved by:	Board of Directors
Author/Owner:	Business Services Manager
Reviewers:	Executive Team,
Notify Person:	Business Services Manager
Revision Frequency:	Every 3 Years
Next Review:	September 2025

APPROVAL AUTHORITY LEVELS FOR ENTERING INTO CONTRACTS FOR TS WORKGROUP AND ETSU PROJECTS

ATTACHMENT A

Fund 80 (RNWL) and Fund 90 (CPTY)

Type of Contract Approval	Project Manager	Coach or Asst. ETSU PM	ETSU PM or WGM	General Manager	Board of Directors
1. Enter into a Contract for Construction	Not authorized	Not authorized	Up to \$50,000 and requires an "information only" notification to the Board.	Up to \$100,000 and requires an "information only" notification to the Board.	>\$100,000 Board Secretary and General Manager signs contract
2. Approve Change Orders (CCO) under Construction Contracts	Project Mgr. may elect to give Construction Manager authority up to \$10,000 or one day of Time & Material work, whichever is less.	Up to \$25,000	Up to \$50,000	Up to \$100,000	<u>CCO Amount per Contract</u> 0 to \$25M 15% \$25M to \$50M 10% \$50M to \$100M 5% Above \$100M 2.5% >\$100,000 or when the cumulative value of the CCO's exceeds the above sliding scale percentage per contract. (1) Board authorizes General Manager to sign contract change order.
3. Enter into a Contract for Study, Pre-Design, Design, Engineering Support During Construction, Construction Management, Inspection, Programming, or other professional services Contracts, Task Orders, and other expenditures for Budgeted Projects	Not authorized	Not authorized	Up to \$50,000	Up to \$100,000	>\$100,000 Board authorizes General Manager to sign contract.

Type of Contract Approval	Project Manager	Coach or Asst. ETSU PM	ETSU PM or WGM	General Manager	Board of Directors
4. Sole-Source Equipment Acquisition Request	Not Authorized	Not Authorized	Not Authorized	GM authorization required for equipment not on the Standardized Equipment List. See Policy No. 2760	Board authorization required for updating the Standardized Equipment List. See Policy No. 2760
5. Execute Task Orders under a Blanket Agreement	Not authorized	Up to \$25,000	Up to \$50,000	Up to \$100,000	>\$100,000 Board authorizes General Manager to sign contract.
6. Execute Subsequent Task Orders	Not authorized	Up to \$10,000	Up to \$50,000	Up to \$100,000 or if >15% of adjusted base amount when sum is >\$50,000	>\$100,000 or if >15% of adjusted base amount when sum is >\$100,000. Board authorizes General Manager to sign contract.
7. Execute Task Order Amendments	Not Authorized	Not Authorized	Up to \$50,000	Up to \$100,000 or if >15% of cumulative adjusted base amount, when sum is >\$50,000	>\$100,000 or if >15% of cumulative adjusted base amount when sum is >\$100,000. Board authorizes General Manager to sign contract.
8. Execution of Non-Monetary Amendments (e.g.: significant changes in contract language, liability, or time of completion).	Not authorized	Not authorized	Not authorized	General Manager Approves	Not Applicable
Acceptance of a Construction Contract and Authorize Filing of Notice of Completion	Not authorized	Not authorized	Up to \$50,000 <i>with an informational report to the Board</i>	Up to \$100,000 <i>with an informational report to the Board</i>	>\$100,000 Board Secretary and General Manager signs documents

Credit-type change order or Task Orders Amendments (negative value) shall follow the same approval authority levels, except absolute values of credits greater than \$100,000 can be authorized by the General Manager.

(1) Should the original change order authority be exceeded for any project (based upon the sliding scale above), the Board shall have the authority to increase the change order amount to an amount the Board deems reasonable on a case by case basis. In these instances, staff will provide a change order summary to the Board quarterly showing all the change orders approved since the change order authority was increased.

**APPROVAL AUTHORITY LEVELS OF EXPENDITURES FOR
APPROVED, BUDGETED FUNDS FOR TS WORKGROUP AND ETSU PROJECTS**

ATTACHMENT B

Applies to Funds 80 (RNWL), 90 (CPTY) and 30 (Special Projects)

Type of Expenditure Approval	Project Manager	Coach or ETSU Asst. PM	ETSU PM or WGM	General Manager	Board of Directors
<p>Approved, budgeted expenditure relating to an approved Contract or Agreement for:</p> <ul style="list-style-type: none"> Contractor Invoices for Progress Payments Consultant Invoices for Approved Task Orders and Amendments 	<p>Up to \$200,000</p> <p>Up to \$50,000</p>	<p>Up to \$400,000</p> <p>Up to \$100,000</p>	<p>No limit if $\leq 100\%$ + applicable CCO rate of contract amount (See Attachment A)</p> <p>No limit if $\leq 115\%$ of contract amount (Adjusted base amounts > \$100,000)</p>	<p>No limit if $\leq 100\%$ + applicable CCO rate of contract amount (See Attachment A)</p> <p>No limit if $\leq 115\%$ of contract amount (Adjusted base amounts > \$100,000)</p>	<p>>100% + applicable CCO rate of contract amount (See Attachment A)</p> <p>>115% of contract amount (Adjusted base amounts > \$100,000)</p>
Requisitions for Budgeted Projects	Not authorized	Up to \$25,000 for Coach position only	Up to \$50,000	Up to \$100,000	>\$100,000

**PURCHASING OPTIONS BY DOLLAR AMOUNT MATRIX
ATTACHMENT C**

Formal or Informal Bidding	Purchasing Options by Dollar Amount	No. of Quotes Required
	Up to \$25,000 - All Items Except District Projects >\$15,000	
Informal	Request for Quote	1
Informal	Cooperative Contract	1
Informal	Technical Services General Services Agreement	1
Informal	Standardized Equipment List	1
Informal	Sole Source	1
	\$25,000 - \$100,000 - Goods and Services & Non-Professional Services	
Formal	Invitation for Bid	3
Formal	Request for Proposal	3
Informal	Request for Quote	3
Informal	Cooperative Contract	1
Informal	Standardized Equipment List	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1
	\$25,000 - \$100,000 - Professional Services and District Projects >\$15,000	
Formal	Request for Proposal	3
Informal	Request for Quote	3
Informal	Technical Services General Services Agreement (up to \$50,000)	1
Informal	Cooperative Contract	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1
	>\$100,000 - Goods, Non-Professional Services & Professional Services <i>Any purchase in this section requires Board approval</i>	
Formal	Invitation for Bid	3
Formal	Request for Proposal	3
Informal	Cooperative Contract	1
Informal	Standardized Equipment List	1
Informal	Sole Source (Requires Non-Competitive Form and ET Approval)	1



ATTACHMENT D NON-COMPETITIVE PROCUREMENT REQUEST (Products & Services)

Date:	Supplier/Brand Name/Contractor:
Type of Product/Service:	
Requisition #:	Estimated Cost:

Because the Union Sanitary District is a public agency, it is a goal of the Purchasing Department to acquire needed products and services at fair and reasonable prices and by methods that are considered in the best interest of the District and the public.

Other than defined construction “projects” with dollar value greater than \$15,000, the District is not required to solicit competitive, formal sealed bids for the acquisition of products and services. However, best practices procurement for a public agency, as is Union Sanitary District, provides that we engage in soliciting competitive pricing for the products and services we acquire with dollar values greater than \$15,000 for a single item or group of items or services, unless a determination of non-competition is made.

Competition may not exist or be limited by:

- Many products and services are unique to our industry and a few, or perhaps only one source of supply may exist or be available to provide a certain good or service, and/or;
- Some parts and equipment require adherence to a particular brand name (but not a particular supplier of the brand name) in order to maintain the form, fit and function of a part, parts or system, and/or;
- Some suppliers of certain specialized services, by their focus on the wastewater treatment industry, are uniquely better suited to perform a particular service or repair to our equipment or systems, and/or;
- Maintaining proper performance of the system and/or warranty validity issues can be part of a determination for selection of a certain supplier on a non-competitive basis.

When a request (requisition) is made for a non-competitive acquisition of a good(s) or service(s) that contain specifications and/or other operational/technical requirements which limits the ability for the District to seek more than one bid or quotes in the marketplace (as described above), the requesting department representative must complete the information below and obtain approval of the action.

Thank you for your cooperation.

Please check one of the following that applies to your request. Provide the information requested for the category you checked.

1. ☐ **SOLE-SOURCE:** Products or services are available from one source only (i.e.: one manufacturer, service provider of proprietary service, etc. not one supplier)
What are the unique features of the product/brand/service/service provider that are not available in any other brand/service/service provider?

For services: What unique qualifications, rights, licenses, etc. does the recommended supplier possess to support a sole-source award of contract to them?

2. ☐ **SOLE-BRAND OR SERVICE:** Multiples sources may be able to supply the specified model and brand. In this case, competitive bids or quotes may be solicited for the requested brand or service only. If only one source of supply of the brand exists (i.e.: a dealer is the only one in a "protected" territory) the purchase will be made without further solicitation of bids or quotes.

Why is the specified brand required (not merely preferred) and how would your requirements for this specific brand be inhibited or burdened without purchase of the particular brand or service requested?

3. ☐ **STANDARDIZATION REQUEST:** The District requires the item(s) or services in order to standardize on parts, design, quality, adherence to form, fit and/or function, and/or to maintain warranty or a maintenance contract on an existing product or system.

If justification is based on the need to match the new item or service with existing equipment, parts, etc., list the quantity, manufacturer/brand and model of the existing equipment pertaining to this request and why the matching is required.

4. ☐ **OTHER NON-COMPETITIVE RECOMMENDATION:** Examples include: 1. Emergency Operational Purchase (per Purchasing Policy), 2. pre-qualified suppliers (suppliers awarded contracts under State of California bidding or other cooperative bidding, where price and other factors have already been assessed), or 3. quality/reliability and performance history indicates an award of a contract to a particular supplier would be in the best interest of the District.

Indicate which situation exists for this request. For No. 1 - Describe the unexpected occurrence or set of circumstances that demands immediate action:

5. ☐ This approval will be part of the *Sole Source Vendors for Standardized Equipment* list and will remain on that list for up to 3 years.

U. S. D. Requestor Name:	Purchasing Dept. Recommendation & Concurrence
Coach or Workgroup Mgr. approval (up to \$15,000 requisition value). _____	Recommendation: _____ By: _____, Purchasing Agent
Executive Team approval (over \$15,000 requisition value) By: _____ <u>(Note: Board of Directors approves award of sole-source contracts over \$100,000 value)</u>	Date: _____

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 14**

TITLE: **COVID-19 Update and Consider Adoption of a Resolution Authorizing the Use of Teleconference Meetings in Compliance with AB 361 (*This is a Motion Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Karen W. Murphy, General Counsel
Sharon Anderson, Administrative Specialist

Recommendation

1. Receive an update from the General Manager on the District's COVID-19 response and staffing levels.
2. Adopt the attached resolution authorizing the use of teleconference meetings in compliance with AB 361.

Discussion

AB 361 requires public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. As directed by the Board on September 27, 2021, the District is continuing to hold teleconferenced meetings as allowed under AB 361.

The Board has adopted resolutions at least every 30 days starting on October 25, 2021, authorizing the use of teleconference meetings. Since the Board meeting of March 28, 2022, the Board has been scheduling teleconference meeting for committees and phasing-in in-person meetings for the Board.

The attached resolution has been updated from previous versions and reaffirms the findings required by AB 361 to allow the District to continue to hold teleconferenced meetings. This agenda item also includes the COVID-19 Update from the General Manager.

Background

AB 361 was signed into law by the Governor on September 16, 2021, and amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology as long as there is a “proclaimed state of emergency” by the Governor. This allowance also depends on state or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk.

AB 361 prohibits councils and boards from limiting public comments to those submitted in advance of the meeting and specifies that the legislative body “must provide an opportunity for the public to ... offer comment in real time.” (Government Code 54953(e)(2)(E). Additionally, the body must allow a reasonable time for public comment during the comment periods. The District allows for email comments to be submitted throughout Board meeting and the Board Clerk checks for emails continuously, including during the public comment portion for each agenda item.

The agenda must include information on the manner in which the public may access the meeting and provide comments remotely. AB 361 provides that if technical problems arise that result in the public’s access being disrupted, the legislative body may not take any vote or other official action until the technical disruption is corrected and public access is restored.

In addition, as noted in the Discussion section above, AB 361 requires public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. AB 361 will sunset on January 1, 2024.

Previous Board Action

The Board has adopted resolutions at least every 30 days starting on October 25, 2021, authorizing the use of teleconference meetings.

RESOLUTION NO. ____

**A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE
USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361**

WHEREAS, the Union Sanitary District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Union Sanitary District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, Government Code 54953(e) permits teleconferencing in the event that a state of emergency is declared by the Governor pursuant to Government Code section 8625, and that either state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body finds that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to COVID-19, which remains in effect; and

WHEREAS, the Board has adopted resolutions authorizing the use of teleconference meetings in compliance with AB 361 since October 25, 2021; and

WHEREAS, the Board now desires to reaffirm and make the findings required to continue holding teleconference meetings in compliance with AB 361 due to COVID-19.

**NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY
DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:**

1. The above recitals are true and correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

2. Pursuant to the requirements of Government Code Section 54953(e)(3), the District Board makes the following findings:

(a) The state of emergency continues to exist;

(b) The District Board has considered the circumstances of the continuing state of emergency;

(c) Holding meetings in person will present imminent risks to the health and safety of attendees; and

(d) The District Board will continue to meet by teleconference in accordance with Government Code section 54953(e).

3. The aforementioned findings apply to all committees and subcommittees of the District which are classified as legislative bodies pursuant to Government Code Section 54952.

4. The District Board will reconsider at least every 30 days, the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person.

5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

6. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors on this 12th day of September, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ANJALI LATHI
President, Board of Directors
UNION SANITARY DISTRICT

Attest:

JENNIFER TOY
Secretary, Board of Directors
UNION SANITARY DISTRICT



USD
TREAT
PROTECT
PRESERVE
est. 1918
TRI-CITY WASTEWATER

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**SEPTEMBER 12, 2022
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 15**

TITLE: **Annual Report to Union City Fiscal Year 2022 (*This is an Information Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Armando Lopez, T&D Work Group Manager
Tim Grillo, R&S Team Coach

Recommendation

Information only.

Discussion

A copy of the District's annual report to Union City for FY 2022 is attached for review. This is a draft annual report that will be submitted to the City Manager following Board approval.

Background

Union City Use Permit UP-4-95 requires the District to submit a report annually to the City Manager's Office. The purpose of the report is to:

1. Document the existing wastewater treatment plant flow
2. Provide a projection of the plant flow for the following year
3. Review compliance with effluent discharge limits
4. Provide a status report on progress made in the development of any new treatment facilities outside of Union City limits

Previous Board Action

None



Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

September 12, 2022

Ms. Joan Malloy
City Manager, City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

**SUBJECT: SUBMISSION OF ANNUAL REPORT FOR UNION SANITARY DISTRICT FOR
FISCAL YEAR 2022**

Dear Ms. Malloy,

Pursuant to Union City Use Permit (UP-4-95), Union Sanitary District hereby submits its Annual Report for Fiscal Year 2022.

Introduction

The Union City Planning Commission approved Use Permit No. UP-4-95 on July 20, 1995, which allowed for the expansion of the Union Sanitary District (USD) Alvarado Wastewater Treatment Plant from a capacity of 35 million gallons per day (MGD) to 38 MGD. The Use Permit requires the District to submit an annual report to the City Manager's office documenting the current wastewater flow received at the Alvarado Treatment Plant, a projection of flows for the next year, the current discharge limits imposed by the Regional Water Quality Control Board (RWQCB), and a status report of progress made toward development of any new facilities outside of Union City limits (Condition 9).

A second condition (Condition 6), requiring an annual operations audit by an independent expert, was eliminated by mutual agreement of USD's General Manager and Union City's City Manager in January 2005 following more than 10 years of perfect NPDES permit compliance.

Background

Union Sanitary District, founded in 1918, collects and treats wastewater from the communities of Union City, Newark, and Fremont, California. The District owns and operates a wastewater treatment plant located in Union City. Treated effluent is discharged through the East Bay Dischargers Authority (EBDA) outfall into the San Francisco Bay.

The Alvarado Wastewater Treatment Facility was completed in 1981 and was originally rated for a design flow of 19.7 MGD. A plant expansion project increased the treatment capacity in 1985 and further modifications were made in 1993. The firm, reliable treatment capacity of 33 MGD was confirmed in 1997. Construction to renew and replace aging equipment is a continual and ongoing process. In 2019, a study of alternatives was completed to determine the upgrades necessary to meet more stringent requirements for nutrients that are expected in 2024 under the third Nutrient Watershed Permit.

Current Wastewater Flow

The following is a summary of the average dry weather flow (ADWF) and annual average daily flow (AADF) for recent fiscal years. The Alvarado Treatment Facility is permitted to treat an ADWF flow of 33 MGD under the current National Pollution Discharge Elimination System (NPDES) permit. The ADWF is defined as the average flow during the summer months of May through September within the fiscal year. The AADF is defined as the annual average daily flow throughout the fiscal year, including both wet and dry seasons.

Fiscal Year	ADWF Permitted by NPDES, MGD	Actual ADWF, MGD	Actual AADF, MGD
2018	33	23.1	23.3
2019	33	23.2	23.7
2020	33	22.9	22.9
2021	33	23.0	23.1
2022	33	22.2	22.5

Projected Wastewater Flows

Both the annual average daily flow (AADF) and the annual dry weather flow (ADWF) for FY22 decreased from the previous year. As a result of the ongoing draught and water conservation efforts we predict that the AADF to decrease slightly to 22.4 MGD while the ADWF will increase slightly to of 22.3 MGD in FY23.

Discharge Compliance and Permit Limits

We are pleased to report that the District achieved full compliance with NPDES discharge requirements in FY22. USD was recognized by the National Association of Clean Water Agencies

(NACWA) under their Peak Performance Award program for the 29th consecutive year. In 2022, USD received a thirteenth platinum award for calendar year 2021 from NACWA, which is awarded for maintaining perfect compliance with the NPDES permit for five consecutive years.

The San Francisco Regional Water Quality Control Board adopted the second Nutrient Watershed Permit in 2019. The permit includes monitoring requirements and nutrient loading targets for permitted agencies based on the subembayments that they discharge to in the San Francisco Bay. It is expected that the information collected for the watershed permit will lead to the establishment of nutrient limitations in the subsequent watershed permit in 2024. We anticipate that future changes to total inorganic nitrogen limitations could require substantial improvements to the treatment plant to provide for the removal of nutrients. The design of improvements for nutrient removal began in 2020.

The District began design for the Enhanced Treatment and Site Upgrade (ETSU) Program in 2020. The design of ETSU Phase 1A improvements is expected to be completed by the end of calendar year 2021. Construction of Phase 1A improvements began in 2022 is expected to be completed in 2025. ETSU Phase 1A will include a new campus building which will free up land needed for the construction of further phases of the program. ETSU Phase 1A will also include aeration basin modifications that will improve activated sludge settleability and the final effluent water quality. Design of ETSU Phase 1B began in 2021 and will continue into calendar year 2023, with construction projected to be completed in 2028. Substantial nutrient removal will be possible after construction of the ETSU Phase 1B improvements.

Development of Facilities Outside of Union City

The ETSU Project will not increase the flow capacity of the USD treatment plant. As a result, the District has no plans for the construction of additional treatment facilities outside of Union City.

If you have any questions or need additional information, please contact me at (510) 477-7517 or armandol@unionsanitary.ca.gov.

Sincerely,

Armando Lopez
Manager, Treatment & Disposal

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181586	8/18/2022	143	800501.21	KIEWIT INFRASTRUCTURE WEST CO	ALVARADO INFLUENT PS PUMPS AND VFDS	\$618,195.78	\$618,195.78
181566	8/18/2022	143	800452.2	CLARK CONSTRUCTION GROUP CA LP	STANDBY POWER SYSTEM UPGRADE	\$389,365.00	\$389,365.00
181760	9/1/2022	114	800532.3	W.M. LYLES CO	MP - AERATION BASIN MODIFICATIONS	\$361,312.88	\$361,312.88
181601	8/18/2022	110	170120220801	PACIFIC GAS AND ELECTRIC	SERV TO 06/20/2022 PLANT	\$219,509.42	\$219,509.42
181675	8/25/2022	143	800516.1	POWER ENGINEERING CONSTRUCTION	FORCE MAIN CORROSION REPAIRS PROJECT PHASE 3	\$181,330.30	\$181,330.30
181614	8/18/2022	110	31262	SYNAGRO WEST LLC	JUN 2022 BIOSOLIDS DISPOSAL	\$111,491.97	\$111,491.97
181742	9/1/2022	110	1662531	POLYDYNE INC	45,080 LBS CLARIFLOC C-6267	\$90,431.14	\$90,431.14
181744	9/1/2022	143	186601	PSOMAS CORP	STANDBY POWER SYSTEM UPGRADE	\$64,659.30	\$89,859.30
	9/1/2022	141	186606		TURK ISLAND INSPECTION SERVICES	\$25,200.00	
181615	8/18/2022	141	222202	TANNER PACIFIC INC	TWIN FORCE MAIN RELOCATION - PHASE 2	\$1,042.50	\$88,102.50
	8/18/2022	143	222207		AERATION BLOWER 11 & CENTRIFUGE BLDG IMPROV	\$8,590.00	
	8/18/2022	143	222204		ALVARADO INFLUENT PS PUMPS AND VFDS	\$17,600.00	
	8/18/2022	141	222108		TWIN FORCE MAIN RELOCATION - PHASE 2	\$4,880.00	
	8/18/2022	141	222205		TWIN FORCE MAIN RELOCATION - PHASE 2	\$1,745.00	
	8/18/2022	143	222136.15R		AERATION BLOWER 11 & CENTRIFUGE BLDG IMPROV	\$18,315.00	
	8/18/2022	143	222203		AERATION BLOWER 11 & CENTRIFUGE BLDG IMPROV	\$19,575.00	
	8/18/2022	143	222201		ALVARADO INFLUENT PS PUMPS AND VFDS	\$16,355.00	

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181656	8/25/2022	114	1200447493	HDR ENGINEERING INC	ETSU PHASE 1B PROJECT	\$87,787.87	\$87,787.87
181638	8/25/2022	143	25900	CAROLLO ENGINEERS	PRIMARY DIGESTER NO. 7	\$7,770.00	\$71,740.62
	8/25/2022	143	25767		PLANT MISCELLANEOUS IMPROVEMENTS	\$13,230.00	
	8/25/2022	143	25751		SODIUM HYPOCHLORITE LOOP IMPROVEMENTS	\$35,176.30	
	8/25/2022	143	25766		PRIMARY DIGESTER NO. 8 FEASIBILITY STUDY	\$15,564.32	
181618	8/18/2022	110	50425001	UNIVAR SOLUTIONS USA INC	4801.1 GALS SODIUM HYPOCHLORITE	\$7,615.36	\$46,244.33
	8/18/2022	111	50376809		300 GALS SULFURIC ACID 36%	\$1,289.13	
	8/18/2022	110	50425003		4797.2 GALS SODIUM HYPOCHLORITE	\$7,609.17	
	8/18/2022	110	50438165		4700.1 GALS SODIUM HYPOCHLORITE	\$7,455.15	
	8/18/2022	110	50425005		4648.0 GALS SODIUM HYPOCHLORITE	\$7,372.51	
	8/18/2022	110	50425004		4598.8 GALS SODIUM HYPOCHLORITE	\$7,294.47	
	8/18/2022	110	50438164		4796.8 GALS SODIUM HYPOCHLORITE	\$7,608.54	
181756	9/1/2022	110	50466855	UNIVAR SOLUTIONS USA INC	4804.4 GALS SODIUM HYPOCHLORITE	\$7,620.59	\$30,630.83
	9/1/2022	110	50466856		4899.8 GALS SODIUM HYPOCHLORITE	\$7,771.91	
	9/1/2022	110	50463926		4803.9 GALS SODIUM HYPOCHLORITE	\$7,619.80	
	9/1/2022	110	50460294		4803.1 GALS SODIUM HYPOCHLORITE	\$7,618.53	
181719	9/1/2022		17441	FONG & FONG PRINTERS & LITHO	PRINTING AND MAILING OF ANNUAL NEWSLETTER	\$30,573.42	\$30,573.42

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181585	8/18/2022	110	9017761043	KEMIRA WATER SOLUTIONS INC	45,260 LBS FERROUS CHLORIDE	\$7,153.85	\$29,417.03
	8/18/2022	110	9017760514		42,900 LBS FERROUS CHLORIDE	\$6,626.19	
	8/18/2022	110	9017760513		45,760 LBS FERROUS CHLORIDE	\$7,519.15	
	8/18/2022	110	9017758907		47,420 LBS FERROUS CHLORIDE	\$8,117.84	
181620	8/18/2022		533620220722	US BANK CORP PAYMENT SYSTEM	MONTHLY CAL-CARD REPORT - JULY 2022	\$28,871.79	\$28,871.79
181764	9/1/2022	143	207538	WOODARD & CURRAN INC	IRVINGTON BASIN RCP REHABILITATION	\$2,003.75	\$28,806.25
	9/1/2022	143	207539		IRVINGTON BASIN MASTER PLAN UPDATE	\$26,802.50	
181564	8/18/2022	143	25731	CAROLLO ENGINEERS	CHERRY ST. PS	\$28,175.44	\$28,175.44
181646	8/25/2022	173	10600305170	DELL MARKETING LP C/O DELL USA	FY23 Q1 LAPTOPS	\$27,808.17	\$27,808.17
181693	8/25/2022	122	124774	VALLEY OIL COMPANY	5,933 GALS UNLEADED 10% ETHANOL GAS	\$25,866.44	\$25,866.44
181629	8/25/2022	114	22001970	ABC IMAGING, INC	CAMPUS BUILDINGS (ADMIN, FMC, OPS)	\$23,108.16	\$23,108.16
181621	8/18/2022	123	2022179970.1	USA NORTH 811	UNDERGROUND SERVICE ALERT - UNIQUE BILLABLE TICKETS	\$16,447.18	\$22,789.41
	8/18/2022	123	1799702022		USA ANNUAL MEMBERSHIP	\$6,342.23	
181625	8/18/2022	121	49980	WECO INDUSTRIES LLC	SMALL TRUCK/CAMERA REPAIRS & PARTS	\$849.29	\$22,502.12
	8/18/2022	121	49633		240 GAL SANAFOAM VAPOROOTER	\$21,652.83	
181755	9/1/2022	143	222216	TANNER PACIFIC INC	ALVARADO INFLUENT PS PUMPS AND VFDS	\$19,155.00	\$21,762.50
	9/1/2022	141	222217		TWIN FORCE MAIN RELOCATION - PHASE 2	\$555.00	
	9/1/2022	143	222218		AERATION BLOWER 11 & CENTRIFUGE BLDG IMPROV	\$2,052.50	
181657	8/25/2022	123	2216035839	ICONIX WATERWORKS INC	37 MANHOLE FRAMES AND COVERS	\$21,121.75	\$21,121.75

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181570	8/18/2022	110	1423272	DEPARTMENT OF GENERAL SERVICES	SERV: JUN 2022 PLANT	\$20,267.26	\$20,267.26
181649	8/25/2022	173	2019751	FARALLON GEOGRAPHICS INC	ARCHES SSC SOFTWARE SUPPORT	\$20,000.00	\$20,000.00
181761	9/1/2022	114	800532.3E	W.M. LYLES CO	MP - AERATION BASIN MODIFICATIONS - ESCROW PYMT	\$19,016.47	\$19,016.47
181697	8/25/2022	143	900528.12	WESTERN WATER	AERATION BLOWER 11 (HIGH SPEED)	\$18,253.20	\$18,253.20
181689	8/25/2022	110	50440547	UNIVAR SOLUTIONS USA INC	4899.2 GALS SODIUM HYPOCHLORITE	\$7,770.80	\$15,390.28
	8/25/2022	110	50456438		4803.7 GALS SODIUM HYPOCHLORITE	\$7,619.48	
181734	9/1/2022	110	9017762205	KEMIRA WATER SOLUTIONS INC	46,460 LBS FERROUS CHLORIDE	\$6,605.89	\$13,343.69
	9/1/2022	110	9017762382		43,440 LBS FERROUS CHLORIDE	\$6,737.80	
181622	8/18/2022	110	470006847	USP TECHNOLOGIES	2802 GALS HYDROGEN PEROXIDE	\$12,524.94	\$12,524.94
181717	9/1/2022	173	20220810	ENFO TECH & CONSULTING INC	IPACS SWM RENEWAL	\$12,300.00	\$12,300.00
181691	8/25/2022	170	21473	V&A CONSULTING ENGINEERS	PLANT EFFLUENT PIPE THICKNESS CHECK	\$12,123.38	\$12,123.38
181647	8/25/2022	114	729226012	EARTHCAM INC	CAMPUS BUILDING TIME-LAPSE	\$10,800.00	\$10,800.00
181565	8/18/2022	170	152397	CHARGEPOINT INC	VEHICLE CHARGER SOUTH PARKING LOT	\$10,409.79	\$10,409.79
181674	8/25/2022	110	1664227	POLYDYNE INC	41,920 LBS CLARIFLOC WE-539	\$9,132.07	\$9,132.07
181560	8/18/2022	150	287997	BURKE, WILLIAMS & SORENSON LLP	CIP - JUN 2022	\$99.84	\$8,320.00
	8/18/2022		287994		FORCE MAIN RELOCATION - JUN 2022	\$4,126.72	
	8/18/2022		288000		GENERAL LEGAL - JUN 2022	\$3,494.40	
	8/18/2022		287998		ETSU - JUN 2022	\$599.04	
181711	9/1/2022	173	39334	CDW GOVERNMENT LLC	DOCAVE 6 BACKUP AND RECOVERY TOOL	\$8,120.00	\$8,120.00

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181628	8/18/2022	143	200021	WOODARD & CURRAN INC	IRVINGTON BASIN MASTER PLAN UPDATE	\$2,128.50	\$7,121.05
	8/18/2022	143	201662		IRVINGTON BASIN RCP REHABILITATION	\$4,992.55	
181568	8/18/2022	173	521091	CORNERSTONE TECHNOLOGIES	SOPHOS RENEWAL	\$7,024.30	\$7,024.30
181548	8/18/2022	120	4111994120220801	ALAMEDA COUNTY WATER DISTRICT	SERV TO: 07/29/22-MTR HYD B16583493	\$1,602.34	\$6,913.35
	8/18/2022	120	4111994220220801		SERV TO: 07/29/22-MTR HYD B16583492	\$692.62	
	8/18/2022	120	4111993720220801		SERV TO: 07/29/22-MTR HYD B34041339	\$633.40	
	8/18/2022	120	4111994320220801		SERV TO: 07/29/22-MTR HYD B15072357	\$649.56	
	8/18/2022	120	4111994020220801		SERV TO: 07/29/22-MTR HYD B15000283	\$622.64	
	8/18/2022	120	4111996820220801		SERV TO: 07/29/22-MTR HYD B19329007	\$622.64	
	8/18/2022	120	4111994420220801		SERV TO: 07/29/22-MTR HYD B18190913	\$644.17	
	8/18/2022	120	4111996920220801		SERV TO: 07/29/22-MTR HYD B29454468	\$1,381.65	
	8/18/2022	170	4047286120220802		SERV TO: 08/02/22 - PASEO PADRE	\$64.33	
181748	9/1/2022	110	22080424	S&S TRUCKING	GRIT HAULING 08/01/2022	\$1,028.06	\$6,628.70
	9/1/2022	110	22072921		GRIT HAULING 07/27/2022	\$762.38	
	9/1/2022	110	22081026		GRIT HAULING 08/05/2022	\$1,007.15	
	9/1/2022	110	22070706		GRIT HAULING 07/05, 07/13, 07/18, 07/22/2022	\$3,831.11	
181636	8/25/2022	121	257483	BRENNTAG PACIFIC INC	5104 LBS SODIUM HYDROXIDE	\$4,394.81	\$6,544.09
	8/25/2022	121	257484		2552 LBS SODIUM HYDROXIDE	\$2,149.28	
181701	9/1/2022		30078971	ADAM HILL COMPANY	ASTD COGEN PARTS	\$5,877.95	\$5,877.95

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181745	9/1/2022		73539	R.D. KINCAIDE INC	6 PATCH KITS	\$5,681.48	\$5,681.48
181602	8/18/2022		22170	PACIFIC WATER RESOURCES	2 COGEN SEALS	\$5,532.25	\$5,532.25
181696	8/25/2022	123	49403	WECO INDUSTRIES LLC	CCTV REPAIRS	\$5,330.25	\$5,330.25
181673	8/25/2022	130	13341325	PFM ASSET MANAGEMENT LLC	INVESTMENT MANAGEMENT / ADVISORY SERVICES	\$5,246.90	\$5,246.90
181599	8/18/2022	170	417351	NEW IMAGE LANDSCAPING CO	LANDSCAPE MAINTENANCE - FMC - AUG	\$5,180.00	\$5,180.00
181672	8/25/2022	170	380420220805	PACIFIC GAS AND ELECTRIC	SERV TO 07/31/22 CHERRY ST PS	\$569.88	\$5,067.99
	8/25/2022	170	898220220805		SERV TO 07/31/2022 FREMONT PS	\$312.61	
	8/25/2022	110	892820220805		SERV TO 07/31/22 HAYWARD MARSH	\$27.72	
	8/25/2022	170	096020220805		SERV TO 07/31/22 CATHODIC PROJECT	\$48.54	
	8/25/2022	170	666720220805		SERV TO 07/31/2022 PASEO PADRE PS	\$555.73	
	8/25/2022	170	013720220811		SERV TO 08/04/22 BOYCE RD PS	\$3,528.87	
	8/25/2022	170	140120220811		SERV TO 08/03/22 IRVINGTON PS	\$24.64	
181718	9/1/2022	132	47846	ESKILL CORPORATION	ONLINE TESTING SUBSCRIPTION	\$4,620.00	\$4,620.00
181626	8/18/2022	143	900528.11	WESTERN WATER	AERATION BLOWER 11 (HIGH SPEED)	\$4,590.00	\$4,590.00
181715	9/1/2022	173	10602201790	DELL MARKETING LP C/O DELL USA	CS MANAGER LAPTOP	\$4,045.97	\$4,045.97
181758	9/1/2022		9913963978	VERIZON WIRELESS	WIRELESS SERV 7/21/22-08/20/22	\$3,127.64	\$3,866.22
	9/1/2022		9913963977		WIRELESS SERV 7/21/22-08/20/22	\$738.58	
181722	9/1/2022	122	1841097411	GOODYEAR COMM TIRE & SERV CTRS	4 TIRES	\$2,621.94	\$3,862.34
	9/1/2022	122	1841097412		4 TIRES	\$1,240.40	

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181663	8/25/2022	173	2207C06	MCCAMPBELL ANALYTICAL	LAB SAMPLE ANALYSIS	\$924.00	\$3,770.00
	8/25/2022	113	2207D64		LAB SAMPLE ANALYSIS	\$1,233.00	
	8/25/2022	113	2207G61		LAB SAMPLE ANALYSIS	\$555.00	
	8/25/2022	113	2207H15		LAB SAMPLE ANALYSIS	\$1,058.00	
181762	9/1/2022	121	50048	WECO INDUSTRIES LLC	SMALL TRUCK/CAMERA REPAIRS & PARTS	\$1,138.63	\$3,648.68
	9/1/2022	121	50049		SMALL TRUCK/CAMERA REPAIRS & PARTS	\$1,151.20	
	9/1/2022	121	50033		SMALL TRUCK/CAMERA REPAIRS & PARTS	\$444.81	
	9/1/2022		50047		CAMERA PARTS	\$914.04	
181724	9/1/2022		9391881092	GRAINGER INC	ASTD PARTS & MATERIALS	\$2,614.02	\$3,585.32
	9/1/2022	111	9388832199		ASTD PARTS & MATERIALS	\$204.77	
	9/1/2022	111	9392643582		ASTD PARTS & MATERIALS	\$47.17	
	9/1/2022		9393078887		ASTD PARTS & MATERIALS	\$367.97	
	9/1/2022	111	9386934732		ASTD PARTS & MATERIALS	\$89.32	
	9/1/2022	111	9389140246		ASTD PARTS & MATERIALS	\$18.69	
	9/1/2022	170	9393568564		ASTD PARTS & MATERIALS	\$185.64	
	9/1/2022		9388186950		ASTD PARTS & MATERIALS	\$57.74	
181694	8/25/2022		13872	VON EUW TRUCKING	3/4" CL II AB	\$3,574.59	\$3,574.59
181606	8/18/2022	120	916004998206	REPUBLIC SERVICES #916	RECYCLE & ROLL OFF - AUG 2022	\$3,476.42	\$3,476.42
181728	9/1/2022	144	13	STEPHANIE HUGHES, CHE P.E.	CONSULTING SERVICES	\$3,431.25	\$3,431.25

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181559	8/18/2022	121	261958	BRENNTAG PACIFIC INC	3828 LBS SODIUM HYDROXIDE	\$3,209.37	\$3,209.37
181683	8/25/2022		736114528601	STAPLES CONTRACT & COMMERCIAL	JANITORIAL & BREAKROOM SUPPLIES	\$688.34	\$3,068.26
	8/25/2022		735133564901		JANITORIAL & BREAKROOM SUPPLIES	\$870.01	
	8/25/2022		736039436701		JANITORIAL & BREAKROOM SUPPLIES	\$337.55	
	8/25/2022		736092048101		JANITORIAL & BREAKROOM SUPPLIES	\$918.83	
	8/25/2022		736114528603		JANITORIAL & BREAKROOM SUPPLIES	\$253.53	
181763	9/1/2022	170	19137	WESTERN MACHINE & FAB INC	4 CENTRIFUGE SLUDGE DISCHARGE HALFDOME GUARDS	\$3,051.05	\$3,051.05
181664	8/25/2022	122	83093366	MCMASTER SUPPLY INC	ASTD PARTS & MATERIALS	\$227.39	\$3,047.06
	8/25/2022	170	83343514		ASTD PARTS & MATERIALS	\$60.78	
	8/25/2022		83098488		ASTD PARTS & MATERIALS	\$165.15	
	8/25/2022		83578813		ASTD PARTS & MATERIALS	\$175.99	
	8/25/2022	170	83414508		ASTD PARTS & MATERIALS	\$32.01	
	8/25/2022		83099115		ASTD PARTS & MATERIALS	\$111.39	
	8/25/2022		83269397		ASTD PARTS & MATERIALS	\$903.81	
	8/25/2022	170	83341417		ASTD PARTS & MATERIALS	\$1,323.52	
	8/25/2022	122	83396742		ASTD PARTS & MATERIALS	\$47.02	
181580	8/18/2022	170	96700821	H & E EQUIPMENT SERVICES INC	EQUIPMENT RENTAL 07/13/2022 -	\$2,956.30	\$2,956.30
181574	8/18/2022	171	432133	ECOM AMERICA LTD	EMISSIONS ANALYZER ANNUAL SERVICE/CALIBRATION	\$2,930.03	\$2,930.03

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181703	9/1/2022		444888575777	AMAZON.COM LLC	ASTD OFFICE SUPPLIES	\$132.90	\$2,879.68
	9/1/2022		20220810		08/22 - ASTD OFFICE SUPPLIES	\$2,746.78	
181592	8/18/2022	113	2207679	MCCAMPBELL ANALYTICAL	LAB SAMPLE ANALYSIS	\$1,091.00	\$2,851.00
	8/18/2022	113	2207687		LAB SAMPLE ANALYSIS	\$858.00	
	8/18/2022	113	2207894		LAB SAMPLE ANALYSIS	\$770.00	
	8/18/2022	113	2207D75		LAB SAMPLE ANALYSIS	\$132.00	
181716	9/1/2022		53080518	DXP ENTERPRISES INC	ASTD PUMP PARTS	\$2,725.73	\$2,725.73
181637	8/25/2022		110537	BRUCE BARTON PUMP SERVICE INC	2 SUMP PUMPS	\$2,720.02	\$2,720.02
181738	9/1/2022	113	2207J98A	MCCAMPBELL ANALYTICAL	LAB SAMPLE ANALYSIS	\$70.00	\$2,677.00
	9/1/2022	113	2207J98		LAB SAMPLE ANALYSIS	\$874.00	
	9/1/2022	113	2208085		LAB SAMPLE ANALYSIS	\$180.00	
	9/1/2022	113	2208481		LAB SAMPLE ANALYSIS	\$381.00	
	9/1/2022	113	2207J83		LAB SAMPLE ANALYSIS	\$1,172.00	
181569	8/18/2022	172	438030	DALE HARDWARE INC	MISC HARDWARE	\$1,786.72	\$2,605.19
	8/18/2022		20220725		07/22 - ASTD PARTS & MATERIALS	\$818.47	
181750	9/1/2022		2101329001	SAN LEANDRO ELECTRIC SUPPLY	ASTD ELECTRICAL SUPPLIES	\$1,776.87	\$2,553.66
	9/1/2022		2101329002		ASTD ELECTRICAL SUPPLIES	\$776.79	
181648	8/25/2022	150	3137	ENS RESOURCES INC	PROFESSIONAL SERVICES - JUL 22	\$2,550.00	\$2,550.00
181612	8/18/2022		31606	SOLCOM COMMUNICATIONS INC	REFUND # 48709	\$2,500.00	\$2,500.00

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181640	8/25/2022		10376	CITY VENTURES	REFUND # 48719	\$2,500.00	\$2,500.00
181699	8/25/2022	143	5228	WORKSMART AUTOMATION INC	AERATION BLOWER 11 (HIGH SPEED)	\$2,491.18	\$2,491.18
181597	8/18/2022	170	106086	MUNIQUIP, LLC	1 TRANSDUCER AND BLACKBOX	\$2,474.50	\$2,474.50
181593	8/18/2022		82804351	MCMaster SUPPLY INC	ASTD PARTS & MATERIALS	\$3.73	\$2,268.85
	8/18/2022		82165006		ASTD PARTS & MATERIALS	\$713.94	
	8/18/2022		82086045		ASTD PARTS & MATERIALS	\$1,008.84	
	8/18/2022		82711714		ASTD PARTS & MATERIALS	\$542.34	
181658	8/25/2022	141	GTPY674	IRON MOUNTAIN	OFF-SITE STORAGE AND SERVICE - AUG 22	\$1,619.48	\$2,233.37
	8/25/2022	141	GSYN093		OFF-SITE STORAGE AND SERVICE - AUG 22	\$613.89	
181590	8/18/2022	170	480255	LUBRICATION ENGINEERS INC	10 NEW GREASE AND AUTO LUBER PACKS	\$2,136.69	\$2,136.69
181721	9/1/2022	173	20220825	MICHAEL GILL	EXP REIMB: CRADLEPOINT BACKUP SUPPORT RENEWAL	\$2,108.70	\$2,108.70
181700	9/1/2022	114	22007284	ABC IMAGING, INC	CAMPUS BUILDINGS (ADMIN, FMC, OPS)	\$2,056.82	\$2,056.82
181642	8/25/2022		152285117	COLORADO WASHINGTON INC COMCAST OF	FIBER INTERNET BACKUP - AUG 2022	\$2,010.71	\$2,010.71
181652	8/25/2022		9374178995	GRAINGER INC	ASTD PARTS & MATERIALS	\$179.08	\$1,959.81
	8/25/2022		9385680674		ASTD PARTS & MATERIALS	\$1,035.03	
	8/25/2022		9381070656		ASTD PARTS & MATERIALS	\$745.70	

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181579	8/18/2022	170	9371035099	GRAINGER INC	ASTD PARTS & MATERIALS	\$884.66	\$1,822.52
	8/18/2022	170	9372448218		ASTD PARTS & MATERIALS	\$55.40	
	8/18/2022		9374787407		ASTD PARTS & MATERIALS	\$163.00	
	8/18/2022	123	9372956731		ASTD PARTS & MATERIALS	\$398.86	
	8/18/2022	170	9376782810		ASTD PARTS & MATERIALS	\$320.60	
181576	8/18/2022		7221	ENERGY CHOICE INC	ASTD COGEN PARTS	\$1,806.68	\$1,806.68
181746	9/1/2022	123	8201125155	RED WING BUS ADVANTAGE ACCT	SAFETY SHOES: F. COUTO	\$225.00	\$1,791.73
	9/1/2022	111	8201124195		SAFETY SHOES: M. FARSAI	\$224.90	
	9/1/2022	171	8201123548		SAFETY SHOES: L. RIVERA	\$224.90	
	9/1/2022	111	8201123662		SAFETY SHOES: J. BARTON	\$225.00	
	9/1/2022	172	8201122934		SAFETY SHOES: G. OSEGUERA	\$218.28	
	9/1/2022	123	8201123436		SAFETY SHOES: B. MEDEIROS	\$223.75	
	9/1/2022	171	8201123177		SAFETY SHOES: E. TATOLA	\$224.90	
	9/1/2022	122	8201124885		SAFETY SHOES: M. LUNA	\$225.00	
181631	8/25/2022	121	16098	AMERICAN DISCOUNT SECURITY	07/01/22 - 07/31/22 GUARD AT DISTRICT	\$1,785.00	\$1,785.00
181573	8/18/2022		10603	DR HORTON BAY INC	REFUND # 48710	\$1,750.00	\$1,750.00
181584	8/18/2022	113	2901058522	KELLY SERVICES INC	TEMP LABOR-JANES, O. WK ENDING 07/24/22	\$1,732.50	\$1,732.50
181733	9/1/2022	113	3101071122	KELLY SERVICES INC	TEMP LABOR-JANES, O. WK ENDING 08/07/22	\$1,732.50	\$1,732.50
181632	8/25/2022	130	16386226	APPLEONE EMPLOYMENT SVCS	TEMP LABOR-DZOAN.T , WK END 07/30/22	\$1,708.51	\$1,708.51

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181550	8/18/2022	130	16380684	APPLEONE EMPLOYMENT SVCS	TEMP LABOR-DZOAN.T , WK END 07/23/22	\$1,707.97	\$1,707.97
181705	9/1/2022	130	16389870	APPLEONE EMPLOYMENT SVCS	TEMP LABOR-DZOAN.T , WK END 08/06/22	\$1,614.00	\$1,614.00
181747	9/1/2022	141	60509049	ROBERT HALF INTERNATIONAL INC	TEMP LABOR-PRASAD, J. WK ENDING 08/05/2022	\$1,565.58	\$1,565.58
181643	8/25/2022	170	142046	CORE & MAIN LP	ASTD PARTS & MATERIALS	\$1,487.38	\$1,556.93
	8/25/2022	170	278661		ASTD PARTS & MATERIALS	\$69.55	
181759	9/1/2022		8810409992	VWR INTERNATIONAL LLC	LAB SUPPLIES	\$339.03	\$1,526.67
	9/1/2022	113	8810409993		LAB SUPPLIES	\$57.65	
	9/1/2022		8810419371		LAB SUPPLIES	\$202.47	
	9/1/2022		8810420051		LAB SUPPLIES	\$927.52	
181551	8/18/2022		2591048617	ARAMARK	UNIFORM LAUNDERING & RUGS	\$335.43	\$1,504.07
	8/18/2022	122	2591048611		ASTD DUST MOPS, WET MOPS & TERRY	\$60.06	
	8/18/2022		2591057699		UNIFORM LAUNDERING & RUGS	\$307.95	
	8/18/2022		2591057717		UNIFORM LAUNDERING SERVICE	\$401.98	
	8/18/2022		2591048624		UNIFORM LAUNDERING SERVICE	\$398.65	
181740	9/1/2022	171	2313375	MOBILE MODULAR MANAGEMENT CORP	FMC TRAILER RENTAL - SEP 2022	\$1,492.89	\$1,492.89
181686	8/25/2022	170	423165830	TERMINIX COMMERCIAL	PEST CONTROL	\$1,113.00	\$1,423.00
	8/25/2022	170	423165829		PEST CONTROL	\$140.00	
	8/25/2022	170	423163075		PEST CONTROL	\$170.00	

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181645	8/25/2022	113	20220819	CWEA	MEMBERSHIP RENEWAL - CALANOG	\$307.00	\$1,299.00
	8/25/2022	120	20220818		4 CERT & 3 MEMBERSHIP RENEWALS - CS 6 EMPLOYEES	\$992.00	
181704	9/1/2022		116736	AMERICAN TEXTILE & SUPPLY INC	40 RAGS	\$1,277.61	\$1,277.61
181754	9/1/2022	173	253081	SYN-TECH SYSTEMS INC	ANNUAL MAINTENANCE FOR FUELMASTER	\$1,275.00	\$1,275.00
181702	9/1/2022	170	9128735875	AIRGAS NCN	4 CY ARGON	\$1,264.57	\$1,264.57
181661	8/25/2022	173	25749	LOOKINGPOINT INC	LOOKINGPOINT NEXT CARE ON DEMAND RENEWAL	\$1,225.00	\$1,225.00
181575	8/18/2022	150	20220815	PAUL ELDREDGE	EXP & TRAVEL REIMB: CASA LODGING/PER DIEM/TRANSPORTATION/M	\$1,204.69	\$1,204.69
181743	9/1/2022	141	20220830	MICHELLE POWELL	EXP REIMB: LODGING, PER DIEM - CASA CONF 2022	\$1,195.43	\$1,195.43
181567	8/18/2022	170	20220728	COMMUNICATION & CONTROL INC	UTILITY FEE/ANTENNA RENTAL	\$1,181.07	\$1,181.07
181668	8/25/2022		20220731	NAPA AUTO PARTS	MONTHLY AUTO PARTS STMT - JULY 2022	\$1,180.54	\$1,180.54
181731	9/1/2022	120	250151	JACK JAMES TOWING INC	TOW SERVICE: T3346 PLANT TO OAKLAND	\$1,137.50	\$1,137.50
181595	8/18/2022	114	2307046	MOBILE MODULAR MANAGEMENT CORP	ETSU TEMPORARY OFFICE SPACE	\$1,080.81	\$1,080.81
181710	9/1/2022	170	10025994	CARBOLINE COMPANY	PAINT & RELATED PAINT SUPPLIES	\$432.24	\$1,080.59
	9/1/2022	170	10025995		PAINT & RELATED PAINT SUPPLIES	\$648.35	
181726	9/1/2022	170	3R7550	HARRINGTON INDUSTRIAL PLASTICS	ASTD PVC PARTS & MATERIALS	\$468.84	\$1,065.95
	9/1/2022	170	3R7417		ASTD PVC PARTS & MATERIALS	\$511.80	
	9/1/2022		3R8038		ASTD PVC PARTS & MATERIALS	\$85.31	
181630	8/25/2022	170	9990539444	AIRGAS NCN	CYLINDER RENTAL	\$1,047.79	\$1,047.79
181653	8/25/2022	160	20220822	TOM HANDLEY	TRAVEL REIMB: CASA CONF LODGING/MILEAGE/PER DIEM	\$1,031.87	\$1,031.87

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181589	8/18/2022	110	20220801.1	MARCUS LEE	EXP REIMB: WEFTEC SEPT 2022 CONF REGISTRATION	\$605.00	\$1,019.16
	8/18/2022	110	20220801.3		EXP REIMB: MILEAGE - SYNAGRO DRUM DYER SITE VISIT	\$115.71	
	8/18/2022	110	20220801		EXP REIMB: WEF/CWEA MEMBERSHIP - 7/1/22-6/30/23	\$145.00	
	8/18/2022	110	20220801.2		EXP REIMB: GRADE V OPERATOR CERTIFICATION RENEWAL	\$153.45	
181736	9/1/2022	173	202208121451	KWIZCOM CORPORATION	CALENDAR PLUS WEB PART ANNUAL SUBSCRIPTION	\$1,015.00	\$1,015.00
181707	9/1/2022		18623024	AT&T	SERV: 07/10/22 - 08/09/22	\$1,009.24	\$1,009.24
181678	8/25/2022		35825	RESCUE ROOTER	REFUND # 49721	\$1,000.00	\$1,000.00
181698	8/25/2022		32663	RAYMOND WONG	REFUND # 49723	\$500.00	\$1,000.00
	8/25/2022		33702		REFUND # 49724	\$500.00	
181677	8/25/2022	170	102657	PRIME MECHANICAL SERVICE INC	MONTHLY MAINTENANCE - JUL 22	\$992.00	\$992.00
181616	8/18/2022		20550283	TELEDYNE ISCO INC	SAMPLING SUPPLIES	\$987.89	\$987.89
181555	8/18/2022	136	2522487052	BANK OF NEW YORK	JUN 2022 SERVICE FEES	\$981.61	\$981.61
181598	8/18/2022	173	22976	NEOGOV	NEOGOV GOVERNMENT JOBS RENEWAL	\$915.41	\$915.41
181563	8/18/2022	173	6001317623	CANON SOLUTIONS AMERICA INC	MTHLY MAINTENANCE BASED ON USE	\$363.30	\$897.60
	8/18/2022	173	6001316713		MTHLY MAINTENANCE BASED ON USE	\$534.30	
181741	9/1/2022	170	2400146905	MOTION INDUSTRIES INC	ASTD PARTS & MATERIALS	\$879.64	\$879.64
181553	8/18/2022	173	523083	AVERTIUM LLC	VULNERABILITY SCAN SUBSCRIPTION - JUN 2022	\$845.00	\$845.00
181554	8/18/2022	173	523685	AVERTIUM LLC	VULNERABILITY SCAN SUBSCRIPTION - JUL 2022	\$845.00	\$845.00
181650	8/25/2022	113	5286885	FISHER SCIENTIFIC	LAB SUPPLIES	\$841.83	\$841.83

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181556	8/18/2022	143	72245	BEECHER ENGINEERING	SWITHBOARD NO 3 & MCC NO 25 REPLACEMENT	\$840.00	\$840.00
181654	8/25/2022		3R7552	HARRINGTON INDUSTRIAL PLASTICS	FITTINGS	\$174.28	\$814.92
	8/25/2022	170	3R7551		ODOR SCRUBBER HYPO PANEL ASahi VALVES	\$1,237.33	
	8/25/2022	170	3R7416		ASTD PVC PARTS & MATERIALS	\$622.37	
	8/25/2022	170	3R6516		CR: ODOR SCRUBBER PANELS	\$-1,254.31	
	8/25/2022		3R7242		ASTD PVC PARTS & MATERIALS	\$35.25	
181633	8/25/2022		2591060638	ARAMARK	UNIFORM LAUNDERING & RUGS	\$341.75	\$811.71
	8/25/2022		2591060652		UNIFORM LAUNDERING SERVICE	\$403.90	
	8/25/2022		2591060625		ASTD DUST MOPS, WET MOPS & TERRY	\$66.06	
181680	8/25/2022	170	333284	ROCHESTER MIDLAND CORPORATION	HOT WATER LOOP SERVICE	\$785.92	\$785.92
181665	8/25/2022	170	220839	METROMOBILE COMMUNICATIONS INC	RADIO SERVICE - AUG 2022	\$772.91	\$772.91
181659	8/25/2022	132	2876426	JOBELEPHANT.COM INC	JOB POSTING: ETSU ASSISTANT PM	\$250.00	\$750.00
	8/25/2022	132	2876425		JOB POSTING: TSCS COACH	\$250.00	
	8/25/2022	132	2875934		JOB POSTING: AFA	\$250.00	
181687	8/25/2022	123	108363	TRI-SIGNAL INTEGRATION INC	FIRE PROTECTION SERVICE - REPLACE SMOKE DETECTOR	\$726.13	\$726.13
181706	9/1/2022		2591063537	ARAMARK	UNIFORM LAUNDERING SERVICE	\$403.28	\$718.52
	9/1/2022		2591063519		UNIFORM LAUNDERING & RUGS	\$315.24	
181609	8/18/2022	110	22071321	S&S TRUCKING	GRIT HAULING 07/08/2022	\$692.25	\$692.25

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181655	8/25/2022		39916	HAYWARD PIPE AND SUPPLY	ASTD PARTS & MATERIALS	\$320.09	\$668.34
	8/25/2022	123	39997		ASTD PARTS & MATERIALS	\$348.25	
181562	8/18/2022	113	635140	CALTEST ANALYTICAL LABORATORY	10 LAB SAMPLE ANALYSIS	\$654.05	\$654.05
181641	8/25/2022	132	220914687	CLAREMONT BEHAVIORAL SERVICES	SEP 2022 EAP PREMIUMS	\$644.00	\$644.00
181582	8/18/2022		604819819	HILLYARD/SAN FRANCISCO	ASTD JANITORIAL SUPPLIES	\$642.29	\$642.29
181739	9/1/2022		83014093	MCMASTER SUPPLY INC	ASTD PARTS & MATERIALS	\$321.97	\$610.51
	9/1/2022	170	83728967		ASTD PARTS & MATERIALS	\$115.38	
	9/1/2022		83869030		ASTD PARTS & MATERIALS	\$173.16	
181561	8/18/2022		20220816	STATE OF CALIFORNIA	SALES & USE TAX 07/01/22 - 07/31/2022	\$608.25	\$608.25
181670	8/25/2022	173	202207319	AYHAN OZCAN	UPDATING VISUAL STUDIO	\$600.00	\$600.00
181671	8/25/2022	122	2565	PACIFIC CRANE INSPECTION	ANNUAL CRANE INSPECTIONS	\$600.00	\$600.00
181737	9/1/2022		5426154	MALLORY SAFETY AND SUPPLY LLC	37 PR GLOVES	\$157.75	\$580.17
	9/1/2022		5425179		107 PR GLOVES	\$422.42	
181600	8/18/2022	171	20220815	STEVEN NOEGEL	EXP REIMB: MILEAGE/PER DIEM - BACKFLOW CERTIFICATION CLASS	\$575.00	\$575.00
181587	8/18/2022	170	389369	KLEEN BLAST ABRASIVES	BLASTING MATERIALS	\$573.14	\$573.14
181667	8/25/2022	170	2400143656	MOTION INDUSTRIES INC	ASTD PARTS & MATERIALS	\$561.49	\$561.49
181624	8/18/2022	113	8810220174	VWR INTERNATIONAL LLC	LAB SUPPLIES	\$153.68	\$553.69
	8/18/2022		8810206705		LAB SUPPLIES	\$400.01	
181591	8/18/2022		5404743	MALLORY SAFETY AND SUPPLY LLC	CALIBRATION GAS	\$540.23	\$540.23

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181617	8/18/2022		37886	THE CONSTRUCTION ZONE LLC	4 TRAFFIC SIGNS	\$535.81	\$535.81
181577	8/18/2022		35826	FRANK FREITAS	REFUND # 48704	\$500.00	\$500.00
181588	8/18/2022		33704	KNOX SEWERS & BACKHOE SERVICE	REFUND # 48716	\$500.00	\$500.00
181604	8/18/2022		34805	RANDAZZO ENTERPRISES INC	REFUND # 48702	\$500.00	\$500.00
181608	8/18/2022		35832	ROOTER HERO	REFUND # 48703	\$500.00	\$500.00
181651	8/25/2022		35834	RICARDO GAMBOA	REFUND # 49720	\$500.00	\$500.00
181684	8/25/2022		34809	STAR ROOTER & PLUMBING INC	REFUND # 49725	\$500.00	\$500.00
181692	8/25/2022		35836	CHANDU VAGHASIA	REFUND # 49726	\$500.00	\$500.00
181695	8/25/2022		33730	VICRUMNAUG VUPPALAPATY	REFUND # 49727	\$500.00	\$500.00
181714	9/1/2022		20220831	BILL CROWLEY	THIRD PARTY CLAIM	\$500.00	\$500.00
181549	8/18/2022	170	45515	ALLIED FLUID PRODUCTS CORP	ASTD PARTS & MATERIALS	\$498.54	\$498.54
181552	8/18/2022	170	502514	AUTO BODY TOOLMART	ASTD PARTS & MATERIALS	\$483.37	\$483.37
181547	8/18/2022	171	9128437963	AIRGAS NCN	ASTD PARTS & MATERIALS	\$458.16	\$458.16
181751	9/1/2022	173	2772	SHARESQUARED INC	SHAREPOINT PROFESSIONAL SUPPORT	\$416.25	\$416.25
181596	8/18/2022	170	2400145979	MOTION INDUSTRIES INC	ASTD PARTS & MATERIALS	\$406.59	\$406.59
181603	8/18/2022	144	20220812	VICTOR PADILLA	EXP REIMB: AIRFAE/PER DIEM - TRI-STATE SEMINAR LAS VEGAS	\$403.95	\$403.95
181572	8/18/2022	121	17118767	DOMYOWN.COM	PEST CONTROL SUPPLIES	\$401.80	\$401.80
181723	9/1/2022	130	20220825	ALISA GORDON	EXP REIMB: CALPELRA ANNUAL MEMBERSHIP	\$380.00	\$380.00
181619	8/18/2022	136	98XW53302	UPS - UNITED PARCEL SERVICE	SHIPPING CHARGES W/E 07/23/22	\$352.33	\$352.33

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181727	9/1/2022		39960	HAYWARD PIPE AND SUPPLY	ASTD PARTS & MATERIALS	\$334.82	\$334.82
181730	9/1/2022	173	6063963	INTRADO LIFE & SAFETY INC	E911 ANNUAL SUBSCRIPTION	\$325.00	\$325.00
181676	8/25/2022		175777	PREFERRED ALLIANCE INC	JUL 2022 SERVICE FEE	\$302.94	\$302.94
181644	8/25/2022	173	30619635	CORELOGIC INFORMATION SOLUTION	REALQUEST 12 MONTH SERVICE	\$300.00	\$300.00
181607	8/18/2022	144	20220812	AARON ROBLES	TRAVEL REIMB: TRI-STATE CONF PER DIEM/SHUTTLE	\$292.99	\$292.99
181669	8/25/2022	132	2202653	OPTIMUM TECHNOLOGIES LLC	AT HOME EMPLOYEE PORTAL	\$277.00	\$277.00
181557	8/18/2022	120	17302660	BLAISDELL'S	ASTD OFFICE SUPPLIES	\$244.37	\$267.32
	8/18/2022	144	17296130		ASTD OFFICE SUPPLIES	\$22.95	
181732	9/1/2022	132	32090331090520220809	KAISER PERMANENTE	2 DOT PHYSICALS	\$230.00	\$230.00
181627	8/18/2022	123	2751823001	WHCI PLUMBING SUPPLY CO	ASTD PARTS & MATERIALS	\$224.87	\$224.87
181634	8/25/2022	171	25798200	BECK'S SHOES	SAFETY SHOES: M. TATAKAMOTONGA	\$215.53	\$215.53
181753	9/1/2022	123	120031578001	SITEONE LANDSCAPE SUPPLY, LLC	3/4 YD CONCRETE 6SK & ASTD SUPPLIES	\$206.17	\$206.17
181594	8/18/2022	170	56508	METROMOBILE COMMUNICATIONS INC	METRO MOBILE ANNUAL RADIO SERVICE	\$193.89	\$193.89
181613	8/18/2022	111	20220811	SAM SOTH	EXP REIMB: CWEA MEMBERSHIP RENEWAL	\$192.00	\$192.00
181662	8/25/2022	170	771050800	MATHESON TRI-GAS INC	MONTHLY CYLINDER RENTAL - JULY 2022	\$182.04	\$182.04
181635	8/25/2022	141	17277921	BLAISDELL'S	ASTD OFFICE SUPPLIES	\$29.99	\$176.13
	8/25/2022		17323010		ASTD OFFICE SUPPLIES	\$146.14	
181581	8/18/2022		3979901	HAYWARD PIPE AND SUPPLY	ASTD PARTS & MATERIALS	\$154.18	\$154.18
181685	8/25/2022	173	20220822	RUFUS TAI	EXP REIMB: PMI MEMBERSHIP RENEWAL	\$154.00	\$154.00

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181682	8/25/2022	141	20220730	SPOK INC	AUG 2022 PAGER SERVICE	\$135.29	\$135.29
181660	8/25/2022	170	389969	KLEEN BLAST ABRASIVES	BLASTING MATERIALS	\$132.90	\$132.90
181729	9/1/2022	121	558254	HULBERT LUMBER SUPPLY	ASTD LUMBER SUPPLIES	\$129.82	\$129.82
181709	9/1/2022	113	635600	CALTEST ANALYTICAL LABORATORY	2 LAB SAMPLE ANALYSIS	\$125.40	\$125.40
181605	8/18/2022		119346	REMOTE SATELLITE SYSTEMS INT'L	IRIDIUM SVC FEE SEP 2022	\$118.00	\$118.00
181713	9/1/2022	110	20220830	MITCHELL COSTELLO	EXP REIMB: FLOWERS - W. COGGINS	\$108.36	\$108.36
181611	8/18/2022	130	20220811	JENNIFER SIO-KWOK	EXP REIMB: OST 1ST QTR RECOGNITION LUNCH	\$103.65	\$103.65
181725	9/1/2022	130	280193	HANIGAN COMPANY INC	BUSINESS CARDS - A. GORDON	\$58.88	\$100.87
	9/1/2022	150	280266		BUSINESS CARDS - P. ELDRIDGE	\$41.99	
181679	8/25/2022	170	459225	RKI INSTRUMENTS INC	ASTD PARTS & MATERIALS	\$99.68	\$99.68
181749	9/1/2022	170	85340220220819	SAN FRANCISCO WATER DEPT	SERVICE 07/21/2022 - 08/18/22	\$79.20	\$79.20
181610	8/18/2022	170	2207282S	SGS NORTH AMERICA INC	2 ANALYSIS	\$40.00	\$78.00
	8/18/2022	170	2207283S		2 ANALYSIS	\$38.00	
181571	8/18/2022	173	573632	DLT SOLUTIONS, LLC	AWS CLOUD STORAGE - JUN 2022	\$76.48	\$76.48
181558	8/18/2022	130	20220815	GENE BOUCHER	RETIREMENT GIFT - 5 YEARS OF SERVICE	\$75.00	\$75.00
181720	9/1/2022	110	20220829	MICHAEL FULKERSON	EXP REIMB: 2022 SFBS SAFETY SEMINAR	\$75.00	\$75.00
181688	8/25/2022	141	435078	ULTRAEX LLC	COURIER SVCS: 1 BOARDMEMBER DELIVERY - 07/20/22	\$66.36	\$66.36
181623	8/18/2022		9912356052	VERIZON WIRELESS	WIRELESS SERV 07/02/22-08/01/22	\$60.11	\$60.11
181681	8/25/2022	170	2207540S	SGS NORTH AMERICA INC	3 ANALYSIS	\$58.00	\$58.00

**UNION SANITARY DISTRICT
CHECK REGISTER
08/13/2022-09/02/2022**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Am
181666	8/25/2022	121	8413484	MOTION & FLOW CONTROL PRODUCTS	ASTD PARTS & MATERIALS	\$50.13	\$50.13
181752	9/1/2022	171	20220830	AARON SHONG	EXP REIMB: MILEAGE FOR CALL-OUT	\$45.25	\$45.25
181578	8/18/2022	132	20220815	CHRISTOPHER GONZALES	REIMB LIVESCAN PRE-EMPLOYMENT	\$40.00	\$40.00
181583	8/18/2022	132	20220812	REBECCA INGALLS	REIMB LIVESCAN PRE-EMPLOYMENT	\$40.00	\$40.00
181712	9/1/2022	122	1903241012	CINTAS CORPORATION	1 JACKET FOR PEAN	\$36.54	\$36.54
181690	8/25/2022	136	98XW53312	UPS - UNITED PARCEL SERVICE	SHIPPING CHARGES W/E 07/30/22	\$36.00	\$36.00
181757	9/1/2022	136	98XW53322	UPS - UNITED PARCEL SERVICE	SHIPPING CHARGES W/E 08/06/22	\$36.00	\$36.00
181735	9/1/2022	132	20220830	KATHLEEN KING	EXP REIMB: DONUTS PO III FINALIST INTERVIEWS	\$17.49	\$17.49
181639	8/25/2022	170	20220822	PETE CHAPARRO	EXP REIMB: MILEAGE FOR CALL OUT	\$16.50	\$16.50
181708	9/1/2022		17302661	BLAISDELL'S	ASTD OFFICE SUPPLIES	\$7.69	\$7.69

Invoices:

Credit Memos :	1	-1,254.31
\$0 - \$1,000 :	210	77,294.52
\$1,000 - \$10,000 :	113	387,006.64
\$10,000 - \$100,000 :	31	809,171.65
Over \$100,000 :	6	1,881,205.35
Total:	361	3,153,423.85

Checks:

\$0 - \$1,000 :	97	40,322.90
\$1,000 - \$10,000 :	85	251,867.52
\$10,000 - \$100,000 :	30	980,028.08
Over \$100,000 :	6	1,881,205.35
Total:	218	3,153,423.85

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
August 22, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

President Lathi called the meeting to order at 4:00 p.m. The regular meeting time was modified due to the COVID-19 emergency.

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Paul Eldredge, General Manager/District Engineer
Leah Castella, District Counsel
Mark Carlson, Business Services Manager/CFO
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Raymond Chau, Interim Technical Services Manager
Alisa Gordon, Human Resources Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Gus Carrillo, ETSU Assistant Engineer
Trieu Nguyen, IT Administrator
Sharon Anderson, Administrative Specialist

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF AUGUST 8, 2022

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of August 8, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

JULY 2022 MONTHLY OPERATIONS REPORT

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. General Manager Eldredge provided an overview of the Monthly Report, and Business Services Manager/CFO Carlson provided an overview of the financial reports.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

REVIEW AND CONSIDER APPROVAL OF POLICY 2090 RESERVES, ALLOCATIONS AND FUND BALANCE

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson presented a proposal to update the District's reserve policy to reflect the EBDA Emergency Reserves Policy passed by EBDA on 11/18/2021, and update the Plant and Pump Station Renewal and Replacement Fund allocation from \$250,000 to \$400,000. Staff recommended the Board review and consider approval of Policy 2090 Reserves, Allocations and Fund Balance.

It was moved by Secretary Toy, seconded by Director Handley, to Approve Policy 2090 Reserves, Allocations and Fund Balance. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 4 WITH HAZEN AND SAWYER TO PROVIDE ENGINEERING SERVICES DURING CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PROGRAM PHASE 1A CAMPUS BUILDING PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin provided an overview of the scope of services and fee for Task Order No. 4 that is included in the Board packet.

The construction contract for the Campus Building Project was awarded to Zovich Construction on June 13, 2022. Staff recommended the Board authorize the General Manager to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project).

It was moved by Director Kite, seconded by Director Handley, to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project). Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 1 WITH ZOVICH CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1A CAMPUS BUILDING PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin stated the construction contract for the Project to Zovich Construction was awarded on June 13, 2022. The award included the procurement of Bid Alternates for a Builder's Risk policy and Act of God insurance. Zovich Construction was able to acquire a Builders Risk insurance policy that had a minimum coverage limit for flood of \$10,000,000.00, which is less than the amount in the contract of \$25,000,000.00. Staff concurs with the proposed limit after reviewing the flooding risks with the District's Risk Management Consultant. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project.

It was moved by Secretary Toy, seconded by Director Handley, to Authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

COVID-19 UPDATE AND CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts. AB 361 requires public agencies to make findings by

majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. The District is continuing to hold teleconferenced meetings as allowed under AB 361 due to the ongoing public health threat of COVID-19. The proposed resolution includes findings required by AB 361 to allow the District to hold teleconferenced meetings. Staff provided an update on the status of the COVID-19 Emergency Order and will forward additional information to the Board as it becomes available. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

President Lathi stated she is amenable to continuing remote meetings if that's what everyone is comfortable with but disagrees with some of the language in the resolution as things no longer seem as dire as put forth there. She therefore requested language revisions to of the COVID-19 staff report and AB 361 Resolution, to be presented at the next opportunity. ~~Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.~~

It was moved by Director Handley, seconded by Secretary Toy, to Adopt Resolution No. 2981 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

RECEIVE INFORMATION AND PROVIDE DIRECTION REGARDING REIMBURSEMENT FOR MEALS WHILE TRAVELING FOR DISTRICT BUSINESS

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson requested the Board provide direction regarding reimbursement for meals while traveling for District business. The Board directed staff to retain current meal reimbursement methodology.

INFORMATION ITEMS:

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Engineering and Information Technology, and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

- There has been recent news coverage regarding the Algal Bloom in the SF Bay and Oakland Estuary. All signs indicate these blooms are naturally occurring phenomenon.
- The General Manager presented an overview of several topics that were presented at the CASA Conference, including PFAS, Cyber Security, and Flushables.
- The next CASA Conference is expected to be held in January 2023.

- The Annual District Update Board Workshop will be held Tuesday, August 23, 2022 @ 4pm.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:57 p.m. to a Board Workshop to be held virtually on Tuesday, August 23, 2022, at 4:00 p.m.

SUBMITTED:

ATTEST:

SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 12th day of September 2022