

RESOLUTION NO. 2022-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A SPECIAL SERVICES AGREEMENT FOR ENVIRONMENTAL AND REPORTING SERVICES

WHEREAS, following best practices as a public entity, the Los Osos Community Services District (LOCSD); has purchasing policies and procedures (“Policy”) for obtaining professional services; and

WHEREAS, LOCSD’s purchasing Policy, ensure that LOCSD obtains professional services in a competitive manner, where possible, pursuant to rules that ensure transparency, fairness to all proposers, and decisions that are made free from conflicts of interest; and

WHEREAS, LOCSD’s current Policy, as amended in 2016, generally requires competitive solicitations for the procurement of professional services, depending on the amount of the proposed services; and

WHEREAS, LOCSD’s current Policy is absent of clear direction regarding non-competitive special services agreements for professional services under special circumstances; and

WHEREAS, California Government Code Section 53060 authorizes any public district to contract for special services and advice in engineering and administrative matters if specially trained and experienced and competent to perform the special services required; and

WHEREAS, SWCA Environmental Consultants (SWCA) is specially trained, experienced, and competent to perform the special services contemplated by LOCSD for the environmental monitoring and reporting management of the Program C well Project (“Project”); and

WHEREAS, LOCSD has determined that it is in the best interest of the LOCSD to enter into a special services agreement with SWCA for environmental monitoring and reporting services needed to complete the Program C Well Project.

NOW, THEREFORE, BE IT RESOLVED BY THE LOS OSOS COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

Section 1. Findings. The Board of Directors hereby makes the following finds of fact:

- a. The services to be provided under the Special Services Agreement by SWCA are unique and special in nature because of the knowledge and expertise required to competently complete the Project during the short timeline for project implementation.
- b. SWCA has the expertise with the monitoring, required mitigation measures and reporting for the Project, which expertise cannot be duplicated by other consultants in a timely and cost-effective manner.
- c. LOCSD employees do not have the expertise or skill to perform the services related to the project management and implementation of design and construction phase of the Project.

- d. The services to be performed under the Special Services Agreement fall within the definition of “administrative and engineering” services, which is expressly authorized by Government Code Section 53060.

Section 2. Special Services Agreement. The Special Services Agreement, to be executed and entered into by and between the LOCSD and SWCA, in the form presented at this meeting and on file with LOCSD Secretary, is hereby approved for an amount not to exceed \$60,570. The General Manager is hereby authorized and directed, for and in the name and on behalf of the LOCSD, to execute and deliver to SWCA the Special Services Agreement.

Section 3. Other Actions. The General Manager is hereby authorized and directed to execute and deliver any and all documents which are necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by the General Manager are hereby ratified, confirmed and approved.

Section 4. Effective Date. This resolution shall take effect immediately upon its passage.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

Ayes: _____

Noes: _____

Absent: _____

Abstain _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of July 2022.

Matthew D. Fourcroy
President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Ron Munds
General Manager and Secretary to the Board

Jeffery A. Minnery
District Legal Counsel