



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE  
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**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

June 06, 2023

100 June 6, 2023

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

CELIA ZAVALA  
EXECUTIVE OFFICER

Dear Supervisors:

**WATER RESOURCES CORE SERVICE AREA  
SAFE, CLEAN WATER PROGRAM  
SOLE SOURCE AGREEMENT WITH THE WATER FOUNDATION  
FOR DEVELOPMENT AND ADMINISTRATION OF A PUBLIC EDUCATION AND COMMUNITY  
ENGAGEMENT GRANTS PROGRAM  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

Public Works requests authorization to enter into a sole source agreement with the Water Foundation for the development and administration of a public education and community engagement grants program as part of the Safe, Clean Water Program-District Program.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the proposed actions are exempt from the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the project.
2. Approve a sole source agreement with the Water Foundation for the development and administration of a public education and community engagement grants program to be implemented as part of the Safe, Clean Water Program-District Program, for a not-to-exceed amount of \$10,000,000 over a 3-year term, and authorize the Director of Public Works or his designee to execute the agreement on behalf of the Los Angeles County Flood Control District and make minor amendments to the scope of work of the agreement provided that the amendments do not increase the not-to-exceed amount of \$10,000,000.

3. Delegate authority to the Director of Public Works or his designee to approve and execute amendments to incorporate necessary changes that do not increase the not-to-exceed amount and are within the scope of work.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to find that the project is exempt from the California Environmental Quality Act (CEQA) and allow the Los Angeles County Flood Control District to advance the public education and community engagement program component of the Safe, Clean Water Program (SCWP)-District Program through the award of a sole source agreement to the Water Foundation, a 501(c)(3) public charity. The sole source agreement for the development and administration of a public education and community engagement grants program (Grants Program) would serve as a pilot program over a 3-year period and include development of training material and resources to assist in the transfer of knowledge and continued success of the pilot program following the contract term.

In November 2018, Los Angeles County voters approved the Measure W (the SCWP ballot measure) parcel tax to fund projects and programs to increase stormwater and urban runoff capture and reduce stormwater and urban runoff pollution in the District through the SCWP. Pursuant to Section 18.05.C of the SCWP Implementing Ordinance, the Chief Engineer of the District is directed to implement and administer public education and sustained community engagement programs as part of the SCWP-District Program.

Public Works requests authorization to enter into a sole source agreement with the Water Foundation as they are uniquely qualified to provide the proposed service. The Water Foundation has been designing and implementing grant programs and making grants to Los Angeles area nonprofits, community-based organizations, and local agencies to advance water resilience since its inception in 2011. The Water Foundation has dedicated Los Angeles-based staff specifically focused on water. The Water Foundation's approach is informed by the successes and lessons learned through the work of other Los Angeles-based water-related initiatives such as the OurWaterLA coalition and ReDesign LA (both of which Water Foundation has funded), the Proposition 1 Disadvantaged Community Involvement Program/WaterTalks, the Los Angeles County Parks Needs Assessment, the Los Angeles County Sustainability Plan outreach plan, and the South Central Los Angeles Air Quality Academy, and other innovative outreach and education programs.

The proposed public education and engagement program reflects this experience and analysis and advances goals that have been articulated by both community advocates and representatives of municipalities. The Water Foundation also has extensive familiarity with the SCWP through its involvement during the development of Measure W and through ongoing engagement and monitoring of program implementation since it was passed by the voters in 2018.

In addition, an assessment of all consultants and subconsultants currently on contract with Public Works has been conducted. Although many consultants have grant writing experience preparing competitive grant applications, they do not have experience with grant-making and grant administration for water-related projects in Los Angeles County.

The proposed scope of work for the agreement is described in Exhibit A.

### **Implementation of Strategic Plan Goals**

These recommendations support County Strategic Plan: Strategy II.1, Drive Economic and Workforce Development in the County; Strategy II.2, Support the Wellness of our Communities; Strategy II.3, Make Environmental Sustainability our Daily Reality; Objective II.3.1, Improve Water Quality, Reduce Water Consumption, and Increase Water Supplies; Objective II.3.3, Address the Serious Threat of Global Climate Change, Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability; and Objective III.3.2, Manage and Maximize County Assets. The recommended actions will strengthen the County's capacity to collaboratively and inclusively improve water quality and increase water supplies, effectively prepare for emergent environmental and natural hazards, and address the threat of climate change.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The proposed contract amount of \$10,000,000 for a 3-year period includes \$8,500,000 for outgoing grantmaking and \$1,500,000 for program development, management, grants administration, fiscal management, and indirect costs.

Funding for the recommended proposal is available in the Measure W–SCW District Program Administration Fund (B42) Fiscal Year 2022-23 Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On July 17, 2018, following a very extensive stakeholder input process, the Board approved a resolution calling for and giving notice of an election to, upon voter approval, establish the SCWP and its funding via special parcel tax by adding Chapter 16 of the District Code.

On November 6, 2018, Measure W was successfully passed by the voters. The SCW Program's annual Special Parcel Tax was first collected for Fiscal Year 2019-20 and has been collected in each subsequent fiscal year.

On August 6, 2019, after further consultation with local and regional agencies, organizations, and stakeholders, the Board adopted an ordinance to implement the SCWP by adding Chapter 18 of the District Code.

The agreement with Water Foundation will be based on Public Works standard template services agreement and adjusted to accommodate issues specific to the scope of work. The Chief Executive Officer has reviewed this request and recommends approval. The Director will execute the standard template services agreement in accordance with the Board's authorization and only upon approval as to form by County Counsel and proper execution by the contractor.

### **ENVIRONMENTAL DOCUMENTATION**

The recommended actions are exempt from the CEQA pursuant to Section 15061(b)(3) and Sections 15304, 15306, 15309, 15311, 15322, and 15323 of the State CEQA Guidelines and Classes 4, 6, 9, 11, 22, and 23 of the Los Angeles County's Environmental Document Reporting Procedures and

Guidelines, Appendix G. The proposed activity consists of a sole source agreement with the Water Foundation for the development and administration of the Grants Program to be implemented as part of the SCWP-District Program. The activities eligible for funding under the Grants Program will include site visits and tours; support for collaboratives, trainings, convenings, water academies, and water leadership training; community-led project concept development; community meetings; project-specific community outreach; community needs assessments; community science initiatives; the development of curriculum and materials, videos, radio, social media posts, and podcasts; and other similar activities related to public education and community engagement, but only to the extent that the activities qualify for one or more of the exemptions under CEQA discussed herein and are not excluded from all applicable exemptions by one or more exception described in State CEQA Guidelines Section 15300.2 (i.e., the activity must not be in a sensitive location, cause cumulative impacts, or result in any unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or cause a substantial adverse change in the significant of a historical resource, as applicable). As discussed in more detail below, the activities proposed to be funded by the Grants Program are within the scope of the above-referenced CEQA exemptions when performed in conformance with the specified conditions. One of the Water Foundation's tasks under the agreement will be to confirm that the proposed activity in each particular grant proposal conforms to the CEQA findings described herein. Activities that do not meet the conditions of any of the specified exemptions or which are excluded from all applicable exemptions by one or more exceptions to the exemptions (described in State CEQA Guidelines Section 15300.2) will be ineligible for the issuance of grant funds.

The following activities are exempt from CEQA because it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment pursuant to Section 15061(b)(3) of the State CEQA Guidelines: site visits and tours to public spaces such as parks, local waterbodies (e.g., beaches, lakes), museums, already constructed water quality facilities and similar locations; collaboratives, trainings, convenings, water academies and/or leadership training for public citizens, nongovernment organizations and community-based organizations, or cohorts; community meetings or events at existing farmer's markets or fairs, beach cleanup events, celebrations around project openings, recreation centers, community buildings, schools, libraries, or other existing facilities suited for gatherings; project-specific community outreach; community needs assessments; community-led project concept development which convenes members for an opportunity to assess and prioritize potential project sites and conceptual option (but no projects would be approved or constructed as part of the development process); and/or development of SCWP educational curriculum and/or project specific community outreach through handouts, posters, PowerPoint presentations, maps, videos, radio, podcasts, or social media posts.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15304 (Minor Alterations to Land) of the State CEQA Guidelines and Class 4 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for any minor private or public alterations in the condition of land, water, or vegetation, or temporary uses of land having negligible or no permanent effects on the environment: site visits and tours, community meetings and events, and/or community science initiatives which could include support for environmental monitoring. To be eligible for funding under the Grants Program, activities involving minor alterations to land must be done in accordance with all relevant State and local policies, regulations, or permits as required. Any sites for a site visit or tour that is not open to the general public must include coordination with the property agency/owner to ensure there are no impacts on potentially sensitive areas, and there would be no site visits or tours that require specialized training (i.e., HAZWOPER or confined space entry).

The following activities are exempt from CEQA because they are within a class of projects that has

been determined not to have a significant effect on the environment in that they meet the criteria of Section 15306 (Information Collection) of the State CEQA Guidelines and Class 6 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for basic data collection efforts: collaboratives, trainings, convenings, water academies, and water leadership training; community needs assessments intend to gather information about community strengths, needs, and priorities as well as opportunities to leverage infrastructure investments; community science initiatives consisting of basic data collection efforts with handheld devices or monitoring equipment installed temporarily in nonsensitive areas for periodic data collection, visual observations, photographs, and collecting and logging information into a smartphone, computer, tablets, or similar devices. These basic data collection efforts must not result in a serious or major disturbance to an environmental resource and must be strictly for information gathering purposes or as part of a study leading toward an action, which a public agency has not yet approved, adopted, or funded.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15309 (Inspections) of the State CEQA Guidelines and Class 9 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: community science initiatives consisting of inspections of multibenefit projects and/or water quality facilities for the purpose of educating the community.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15311 (Accessory Structures) of the State CEQA Guidelines and Class 11 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: the construction, placement, or minor structures accessory to existing facilities, including additional monitoring equipment to support community science initiatives or small structures to support community meetings and outreach.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15322 (Educational or Training Programs Involving No Physical Changes) of the State CEQA Guidelines and Class 22 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for education and training programs, which will not include any physical alterations in the area affected or which involve physical changes only in the interior of existing school or training structures: the development of collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, and community-led project concept development, which does not include any approvals or construction.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15323 (Normal Operations of Facilities for Public Gatherings) of the State CEQA Guidelines and Class 23 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for the normal operations of existing facilities for public gatherings for which the facilities were designed: site visits and tours; community meetings or events held to support collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, project-specific community outreach and/or community-led project concept development.

Proposed activities that do not fall under one of the above-mentioned exemptions or which are excepted from all applicable categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines will not be eligible for the funding under the Grants Program.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the Registrar-Recorder/County Clerk in accordance with Section 21152 of the California Public Resources Code.

### **CONTRACTING PROCESS**

On January 10, 2023, Public Works submitted an advance notification to advise the Board of its intent to conduct sole-source agreement negotiations with the Water Foundation. The sole-source notification is enclosed under Enclosure B.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current County services.

### **CONCLUSION**

Please return an adopted copy of this letter to Public Works, Stormwater Planning Division.

Respectfully submitted,



MARK PESTRELLA, PE

Director

MP:CTH:le

Enclosures

c: Chief Executive Office (Chia-Ann Yen)  
County Counsel (Mark Yanai)  
Executive Office

## SCOPE OF WORK

### PUBLIC EDUCATION AND COMMUNITY ENGAGEMENT GRANTS PROGRAM FOR SAFE, CLEAN WATER PROGRAM

A. Public Works Contract Manager

Public Works Contract Managers (CM) will be Ms. Veronica Carrillo of our Stormwater Planning Division. Ms. Carrillo may be contact at (626) 458-3540, Monday through Thursday, 6:30 a.m. to 5:15 p.m., or at [vcarrillo@pw.lacounty.gov](mailto:vcarrillo@pw.lacounty.gov). The CM is the only person authorized by Public Works to request work of the Consultant. From time to time, Public Works may change the CM. The Consultant will be notified in writing when there is a change in the CM.

B. Work Location

Work will be performed within the boundaries of the Los Angeles County Flood Control District.

C. Request of Work from Consultant

The County reserves the right to determine if any work is or will be needed and/or requested under this Contract at the County's sole and absolute discretion. The Consultant waives all claims against the County for damages or loss of any nature resulting from the County's failure to use the Consultant's services including, but not limited to, lost profit.

D. Contract Cost

All services required in this Exhibit A, Scope of Work, shall be included in the prices quoted by the Consultant in Form PW-2, Schedule of Prices, unless stated otherwise in the Contract.

E. Introduction

The County of Los Angeles, on behalf of Los Angeles County Public Works (Public Works) and the Los Angeles County Flood Control District (District), which will be referred to in this Contract in its entirety as "County," desire to engage Consultants who have skilled experience and expertise in grantmaking and grant administration experience for water-related grants in the County. The County covers an area of over 4,000 square miles with an approximate population of 10 million residents or

nearly 30 percent of the entire population in the State of California. The Los Angeles County Flood Control District encompasses more than 2,700 square miles and approximately

2.1 million land parcels within 6 major watersheds. It includes drainage infrastructure within 86 incorporated cities as well as the unincorporated County areas.

F. Background

In November 2018, County voters approved the Measure W special parcel tax, known as the Safe, Clean Water Program (SCWP), to increase stormwater and urban runoff capture and reduce stormwater and urban runoff pollution. SCWP imposed a special parcel tax upon parcels of property within the boundaries of the District at the rate of two and one-half cents per square foot of impermeable area, except as exempted. SCWP provides funding for programs and projects to increase stormwater and urban runoff capture and reduce stormwater and urban runoff pollution in the District, including projects and programs providing a water supply benefit, water quality benefit, and community investment benefit; as well as build and maintain multi-benefit stormwater infrastructure and support programmatic elements including: scientific studies, sustained community engagement and outreach, workforce development and others. As part of the implementing ordinance, the Chief Engineer was directed to implement and administer public education and community engagement programs, among which was specified: ‘Public Education and Community Engagement Programs throughout the District, including a sustained education and engagement Program for disadvantaged communities.

G. Work Description - Task and Deliverables

The Consultant shall have a strong understanding of the SCWP. The Consultant shall have experience developing, administering, and managing water-related grants program in Los Angeles County. This includes experience convening and developing shared priorities with a diverse set of partners, stakeholders, and grantees, such as, but not be limited to, nonprofits, community-based organizations (CBOs), and local agencies, as well as a firm understanding of the California Environmental Quality Act (CEQA) for purpose of confirming that the proposed activity in each particular grant proposal meets the conditions for one of the more of the exemptions from CEQA described below, and is not excluded from all applicable exemptions by one or more of the exceptions described in section 15300.2 of the State CEQA Guidelines, as part of administering the grant.



H. Tasks and Deliverables

**Task 1: Development of a Grants Program**

Included in this task are all services needed to successfully develop an equitable public education and community engagement grants program for the SCWP. These services may include, but are not limited to:

1. All associated activities to develop a grants program aimed to increase outreach and engagement related to increasing stormwater and urban runoff capture and/or decreasing stormwater and urban runoff pollution in the District. This includes development of programmatic descriptions and criteria for request for proposals (RFP) that conform with the grant eligibility criteria described in Enclosure A.1 – Grant Eligibility Criteria, grant agreement terms, reporting templates, and other administrative mechanisms to ensure alignment with SCWP requirements in coordination with District staff.
2. Meet with and solicit input from the public including, but are not limited to, community members, school districts, municipalities, watershed coordinators, SCWP committee members and other interested parties that have a direct or indirect stake in the SCWP, to identify potential issues, concerns, and interests.
3. Focus on strategies to benefit Disadvantaged Communities (as defined in Los Angeles County Flood Control District Code Section 16.03.H.)
4. Set up and conduct/moderate meetings; maintain regular communication as necessary after meetings; establish record of on-going communication with the public and potential grantees.
5. Organize and provide technical trainings/seminars/workshops to potential grantees
6. Identifying and developing the most effective practices for outreaching to diverse groups and stakeholders
7. Analyze and prioritize identified needs, concerns, and interests.

**Task 2: Grantmaking Administration**

Included in this task are all services needed to successfully administer a public education and community engagement grants program for the SCWP.

These services may include, but are not limited to:

1. Soliciting proposals via an open request for proposals, and/or a notice of opportunity
2. Reviewing proposals for completeness as defined by the Consultant

- and approved by the County
3. Evaluating proposals according to the criteria developed in coordination with District staff including criteria described in Enclosure A.1 – Grant Eligibility Criteria. Consultant shall not award any grant funds for any proposal that does not conform to the Board of Supervisors' CEQA findings and the other eligibility criteria described in Enclosure A.1. Eligible proposal conformance with the Board's CEQA findings will be documented using the attached CEQA Conformance Form (Enclosure A.2) and will be submitted to the County.
  4. Prioritizing eligible proposals for funding according to overall grantmaking and SCWP goals.
  5. Determine appropriate level of support.
  6. Informing applicants of the results and responding to their follow-up comments and questions.
  7. Entering into grant agreements with selected applicants.
  8. Providing grant funding to the grantees.
  9. Collecting and reporting on progress towards objectives.

### **Task 3: Reporting**

Included in this task are all items needed to successfully demonstrate alignment with SCWP goals. These services may include, but are not limited to providing reports on a semi-annual basis summarizing the following:

1. Number of proposals considered and selected.
2. CEQA Conformance form (Enclosure A.2) for selected proposals
3. Grantees selected (identified as CBO, municipality, etc.)
4. Grant-funded activities and accomplishments, including project-specific outreach.
5. Geography or communities served (including, but not limited to, Disadvantaged Communities and County Supervisorial Districts.)
6. Total amount of grant funding awarded per reporting period and to date.

### **Task 4: Training**

Included in this task are all training materials and resources needed for continuous administration of the public education and community engagement grants program for the SCWP. These services may include, but are not limited to:

1. Identifying and implementing a process for adaptive management,

- such as annual convenings and write-ups of lessons learned and best practices.
2. Set up and conduct/moderate meetings; maintain regular communication as necessary after meetings; establish record of on-going communication with County staff.
  3. Organize and provide technical training/seminars/workshops to County staff.
  4. Develop a Training Manual to assist in the transfer of knowledge and continued success of the program.

**Deliverables Tasks 1-4:**

When specified services are needed, the County will request the Consultant (through Task Orders) to prepare a work plan, a list of the tasks/deliverables, project team components, project schedule, and a cost estimate of the task order. The Consultant will have seven (7) working days to submit a project proposal for County to review and approve. No work will proceed until a Notice to Proceed is issued by the County for each task order. No optional tasks will be conducted without prior approval from the County. Work shall be performed on an as-needed basis.

This is a deliverable-based service agreement, unless directed by the County to use other formats of services. Deliverables under each task and/or sub-task will be developed and agreed to by the County before the start of work.

On some assignments, as determined and approved by the County, the Consultant may be requested to be stationed in-house at County facilities and provide services under the direction and supervision of County staff.

**Task 5: Overall Program Management**

1. Monthly Meetings - provided at no additional cost to the County.
  - a. At a mutually agreed upon time, the Consultant shall schedule and conduct monthly meetings with the CM to report on work completed and discuss work in progress.
  - b. The Consultant shall submit the agenda in an electronic format for each monthly meeting to the CM at least five working days prior to the meeting.
  - c. The Consultant shall submit minutes of the monthly meetings with the agreed upon action steps and deadlines within three calendar days after meeting, to be approved by the CM.

2. Monthly Status Reports - provided at no additional cost to the County.

The Consultant shall prepare and submit monthly status reports that include a comprehensive list of accomplishments achieved in the past month, status and progress of each Task and activity, and action steps for the upcoming month and deadlines. If necessary or as requested by the CM, the Consultant shall include an updated Task timeline when submitting the monthly status reports. The Consultant shall submit monthly status reports along with their monthly invoices.

**Deliverable 5: Overall Program Management**

The Consultant shall submit annual reports to the CM within 30 calendar days in advance of the conclusion of each contract year for the duration of contract term. This deliverable will include all items noted above and will be paid based on the satisfactory completion of each annual report and the approval of the CM.

**Task 6: Additional Tasks**

Based on evaluation of Program efforts and/or in response to expanded or unexpected requirements and priorities of Public Works, the CM may ask the Consultant to implement strategies, elements, promotions, activities, events, etc., not specified in this Scope of Work. Some of these additional services can include Tasks not otherwise specified under any of the aforementioned Tasks in this Exhibit A. Approximately 250 staff hours are allotted for this Task.

The Consultant shall only perform such tasks upon prior written request and approval from the CM and will be paid upon the Consultant's satisfactory delivery of either the total completed Deliverable(s) or at agreed upon intervals. Prior to performing any additional tasks, the Consultant shall prepare and submit a written description of the work with an estimate of labor and materials, based on the rates quoted in Form PW-2, Schedule of Prices, using the tasks that most closely correspond to the additional task, or if all or a portion of the requested additional task work does not closely correspond to PW-2 rates for other tasks, as determined by the CM, the hourly rate for Task 13 shall apply. However, when a condition threatens imminent injury to the public or damage to property, the CM may orally authorize the work to be performed upon receiving a verbal estimate from the Consultant. Within 24 hours after receiving a verbal authorization, the Consultant shall submit a written estimate to the CM for approval.

All additional work provided herein shall commence on the specified date established. The Consultant shall proceed diligently to complete said work within the time allotted.

I. Hours and Days of Service

Services shall be primarily performed between the hours of 6:30 a.m. to 5:15 p.m., Monday through Thursday, each week, except County observed holidays, at which time services shall be performed before or after such holiday. Work hours may be altered, when necessary, with the approval of the CM.

Holidays Observed by the County of Los Angeles are:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Indigenous People's Day
Presidents' Day	Veterans Day
Cesar Chavez Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Day
Independence Day	

J. Utilities

The County will not provide utilities.

K. Storage Facilities

The County will not provide storage facilities for the Consultant.

L. Responsibilities of the Consultant

Consultant shall provide all labor and personnel certifications/licenses, materials, equipment, storage, and disposal necessary to complete the Tasks 1 through 6 above. In particular, the Consultant shall include on its project team in-house personnel or subconsultants who have the necessary Federal and State licenses or other required certificates to conduct the tasks under this Contract.

All professional staff, including subconsultants, provided by the Consultant for a project shall be approved by the County and shall not be removed or replaced without prior consent of the County. If a change in personnel, including those of subconsultants, is necessary, the Consultant shall submit the name and resume for the proposed replacement for County approval 30 calendar days prior to the effective day of the change. In addition, the Consultant shall commit to the County that any staff, including that of subconsultants, presented and accepted by the County on a project shall remain committed to the project as long as they remain employed by the Consultant or subconsultant.

Public Works, at its sole discretion, reserves the right to direct the Consultant to remove and replace from the project any member of the Consultant's staff, including

subconsultants. The Consultant shall be responsible for replacing any such staff with staff approved by Public Works within 14 calendar days of the effective date of removal.

The Consultant shall provide a professional staff with experience involved with providing similar services to the Scope of Services herein. The Consultant's designated professional staff shall have strong coordination and negotiating skills, and a strong commitment to advocate, as legally allowable, for the best interests of the County.

M. Responsibilities of Public Works

The CM will administer and monitor this Contract for compliance and act as the Consultant's contact with Public Works. The CM will keep the Consultant informed as to current significant Public Works policies and procedures relating to the requested work.

The CM has the option to discontinue any approved Task as determined to be the best interest of the County due to time constraints and cost-effectiveness concerns or otherwise. The CM has the right to reallocate any unspent funds or not spend, if not necessary.

N. Gratuities

1. Consultant is advised that it is improper for any County officer, employee, or agent to solicit consideration, in any form, from Consultant with the implication, suggestion, or statement that Consultant's provision of the consideration, or failure to provide consideration, may cause favorable or unfavorable treatment, respectively, for the Consultant relating to the amendment or extension of the Contract or the making of any determinations with respect to Consultant's performance under this Contract. A Consultant shall not offer or give, either directly or through an intermediary, such improper consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment as described herein.
2. A Consultant shall immediately report any attempt by a County officer, employee, or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861.
3. Among other items, such improper consideration may take the form of cash; discounts; services; and the provision of travel, entertainment, or tangible gifts.

4. Note that Consultant's failure to adhere to this requirement could subject this Contract to termination for improper consideration under Section 3 Termination/Suspensions of Exhibit B.

O. Liquidated Damages

1. In any case of the Consultant's failure to meet certain specified performance requirements, the County may, in lieu of other remedies provided by law or the Contract, assess liquidated damages in specified sums and deduct them from any regularly scheduled payment to the Consultant. However, neither the provision of a sum of liquidated damages for nonperformance or untimely or inadequate performance nor the County's acceptance of liquidated damages shall be construed to waive the County's right to reimbursement for damage to its property or indemnification against third-party claims.
2. The amounts of liquidated damages have been set in recognition of the following circumstances existing at the time of the formation of the Contract:
  - a. All of the time limits and acts required to be done by both parties are of the essence of the Contract.
  - b. The parties are both experienced in the performance of the Contract work.
  - c. The Contract contains a reasonable statement of the work to be performed in order that the expectations of the parties to the Contract are realized. The expectation of the County is that the work will be performed with due care in a workmanlike, competent, timely, and cost-efficient manner while the expectation of the Consultant is a realization of a profit through the ability to perform the Contract work in accordance with the terms and conditions of the Contract at the proposal price.
  - d. The parties are not under any compulsion to Contract.
  - e. The Consultant's acceptance of the assessment of liquidated damages against it for unsatisfactory and late performance is by agreement and willingness to be bound as part of the consideration being offered to the County for the award of the Contract.
  - f. It would be difficult for the County to prove the loss resulting from nonperformance or untimely, negligent, or inadequate performance of the work.

- g. The liquidated sums specified represent a fair approximation of the damages incurred by the County resulting from the Consultant's failure to meet the performance standard as to each item for which an amount of liquidated damages is specified.
3. The Consultant shall pay Public Works, or Public Works may withhold and deduct from monies due the Consultant, liquidated damages in the sum of \$500 for each consecutive calendar day that the Consultant fails to complete work within the time specified unless otherwise provided in this Contract or approved by CM.
4. In addition to the above, Public Works may use Exhibit F, Performance Requirements Summary, to evaluate Consultant's performance.
5. Please note, should an inconsistency be determined between the Scope of Work and the Performance Requirements Summary (Refer to Exhibit F, Performance Requirements Summary), the higher service level in the judgment of Public Works shall prevail.

P. Federally Funded Work

This provision will apply when federally funded or potentially federally funded work is needed by the County. In accordance with Federal Executive Orders 12549 and 12689 (Debarment and Suspension), individuals or entities that have been debarred by the Federal government may not receive work under this Contract as a Contractor or Subcontractor. Contractors and/or Subcontractors listed on the governmental exclusions in the System for Award Management (SAM) are not eligible to receive federally funded work under this contract. See Office of Management and Budget Guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension". The SAM exclusions contains the names of parties debarred, suspended, or otherwise excluded by Federal agencies as well as parties declared ineligible under statutory or regulatory authority.

For federally funded work, the CM will, before assigning work to the Contractor, verify that the Contractor is not listed on the governmental exclusions in the SAM as a party excluded or ineligible by Federal agencies to participate in federally funded projects. For your reference, a List of Debarred Contractors by U.S. Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) may be obtained by going to the following website: <https://sam.gov/content/home>.

If the Contractor is listed on the governmental exclusions in the SAM as a party excluded or ineligible by Federal agencies to participate in federally funded projects,



then said Contractor will not be offered the work. The CM will notify the Contractor of their negative standing in the SAM. The CM will also notify the Contractor of their ineligibility to receive any federally funded work under this contract, until the Contractor is able to satisfactorily correct the issue. The Contractor shall notify the CM when the Contractor has corrected their negative standing in the SAM, and the Contractor is no longer listed on the governmental exclusions in the SAM.

If the Contractor is **not** listed on the governmental exclusions in the SAM as a party excluded or ineligible by Federal agencies to participate in federally funded projects, Public Works may offer said Contractor the federally funded work.

The Contractor is required to verify that its subcontractors are not listed on the governmental exclusions in the SAM, before assigning federally funded work to its subcontractors.

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## GRANT ELIGIBILITY CRITERIA

Eligible Activities. The following activities will be eligible for grant funding, subject to conformance with the Board's CEQA findings:

1. Site visits and tours.
2. Support for collaboratives, trainings, convenings, water academies, and water leadership training.
3. Community-led project concept development.
4. Community meetings.
5. Project-specific community outreach.
6. Community needs assessments.
7. Community science initiatives.
8. Development of curriculum and materials, videos, radios, social media posts, and podcasts.
9. Other similar activities related to public education and community engagement.

Conformance with Board's CEQA findings.

As noted in the Scope of Work – Exhibit A, Task 2, item 3, the Water Foundation shall confirm that the proposed activity in each particular grant proposal conforms with the CEQA findings made by the Board of Supervisors in connection with the Grants Program. Please refer to Board Letter - Water Resources Core Service Area Safe, Clean Water Program Sole Source Agreement with The Water Foundation for Development and Administration of a Public Education Grants Program, **Agenda Date \_\_\_\_\_, Agenda Item No. \_\_\_\_\_**. For convenience, the Board's CEQA findings are summarized below.

The Eligible Activities are exempt from CEQA pursuant to section 15061(b)(3) and sections 15304, 15306, 15309, 15311, 15322, and 15323 of the State CEQA Guidelines and Classes 4, 6, 9, 11, 22, and 23 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, as described herein, provided that none of the applicable exceptions to the exemptions described in Section 15300.2 of State CEQA Guidelines (i.e., the activity must not be in a sensitive location, cause cumulative impacts, or result in any unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or cause a substantial adverse change in the significant of a historical resource) apply. Activities that do not meet the conditions of any of the specified exemptions described herein or which are excluded from all applicable exemptions by one or more exceptions to the exemptions (described in State CEQA Guidelines Section 15300.2) are ineligible for the issuance of grant funds.

The following activities are exempt from CEQA because it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment pursuant to Section 15061(b)(3) of the State CEQA Guidelines: site visits and tours to public spaces such as parks, local waterbodies (e.g., beaches, lakes), museums, already constructed water quality facilities and similar locations; collaboratives, trainings, convenings, water academies and/or leadership training for public citizens, NGOs and CBOs, or cohorts; community meetings or events at existing farmer's markets or fairs, beach cleanup events, celebrations around project openings, recreation centers, community buildings, schools, libraries, or other existing facilities suited for gatherings; project-specific community outreach; community needs assessments; community-led project concept development, which convenes members for an opportunity to assess and prioritize potential project sites and conceptual option (but no projects would be approved or constructed as part of the development process); and/or development of SCWP educational curriculum and/or project specific community outreach through handouts, posters, PowerPoint presentations, maps, videos, radio, podcasts, or social media posts.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15304 (Minor Alterations to Land) of the State CEQA Guidelines and Class 4 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for any minor private or public alterations in the condition of land, water, or vegetation, or temporary uses of land having negligible or no permanent effects on the environment: site visits and tours, community meetings and events, and/or community science initiatives which could include support for environmental monitoring. To be eligible for funding under the Grant Program, activities involving minor alterations to land must be done in accordance with all relevant State and local policies, regulations, or permits as required. Any sites for a site visit or tour that is not open to the general public must include coordination with the property agency/owner to ensure there are no impacts on potentially sensitive areas, and there would be no site visits or tours that require specialized training (i.e., HAZWOPER or confined space entry).

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15306 (Information Collection) of the State CEQA Guidelines and Class 6 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for basic data collection efforts: collaboratives, trainings, convenings, water academies, and water leadership training; community needs assessments intend to gather information about community strengths, needs, and priorities as well as opportunities to leverage infrastructure investments; community science initiatives consisting of basic data collection efforts with hand held devices or monitoring equipment installed temporarily in non-sensitive areas for temporary data collection, visual observations, photographs, collecting and logging information into a smartphone, computer, tablets, or similar devices. These basic data collection efforts must not result in a serious or major disturbance to an environmental resource and must be strictly for information gathering purposes or as part of a study leading towards an action which a public agency has not yet approved, adopted, or funded.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15309 (Inspections) of the State CEQA Guidelines and Class 9 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: community science initiatives consisting of inspections of multi-benefit projects and/or water quality facilities for the purpose of educating the community.

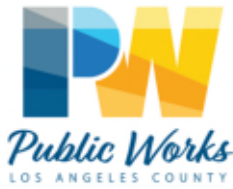
The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15311 (Accessory Structures) of the State CEQA Guidelines and Class 11 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: the construction or placement or minor structures accessory to existing facilities, including additional monitoring equipment to support community science initiatives, or small structures to support community meetings and outreach.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15322 (Educational or Training Programs Involving No Physical Changes) of the State CEQA Guidelines and Class 22 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for education and training programs which will not include any physical alterations in the area affected or which involve physical changes only in the interior of existing school or training structures: the development of collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, and community-led project concept development which does not include any approvals or construction.

The following activities are exempt from CEQA because they are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of Section 15323 (Normal Operations of Facilities for Public Gatherings) of the State CEQA Guidelines and Class 23 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for the normal operations of existing facilities for public gatherings for which the facilities were designed: site visits and tours; community meetings or events held to support collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, project-specific community outreach and/or community-led project concept development.

Proposed activities that do not fall under one of the above-mentioned exemptions or which are excepted from all applicable categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines will not be eligible for the funding under the Grants Program.

# CEQA CONFORMANCE CHECKLIST



**LOS ANGELES COUNTY PUBLIC WORKS  
SAFE, CLEAN WATER PROGRAM**  
900 South Fremont Avenue  
Alhambra, CA 91803-1331



The Board of Supervisors has found that the Eligible Activities (as described in Enclosure A.1 – Grant Eligibility Criteria) are exempt from CEQA pursuant to section 15061(b)(3) and sections 15304, 15306, 15309, 15311, 15322, and 15323 of the State CEQA Guidelines and Classes 4, 6, 9, 11, 22, and 23 of the Los Angeles County’s Environmental Document Reporting Procedures and Guidelines, Appendix G, as described herein, provided that none of the applicable exceptions to the exemptions described in section 15300.2 of State CEQA Guidelines (i.e., the activity must not be in a sensitive location, cause cumulative impacts, or result in any unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code section 65962.5, or cause a substantial adverse change in the significant of a historical resource) apply.

The grant administrator shall use this form as a tool to determine whether an activity proposed for the grant funding conforms to the Board’s CEQA findings. Proposed activities that do not fall under one of the categorical exemptions listed below or which are excepted from all applicable categorical exemptions pursuant to section 15300.2 of the State CEQA Guidelines will not be eligible for the funding under the Grants Program.

This form shall be kept with the grant applicant’s project files.

<b>A. GRANT APPLICANT CONTACT INFORMATION</b>	
GRANT APPLICANT NAME	
COMPANY/AGENCY/ORGANIZATION	
EMAIL ADDRESS	PHONE NUMBER
<b>B. PROJECT/ACTIVITY INFORMATION – Attach additional sheets, if necessary</b>	
PROJECT/ACTIVITY TITLE	
PROJECT/ACTIVITY BACKGROUND - PURPOSE	
SCOPE OF WORK	
PROJECT LOCATION (ADDRESS/CITY, IF APPLICABLE)	

## CEQA CONFORMANCE CHECKLIST

### C. PROJECT/ACTIVITY CONFORMANCE WITH ELIGIBILITY CRITERIA

The abovementioned activity is exempt from CEQA because of the following (select all that apply):

**SECTION 15061 (b)(3)**

The activity falls is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment: Site visits and tours to public spaces such as parks, local waterbodies (e.g., beaches, lakes), museums, already constructed water quality facilities and similar locations; collaboratives, trainings, convenings, water academies and/or leadership training for public citizens, NGOs and CBOs, or cohorts; community meetings or events at existing farmer's markets or fairs, beach cleanup events, celebrations around project openings, recreation centers, community buildings, schools, libraries, or other existing facilities suited for gatherings; project-specific community outreach; community needs assessments; community-led project concept development which convenes members for an opportunity to assess and prioritize potential project sites and conceptual option (but no projects would be approved or constructed as part of the development process); and/or development of SCWP educational curriculum and/or project specific community outreach through handouts, posters, PowerPoint presentations, maps, videos, radio, podcasts, or social media posts.

**SECTION 15304 AND COUNTY'S CLASS 4 EXEMPTION – MINOR ALTERATIONS TO LAND**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15304 of the State CEQA Guidelines and Class 4 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for any minor private or public alterations in the condition of land, water, or vegetation, or temporary uses of land having negligible or no permanent effects on the environment: Site visits and tours, community meetings and events, and/or community science initiatives which could include support for environmental monitoring. To be eligible for funding under the Grant Program, activities involving minor alterations to land must be done in accordance with all relevant state and local policies, regulations, or permits as required. Any sites for a site visit or tour that is not open to the general public must include coordination with the property agency/owner to ensure there are no impacts on potentially sensitive areas, and there would be no site visits or tours that require specialized training (i.e., HAZWOPER or confined space entry).

**SECTION 15306 AND COUNTY'S CLASS 6 EXEMPTION – INFORMATION COLLECTION**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15306 of the State CEQA Guidelines and Class 6 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G for basic data collection efforts: Collaboratives, trainings, convenings, water academies, and water leadership training; community needs assessments intend to gather information about community strengths, needs, and priorities as well as opportunities to leverage infrastructure investments; community science initiatives consisting of basic data collection efforts with hand held devices or monitoring equipment installed temporarily in non-sensitive areas for temporary data collection, visual observations, photographs, collecting and logging information into a smartphone, computer, tablets, or similar devices. These basic data collection efforts must not result in a serious or major disturbance to an environmental resource and must be strictly for information gathering purposes or as part of a study leading towards an action which a public agency has not yet approved, adopted, or funded.

**SECTION 15309 AND COUNTY'S CLASS 9 EXEMPTION – INSPECTIONS**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15309 of the State CEQA Guidelines and Class 9 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: Community science initiatives consisting of inspections of multi-benefit projects and/or water quality facilities for the purpose of educating the community.

**SECTION 15311 AND COUNTY'S CLASS 11 EXEMPTION – ACCESSORY STRUCTURES**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15311 of the State CEQA Guidelines and Class 11 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G: The construction or placement of minor structures accessory to existing facilities, including additional monitoring equipment to support community science initiatives, or small structures to support community meetings and outreach.

**SECTION 15322 AND COUNTY'S CLASS 22 EXEMPTION – EDUCATION OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15322 of the State Guidelines and Class 22 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for education and training programs which will not include any physical alterations in the area affected or which involve physical changes only in the interior of existing school or training structures: The development of collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, and community-led project concept development which does not include any approvals or construction.

**SECTION 15323 AND COUNTY'S CLASS 23 EXEMPTION – NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS**

The activity is exempt from CEQA because it is within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria of section 15323 of the State CEQA Guidelines and Class 23 of the Los Angeles County's Environmental Document Reporting Procedures and Guidelines, Appendix G, for the normal operations of existing facilities for public gatherings for which the facilities were designed: Site visits and tours; community meetings or events held to support collaboratives, trainings, convenings, water academies, and water leadership training, community meetings, project-specific community outreach and/or community-led project concept development.

## CEQA CONFORMANCE CHECKLIST

### C. STATE CEQA GUIDELINES SECTION 15300.2 REVIEW

(a) Location. Is the project/activity located in a particularly sensitive environment that would preclude it from a Class 3, 4, 6, or 11 exemptions?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(b) Cumulative Impact. Will there be cumulative impacts caused by your project?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(c) Significant Effect. Is there a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(d) Scenic Highways. Will the project result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(e) Hazardous Waste Sites. Is this project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(f) Historical Resources. Will the project cause a substantial adverse change in the significance of a historical resource?	<input type="checkbox"/> YES <input type="checkbox"/> NO

Please attach any other forms or documents as needed to demonstrate conformity with the Board's CEQA finding.

**By checking this box, you are certifying that the activity does not fall within any of the exceptions to the exemptions pursuant to section 15300.2 of the State CEQA Guidelines.**

If answers to any of the questions under Section C are "yes", the activity is ineligible for grant funding.

### D. GRANT ADMINISTRATOR INFORMATION

GRANT ADMINISTRATOR NAME

EMAIL ADDRESS

I hereby certify that the information provided above is true and accurate to the best of my knowledge and understanding based on my review of the grant application and all other information submitted in support of the grant application.

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

PRINT NAME \_\_\_\_\_ DATE \_\_\_\_\_



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

January 10, 2023

IN REPLY PLEASE

REFER TO FILE: **SWP-8**

TO: Each Supervisor

FROM: Mark Pestrella, PE   
Director of Public Works

### **ADVANCE NOTIFICATION OF INTENT TO ENTER INTO NEGOTIATIONS FOR A SOLE SOURCE AGREEMENT WITH THE WATER FOUNDATION FOR DEVELOPMENT AND ADMINISTRATION OF A GRANTS PROGRAM FOR THE SAFE, CLEAN WATER PROGRAM**

Board Policy 5.100 requires advance written notification of a department's intent to enter sole source negotiations. This memorandum is to advise the Board of Public Works' intent to enter into negotiations for a new agreement, without engaging in a competitive solicitation process, with the Water Foundation.

There will be no impact to the County general fund. The sole source agreement would utilize funds from the Safe, Clean Water Program - District Program for the development and administration of a public education and community engagement grants program for a maximum of three years.

#### Background

In November 2018, Los Angeles County voters approved the Measure W parcel tax to build and maintain multi-benefit stormwater infrastructure through the Safe, Clean Water Program (SCWP). As part of the ordinance, the Chief Engineer of the Los Angeles County Flood Control District was directed to implement and administer public education and community engagement programs throughout the District, including a sustained education and engagement program for disadvantaged communities.

The service provider for the SCWP grants program must have grantmaking and grant administration experience for water-related grants in Los Angeles County, as well as a robust knowledge of the SCWP.



The purpose of the sole source agreement is to partner with the Water Foundation, a 501(c)(3) public charity, for the development and administration of a public education and community engagement grants program. The sole source agreement would act as a pilot program over a 3-year period and include development of training material and resources to assist in the transfer of knowledge and continued success of the pilot program following the contract term.

### Justification

As part of the implementing ordinance, the Chief Engineer was directed to implement and administer public education and community engagement programs. In late 2021, the Board authorized a Delegated Authority Agreement to secure expert services in preparing for the development and implementation of the educational programs. This intended sole source agreement is the result of that work with communities and potential administrators to determine the best path forward. Further, a large number of stakeholders, as well as small cities, are very eager to see such a program developed and implemented in order to advance community engagement, education, and equity under the SCWP and across the region.

The Water Foundation is uniquely qualified to provide the proposed service as the prerequisites for the service are experience with grantmaking and grant administration for water-related projects in Los Angeles County. The Water Foundation has been designing and implementing grant programs and making grants for Los Angeles-area nonprofits, community-based organizations, and local agencies to advance water resilience since its inception in 2011. The Water Foundation has dedicated Los Angeles-based staff specifically focused on water. The Water Foundation's approach is informed by the successes and lessons learned through the work of other Los Angeles-based, water-related initiatives such as the OurWaterLA coalition and ReDesign LA (both of which the Water Foundation has funded), the Proposition 1 Disadvantaged Community Involvement Program/WaterTalks, the Los Angeles County Parks Needs Assessment, the Los Angeles County Sustainability Plan outreach efforts, the South Central Los Angeles Air Quality Academy, and other innovative outreach and education programs. The proposed public education and engagement program reflects this experience and analysis and advances goals that have been articulated by community advocates and representatives of municipalities. The Water Foundation also has extensive familiarity with the SCWP through its involvement during the development of Measure W and through ongoing engagement and monitoring of program implementation since it was passed by the voters in 2019.

Each Supervisor  
January 10, 2023  
Page 3

In addition, an assessment of all consultants and subconsultants currently on contract with Public Works has been conducted. Although many consultants have grant writing experience preparing competitive grant applications, they do not have experience with grantmaking and grant administration for water-related projects in Los Angeles County.

### Conclusion

Following the 30-day notice period and unless otherwise directed, Public Works will work with County Counsel to prepare an agreement with the Water Foundation and return with recommendations for the Board's consideration.

If you have any questions, please contact me or your staff may contact Keith Lilley, Deputy Director, at (626) 458-4016 or [klilley@pw.lacounty.gov](mailto:klilley@pw.lacounty.gov).

MM:yg

P:\swppub\Secretarial\2022\Memos\SCWP Grants Program Advance Notice.doc

Attach.

cc: Chief Executive Office  
County Counsel  
Executive Office

## SOLE SOURCE CHECKLIST

Department Name: Public Works

New Sole Source Contract

Sole Source Amendment to Existing Contract \_\_\_\_\_

Date Existing Contract First Approved:

Check (✓)	<b>JUSTIFICATION FOR SOLE SOURCE CONTRACTS</b> Identify applicable justification and provide documentation for each checked item.
✓	➤ Only one bona fide source (monopoly) for the service exists; performance and price competition are not available. A monopoly is an <i>“Exclusive control of the supply of any service in a given market. If more than one source in a given market exists, a monopoly does not exist.”</i>
	➤ Compliance with applicable statutory and/or regulatory provisions.
	➤ Compliance with State and/or federal programmatic requirements.
	➤ Services provided by other public or County-related entities.
✓	➤ Services are needed to address an emergent or related time-sensitive need.
	➤ The service provider(s) is required under the provisions of a grant or regulatory requirement.
	➤ Additional services are needed to complete an ongoing task and it would be prohibitively costly in time and money to seek a new service provider.
	➤ Services are needed during the time period required to complete a solicitation for replacement services; provided services are needed for no more than 12 months from the expiration of an existing contract which has no available option periods.
	➤ Maintenance and support services are needed for an existing solution/system during the time to complete a solicitation for a new replacement solution/ system; provided the services are needed for no more than 24 months from the expiration of an existing maintenance and support contract which has no available option periods.
	➤ Maintenance service agreements exist on equipment, which must be serviced by the original equipment manufacturer or an authorized service representative.
	➤ It is more cost-effective to obtain services by exercising an option under an existing contract.
	➤ It is in the best economic interest of the County (e.g., significant costs to replace an existing system or infrastructure, administrative cost savings and excessive learning curve for a new service provider, etc.). In such cases, departments must demonstrate due diligence in qualifying the cost-savings or cost-avoidance associated with the best economic interest of the County.

Chia-Ann Yen

8/31/2022

\_\_\_\_\_  
Chief Executive Office

\_\_\_\_\_  
Date

## **JUSTIFICATION FOR SOLE SOURCE CONTRACT WATER FOUNDATION**

1. Only one bona fide source for the service exists; performance and price competition are not available.

The Water Foundation is uniquely qualified to provide the proposed service as the prerequisites for the service are experience with grantmaking and grant administration for water-related projects in Los Angeles County. The Water Foundation has been designing and implementing grant programs and making grants to Los Angeles-area nonprofits, community-based organizations (CBOs), and local agencies to advance water resilience since its inception in 2011. The Water Foundation has dedicated Los Angeles-based staff specifically focused on water. The Water Foundation's approach is informed by the successes and lessons learned through the work of other Los Angeles-based water-related initiatives such as the OurWaterLA coalition and ReDesign LA (both of which Water Foundation has funded), the Proposition 1 Disadvantaged Community Involvement Program/WaterTalks, the LA County Parks Needs Assessment, the LA County Sustainability Plan outreach plan, and the South Central Los Angeles Air Quality Academy, and other innovative outreach and education programs. The proposed public education and engagement program reflects this experience and analysis and advances goals that have been articulated by community advocates and representatives of municipalities. The Water Foundation also has extensive familiarity with the Safe, Clean Water Program (SCWP) through participation on the as a stakeholder as Measure W was being developed and passed and through ongoing engagement and monitoring of the program.

In addition, an assessment of all consultants and subconsultants currently on contract with Public Works has been conducted. Although many consultants have grant writing experience preparing competitive grant applications, they do not have experience with grantmaking and grant administration for water-related projects in Los Angeles County.

Accordingly, we recommend that the Safe, Clean Water Grants Program be awarded a sole source contract provided by The Water Foundation.

2. Services are needed to address an emergent or related time-sensitive need.

In November 2018, Los Angeles County voters approved the Measure W parcel tax to build and maintain multi-benefit stormwater infrastructure through the SCWP and support programmatic elements, including scientific studies, sustained community engagement and outreach, workforce development, and others. As part of the implementing ordinance, the Chief Engineer was directed to implement and administer public education and community engagement programs, among which was specified: 'Public Education and Community

Engagement Programs throughout the District, including a sustained education and engagement Program for disadvantaged communities.' The Public Education and Community Engagement Programs are significantly behind other SCWP Elements largely due to the complexity of development and administration. Funding dedicated specifically to this purpose is accumulating and for this and other reasons there is growing urgency for the development and implementation of an education and engagement program that will be most expeditiously achieved through a grants program. The District is in the third year of a revolving five-year period, by which not less than 20 percent of District Program funds must be allocated toward implementation and administration of the Education Programs.