

SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE

CHUCK REED, CHAIR
MILPITAS-OPEN SEAT
KEVIN MOORE, MEMBER
PATRICIA MAHAN, MEMBER
MADISON NGUYEN, MEMBER

KEN YEAGER, MEMBER
JOHN GATTO, MEMBER
ED SHIKADA, MEMBER
NORA CAMPOS, MEMBER

AGENDA

4:30 p.m.

January 13, 2011

Room T-1734

1. ROLL CALL

2. MINUTES

A. December 9, 2010

3. UNFINISHED BUSINESS

4. CORRESPONDENCE

5. REPORTS

A. Open Purchase Orders Greater Than \$100,000
The attached monthly Procurement and Contract Activity Report summarizes the purchase and contracting of goods with an estimated value between \$100,000 and \$1 million and of services between \$100,000 and \$250,000.

B. Tributary Agencies Available Plant Capacity - 2010

6. AGREEMENTS

A. Action Item – TPAC Recommendation for approval:

The following action item is scheduled to be considered by the San Jose City Council on January 25, 2011:

1. Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2010-2011 to the lowest responsive bidder, West Valley Construction, for the estimated term of March 2011 to April 2012, in an amount not to exceed \$627,925.

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

A. The following action items were approved by the San Jose City Council on December 14, 2010:

1. Adopt a resolution authorizing the City Manager to negotiate and execute the Eighth Amendment to the construction service agreement with the City of Santa Clara for the South Bay Water Recycling Program, extending the term of the agreement to December 31, 2012, adding a new project to the list of recycled water pipeline projects, and increasing the maximum amount payable by the City of San José by \$1,011,000 to a total maximum amount not to exceed \$34,661,000.
2. Adopt the following Funding Sources Resolution amendments in the San Jose/Santa Clara Treatment Plant Capital Fund for 2010-2011:
 - a. Increase the appropriation for Revised South Bay Action Plan – South Bay Water Recycling Extension by \$1,011,000;
 - b. Increase the estimate for the U.S. Bureau of Reclamation Grant by \$511,000; and
 - c. Decrease the Ending Fund Balance by \$500,000.
3. Direct staff to consider the Milpitas Guiding Principles for San Jose/Santa Clara Water Pollution Control Plant Master Plan Reconstruction and Land Use Alternatives (Milpitas Guiding Principles), along with other tributary agency, stakeholder and public input, in the final development of the Preferred Alternative for the Plant Master Plan currently scheduled to be presented to Council in April 2011, and to present the Milpitas Guiding Principles, along with other tributary agency and partner input into the Land Use Alternatives Public Input Summary that will be presented to Council along with the recommended Preferred Alternative for the Plant Master Plan.
4. Provide the Administration direction to negotiate an agreement with Harvest Power, Inc. for evaluation and demonstration of a biomass-to-energy technology project at the San Jose Santa Clara Water Pollution Control Plant to begin February 1, 2011 consistent with the business terms specified herein.

8. MISCELLANEOUS

- A. The next TPAC meeting will be February 10, 2011, at 4:30 p.m. City Hall, City Managers Office, 17th Floor, Room 1734.

9. OPEN FORUM

10. ADJOURNMENT

NOTE: If you have any changes or questions, please contact Monica Perras, Environmental Services, 408-975-2515.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call Monica Perras at (408) 975-2515 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

Availability of Public Records. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San Jose City Hall, 200 East Santa Clara Street, 10th Floor, Environmental Services at the same time that the public records are distributed or made available to the legislative body.

DRAFT
MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE
City Hall, Environmental Services, 10th Floor, Room 1047
Thursday, December 9, 2010 at 4:30 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:30 p.m. Roll call was then taken, with the following members in attendance:

Committee members: Chuck Reed, Kevin Moore, Patricia Mahan, Madison Nguyen, John Gatto, Ed Shikada, Ken Yeager, Pete McHugh.

Staff present: Monica Perras, Dale Ihrke, Bhavani Yerrapotu, John Stufflebean, Kristen Yasukawa, Mollie Dent, Matt Krupp, Beth Gonzales, Sharona Rozario, Mansour Nasser, Kirsten Struve, Michele Young.

Others present: Alan Kurotori (City of Santa Clara), Eric Rosenblum(City of San Jose), Kathleen Phalen (City of Milpitas), David Wall (San José City Resident), Jim Foley, Joe McCarthy, Joey McCarthy (McCarthy Ranch), Jerry Strangis (Strangis Properties), Robert Reid, (West Valley Sanitation), Stephanie Miller (Irvine Company), Mike Rodriguez, (SCVWD).

2. APPROVAL OF MINUTES

- A. October 12, 2010.
- B. November 19, 2010-Special TPAC meeting on Plant Master Plan.

The minutes for October 12, 2010 and November 19, 2010 were approved to note and file.

3. UNFINISHED BUSINESS

4. CORRESPONDENCE

- A. T&E Memorandum-Plant Master Plan Update-2010

Item 4.A was approved to note and file.

5. REPORTS

- A. Open Purchase Orders Greater Than \$100,000
The attached monthly Procurement and Contract Activity Report summarizes the purchase and contracting of goods with an estimated value between \$100,000 and \$1 million and of services between \$100,000 and \$250,000.

Item 5.A was accepted to note and file.

6. **AGREEMENTS**

A. Action Item – TPAC Recommendation for approval:

The following action item is scheduled to be considered by the San Jose City Council on December 14, 2010:

1. Adopt a resolution authorizing the City Manager to negotiate and execute the Eighth Amendment to the construction service agreement with the City of Santa Clara for the South Bay Water Recycling Program, extending the term of the agreement to December 31, 2012, adding a new project to the list of recycled water pipeline projects, and increasing the maximum amount payable by the City of San José by \$1,011,000 to a total maximum amount not to exceed \$34,661,000.
2. Adopt the following Funding Sources Resolution amendments in the San José/Santa Clara Treatment Plant Capital Fund for 2010-2011:
 - a. Increase the appropriation for Revised South Bay Action Plan –South Bay Water Recycling Extension by \$1,011,000;
 - b. Increase the estimate for the U.S. Bureau of Reclamation Grant by \$511,000; and
 - c. Decrease the Ending Fund Balance by \$500,000.

B. Action Item – TPAC Recommendation for approval:

The following action item is scheduled to be considered by the San Jose City Council on December 14, 2010:

1. Direct staff to consider the Milpitas Guiding Principles for San Jose/Santa Clara Water Pollution Control Plant Master Plan Reconstruction and Land Use Alternatives (Milpitas Guiding Principles), along with other tributary agency, stakeholder and public input, in the final development of the Preferred Alternative for the Plant Master Plan currently scheduled to be presented to Council in April 2011, and to present the Milpitas Guiding Principles, along with other tributary agency and partner input into the Land Use Alternatives Public Input Summary that will be presented to Council along with the recommended Preferred Alternative for the Plant Master Plan.
**Committee Member McHugh enters the meeting.
David Wall, Joey McCarthy, Stephanie Miller, and Jim Foley spoke about odor issues.**

C. Action Item – TPAC Recommendation for approval:

The following action item is scheduled to be considered by the San Jose City Council on December 14, 2010:

1. Provide the Administration direction to negotiate an agreement with Harvest Power, Inc. for evaluation and demonstration of a biomass-to-energy technology project at the San Jose Santa Clara Water Pollution Control Plant to begin February 1, 2011 consistent with the business terms specified herein.

Committee Member Gatto motioned and Committee Member Nguyen seconded to approve Items 6.A.1&2, 6.B.1 and 6.C.1.

7. STATUS OF ITEMS PREVIOUSLY APPROVED BY TPAC

The items that were approved by the San Jose City Council on October 19, 2010 and were accepted to note and file.

8. MISCELLANEOUS

- A. The TPAC meeting will be January 13, 2011, at 4:30 p.m., City Hall, Environmental Services, 10th Floor, Room 1047.

PUBLIC COMMENT

- A. David Wall thanked Bob Livengood for his services on TPAC over the years.

10. ADJOURNMENT

- A. The Treatment Plant Advisory Committee adjourned at 4:40 p.m.

Chuck Reed, Chair
Treatment Plant Advisory Committee

December 7, 2010

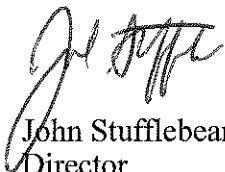
TO: Treatment Plant Advisory Committee

SJ: Tributary Agencies Available Plant Capacity - 2010

The Master Agreements require that the Treatment Plant Advisory Committee file annually with the legislative bodies of San Jose, Santa Clara and member agencies a report on plant capacity. The attached report, Tributary Agencies Available Plant Capacity - 2010, has been prepared to satisfy this requirement and to identify each agency's 2010 plant capacity as well as available (unused) capacity.

It is recommended that the Treatment Plant Advisory Committee approve the attached report.

Sincerely,



John Stufflebean
Director
Environmental Services Department

Attachment

CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT
TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010

December 2010

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT**

TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010

This analysis was prepared to comply with the terms of the Master Agreements which require that the operational capacity and productive use of the treatment plant be determined annually. Tables I through IV contain the Plant Capacity, the 2010 Peak Week (5-day average) Flow, and the Remaining Available Capacity for the entire plant and for each individual member for 2010.

2010 PLANT CAPACITY

The nominal capacity of the treatment plant during the 2010 peak week is 167 MGD. The agencies' capacity rights in the 167 MGD plant are shown on Tables I through IV and were determined in accordance with the provisions of the Master Agreements.

2010 PEAK WEEK FLOW

The 2010 peak dry weather flow of 111.55 MGD occurred during the week of May 31 - June 4. Tables I through IV contain the agencies' flow and loadings for the 2010 peak week which were obtained from the following sources:

- WEST VALLEY SANITATION DISTRICT - Wastewater Flow Report dated 8/23/10, submitted by the District.**
- CUPERTINO SANITARY DISTRICT - Metered Flow Reports.**
- CITY OF MILPITAS - Metered Flow Reports.**
- COUNTY SANITATION DISTRICT 2-3 - 2010-2011 Revenue Program.**
- BURBANK SANITARY DISTRICT - 2010-2011 Revenue Program.**
- CITY of SAN JOSE and CITY of SANTA CLARA - The 2010 Peak Week flow and loadings remaining after subtracting the other agencies' reported flows and loadings are attributed to San Jose and Santa Clara as joint owners of the facilities. These were allocated, in accordance with the 1959 Agreement, to the two cities based on current assessed valuation ratios of 82.761% for San Jose and 17.239% for Santa Clara.**

2010 AVAILABLE CAPACITY

The Agencies' peak week flows and loadings were subtracted from their capacities in the 167 MGD plant to obtain their 2010 available capacities.

TABLE I

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION PLANT
TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010**

Agency		2010 Plant Capacity MGD	2010 Peak Week Flow MGD	Available Capacity MGD
San Jose	82.761%	108.427	71.943	36.485
Santa Clara	17.239%	22.585	14.986	7.599
Subtotal	100.000%	131.012	86.929	44.084
West Valley Sanitation District	(1) (3)	12.052	10.257	1.795
Cupertino Sanitary District	(4)	7.850	4.716	3.134
City of Milpitas	(3) (4)	14.250	7.922	6.328
County Sanitation District 2-3	(2)	1.436	1.436	0.000
Burbank Sanitary District		0.400	0.291	0.109
Sunol Sanitary District	(5)	0.000	0.000	0.000
Subtotal		35.988	24.622	11.366
Total		167.000	111.551	55.450

(1) Reflects transfer of capacity from West Valley Sanitation District to San Jose/Santa Clara resulting from annexations as of June 2010.

(2) In January 1985, County Sanitation District 2-3 entered into an agreement with the Cities of San Jose and Santa Clara, as joint owners of the plant, electing not to participate in a fixed capacity. Capacity is determined annually in accordance with the methods and restrictions prescribed in the agreement.

(3) Reflects transfer of capacity from West Valley Sanitation District to Milpitas in July 2006.

(4) Reflects transfer of capacity from Cupertino to Milpitas in January 2009.

(5) Sunol was annexed to San Jose in November 2009.

TABLE II

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION PLANT
TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010**

BOD

Agency		2010 Plant Capacity KLBS/D	2010 Peak Week Flow KLBS/D	Available Capacity KLBS/D
San Jose	82.761%	384.239	256.863	127.376
Santa Clara	17.239%	80.036	53.504	26.532
Subtotal	100.000%	464.275	310.367	153.908
West Valley Sanitation District	(1) (3)	29.283	22.849	6.434
Cupertino Sanitary District	(4)	16.419	11.853	4.566
City of Milpitas	(3) (4)	27.249	19.667	7.582
County Sanitation District 2-3	(2)	2.959	2.959	.000
Burbank Sanitary District		.815	.595	.220
Sunol Sanitary District	(5)	.000	.000	.000
Subtotal		76.725	57.923	18.802
Total		541.000	368.290	172.710

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TABLE III

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION PLANT
TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010**

SUSPENDED SOLIDS

Agency	2010 Plant Capacity KLBS/D	2010 Peak Week Flow KLBS/D	Available Capacity KLBS/D	
San Jose	82.761%	341.054	202.676	138.378
Santa Clara	17.239%	71.041	42.217	28.824
Subtotal	100.000%	412.095	244.893	167.202
West Valley Sanitation District (1) (3)		27.812	19.514	8.298
Cupertino Sanitary District (4)		16.299	9.646	6.653
City of Milpitas (3) (4)		25.990	12.109	13.881
County Sanitation District 2-3 (2)		2.951	2.951	.000
Burbank Sanitary District		.853	.587	.266
Sunol Sanitary District (5)		.000	.000	.000
Subtotal		73.905	44.807	29.098
Total		486.000	289.700	196.300

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TABLE IV

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT
SAN JOSE/SANTA CLARA WATER POLLUTION PLANT
TRIBUTARY AGENCIES' AVAILABLE PLANT CAPACITY - 2010**

AMMONIA

Agency		2010 Plant Capacity KLBS/D	2010 Peak Week Flow KLBS/D	Available Capacity KLBS/D
San Jose	82.761%	33.812	18.046	15.766
Santa Clara	17.239%	7.043	3.759	3.284
Subtotal	100.000%	40.855	21.805	19.050
West Valley Sanitation District	(1) (3)	2.914	2.494	.420
Cupertino Sanitary District	(4)	2.287	1.158	1.129
City of Milpitas	(3) (4)	2.847	1.522	1.325
County Sanitation District 2-3	(2)	.400	.400	.000
Burbank Sanitary District		.297	.081	.216
Sunol Sanitary District	(5)	.000	.000	.000
Subtotal		8.745	5.655	3.090
Total		49.600	27.460	22.140

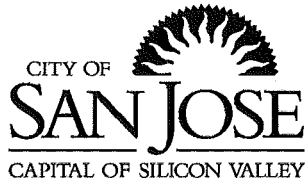
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Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Stufflebean
David Sykes

SUBJECT: SEE BELOW

DATE: 12-13-10

Approved

Date

12/15/10

COUNCIL DISTRICT: City-Wide

SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR INSTALLATION OF POTABLE AND NON-POTABLE WATER SERVICES AND MAINS: 2010-2011

RECOMMENDATION

Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2010-2011 to the lowest responsive bidder, West Valley Construction, for the estimated term of March 2011 to April 2012, in an amount not to exceed \$627,925.

CPMS Project ID #6660

OUTCOME

The award of the Installation of Potable and Non-Potable Water Services and Mains: 2010-2011 project will enable the construction of new services and provide a reliable source of water to new and existing customers.

BACKGROUND

The Municipal Water System (Muni Water) bids an annual contract for miscellaneous new water service installations for commercial, industrial and residential developments within the Muni Water and South Bay Water Recycling (SBWR) systems. This contract allows all new installations to be made by one contractor for the approximate one-year duration of the contract, instead of processing a separate contract for each installation.

The installation work consists of such items as installing water mains, service laterals, and furnishing and installing pipes, valves, fittings, and all appurtenances necessary to install service laterals and other minor improvements. The Contractor is required to effect permanent

installations within a thirty (30) calendar day period from the date they are given a design drawing for a particular installation.

ANALYSIS

The project was advertised for bid and a total of seven bids were received and opened on November 4, 2010 with the following results:

<u>Contractor</u>	<u>City</u>	<u>Bid Amount</u>
Sanco Pipelines	Campbell	\$769,226
J & M Inc.	Livermore	\$672,218
Pacific Underground Construction	San José	\$670,375
Engineer's Estimate	--	\$660,000
Robert Enz Construction	Hollister	\$657,700
San Jose Water Company	San José	\$655,335
West Valley Construction	Campbell	\$627,925
Northern Underground Construction	San José	\$584,777

Analysis of the bids revealed that the bids from Northern Underground Construction, Robert Enz Construction, and J&M Inc. did not comply with Project Specifications Section 2-1.13A, "Qualification of Bidders," in that they did not submit sufficient documentation of previous project experience with their bid. In addition, the bid from Robert Enz Construction did not include a signed copy of Addendum 1 with their bid as required by the Project Specifications. Per City Standard Specification Section 2-1.06, proposals which are not submitted in strict compliance with the directions in the Notice to Contractors may be deemed non-responsive and rejected on that basis. As a result, the bids from Northern Underground Construction, Robert Enz Construction, and J&M Inc. were deemed non-responsive.

The corrected bid totals by all bidders are as follows:

<u>Contractor</u>	<u>City</u>	<u>Bid Amount</u>	<u>Variance</u>	
			<u>Over / (Under)</u>	<u>Amount</u>
J & M Inc.	Livermore	Non-responsive	--	--
Northern Underground Construction	San José	Non-responsive	--	--
Robert Enz Construction	Hollister	Non-responsive	--	--
Sanco Pipelines	Campbell	\$769,226	\$109,226	17%
Pacific Underground Construction	San José	\$670,375	\$10,375	2%
Engineer's Estimate	--	\$660,000	--	--
San Jose Water Company	San José	\$655,335.10	(\$4,665)	-1%
West Valley Construction	Campbell	\$627,925	(\$32,075)	-5%

The lowest responsive bid, from West Valley Construction, in the amount of \$627,925 is 5% below the Engineer's Estimate. Based on the above-mentioned revisions, staff is recommending that Council award the contract to the lowest responsive bidder, West Valley Construction, whose bid has been reviewed, analyzed, and found acceptable.

EVALUATION AND FOLLOW-UP

The project is currently within budget and on schedule with a projected completion date of April 2012. No additional follow up actions with the Council are expected at this time.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item does not meet any of the above criteria. To solicit contractors, this project was advertised in the *San José Post Record*, as well as on the Public Works Bid Hotline.

COORDINATION

This project has been coordinated with Risk Management, Equality Assurance, the City Manager's Budget Office and the City Attorney's Office. This item is scheduled to be heard at the January 13, 2011 meeting of the Treatment Plant Advisory Committee (TPAC).

FISCAL/POLICY ALIGNMENT

There are no cost implications to the General Fund as a result of this action. This recommendation meets the general principles of the 2010-2011 Mayor's June Budget Message of providing essential public services while valuing financial sustainability and cost recovery.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$627,925
2. COST OF PROJECT:
 Project Delivery \$90,000
 Construction \$627,925
 TOTAL/REMAINING PROJECT COSTS \$717,925
3. SOURCE OF FUNDING: 500 - Water Utility Capital Fund
 512 - San José/Santa Clara Treatment Plant Capital Fund

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the contract recommended as part of this memo.

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2010-2011 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
Remaining Project Costs					\$627,925		
Current Funding Available							
500	4348	Service Installations	0179 08	\$430,000	\$327,925	V-212	6/29/10, 28765
512	6589	Revised SBAP-SBWR Extension	0628 73	\$8,717,000*	\$300,000	V-174	10/19/10, 28829
Total Current Funding Available				\$9,147,000	\$627,925		

* A memorandum entitled "Eighth Amendment to Agreement with the City of Santa Clara for Construction Services for South Bay Water Recycling Program," is on the 12-14-10 City Council agenda, and would increase the Revised SBAP – SBWR Extension appropriation by an additional \$1.011 million.

CEQA

Exempt, File No. PP10-163.

/s/
 DAVID SYKES
 Acting Director, Public Works

/s/
 JOHN STUFFLEBEAN
 Director, Environmental Services

For questions please contact Mansour Nasser, Deputy Director, Environmental Services Department, at (408) 277-4218.