

RESOLUTION No. 2005-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT AUTHORIZING ACCEPTANCE OF THE DEPARTMENT OF WATER RESOURCES, PROPOSITION 13, INFRASTRUCTURE REHABILITATION PROGRAM**

Whereas, Mission Springs Water District (MSWD) filed an application for funding in an Infrastructure Rehabilitation Construction Program of the Proposition 13, Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, administered by the Department of Water Resources (DWR), and was awarded \$4,436,217 for its MSWD Waterline Replacement Program.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** that the Board of Directors of the Mission Springs Water District in compliance with the requirements of the Department of Water Resources funding commitment, does hereby accept the funding commitment between MSWD and DWR for receipt of grant funds not to exceed \$4,436,217 for the project identified as the "MSWD Waterline Replacement Program"; and does hereby designate its General Manager to sign the funding contract between MSWD and DWR for receipt of said grant funds; and does hereby designate its General Manager to approve Partial Payment Estimates for said contract; and

**BE IT FURTHER RESOLVED**, that the Board of Directors on behalf of the District consent to the requirements of the commitment as stated therein.

Adopted this 27<sup>th</sup> day of January 2005.

  
\_\_\_\_\_  
President of Mission Springs Water District  
and its Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary of the Mission Springs Water District  
and its Board of Directors

AMENDMENT NO. 6  
TO THE  
AGREEMENT  
BETWEEN THE DEPARTMENT OF THE ARMY  
AND  
MISSION SPRINGS WATER DISTRICT  
FOR THE  
CITY OF DESERT HOT SPRINGS  
WASTEWATER COLLECTING SYSTEM DESIGN

THIS AMENDMENT NO. 6 to the above referenced cost sharing agreement is entered into this 11 day of Aug, 2009, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Los Angeles District (hereinafter the "District Engineer"), and the Mission Springs Water District (hereinafter the "Sponsor"), represented by its General Manager.

WITNESSETH, THAT:

WHEREAS, the Sponsor and the Government into a cost sharing agreement dated June 13, 2003 for the Mission Springs Water District's City of Desert Hot Springs Wastewater Collecting System Design pursuant to the authority of Section 219(c) of the Water Resources Development Act of 1992 as amended by the Consolidated Appropriations Act, FY 2001, Pub. L. 106-554, 114 Stat. 2763A-219, Section 108 (c)(23) (December 21, 2000);

WHEREAS, the Sponsor and the Government amended (Amendment No. 1) the original agreement on April 11, 2004 to increase the scope of work and increase the funding by \$173,333;

WHEREAS, the Sponsor and the Government amended (Amendment No. 2) the original agreement on April 20, 2005 to increase the scope of work and increase the funding by \$210,666;

WHEREAS, the Sponsor and the Government amended (Amendment No. 3) the original agreement on July 10, 2006 to increase the scope of work and increase the funding by \$264,000;

WHEREAS, the Sponsor and the Government amended (Amendment No. 4) the original agreement on July 23, 2007 to increase the scope of work and increase the funding by \$67,000;

WHEREAS, the Sponsor and the Government amended (Amendment No. 5) the original agreement on September 8, 2008 to increase the scope of work and increase the funding by \$780,000; and

WHEREAS, Congress has appropriated additional funds under the Omnibus Appropriations Act, 2009, Pub. L. 111-8, 123 Stat. 524 (March 11, 2009) for the City of Desert Hot Springs Wastewater Collecting System Design.

NOW, THEREFORE, the parties hereby agree that the aforesaid cost sharing agreement for the City of Desert Hot Springs Wastewater Collecting System Design is amended as follows:

Article II, paragraph b., shall be replaced entirely with the following paragraph:

“b. The cost for additional design work in FY09 is estimated at \$637,333. The Government shall contribute seventy-five (75) percent of the Design Costs and the Sponsor shall contribute, in cash, twenty-five (25) percent of the Design Costs.”

Article III – Scope of Work, shall be replaced entirely with the following paragraphs:

The following additional tasks required to complete the City of Desert Hot Springs Wastewater Collecting System Design, including preparation of Sewer Plans for Area D – Phase 2 and Area J, based upon the Mission Springs Flow Model for sewers for Mission Springs Water District are also included in the general scope of work provided in Appendix A. The additional design work is estimated to be completed by July 30, 2010.

The parties to this agreement shall substantially comply with the Scope of Work in prosecuting this work. The following modifications, to be approved by the Executive Committee, shall require an amendment to this Agreement:

1. Any modification which increases the Design Cost.
2. Any extension of the design completion date of more than thirty (30) days.
3. Any reassignment of work items between the Sponsor and the Government (see Appendix A).”

Article IV, paragraph a., shall be replaced entirely with the following paragraph:

“The Sponsor shall provide, during the design period, cash payments required to meet the Sponsor’s obligations under Article II of this Agreement. Design Costs are currently estimated to be \$2,294,666 and the Sponsor’s share of Design Costs is currently estimated to be \$573,666. In order to meet the Sponsor’s cash payment requirements, the Sponsor must provide a cash contribution estimated to be \$159,333. The dollar amounts set forth in this Article are based upon the Government’s best estimates, which will reflect projected costs, price level changes, and anticipated inflation. Such cost estimates are subject to adjustments based on costs actually incurred and are not to be construed as the total financial responsibilities of the Government and the Sponsor. “

Article V, paragraph a., shall be replaced entirely with the following paragraph:

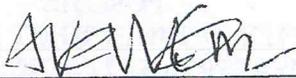
“Overall design management shall be the responsibility of the Executive Committee, consisting of the Chief of the Planning Division, Los Angeles District; and the General Manager, Mission Springs Water District.”

IN WITNESS WHEREOF, the parties have executed this Amendment No. 6, which shall become effective upon the date it is signed by the District Engineer:

THE UNITED STATES OF AMERICA

MISSION SPRINGS WATER DISTRICT

  
\_\_\_\_\_  
Thomas H. Magness  
Colonel, U.S. Army  
District Engineer

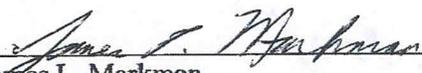
  
\_\_\_\_\_  
Arden Wallum  
General Manager

DATE: 8/11/09

DATE: 8-10-09

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
James L. Markman  
District Legal Counsel  
Mission Springs Water District

  
\_\_\_\_\_  
Tina Dodd  
Executive Assistant  
Mission Springs Water District

Attachment:  
Appendix A – Scope of Work

COST SHARING AGREEMENT  
BETWEEN THE DEPARTMENT OF THE ARMY  
AND  
MISSION SPRINGS WATER DISTRICT  
FOR THE  
CITY OF DESERT HOT SPRINGS  
WASTEWATER COLLECTING SYSTEM DESIGN

AMENDMENT NO. 6

CERTIFICATION OF LEGAL REVIEW

Amendment No. 6 to the Cost Sharing Agreement for the design of the City of Desert Hot Springs Wastewater Collecting System has been fully reviewed by the Office of Counsel, USAED, Los Angeles and has been found to be legally sufficient.

27 July 2009

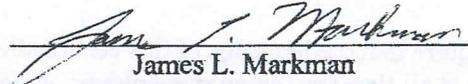
Date

  
for Lawrence N. Minch  
District Counsel

CERTIFICATE OF AUTHORITY

I, James L. Markman, do hereby certify that I am the District Legal Counsel of the Mission Springs Water District, that the Mission Springs Water District is a legally constituted public body with full authority and legal capability to perform the terms of the Amendment No. 6 to the Agreement between the Department of the Army and the Mission Springs Water District in connection with the City of Desert Hot Springs Wastewater Collecting System Design, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Amendment No. 6 to the Agreement and that the persons who have executed this Amendment to the Agreement on behalf of the Mission Springs Water District have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this  
30 day of July, 2009.

  
James L. Markman  
District Legal Counsel  
Mission Springs Water District

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Arden Wallum  
General Manager  
Mission Springs Water District

DATE: 8-10-09

**From:** [Diana Conkle](#)  
**To:** [Brent Gray](#)  
**Cc:** [John Soulliere](#); [Matt McCue](#)  
**Subject:** Re: Emailing: schedule 6-6-12  
**Date:** Wednesday, June 06, 2012 11:11:21 AM  
**Attachments:** [DBE Guidelines 5-2012.DOCX](#)  
[DBE Guidelines 5-2012.PDF](#)  
[db\\_exhbt\\_q.PDF](#)  
[db\\_exhbt\\_q.DOC](#)  
[AOA Request Form.DOC](#)

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Hi Brent,

Congratulations, glad everything went smoothly yesterday. The next step is approval of the financing agreement. This typically takes 6 to 8 weeks. Once the agreement has been routed through DFA staff, it will be sent to Mr. Wallum for approval.

As for the plans and specs, go ahead and send over the document when complete. I'll review it and get back to you right away, so you can advertise. Regarding your question about a sample set of approved contract specification documents.....unfortunately, I don't have an example I can send you. Go ahead and include the entire DBE Guidance document (attached in both Word and pdf format). As for Davis Bacon, we require specific Davis Bacon language. Please include the attached Davis Bacon language (Word and pdf versions provided). I'm also attaching a copy of our approval of award (AOA) request form. This will need to be submitted to me after bid opening. AOA requirements are included in the attached DBE Guidelines.

On another note, James Maughan (DFA's Assistant Deputy Director) and I will be in Yucca Valley for a meeting on Thursday, June 21st. We would like to stop by in the early afternoon, and have a look at the project area. Will you or other staff member(s) be available that day to show us around? I don't have the meeting agenda yet, but assume we'll be free after lunch. I'll let you know our schedule when it's finalized.

Thanks,  
Diana

>>> Brent Gray <bgray@mswd.org> 6/6/2012 9:09 AM >>>  
Diana,

Congratulations to all of us for the approval yesterday of the DFA. I have attached the current project schedule for F & M 1-4 which now also includes the additional reporting required of the DFA. Our plans and specs are currently being redone by US to reflect the current project F & bid alternates for M 1-4. The schedule calls for them to be done by July 18th; however I suspect we will be ready before then, and either way as soon as possible we will get them over to you for review. We will also incorporate the SRF required contract sections; which I think should be a fairly easy edit. Please let me now if there is anything further that we need to provide or should be doing at this point in anticipation of the award and final contract approvals, that is besides what is already listed in the DFA as District deliverables.

Thanks,

Brent

**PROPOSAL EVALUATION**  
*Local Groundwater Assistance Program – FY 2007/2008*

<b>APPLICANT</b>	Mission Springs Water District	<b>COUNTY</b>	Riverside
<b>PROJECT TITLE</b>	Proposal to develop Mission Creek and Garnet Hill Subbasins Surface & Groundwater Management Plan	<b>AMOUNT REQUESTED</b>	\$245,739
		<b>TOTAL PROJECT COST</b>	\$968,005

### PROJECT DESCRIPTION

Mission Springs Water District (MSWD) proposes to complete a comprehensive study for the development of a GWMP in a joint effort with the Coachella Valley Water District (CVWD) and the Desert Water Agency (DWA) to manage the Mission Creek and Garnet Hill Subbasins. The study would define water management objectives, evaluate alternative plans, identify financing options, perform outreach, describe the resources in the study area, and research water management strategies.

	Criteria	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	Total
B-1	Groundwater Management Plan	3	5	5	5	5	5			28
B-2	Public Outreach/Community Support	4	4							8
B-3	Technical Adequacy	5	3	4	5	5	5	4	4	35
B-4	Use of Information	5	4	3	5					17
B-5	Geographic Balance	0								0
<b>Total Score</b>										<b>88</b>

#### B-1 Quality and Effectiveness of a Groundwater Management Plan

**B-1 (a) Proof of Adopted GWMP:** Applicant MSWD is working with the CVWD and DWA, pursuant to a 2004 Settlement Agreement to jointly develop a GWMP to manage the Mission Creek and Garnet Hill Subbasins. A GWMP is scheduled to be adopted by Sept. 2009 according to CWC 10750-10755.4. There is also a settlement agreement between the three parties dated 12/07/2004 and updated on 11/14/2007. Proof is attached.

**B-1 (b) Purpose, Goals, and Map:** GWMP will be developed through the work plan. The applicant provides a set of maps defining the basin area managed under GWMP including the boundaries of the applicant agency and the other participating agencies. Garnet Hill Subbasin is not currently noted in B118-03, but the Mission Creek Subbasin is. Task 1 of the project will be to work with two surrounding agencies to develop goals and objectives. Conceptual parameters for the GWMP will define appropriate levels of water supply reliability, address water quality protection and balance plan objectives with environmental protection.

**B-1 (c) Implementation:** Activities are described in the GWMP as tasks in the work plan. Implementation of GWMP will increase knowledge of basin characteristics. The way each task is laid out shows that the applicant is aware of the steps the agency will take to make this GWMP fulfilled as planned. There is a clear intention to include various components in the proposed GWMP that will improve management of groundwater and increase knowledge of basin characteristics. Schedule shows the time line for completion of each task.

**B-1 (d) Public Process and Cooperation:** The public will be involved in the GWMP process. Step 14 of the implementation process specifies a stakeholder outreach process to seek their input during plan development. The applicant has an agreement with other local agencies for the purpose of an IRWMP development and implementation. The Basin Management Committee is the vehicle for dispute resolution, and the 2004 Settlement Agreement documents the three agencies' intent to cooperate in the development of the GWMP and its subsequent implementation. The applicant provides evidence of local and regional cooperation with other agencies. Different tasks within the work plan demonstrate the public process that will be utilized through GWMP development.

**B-1 (e) Groundwater Management:** The GWMP will have BMOs. The applicant plans to examine 23 issues for consideration as BMOs. Task 1 of the project will be to define BMOs for the plan. The proposed GWMP will be based on recommendations that reflect hydrologic and geologic principles.

**B-1 (f) Monitoring Protocols:** The applicant will be developing monitoring and reporting protocols as defined in Task 10 of the work plan.

#### B-2 Public Outreach & Community Support for the Proposal

**B-2 (a) Public Outreach:** The applicant demonstrates a variety of outreach practices through the different tasks in the work plan. However, documentation supporting activities prior to submission of the application, such as meeting notes or public correspondences, were not found. Task 14 is Stakeholder Outreach is part of the work plan, budget, and schedule.

**PROPOSAL EVALUATION**  
*Local Groundwater Assistance Program – FY 2007/2008*

**APPLICANT** Mission Springs Water District  
**PROJECT TITLE** Proposal to develop Mission Creek and Garnet Hill Subbasins Surface & Groundwater Management Plan

**B-2 (b) Community Support:** The applicant attached four letters of support and collaboration from other stakeholder agencies. More stakeholders will be identified as part of the GWMP tasks. Those letters of support work as assurances that participants will have an active role in the GWMP. The applicant states that broader based support will be completed as part of the plan development, but at the time of submittal broad-based support was not fully explained and documented.

**B-3 Technical Adequacy of Work to Be Performed**

**B-3 (a) Project Description:** The applicant provides detailed description of the proposed project. The location is specified and shown in a map. The applicant proposes to complete a comprehensive study for the development of a GWMP.

**B-3 (b) Work Plan:** The work plan has 17 tasks and includes objectives and project deliverables under each task. However, each task does not have a detailed description but the tasks are consistent with the budget and schedule and provide some degree of certainty on what will be accomplished. The tasks would likely improve groundwater management in that area. More description of each task would have provided more assurance of efficient performance.

**B-3 (c) Budget:** The required standard budget is provided. A detailed budget shows the breakdown of labor costs for the proposed project and also the anticipated cost share between the three agencies and USBR. However, more explanation would have been helpful to better understand the basis for the cost estimates. For example, no documentation is provided to show the estimated cost for consulting services.

**B-3 (d) Schedule:** The detailed schedule seems realistic and agrees with work plan and budget. Additionally, it starts and ends within the time frame allocated. The applicant is ready to proceed on June 2008 if funded.

**B-3 (e) Information:** The applicant demonstrates that high quality and quantity of useful information will be obtained using technically feasible and appropriate methods. This study will have a significant importance, since it will add data about this source of portable water, which began production in 2006.

**B-3 (f) Environmental Compliance and Permits:** While the proposed GWMP does not have any direct or indirect changes to the existing environment, the objectives and management strategies may have an impact. Hence, Task 15 will be to develop CEQA documentation of an Initial Study.

**B-3 (g) Quality Assurance:** The applicant states that they will rely on two consultant firms that are well known for their high quality work that meets the standards expected for such types of projects. All sampling, analysis, and evaluation will conform to the State standard practices. In addition to the consultant work, the outcome will be reviewed against published research, data from the Coachella Valley Association of Government, and Riverside County Demographic Research Center. However, additional detail is required in the work plan to give assurance that a high level of work will be completed.

**B-3 (h) Past Performance:** The District has received over \$15 million in funding from various State and Federal agencies since 2002. The applicant states that they have demonstrated a capability to perform high quality work managing funds and meeting deadlines for similar project types. Also they provide a list of projects with the grant amounts received from different sources. Each of the projects that received grant funding was completed on-time and within budget. However, the applicant did not fully document (with letters, evaluations, emails, etc.) that the work performed was on time and within budget.

**B-4 Use of Information Gained from the Proposal**

**B-4 (a) Need and Value:** The applicant clearly demonstrates the immediate needs for the GWMP. According to Bulletin 118-03 there is not much information about the basins, so the knowledge gained from the GWMP will be tangible. Developing a GWMP will help the applicant understand its groundwater resources and help them better manage the basins in which the communities above them are expected to grow at a rate of over 5-10% over the next 10 years.

**B-4 (b) Performance of the Project:** Task 17 Project Management contains the strategy for evaluating performance. However, this task does not provide much detail on how it will be accomplished. The deliverables for each will serve as a checkpoint for evaluation performance. A Technical Advisory Committee will also evaluate project performance at each task, and review and monitor the budget and schedule at least quarterly.

**B-4 (c) Ongoing Use:** There is no documented explanation showing how the ongoing use will be funded after this grant is expended. The applicant refers to future funds that may become available for that purpose, but nothing is substantiated.

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*Local Groundwater Assistance Program – FY 2007/2008*

**APPLICANT** Mission Springs Water District  
**PROJECT TITLE** Proposal to develop Mission Creek and Garnet Hill Subbasins Surface & Groundwater Management Plan

**B-4 (d) Information Dissemination:** The applicant states that the plan proposed depends highly on obtaining and applying information gathered from stakeholders and the stakeholder advisory committee to shape the proposed plan and will continue through implementation. In addition, the applicant will disseminate activities with the USGS, and the State Water Control Board. It will also ensure that data gathered will be added to the DWR Bulletin 118. The GWMP will be placed on each of the three agencies' websites for public access and information. The ongoing Stakeholder Advisory Group will play a role in disseminating information to a broad range of interested parties.

**B-5 Geographic Balance**

Not applicable