



City of Santa Paula

Request for Qualifications for the Delivery of a Water Recycling Facility



PREPARED FOR THE

City of Santa Paula

July 23, 2007

PREPARED BY:



14725 Alton Parkway
Irvine, CA 92618



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List of Attachments

- Attachment A California Government Code Section 5956-5956.10
- Attachment B Vicinity Map
- Attachment C Proposed WRF Location Map
- Attachment D Site Plan
- Attachment E WRF Process Schematic
- Attachment F MBR Process Flow Diagram
- Attachment G Risk Matrix





1.0 General

1.1 Purpose

The City of Santa Paula (City) is seeking to pre-qualify engineering/construction professionals to design, build, operate, and finance the City's new Water Recycling Facility (WRF). It is the intention of the City to execute the contract as a design-build-operate-finance (DBOF) project under the provisions of California Government Code Section 5956-5956.10 (see Attachment A).

This Request for Qualifications (RFQ) invites interested parties (bidders) to submit a Statement of Qualifications (SOQ) no later than August 29, 2007, which describes the expertise and capability of the bidder to complete the project under a long-term agreement with the City. Responses to the RFQ will be evaluated to identify a short-list of qualified bidders, who will then be invited to participate in the next stage of the project by preparing and submitting a Proposal in response to the Request for Proposal (RFP).

The detailed technical requirements for the project are being developed and will be presented in the RFP. The technical requirements in this RFQ are presented for general understanding only and is not necessarily representative of the RFP requirements.

1.2 Important Dates

As the City is under a strict time schedule from the State Regional Water Quality Control Board, time is of the essence. To comply with the State's schedule requirements, the following milestone dates have been established for the project:

| Milestone | Tentative Date |
|---|---|
| RFQ Issued | July 23, 2007 |
| Statement of Qualifications (SOQs) Due | August 29, 2007 |
| Shortlist, Issue RFP and Select Firm | Completed by 1 st Quarter 2008 |
| Substantial Construction Completion (Permit Req't) | September 15, 2010 |
| Plant In-Service Date (Permit Req't) | December 15, 2010 |





1.3. Program Management Team

The City proposes to use special consultants to assist them in executing this project through the SOQ Phase as a minimum. A Program Management Team led by RBF Consulting and supported by Mr. Larry Wiener, City's legal counsel retained for this project, and Mr. Kim Early, special consultant to RBF, are responsible for assisting the City in selecting the short-listed firms to receive the Request for Proposal. The Program Management team is considered a representative of the City for purposes of this project, and Mr. Michael P. Rudinica from RBF Consulting is the City's designated Program Manager for the RFQ Phase.

1.4. Proposal Costs and Conditions

Each bidder, other team members, or other participants or potential participants in this bidding process shall bear their own costs in the pursuit of this project. The City, under no circumstance, will be responsible for such costs and will not reimburse the costs of any party, regardless of the outcome of the bidding process.

This bidding process is subject to the following City rights and conditions, which may be exercised in the sole discretion of the City at any time during the bidding process without incurring liability to affected parties and without obligation to provide information as to the grounds for any such City action:

- To cancel this RFQ or the selection process, with or without the substitution of another pre-qualification or selection process;
- To waive any informality, defect, non-responsiveness, or deviation in a submittal, a proposal, or other submission;
- To require one or more bidders to supplement or clarify its submittal or to provide additional information after the submission of submittals;
- To take any action affecting this RFQ, the RFP, or the selection process that would be in the best interest of the City;
- To conduct investigations and make inquiries concerning any aspect of or any representation made in any submittal;
- To reject all submittals;



- To reject a bidder, team member, or other firm that has been delinquent or unfaithful in the performance of any contract with or obligation to the City or is financially or technically incapable, or is otherwise not qualified or responsive;
- To supplement, modify, or amend this RFQ;
- To make judgments about the contents of any submittal with respect to the requirements and criteria set forth in this RFQ; and
- To extend the deadline for submittals, in which case such extension shall be offered to all potential bidders.

2.0 Project Background

The City of Santa Paula is located 65 miles northwest of Los Angeles and 14 miles east of Ventura and the coastline of the Pacific Ocean. As shown in Attachment B, Santa Paula is the geographical center of Ventura County, California, and is situated in the rich agricultural Santa Clara River Valley. The City of Santa Paula is often referred to as the "Citrus Capital of the World." The City is a major distribution point for citrus fruits and is also known for its avocado production and processing. Santa Paula covers an area of 4.6 square miles and its population is currently estimated at 29,182.

The City currently operates an existing wastewater treatment plant, located at 905 Corporation Street, Santa Paula, California. This plant has an average dry weather flow (ADWF) capacity of approximately 2.5 MGD. The plant was originally constructed in 1939, and most of the facilities have reached the end of their useful service life.

The proposed WRF will be located directly adjacent to the west of the existing plant (see Attachment C). The proposed WRF will replace the City's existing wastewater treatment facility, which discharges treated effluent to the Santa Clara River. The new facility will operate under Waste Discharge Requirements (WDR) recently adopted by the RWQCB to discharge all effluent to evaporation/percolation ponds and ultimately, treated effluent may be recycled for agricultural and municipal irrigation.

The City retained Kennedy Jenks Consultants to prepare facility design engineering for a membrane bioreactor (MBR). The design was completed to 60 percent construction plans, based upon a design capacity of 3.4 million gallons per day (MGD), expandable to 4.2 MGD (both values expressed are daily average of annual influent flow). The initial capacity represents flow projections for 2015, and the ultimate capacity is based upon 2025 flow projections.



The core treatment technology selected for the project was MBR technology, and the overall process design included:

- Influent sewer and pump station
- Influent headworks, including coarse screens and fine screens
- Flow equalization tank and membrane bioreactor (MBR)
- UV disinfection
- Percolation
- WAS sludge thickening
- Aerobic digestion
- Digested sludge dewatering
- Odor control facilities with biofilter
- Effluent sewer
- Flood levee
- Standby power
- Administration building

The Site Plan, WRF Process Schematic, and MBR Process Flow Diagram from the Kennedy Jenks design are included as Attachments D, E, and F, respectively. **Utilization of MBR as the core treatment technology for the project has been adopted by the City and may not be changed**, but the remaining project components may be re-engineered under the contract as necessary to meet the goals of the project.

An Environmental Impact Report (EIR) for the Santa Paula WRF was prepared and certified on April 25, 2005. A copy of the certified EIR can be made available to Respondents, if requested.



3.0 Quantity or Scope of the Contract

3.1. Project Goals and Objectives

The intent of the proposed WRF project is to:

- Design and construct a water recycling facility capable of meeting the requirements of the Regional Water Quality Control Board (RWQCB) – Los Angeles wastewater treatment standards, utilizing MBRs;
- Meet the wastewater demands of the City's forecasted 2025 population;
- Design and construct a water recycling facility that can easily and cost-effectively be enhanced in the future to meet the provisions of California Code of Regulations Title 22, unrestricted water re-use for agricultural and municipal needs;
- Comply with mitigation requirements in the certified EIR;
- Provide a new WRF in the most cost-effective and efficient manner meeting the financial objectives of the Project; and
- Create a predictable cost stream for the construction and operation of the WRF.

3.2. Scope of Work Overview

The following provides a general overview of the project scope of work the City envisions for the Project:

- Design and construct a wastewater treatment plant with initial capacity of 3.4 MGD and ultimate capacity of 4.2 MGD, including providing a performance bond;
- Design aesthetic components (i.e., landscape, hardscape, and architecture) acceptable to the City for the entire project area;
- Design and construct groundwater percolation ponds;
- Design and construct an influent sewer and pump station, effluent sewer, and other required conveyance facilities to create a fully functional plant;



- Provide long-term financing for the project with contractual guarantees, to be repaid from fees generated by operation of the project; and
- Operate the new facilities for a period of no less than twenty (20) years and no greater than thirty (30) years.

3.3. Risk Allocation

To assist bidders in understanding the City's perspective of risk allocation for the Project, a preliminary Risk Matrix is provided in Attachment G.

4.0 Instructions to Respondents

4.1. Receipt of SOQs

SOQs will be received at the office of RBF Consulting, located at 14725 Alton Parkway, Irvine, CA, 92618, until 5:00 pm on August 29, 2007 for the WRF.

4.2. Contact Instructions and RFQ Questions

The only person who may be contacted regarding this RFQ or any other aspect of this Bidding process is:

Mr. Michael P. Rudinica, P.E.
Program Manager for the City of Santa Paula
WRF Project
RBF Consulting
14725 Alton Parkway
Irvine, CA 92618
Telephone: (949) 855-3621
Fax: (949) 472-3742
mpr@rbf.com

All questions and requests for clarification of the RFQ must be in submitted in writing (via e-mail, fax, or other delivery method). The City's Program Manager will strive to respond to such inquiries within approximately ten (10) business days after receipt. However, the final round of responses from the City's Program Manager will be provided no later than five (5) business days before the SOQ submission deadline. Questions or requests for additional information received after seven (7) working days before SOQs are due will not be honored.

The Program Manager will respond to all questions or requests for information, in writing, through issuance of addenda to all interested parties who are identified on the Program Manager's registration list. **It is the responsibility of the interested parties to request in written communication to the Program**



Manager that it be included on the registration list for distribution of correspondence related to this RFQ, including addenda.

If any ambiguity, conflict, or error is found in this RFQ, or any issued addenda, the bidder must provide immediate written notification of such ambiguity, conflict, or error to the Program Manager.

4.3. Submittal Format

The parties responding to this RFQ shall organize their SOQ in accordance with the following headings:

1. Submission Cover Letter
2. Table of Contents
3. Project Understanding, Project Approach, and Key Issues
4. Corporate Organization
5. Project Team Organization and Structure
6. Project Experience and Capabilities
7. Economic and Financial Qualifications

4.4. Submittal Content

4.4.1. Submission Cover Letter

The cover letter must be signed by an authorized officer of the bidder (or authorized officers of bidders if more than one creates a new legal entity as the Project Contractor) and must include: (a) name, title, address, telephone and fax numbers, and e-mail address for the bidder's contact person regarding all matters having to do with the submittal, and (b) confirmation of receipt of all RFQ addenda.

4.4.2. Table of Contents

The SOQ should include an organized table of contents, with at a minimum, each major heading and subheading identified with corresponding page numbers, as well as identification of all tables and figures.



4.4.3. Project Understanding, Project Approach, and Key Issues

The SOQ should demonstrate that the bidder understands the City's goals and objectives for the Project. The bidder should identify any potential key issues or challenges for the Project and explain their approach to and role in overcoming them.

4.4.4. Corporate Organization

The SOQ should fully describe the bidder's corporate organizational structure. The SOQ should identify the legal form to be taken by the grouping of suppliers, contractors or service providers to whom the contract is to be awarded. A single source of responsibility is desired. Therefore, the City is requiring that the bidder be a single legal entity.

4.4.5. Project Team Organization and Structure

This section must describe the bidder's organization and management of the project team and should demonstrate that such organization and management will successfully perform the project contract. This section must include: (a) a description of project management and organization strategy, including decision making processes; (b) a firm organization chart depicting the reporting and control structure for the project team, including a description of the role of each team member and the contractual and accountability relationships; (c) a personnel organization chart showing the reporting and control structure for key personnel; (d) a statement of the educational and professional qualifications of the bidder's managerial staff and of those persons who will be responsible for carrying out the contract requirements; (e) the relevant qualifications of all key staff assigned to the project, including full resumes (to be provided in the SOQ appendix) containing relevant experience and the proposed level of commitment to the project during the design, construction, and operations stage; (f) a description of the quality assurance/quality control process and organization for permitting, financing, design, construction, operation and maintenance; (g) a description of projects where team members have worked together; and (h) a description of the bidder's approach and philosophy towards achieving a cooperative partnership environment among team members and with the City.



4.4.6. Project Experience and Capabilities

This section must describe the bidder's and key individual team members' project experience and capabilities, including (a) description of projects completed under a DBOF (design, build, operate, finance) or DBO (design, build, operate) delivery method, project costs, and client contacts for these projects; (b) a statement of the bidder's average annual manpower and the number of managerial staff for the past three (3) years; (c) description of similar type projects completed by the bidder in the past three (3) years, with the facility description, facility size, project costs, project start and construction completion dates, and client contact information; (d) sample renderings of like projects completed by the bidder within the last three (3) years; (e) a statement of the technicians or technical bodies, which the bidder can call upon for carrying out the work, whether or not they belong to the bidder; (f) a statement of the tools, plant, and technical equipment available to the bidder for carrying out the work; and (g) a list of projects carried out by the bidder over the past five (5) years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date, and project location, and shall specify whether the projects were carried out according to the rules of the trade and properly completed. Where necessary, the competent authority shall submit these certificates to the contracting authority directly.

4.4.7. Economic and Financial Qualifications

The bidder shall indicate that they can provide adequate financing for a project that is up to \$70 million.

As a minimum, this section must include the following: (a) a reference from the bidder's bankers; (b) presentation of the bidder's balance sheets or extracts from the balance sheets; (c) a statement of the bidder's overall revenue and the revenue related to similar activities covered by this contract, for the three previous financial years; (d) evidence of the bidder's ability to secure appropriate insurance coverage for all risks of property damage, bodily injury, comprehensive general liability and professional liability to protect itself, its contractors, and subcontractors and the City that meets the insurance requirements for a project of similar nature, size, scope, and complexity; (e) evidence that it can provide financing for the project; (f) bonding evidence, including the company's total bonding limit, and current amount of outstanding bonds; and (g)



detailed description of the bidder's approach to financing this type of project and financing experience for projects of similar scope.

5.0 Evaluation and Selection

5.1. Evaluation Process

The SOQs will be reviewed and evaluated utilizing the requirements and criteria outlined in this RFQ. The SOQs will first be reviewed for responsiveness, and then evaluated and ranked based upon evaluation criteria described in Section 5.0. At any time during the evaluation process, the City may a) submit written questions or requests for clarifications to a bidder regarding its SOQ or related matters, b) contact references included in the SOQ and other third parties not included as references in the SOQ to obtain information regarding any team member or key personnel, and c) visit facilities and clients associated with any team member or key personnel (whether or not such facility or client is included in the SOQ). **Failure to respond in a timely manner to any such questions or requests may be grounds for elimination of the bidder from further consideration.**

No City employee or other member of the City's project team will participate in the evaluation process if that person has a financial interest in, or has received any income or gift from, a bidder, a principal or constituent entity of a bidder, or an agent of a bidder, if that interest, income, or gift would result in a disqualifying interest under the Political Reform Act.

5.2. Responsiveness

Each submittal will be reviewed to determine if it is responsive to the requirements of this RFQ. Failure to comply with the format and content requirements outlined in Section 4.0 may result in an SOQ being rejected as non-responsive. At its sole discretion, the City may waive any failure to meet a requirement of this RFQ and may request clarifications or additional information from a bidder to remedy a failure to meet format or content requirements.



5.3. Evaluation Criteria

Each SOQ that is deemed responsive will be evaluated based upon the following criteria:

- Economic and financial capacity
- Experience with the design, construction, and operation of MBR treatment facilities that are similar in scope to the City's proposed facility
- Experience with design/build as well as DBOF projects
- Experience and past performance on similar projects

5.4. Selection

The City shall utilize as its primary selection criteria the demonstrated competence and qualifications of the respondents to study, plan, design, develop, finance, construct, maintain, rebuild, improve, repair and operate the facility.

The highest ranked bidders will be invited to submit proposals to the City for consideration. Other firms not ranked may be requested to submit proposals, at the City's discretion, should the initial proposers not be successful in securing a contract.



Attachment A
California Government Code Section 5956-5956.10

CALIFORNIA CODES GOVERNMENT CODE SECTION 5956-5956.10

5956. Local governmental agencies have experienced a significant decrease in available tax revenues to fund necessary infrastructure improvements. If local governmental agencies are going to maintain the quality of life that this infrastructure provides, they must find new funding sources. One source of new money is private sector investment capital utilized to design, construct, maintain, rebuild, repair, and operate infrastructure facilities. Unless private sector investment capital becomes available to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities, some local governmental agencies will be unable to replace deteriorating infrastructure. Further, some local governmental agencies will be unable to expand and build new infrastructure facilities to serve the increasing population.

5956.1. It is the intent of the Legislature that local governmental agencies have the authority and flexibility to utilize private investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities. Without the ability to utilize private sector investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities, the Legislature finds that some local governmental agencies will not be able to adequately, competently, or satisfactorily retrofit, reconstruct, repair, or replace existing infrastructure and will not be able to adequately, competently, or satisfactorily design and construct new infrastructure.

5956.2. It is the intent of the Legislature that this chapter be construed as creating a new and independent authority for local governmental agencies to utilize private sector investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities. To that end, this authority is intended to supplement and be independent of any existing authority and does not limit, replace, or detract from existing authority. This chapter may be used by local

governmental entities when they deem it appropriate in the exercise of their discretion. It is the intent of the Legislature that this act create no new governmental entities.

5956.3. (a) For purposes of this chapter, "governmental agency" includes a city, county, city and county, including a chartered city or county, school district, community college district, public district, county board of education, joint powers authority, transportation commission or authority, or any other public or municipal corporation.

(b) For purposes of this chapter, "private entity" includes a person, business entity, combination of persons and business entities, or a combination of business entities.

(c) For purposes of this chapter, "fee-producing infrastructure project" or "fee-producing infrastructure facility" means the operation of the infrastructure project or facility will be paid for by the persons or entities benefited by or utilizing the project or facility.

5956.4. A governmental agency may solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and may lease to, private entities for the following types of fee-producing infrastructure projects:

- (a) Irrigation.
- (b) Drainage.
- (c) Energy or power production.
- (d) Water supply, treatment, and distribution.
- (e) Flood control.
- (f) Inland waterways.
- (g) Harbors.
- (h) Municipal improvements.
- (i) Commuter and light rail.
- (j) Highways or bridges.
- (k) Tunnels.
- (l) Airports and runways.
- (m) Purification of water.
- (n) Sewage treatment, disposal, and water recycling.
- (o) Refuse disposal.
- (p) Structures or buildings, except structures or buildings that are to be utilized primarily for sporting or entertainment events.

5956.5. Notwithstanding Chapter 10 (commencing with Section 4525) of Division 5,

or Part 2 (commencing with Section 10100) or Part 3 (commencing with Section 20100) of Division 2 of the Public Contract Code, the governmental agency soliciting proposals and entering into agreements with private entities for the studying, planning, design, developing, financing, construction, maintenance, rebuilding, improvement, repair, or operation, or any combination thereof, by private entities for fee-producing infrastructure projects shall ensure that the contractor is selected pursuant to a competitive negotiation process. Projects may be proposed by the private entity and selected by the governmental agency at the discretion of the governmental agency. Projects may be proposed and selected individually or as part of a related or larger project. The competitive negotiation process shall utilize, as the primary selection criteria, the demonstrated competence and qualifications for the studying, planning, design, developing, financing, construction, maintenance, rebuilding, improvement, repair, or operation, or any combination thereof, of the facility. The selection criteria shall also ensure that the facility be operated at fair and reasonable prices to the user of the infrastructure facility services. The competitive negotiation process shall not require competitive bidding. The competitive negotiation process shall specifically prohibit practices that may result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit governmental agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section that would subject those employees to the prohibition of Section 87100. Other than these criteria and applicable provisions related to providing security for the construction and completion of the facility, the governmental agency soliciting proposals is not subject to any other provisions of the Public Contract Code or this code that relates to public procurements.

5956.6. (a) For purposes of facilitating projects, the agreements specified in Section 5956.4 may include provisions for the lease of rights-of-way in, and airspace over, property owned by a governmental agency, for the granting of necessary easements, and for the issuance of permits or other authorizations to enable the private entity to construct infrastructure facilities supplemental to existing government-owned

facilities. Infrastructure constructed by a private entity pursuant to this chapter shall, at all times, be owned by a governmental agency, unless the governmental agency, in its discretion, elects to provide for ownership of the facility by the private entity during the term of the agreement. The agreement shall provide for the lease of those facilities to, or ownership by, the private entity for up to 35 years. In consideration therefor, the agreement shall provide for complete reversion of the privately constructed facility to the governmental agency at the expiration of the lease at no charge to the governmental agency. Subsequent to the expiration of the lease or ownership period, the governmental agency may continue to charge fees for use of the infrastructure facility. If, after the expiration of the lease or ownership period, the governmental agency continues to lease airspace rights to the private entity, it shall do so at fair market value.

(b) The agreement between the governmental agency and the private entity shall include, but need not be limited to, provisions to ensure the following:

- (1) Compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). Neither the act of selecting a proposed project or a private entity, nor the execution of an agreement with a private entity, shall require prior compliance with the act. However, appropriate compliance with the act shall thereafter occur before project development commences.
- (2) Security for the construction of the facility to ensure its completion, and contractual provisions that are necessary to protect the revenue streams of the project.
- (3) Adequate financial resources of the private entity to design, build, and operate the facility, after the date of the agreement.
- (4) Authority for the governmental agency to impose user fees for use of the facility in an amount sufficient to protect the revenue streams necessary for projects or facilities undertaken pursuant to this chapter. User fee revenues shall be dedicated exclusively to payment of the private entity's direct and indirect capital outlay costs for the project, direct and indirect costs associated with operations, direct and indirect user fee collection costs, direct and indirect costs of administration of the facility, reimbursement

for the direct and indirect costs of maintenance, and a negotiated reasonable return on investment to the private entity.

- (5) As a precondition to the imposition or increase of a user fee, the governmental agency shall conduct at least one public hearing at which public testimony will be received regarding a proposed user fee revenue or increase in user fee revenues. The public hearing shall precede the action by the governmental agency to actually impose a user fee or to increase an existing user fee. The governmental agency shall consider the public testimony prior to imposing a new or increased user fee. The governmental agency shall provide the following notices and utilize the following procedures:

- (A) Notice of the date, time, and place of the meeting, including a general explanation of the matter to be considered, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the governmental agency for mailed notice of the meeting on new or increased fees or service charges. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the expiration of the one-year period for which the written request was filed. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.
- (B) At least 10 days prior to the meeting, the governmental agency shall make available to the public data that supports the amount of the fee or the increase in the fee.
- (C)
- (I) At least 10 days prior to the meeting, the governmental agency shall publish a notice in a newspaper of general circulation in that agency's jurisdiction stating the date, time, and place of the meeting, including a general explanation of the matter to be considered.
- (ii) Any costs incurred by the governmental agency in conducting the meeting or meetings required by this section may be recovered from fees

charged for the services that are the subject of the fee.

(iii) For transportation projects specifically authorized by this chapter, at least 10 days prior to the meeting, the governmental agency shall publish for four consecutive times, a notice in the newspaper of general circulation in the affected area stating in no smaller than 10-point type a notice specifying the subject of the hearing, the date, time, and place of the meeting, and in at least 8-point type a general explanation of the matter to be considered.

- (D) No local agency shall levy a new fee or service charge or increase an existing fee or service charge to an amount that exceeds the estimated amount required to provide the service for which the fee or service charge is levied and a reasonable rate of return on investment, pursuant to paragraph (4). Any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge pursuant to this chapter shall be taken only by ordinance or resolution. The legislative body of a local agency shall not delegate the authority to adopt a new fee or service charge, or to increase a fee or service charge.
- (6) Require that if the legislative body of the governmental agency determines that fees or service charges create revenues in excess of the actual cost for which the user fee revenues are dedicated and a reasonable rate of return on investment, pursuant to paragraph (4), those revenues shall either be applied to any indebtedness incurred by the private entity with respect to the project, be paid into a reserve account in order to offset future operation costs, be paid into the appropriate **government** account, be used to reduce the user fee or service charge creating the excess, or a combination of these sources.
- (7) Require the private entity to maintain the facility in good operating condition at all times, including the time the facility reverts to the governmental agency.
- (8) Preparation by the private entity of an annual audited report accounting for the income received and expenses to operate the facility. The private entity shall make

that report available to any member of the public for a cost not to exceed the cost of reproduction of the report.

- (9) Provision for a buyout of the private entity by the governmental entity in the event of termination or default before the end of the lease term.
- (10) Provision for appropriate indemnity promises between the governmental agency and the private entity.
- (11) Provision requiring the private entity to maintain insurance with those coverages and in those amounts that the governmental agency deems appropriate.
- (12) In the event of a dispute between the governmental agency and the private entity, both parties shall be entitled to all available legal or equitable remedies.

5956.7. (a) The governmental agency may exercise any power possessed by it with respect to the development and construction of infrastructure projects pursuant to this chapter. Agreements for the maintenance and police services entered into pursuant to this chapter shall provide for full reimbursement for services rendered by the governmental agency in accordance with the terms and conditions specified in the agreement. The governmental agency may provide services for which it is reimbursed with respect to preliminary planning, environmental certification, and preliminary design of the infrastructure projects. The governmental agency may consult with legal, financial, and other consultants in the negotiation and development of the agreement. To the extent existing public utility infrastructure is necessarily required to be modified, relocated, or removed in order for an infrastructure project authorized by this chapter to be constructed, the cost of modification, relocation, or removal of the existing infrastructure shall be borne by the private entity and included as a recoverable capital cost of the project. This cost shall not be construed to include costs of increasing the capacity, or upgrading, or improving the existing public utility infrastructure.

(b) The private entity's responsibility to modify, relocate, or remove existing public utility infrastructure shall not alter any agreements that may be in place between the governmental agency and any public utility regarding projects funded by the governmental agency.

(c) In the event of a dispute regarding the reimbursement required, a private entity may

request an audit of the public utility's costs by a mutually acceptable certified public accountant. The result of the audit shall determine the actual costs. If the audit indicates that the public utility's actual costs were less than 95 percent of the cost claimed, the cost of the audit shall be borne by the public utility. If the audit indicates that the public utility's actual costs were 95 percent or more of the cost claimed, the cost of the audit shall be borne by the private entity.

5956.8. The plans and specifications for each project constructed pursuant to this chapter shall comply with all applicable governmental design standards for that particular infrastructure project. The private entity designing, constructing, operating, and maintaining infrastructure facilities pursuant to this chapter shall utilize private sector design and construction firms to design and construct the infrastructure facilities. However, a facility subject to this chapter and leased to a private entity shall, during the term of the lease, be deemed to be public property for purposes of identification, maintenance, enforcement of laws and for purposes of Division 3.6 (commencing with Section 810). All public works constructed pursuant to this chapter shall comply with Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

5956.9. In order to use the authority conferred by this chapter to the maximum extent, a governmental agency may use private infrastructure financing pursuant to this chapter as the exclusive revenue source or as a supplemental revenue source with federal or local funds. The governmental agency involved may be a local governmental agency or a combination of local governmental agencies. The governmental agency may work cooperatively with the California Infrastructure and Economic Development Board with regard to the design, construction, operation, and financing of privately financed facilities, but the projects will not be subject to the review or approval of that board.

5956.10. Notwithstanding any provision of this chapter, neither the state or any state agency may directly or indirectly use the authority in this chapter, nor may any governmental agency as defined in Section 5956.3, use the authority in this chapter, to design, construct, finance, or operate a state project. For purposes of this

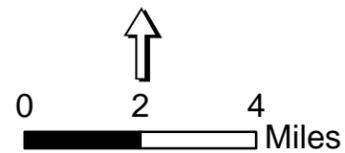
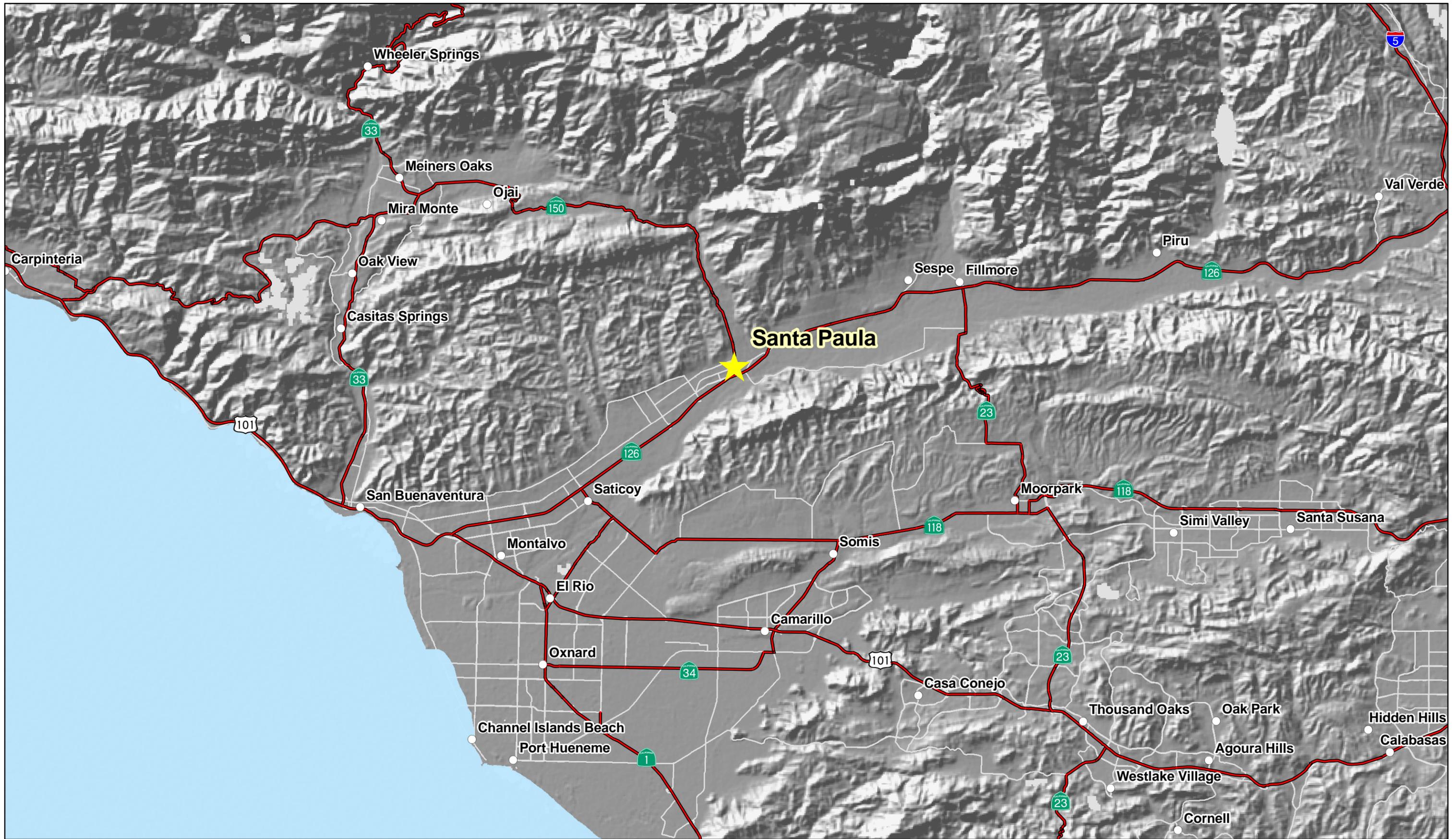
section, a state project includes any of the following:

- (a) Toll roads on state highways.
- (b) State water projects.
- (c) State park and recreation projects.
- (d) State financed projects.

These limitations shall not prohibit the state, any state agency, or any governmental agency as defined in Section 5956.3, from utilizing authorizations contained in other provisions of law.



Attachment B Vicinity Map

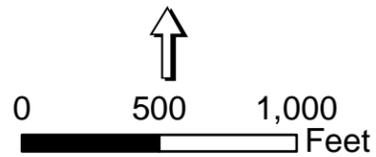
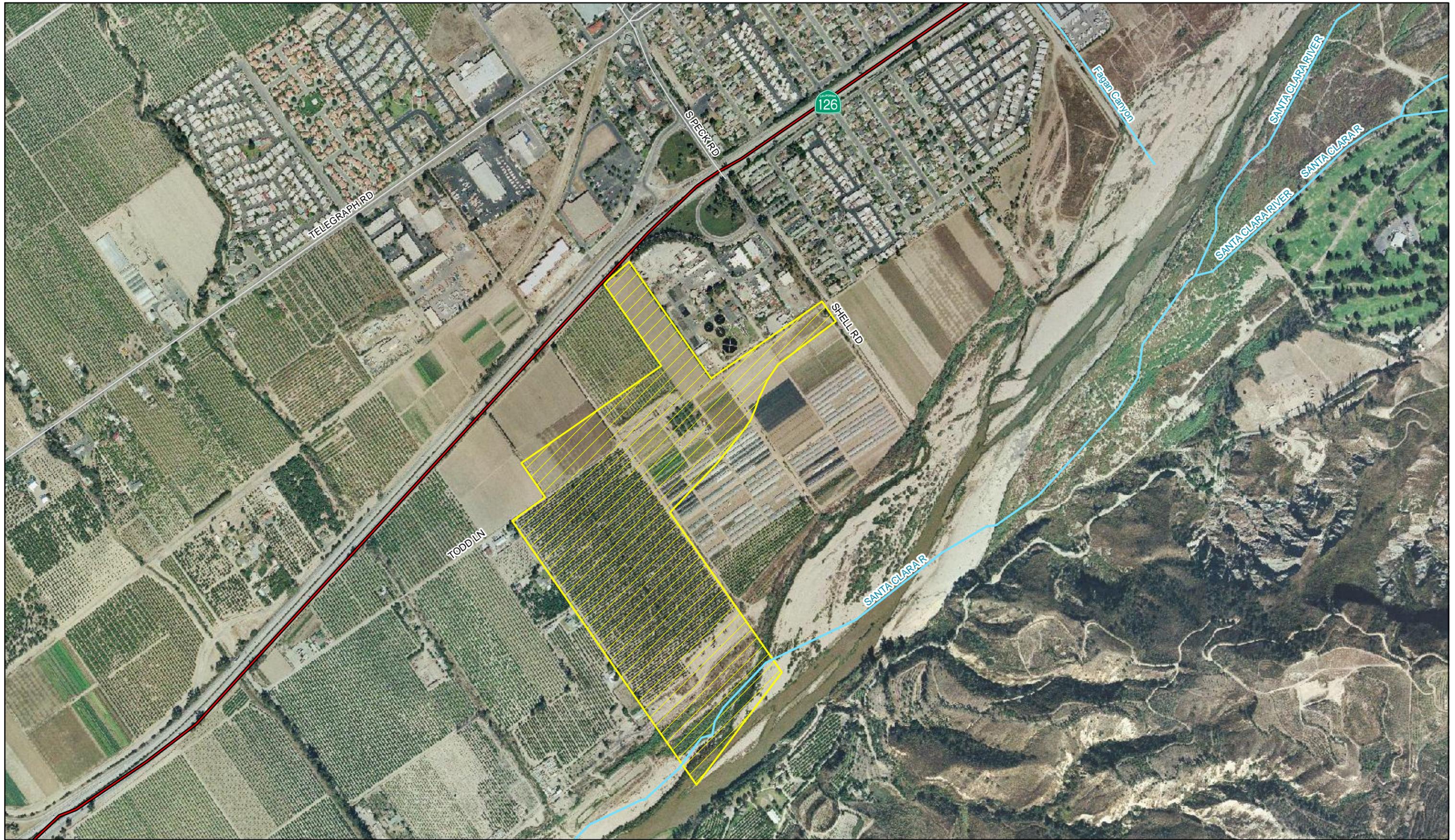


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Vicinity Map
 Santa Paula Water Recycling Facility
 Attachment B



Attachment C Location Map

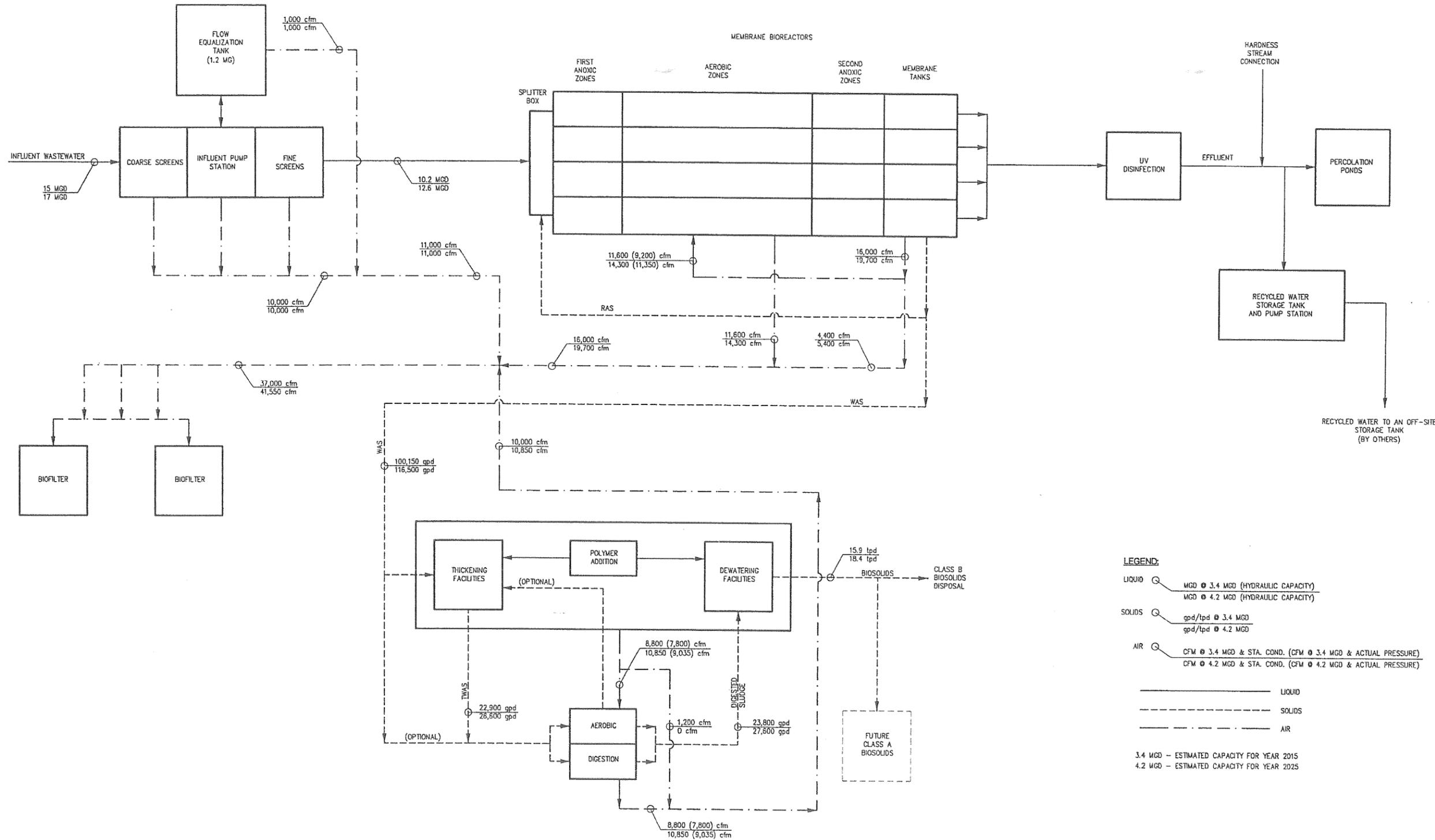


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Location Map
Santa Paula Water Recycling Facility
Attachment C



Attachment D
Site Plan



LEGEND:

LIQUID \bigcirc MGD @ 3.4 MGD (HYDRAULIC CAPACITY)
 MGD @ 4.2 MGD (HYDRAULIC CAPACITY)

SOLIDS \bigcirc gpd/tpd @ 3.4 MGD
 gpd/tpd @ 4.2 MGD

AIR \bigcirc CFM @ 3.4 MGD & STA. COND. (CFM @ 3.4 MGD & ACTUAL PRESSURE)
 CFM @ 4.2 MGD & STA. COND. (CFM @ 4.2 MGD & ACTUAL PRESSURE)

————— LIQUID
 - - - - - SOLIDS
 - - - - - AIR

3.4 MGD - ESTIMATED CAPACITY FOR YEAR 2015
 4.2 MGD - ESTIMATED CAPACITY FOR YEAR 2025

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 Ventura, CA 93003
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Michael E. Joyce
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SANTA PAULA WATER RECYCLING FACILITY
VOLUME A
WRF PROCESS SCHEMATIC

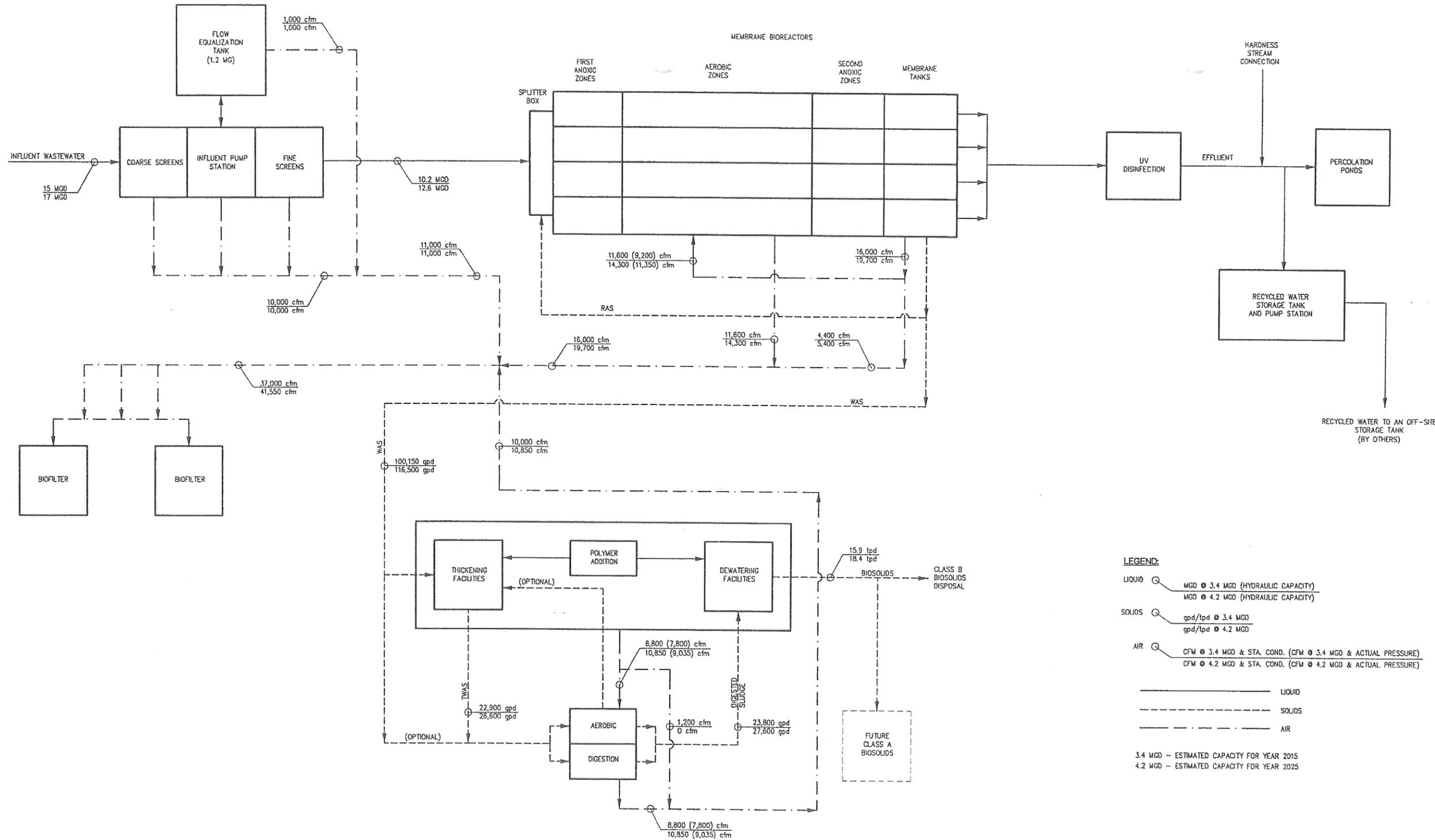
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Attachment E
WRF Process Schematic



LEGEND:

LIQUID \bigcirc MGD @ 3.4 MGD (HYDRAULIC CAPACITY)
 MGD @ 4.2 MGD (HYDRAULIC CAPACITY)

SOLIDS \bigcirc gpd/tpd @ 3.4 MGD
 gpd/tpd @ 4.2 MGD

AIR \bigcirc CFM @ 3.4 MGD & STA. COND. (CFM @ 3.4 MGD & ACTUAL PRESSURE)
 CFM @ 4.2 MGD & STA. COND. (CFM @ 4.2 MGD & ACTUAL PRESSURE)

————— LIQUID
 - - - - - SOLIDS
 - · - · - AIR

3.4 MGD - ESTIMATED CAPACITY FOR YEAR 2015
 4.2 MGD - ESTIMATED CAPACITY FOR YEAR 2025

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SANTA PAULA WATER RECYCLING FACILITY
VOLUME A
WRF PROCESS SCHEMATIC

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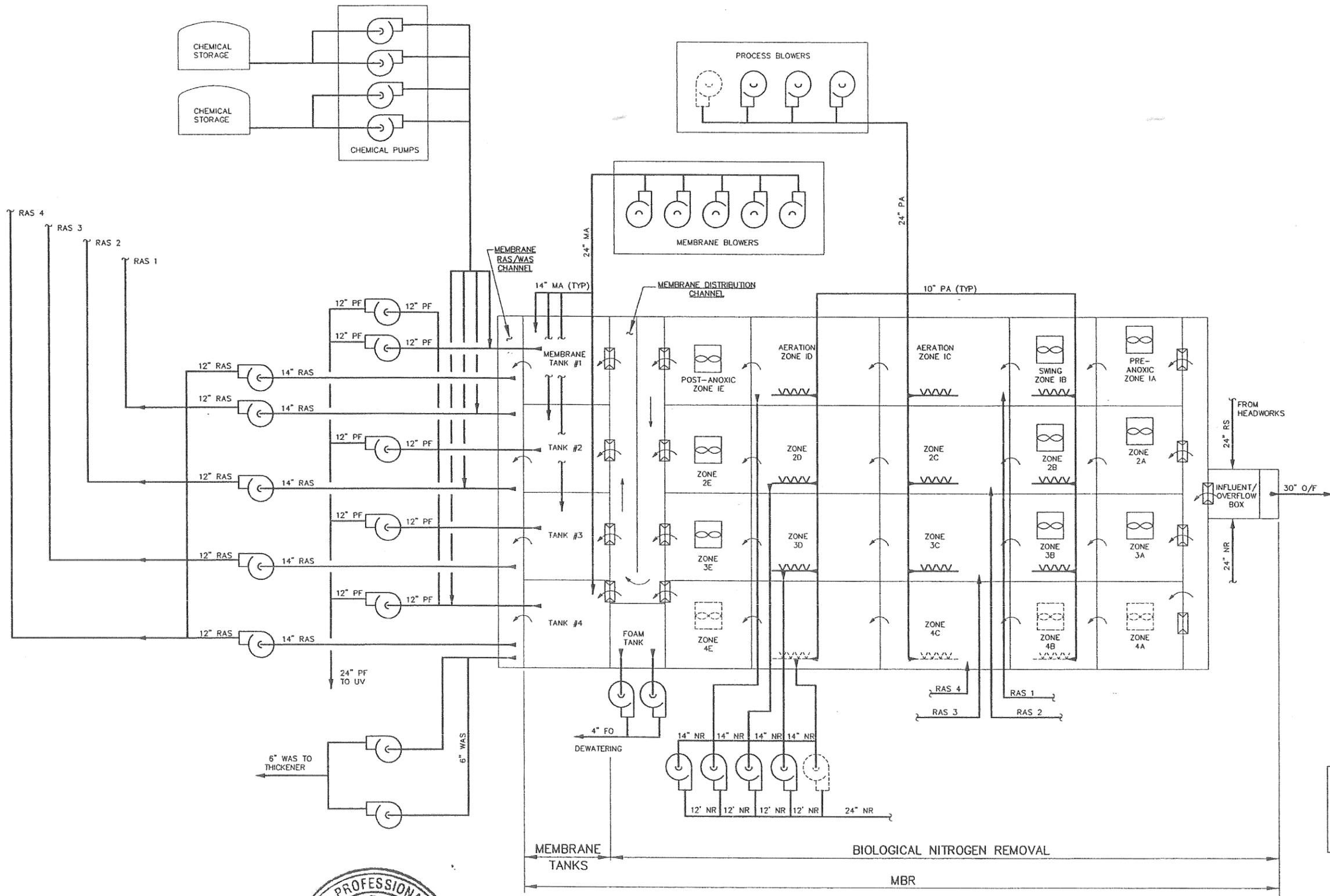
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Attachment F MBR Process Flow Diagram



LEGEND

— PROPOSED

- - - FUTURE



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SANTA PAULA WATER RECYCLING FACILITY
MBR PROCESS FLOW DIAGRAM

REVIEWED AND RELEASED:

PUBLIC WORKS DIRECTOR, RCE NO. 46395 3/31/07

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Attachment G Risk Matrix

**CITY OF SANTA PAULA
WATER RECYCLING FACILITY**

ATTACHMENT G

PRELIMINARY RISK MATRIX

| RISK | ALLOCATION | REMARKS |
|---|-------------------|--|
| Design | | |
| Technology Selection | Contractor | <i>City typically reviews designs through an established review procedure in Service Agreement.</i> Contractor is responsible for selecting a treatment process that incorporates MBR as primary treatment technology that is proven, will be permitted by agencies and the City, and will meet performance guarantees. |
| Technology Obsolescence | Contractor/City | Contractor is responsible for technology obsolescence, except for unforeseen circumstances and unspecified conditions for rsewer influent. Risks for unforeseen circumstances are the City's risk. |
| Unforeseen Pre-Existing Site Conditions | City | Unforeseen pre-existing site conditions are the City's risk. The City will provide existing site conditions information in the RFP, including subsurface (soils) information. |
| Construction/Commissioning | | |
| Construction Period | Contractor | <i>City typically monitors construction and tests to determine compliance with Service Agreement.</i> Service Agreement will specify guaranteed construction period after Notice to Proceed is issued. |
| Acceptance Test | Contractor | Facility not deemed suitable for commercial operation until test is passed. Retest principles will be outlined in the Service Agreement. |
| Regulatory Compliance | | |
| Quality | Contractor | Contractor is responsible for delivery of specified water quality. |
| Quantity and Flow | Contractor | Contractor is responsible for costs associated with treating, maintaining and operating the facility to meet the specified demand. |
| | City | City is responsible for costs and facilitation associated with delivering raw sewage to the site via gravity flow. |

| RISK | ALLOCATION | REMARKS |
|---|---|--|
| <p>Operations and Maintenance</p> <p>Operation</p> <p>Maintenance</p> | <p>Contractor</p> <p>Contractor</p> | <p>Contractor is responsible for operation of the water recycling treatment plant and associated facilities.</p> <p>Contractor is responsible for all standard of care provisions and contractual obligations requiring proactive preventative maintenance program for the treatment plant and associated facilities. The Contractor is responsible for all water disposal.</p> |
| <p>Environmental</p> <p>Reporting and Regulations Compliance</p> <p>CEQA Documentation</p> <p>Compliance with Mitigation</p> <p>Permitting</p> | <p>Contractor</p> <p>City</p> <p>Contractor</p> <p>Contractor</p> | <p>The Contractor is responsible for operating the facility in compliance with all regulations and permit requirements, including monitoring, testing, and reporting.</p> <p>City is responsible for preparing all CEQA documentation and subsequent Negative Declaration or EIR, as required for the project.</p> <p>If necessary, the Contractor is responsible for complying with environmental mitigation.</p> <p>The Contractor is responsible for obtaining all permits for construction or operation.</p> |
| <p>Financing</p> <p>Financing</p> | <p>Contractor</p> | <p>The Contractor is responsible for financing the project as described in the negotiated D/B/O/F Agreement.</p> |
| <p>Natural Disaster</p> | <p>Contractor</p> | <p>Insurance; the Contractor shall be solely responsible for risk for amounts above uninsured portions.</p> |