

REQUEST FOR PROPOSALS (RFP)

MARIPOSA COUNTY

Development of a Water Resources Feasibility Study

Work Items will Include:

1. Prepare a feasibility study exploring the potential beneficial uses that may be derived from the development of water related infrastructure projects/programs in Mariposa County associated with Lake McClure, Maxwell Creek, and Bean Creek.
2. A completed feasibility study and associated beneficial uses recommendation will include application of current settlement agreements terms and conditions, including funding availability and timeline issues related to potential constructability and/or program implementation. A completed feasibility study will also reflect research of previous studies, similar water resource infrastructure projects or water related programs.
3. The completed feasibility study will also be required to include a preliminary constructability assessment that includes a conceptual design presentation, an estimated construction cost analysis as well as probable design development and constructability timelines as a completed project.

DATE ISSUED: June 24, 2022

PROPOSALS DUE: July 19, 2022

SUBMIT TO: Public Works
Mariposa County
4639 Ben Hur Road
Mariposa, CA 95338

REFER QUESTIONS TO: Larry Harris, Public Works Deputy Director

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SECTION I – GENERAL INFORMATION

I-1. Request for Proposals

Mariposa County is requesting proposals from consultants to prepare a feasibility study to explore the potential benefits that may be derived from the development of water related infrastructure projects such as, but not limited to, aquaculture, agriculture and recreation applications based on the current agreement between Mariposa County and the Merced Irrigation District (MID). This agreement is further defined by the Federal Energy Regulatory Commission (FERC Permit Merced River Hydroelectric Project – FERC Project No. 2179-043), within Mariposa County, dated December 2015.

The consultants shall incorporate their own expertise into their proposals, but the scope of services generally includes:

(1) Research, investigate and report on existing and previous Mariposa County water studies/projects and other similar agency projects, and regulator operational constraints for federal/state regulatory hydropower operations and water rights/quality as defined in the California Code of Regulations (CCR) § 659-672 and actions or reviews of the State Water Quality Control Board, as well as permit requirements included in FERC license(s) for the Merced River Hydroelectric Projects.

<http://www.mariposacounty.org/2551/Water-Agency-Advisory-Board>

(2) Evaluating and reporting on the specific feasibility of any current and/or future beneficial uses to Mariposa County of developing aquaculture, agriculture and recreation infrastructures or programs and/or uses of water, including recreational uses that support designated areas or habitats, such as established refuges, parks, ecological sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS) where the preservation or enhancement of natural resources requires special protection.

(3) Creating a cost/benefit analysis of potential infrastructure project or projects, which complies with the current Mariposa County MID Agreement's timelines and funding obligation requirements.

(4) Producing a minimum of two draft reports and one final feasibility report submitted to and reviewed by the Mariposa County public works department, Mariposa County Water Agency Advisory Board and two (2) formal presentations to the Mariposa County Board of Supervisors.

The selected consultant shall have a thorough knowledge of all appropriate State and Federal water and natural resources agencies' plans, policies, codes, laws, and regulations as may pertain to this RFP and beneficial uses of water in general, and the broad range of beneficial uses as defined in the California Code of Regulations (CCR) § 659-672 that include domestic; irrigation; power; municipal, mining, industrial; fish and wildlife preservation and enhancement; aquaculture; recreational; stock watering; water quality.

https://www.waterboards.ca.gov/waterrights/water_issues/programs/public_trust_resources/#beneficial

I-2. Background

The County entered into two agreements with the Merced Irrigation District “M.I.D.” in April 2017. The agreements are part of a lawsuit settlement, providing a unique opportunity for the County to develop (2) two new water resource “Diversion” projects at Lake McClure (Northside and Southside). The agreement includes as much as a total \$18 million plus accrued interest to build these projects – from feasibility through design and construction. The water supply volume for these projects will not exceed 8,000 acre-feet per year. These projects must be completed by May 2047 – in accordance with the referenced agreements.

A separate item in the agreement with M.I.D. includes the ability of the County to develop new water resource projects on both Maxwell Creek (up to 4,000 acre-feet per year), and Bean Creek (up to 1,200 acre-feet per year). These potential projects also must be completed by May 2047, but they would need to be financed by a separate funding mechanism. The following web links contains related background documents for this project.

<https://www.mariposacounty.org/DocumentCenter/View/90387>

<https://www.mariposacounty.org/DocumentCenter/View/90386>

<https://www.mariposacounty.org/DocumentCenter/View/90389>

<http://www.mariposacounty.org/DocumentCenter/View/92309>

<https://www.mariposacounty.org/DocumentCenter/View/90408>

Genesis of Project

Merced Irrigation District and County of Mariposa Settle Water Rights Dispute

- After several years of litigation, the County of Mariposa (the “County”) and Merced Irrigation District (“MID”) settled a long-standing dispute regarding their respective rights under a 1960 water rights agreement, which related to MID’s construction of the New Exchequer Dam.
- MID originally filed the lawsuit in 2013, which primarily concerned whether MID was required to make additional payments to the County under the 1960 agreement after 2015.
- MID argued the payments were conditioned upon the County’s construction of a water resources project on the South Fork of the Merced River, and (i) the County had not developed a water resources project on the South Fork, and (ii) development of a water resources project on the South Fork was legally impossible because the South Fork had been designated “wild and scenic” under the federal Wild & Scenic Rivers Act (the “WSRA”).
- The County countered that (i) its receipt of the future payments was not conditioned upon its construction of a water resources project, and (ii) the WSRA did not render a future water resources project impossible.

- The parties reached a settlement to resolve the above disputes, which includes the following:
 - An initial one-time payment by MID to the County of \$1,500,000 that may be used for any purpose.
 - Annual payments of 2% of MID's annual gross hydroelectric generation revenues (in an amount not to exceed \$300,000/year) that may be used for any purpose, for up to 30- years.
 - Annual payments of 6% of MID's annual gross hydroelectric generation revenues, up to \$18,000,000 in total deposits into escrow, that the County may use to develop two water resources projects at Lake McClure (one on the North side, one on the South side). Any unused funds at the end of the 30-year period (or after the completion of the two projects if that occurs sooner) to be split 50/50 between MID and the County. In addition the County shall use best efforts to ensure that its Northside Diversion Works Project utilizes an existing Lake Don Pedro Community Services District (LDPCSD) point of diversion.
 - A water supply for the water resources projects of up to 8,000 acre-feet per year ("AFY"), without charge, with the same level of priority as MID's Class 2 users.
 - Preservation of 30,000 acre-feet per year of the County's water rights from the South Fork of the Merced River; and
 - For a 30-year period, the County's continued ability to develop water resources projects on Maxwell Creek (4,000 AFY) and Bean Creek (1,200 AFY). After any such project is developed, the right to use such water would extend in perpetuity

I-3. Tentative Project Milestones

June 24, 2022: Advertise RFP

July 19, 2022: Proposals Due Date

July 2022: Proposals Reviewed by Selection Committee

August 2022: Top Consultant(s) Invited for Interviews at the Regular Scheduled Mariposa County Water Agency Advisory Meeting

August/Sept 2022: Top Consultant Selected, Contract Approval/Award Process and Issuance of Notice-to-Proceed (NTP)

November/Dec 2022: First Draft Feasibility Report Due

March/April 2023: Second Draft Feasibility Report Due

June/July 2023: Final Feasibility Report Due and Board of Supervisors Presentation

The project is scheduled to be completed within one year from the issuance of the formal Notice to Proceed.

I-4. Official Contacts

Questions by phone or in writing regarding the scope of services or other RFP related questions must be directed to:

Larry Harris, Public Works Deputy Director

(209) 966-5356

E-mail: lharris@mariposacounty.org

I-5. Proposal Due Date

Four (4) print; plus, one (1) USB drive of the proposal must be delivered to the Mariposa County Department of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338 no later than July 19, 2022, at 4:00 P.M. local time. Facsimile or electronically transmitted qualifications **will not** be accepted. Late qualifications will be kept by the County, but not considered for award. Proposals must be sealed and clearly addressed and marked with the RFP title.

Any proposals may be withdrawn at any time before the due date and time, by providing a written request for the withdrawal of the proposal to the County. A duly authorized representative of the consultant shall execute the request. Withdrawal of a proposal will not prejudice the right of the consultant to submit a new proposal.

I-6. Addenda

The County may modify the RFP at any time prior to the RFP due date. It is recommended that proposers periodically check with the Department of Public Works at (209) 966-5356, via email to lharris@mariposacounty.org, and on the County Web Page for any posted addenda. Proposers who have submitted proposals prior to the due date will also be notified through their contact information provided with their proposal. Addenda will be numbered consecutively. Verbal modifications to the RFP specifications shall not be binding upon the County.

I-7. Irregularities

The County reserves the right to waive any non-material irregularities or information in the RFP or in any proposal.

I-8. Incurred Costs

The County is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal.

I-9 Equal Opportunity Policy for Contractors

Mariposa County requires all proposers to comply with federal, state and local law and ordinance regarding equal opportunity practices that all programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

SECTION II – FORM AND CONTENT

II-1 Submittal

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the consultant's capabilities to satisfy the requirements of the RFP, and should be easily reproducible.

All pages of the proposal must be numbered consecutively. The proposal shall not be excessive but instead should be concise. The proposal must be organized in accordance with the list of contents.

II-2 Form and Content

Consultants should minimally include the following items in their proposals. All items must fall within a maximum page count of 25 pages, double sided.

- A. All proposals must include a cover letter addressed to Director of Public Works, Attn: Larry Harris, Public Works Deputy Director, 4639 Ben Hur Road, Mariposa, CA 95338 and signed by a duly constituted official legally authorized to bind the applicant to the proposal. The cover letter must include name, address, and telephone number of the proposer submitting the proposal and the name, title, address, telephone number, FAX number and email address of the person, or persons to contact who are authorized to represent the proposer and to whom correspondence should be directed.

- B. Table of Contents

Include a clear identification of the item by section and by page number.

- C. Executive Summary

The proposer may use this section to introduce the qualifications or to summarize the key provisions of the qualifications.

- D. Statement of Understanding

The proposer shall include a detailed statement of understanding of the project.

- E. Project Team and Qualifications

This portion should include the name of the person who will be responsible for the management and administration of the Water Resources Feasibility Study for the County with a resume of that person's experience and qualifications, the names and resumes of their assigned staff, relevant technical experience, and the availability of staff for the services. After selection of a consultant by the County, no substitution of key staff or sub-contractors may occur without the written approval of the County. Sub-consultants should be listed similarly.

1. A list of related, recent projects should be included with the name of the contact person and the telephone number for which the consultant has

recently or currently provides services under the scope of work.

2. Scope of Work: The consultant shall describe the proposed work by task, including any tasks that had been performed by sub-consultants.

F. Similar State and Federal Accessibility Reporting Examples and References

The qualification should include a listing of public sector assignments that can support the proposer's abilities, to fulfill the services requested in this RFP. At a minimum, the listing should include plan title, plan location, project manager contacts information and range of project budget, and any other information that could be useful during the evaluation process.

G. Additional Information

Any other information that the proposer feels applicable to the evaluation of the proposal or of their qualification for accomplishing the project should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other consultants.

H. Fee Schedule

The Consultant's submittal should include a separate, sealed envelope containing the fixed rate of compensation for completion of each phase to Feasibility Study project. The work items can be further detailed according to the consultant's understanding of the necessary elements.

SECTION III –SCOPE OF WORK

III-1. General Conditions

The County of Mariposa shall not be liable for any pre-contractual expenses incurred by the consultant, nor shall any consultant include such expenses as part of the proposed cost. Pre-contractual expenses include any expense incurred by a qualification and negotiation of any terms with the County.

The County reserves the right to withdraw this RFP at any time without prior notice and to reject any and all proposals submitted without indicating any reasons. Any award of contract for services shall be made to the consultant best qualified and responsive in the opinion of the County.

Proposals may, at the County's option, be rejected if they contain any alterations, additions, conditions, or alternatives, are incomplete, or contain erasures or irregularities of any kind. The County reserves the right to reject any and all proposals. The County expressly reserves the right to postpone submittal opening for its convenience and to reject all submittals responding to this RFP.

The selected consultants or consultants must agree to indemnify, hold harmless and defend the county, its officers, agents and assigns from any liability or loss resulting from suits, claims, or actions brought against the County which result directly or indirectly from the wrongful or negligent actions of the consultant in the performance of the contract.

The selected consultant will be required to comply with all existing state and federal labor laws including those applicable to equal opportunity employment provisions.

The County reserves the right to negotiate special requirements and proposed service levels using the selected proposal as a basis. Compensation for services will be negotiated with the selected consultant.

All responses to this RFP shall become the property of the County and will be retained or disposed of accordingly.

No amendments, additions or alternates shall be accepted after the submission date and time.

All documents, records, designs, and specifications developed by the selected consultant while providing services for Mariposa County shall become the property of the County. Anything considered to be proprietary should be so designated by the consultant in advance.

Acceptance by the County of any proposal submitted pursuant to this RFP shall not constitute any implied intent to enter into a contract for services.

The County reserves the right to issue a written notice to all participating consultants of any change in the proposal submission schedule should the County determine, in its sole discretion, that such changes are necessary.

III-2. Scope of Services

Task 1. Project Management

Consultant shall be responsible for the project management activities throughout the life of the contract including, but not limited to, managing the schedule, budget, and organizing meetings. The consultant shall include a monthly meeting with County Staff and project stakeholders until the final report is delivered.

Deliverables

- Kickoff meeting minutes between the Consultant and County staff and special subcommittee members of the Water Agency Advisory Committee to clarify project objectives.
- Monthly Progress Reports. The report shall be a written narrative describing the overall progress of the work to-date, describe status of work/research to date, discuss significant problems or issues along with any proposed corrective actions. Included in the monthly progress reports will be a budget status report. Monthly progress reports will be reviewed by County staff and Water Agency Advisory Committee Sub-committee members. In concert with sub-committee members, County staff will prepare written comments in response to submitted monthly progress reports or follow-up with a conference call meeting, if appropriate.

Task 2. Research and Investigation

Consultant shall survey existing County program policies, practices and/or procedures identified by the County or identified as relevant by the Consultant as critical to the understanding the potential beneficial uses that are being evaluated.

Deliverables

- Updated and discussed at monthly progress meetings and incorporated in draft and final reports as appropriate.

Task 3. Site Assessments

Consultant shall collect relevant datasets including land use hydrologic soils groups, slopes, and groundwater conditions.

To the extent required the consultant will conduct site visits in and around County locations associated with this project or may become associated with this project scope depending on the type or types of beneficial water uses being evaluated.

Deliverables

- Trip reports, if critical to the development of the project and potential final feasibility outcomes.

Task 4. Public Outreach

Consultant shall facilitate one public meeting in an open house/workshop-type format to advise and educate the public of the plan and provide an opportunity for interested parties or organizations to provide comments. The meeting shall include a formal presentation by the Consultant followed by questions, answers, and public comments. The County will arrange the meeting location and any necessary facility setup.

In addition to the public meeting, consultant shall prepare and host an online questionnaire/survey to collect feedback and identify areas of concern.

Deliverables

- One public meeting including preparation of announcement and meeting materials, hosting the meeting, and maintaining a record of the minutes.
- Preparation of an online public survey and compiled results

Task 5. Feasibility Study (Report)

The two draft feasibility reports will include, at a minimum, the following items.

- Executive Summary
- Description of the Proposed Beneficial Uses
- Problems, Opportunities and Constraints of Three (3) Alternatives of Financial, Environmental and Location Factors of Proposed Beneficial Uses Including...
- Description of Anticipated Environmental Compliance Issues and/or Concerns Associated with any Proposed Beneficial Uses Including with the Division of Dam Safety (DSOD). This section will also include recommendations and/or proposed strategies on how best to address environmental compliance issues in a timely manner.
- Financial and Constructability Analysis of Proposed Beneficial Uses Related to the Requirements of the Mariposa/MID Agreement
- Overall Proposed Schedule and Budgetary Requirements for the Development of a Preferred "Built" Infrastructure Project
- Conclusion Section. Include the Consultants profession opinion on any long-term benefits of a selected beneficial use to the County as-a-whole, the affected natural and cultural environs, businesses (ranching/agricultural/recreation) and include any potential positive economic benefits that may be realized outside the County by nearby communities and/or federal or state programs (aquaculture).
- Consultant will conduct two (2) Mariposa Board of Supervisor (BOS)

presentations. First presentation will be a presentation to the BOS and will be scheduled after completing of the first draft report presumptive Preferred Alternative and requesting BOS input on first draft report. The second BOS presentation, in conjunction with the Chairman of the Water Agency Advisory Committee, will be conducted completing the second draft report and request approval to complete the report as presented.

III-3. Selection Procedure

The County intends to retain the consultant evaluated to be the best qualified to perform the work for the County, cost and other factors considered. The County shall screen all proposals and the top candidates may be selected for formal in-person interviews. Proposals will be screened by a minimum of three (3) senior County staff members. Staff will determine the individuals or firms selected for an interview.

In review the proposals the County will carefully weigh the following:

- The consultant's approach and overall understanding of the Scope of Work. (20 Points)
- The consultant's capability and history developing feasibility studies for other public agencies similar in size, population and need. (20 Points)
- The experience and technical competence of the proposed staff to perform the work specified. (20 Points)
- The extent to which previous clients have found the consultant's services acceptable. Factors include experience and familiarity, cost control, work quality, completion of tasks within schedule. (20 Points)
- Demonstrated capability under current workload to perform the work within the project schedule. (20 Points)

The County will require the individual or firm selected to maintain general liability, automobile, workers' compensations, and errors and omissions insurance. The contract will contain provisions requiring the selected consultant to indemnify the County and provide that the Consultant is an independent contractor serving at the will of the County. Other required provisions will include the County Board of Supervisors right to terminate the agreement, at its sole discretion, upon the provision of notice.

APPENDIX A

Location Maps