February 17, 2009

TO: Mayor and City Council

FROM: Mark J. Madison, Director of Municipal Utilities

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH LARRY WALKER ASSOCIATES

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute an amendment to the professional services master contract with Larry Walker Associates in the amount of $99,442 to provide Stormwater Program oversight and management services, including finalizing the June 2008 Draft Stormwater Management Plan, part of the City's National Pollutant Discharge Elimination System Permit provision D.9.a.

SUMMARY

Stormwater run-off from the City of Stockton is regulated under National Pollutant Discharge Elimination System (NPDES) Order No. R5-2007-0173. The Permit requires the City to implement a Stormwater Management Program consistent with the Permit and submit a final version of the City’s Stormwater Management Plan by April 15, 2009. By this action, City Council will approve a contract amendment with Larry Walker Associates (LWA) to finalize the Stormwater Management Plan and develop implementation schedules to ensure the Program’s compliance with the current Stormwater Permit.

DISCUSSION

Background

In 1987 amendments to the Federal Clean Water Act added Section 402(p) which mandated permits for municipal Stormwater dischargers. Subsequently, regulations were adapted by the USEPA in 1990 to require municipal NPDES dischargers to develop a management program to reduce pollution discharged from storm drain systems. In 2007, the City of Stockton was issued its current NPDES permit and it requires the City to implement a combination of programs to effectively reduce contaminates in urban run-off from the City of Stockton’s urbanized area through the Stormwater Management Plan (SWMP).

On June 7, 2005, the City Council adopted Resolution No. 05-0226, approving Professional Services Master Contracts for design, geotechnical, environmental, and similar professional services with numerous firms, including the subject firm of this proposal. These firms provide services, as needed, to accommodate the City’s project

AGENDA ITEM 6.08
schedules. These master contracts are valid for five years and reduce the administrative burden of individual project contracts. The scope of services and fees are negotiated on a project-specific basis and a contract amendment is executed. If the negotiated fee for a particular project exceeds Charter limits, the contract amendment is submitted to the Council for consideration.

Consultant selection for a project is based on the consultants' understanding of the project and approach to meeting the City's needs. Other considerations in the consultant selection process include the firms' qualifications, experience, designated staff, and the ability to provide services on time, within budget, and in accordance with City objectives.

Current Situation

A proposal was requested from Larry Walker Associates to provide Stormwater Program Management assistance and staff has reviewed their proposal and recommends approval of a contract with Larry Walker Associates for conducting this work.

As required by permit provision D.9a of the NPDES Stormwater Permit, the City is required to prepare an Annual Work Plan by April 1, 2009 and finalize the June 2008 Draft Stormwater Management Plan by April 15, 2009.

Task 1. Finalize the June 2008 Draft Stormwater Management Plan including addressing responses to Regional Board comments.

Task 2. Assist with the development of Stormwater Management Plan Implementation Schedules including:

Task 2.1 Development of Training Strategies consistent with Regional Board Comments and Stormwater Management Plan objectives.

Task 2.2 Development of Construction Program Enforcement Guide.

Task 2.3 Finalize Best Management Program materials for Municipal Operations including fact sheets and investigative guidance manual.

Task 2.4 Develop Investigative Guidance Manual for Illicit Discharge Program including investigative guidance manual and the development of a tracking database.
AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH LARRY WALKER ASSOCIATES
(Page 3)

Task 3  As-Needed Technical Support including representing the Program at Statewide hearings and meetings.

FINANCIAL SUMMARY

Sufficient funding is available in 441-4411-572-20.65 (Stormwater Program: Professional and Special Services Budget) to award this contract amendment.

PREPARED BY:  Courtney D. Vasquez

Respectfully submitted,

MARK J. MADISON
DIRECTOR OF MUNICIPAL UTILITIES
MJM:CDV:cla

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APPROVED BY

J. GORDON PALMER, JR.
CITY MANAGER
Proposal for
City of Stockton

Municipal Stormwater Program Assistance
For Fiscal Year 2008-2009 (Individual)

STORMWATER
Pollution Prevention
SAN JOAQUIN COUNTY • CITY OF STOCKTON
Larry Walker Associates (LWA) is pleased to present this proposal to the City of Stockton (City) for assistance with the implementation of the municipal stormwater program. We have prepared this proposal based on our understanding of the City’s needs for fiscal year 2008-2009 and the requirements in the NPDES permit. This proposal details our proposed scope of work, deliverables, schedules and costs for major activities and associated subtasks. The costs associated with the implementation of the various tasks identified within the scope are provided in the form of an estimate. The tasks included in this scope of work and provided in detail below include the following:

**NPDES Permit Requirements**

1. Finalize the June 2008 SWMP and Implementation Schedule
2. SWMP Implementation
   2.1 Training Program
   2.2 Construction Program Element
   2.3 Municipal Operations Program Element
   2.4 Illicit Discharges Program Element
3. As-Needed Technical Assistance

The cost estimate (attached) is based on an evaluation of what is required in the Permit as well as the June 2008 SWMP.

**SCOPE OF WORK – NPDES PERMIT**

**Task 1** Finalize the June 2008 SWMP and Implementation Schedule

In 2007-2008, LWA assisted with the revision of the April 2007 Proposed Stormwater Management Plan to ensure that the requirements of the renewed NPDES Permit No. CAS083470 (Permit) were fully addressed. Based on the June 2008 SWMP and the comments received from the Regional Water Board in November 2008, LWA will functionally update the SWMP.

Using Microsoft Project, LWA will functionally update the master timeline for the City for the work that has to be completed pursuant to the permit and the updated SWMP and identify the progress and major milestones and deliverables. The schedule will be updated every year and submitted as the basis of the annual Work Plan. The draft schedule was developed in early 2008 to facilitate the implementation of the 2007 Draft SWMP. The work conducted under this scope will be to finalize the schedule as needed based on comments received on the updated SWMP.

**Deliverables**

- Draft SWMP (e-copy) *May 2009*
- Final SWMP (five printed copies) *June 2009*
- Final Schedule *June 2009*

**Task 2** SWMP Implementation

LWA will assist the City with the development of key deliverables as required by the June 2008 SWMP and the Permit. The related subtasks under this task include:

**2.1 Training Program**

LWA will review and finalize the training strategy as needed, incorporating the program elements developed in the above tasks. Subtasks include the following:
• Training program strategy – Review the existing training strategy for the overall stormwater program and revise as necessary. Key considerations include target audiences, expertise necessary, key messages, existing modules, external opportunities for training, and frequency.

**Deliverables**

- **Final Strategy**
  
  *June 2009*

### 2.2 Construction Program Element

- Review the outline, draft, and final Enforcement Consistency Guide (ECG; the ECG will address construction, industrial/commercial, and illegal discharges).

**Deliverables**

- **Review Outline**  
  *April 2009*

- **Review Draft ECG**  
  *May 2009*

- **Review Final ECG**  
  *June 2009*

### 2.3 Municipal Operations Program Element

LWA will assist the City in complying with Permit Provision D.11 and Section 4 of the SWMP. The subtasks include:

- Review existing BMP Fact Sheets for non-emergency fire fighting flows from other municipalities and develop draft and final BMP fact sheets. The fact sheets will address those BMPs that must be incorporated into non-emergency fire fighting activities such as controlled or practice blazes during training exercises. The draft fact sheets that were provided will be finalized for submittal with the June 2009 SWMP.

**Deliverables**

- **Final Fact Sheets**  
  *June 2009*

### 2.4 Illicit Discharges Program Element

LWA will assist the City in complying with Permit Provision D.12 and Section 2 of the SWMP. The subtasks include:

- Develop an outline and a draft investigative guidance manual. The guidance manual will use the existing City procedures and compare them to other guidance documents that have been developed to identify recommended modifications. The guidance will establish general guidelines that may be utilized to ensure that the procedures followed and information obtained during an investigation is defensible.

**Deliverables**

- **Outline Investigative Guidance Manual**  
  *March 2009*

- **Draft Investigative Guidance Manual**  
  *April 2009*

- **Final Investigative Guidance Manual**  
  *June 2009*

- Evaluate and provide recommendation for optimizing the waste categories used to characterize materials present in the discharges requiring a response. Specific categories and sub-categories will be evaluated and created to more accurately characterize the pollutants and activities associated with illegal discharges. This information can then be used to enhance the public outreach program.
Deliverables

- Evaluate Database    March 2009
- Draft List of Fields and Categories April 2009
- Final List of Fields and Categories June 2009

Task 3 As-Needed Technical Assistance

LWA will provide as-needed services to develop implementation tools and/or assist with the implementation of the stormwater management program. Due to the iterative nature of the implementation of the Stormwater Management Plan (SWMP), minor modifications and/or implementation tools that were not previously anticipated (BMP fact sheets, work plans, training materials, etc.) may need to be incorporated or developed. If this is determined to be the case, subtask deliverables will be requested from, prepared for, and approved by the City’s Project Lead. A total of 100 hours have been estimated for these services.

Deliverables

- On-Call Assistance    Ongoing
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Resolution No. ________

STOCKTON CITY COUNCIL

AMENDMENT TO THE PROFESSIONAL SERVICES MASTER CONTRACT WITH LARRY WALKER ASSOCIATES, IN THE AMOUNT OF $99,442.00, TO PROVIDE STORMWATER PROGRAM OVERSIGHT AND MANAGEMENT SERVICES

The City and Larry Walker Associates entered into a Professional Services Master Contract on June 7, 2005, pursuant to Resolution No. 05-0226, to establish a vendor pool; and

The City now desires to amend the contract with Larry Walker Associates to provide Stormwater program oversight and management services, including finalizing the June 2008 Draft Stormwater Management Plan, part of the City's National Pollutant Discharge Elimination System (NPDES) permit provision D.9.a, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The Amendment to Professional Services Master Contract between the City of Stockton and Larry Walker Associates, in the amount of $99,442, is hereby approved.

2. The City Manager is hereby authorized to execute the Amendment to Professional Services Master Contract, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

3. The City Manager is hereby authorized and directed to take whatever actions are appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED AND ADOPTED ____________________________

ATTEST: 

ANN JOHNSTON, Mayor
of the City of Stockton

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

CITY ATTY REVIEW

DATE 06-29-2009
AMENDMENT TO
PROFESSIONAL SERVICES MASTER CONTRACT
WITH LARRY WALKER ASSOCIATES TO PROVIDE STORMWATER
PROGRAM OVERSIGHT AND MANAGEMENT SERVICES

This Amendment to Professional Services Master Contract is made and entered into
on February 10, 2009, by and between the City of Stockton, a municipal corporation,
hereinafter referred to as “CITY,” and LARRY WALKER ASSOCIATES, hereinafter
referred to as “FIRM,” to conduct pathogen, pesticide and low dissolved oxygen monitoring
as required by the City’s Stormwater National Pollutant Discharge Elimination System
Permit.

WITNESSETH:

WHEREAS, CITY and FIRM entered into a Professional Services Master Contract
on June 7, 2005, as part of a vendor pool and desire to amend said Contract by specifying
FIRM to provide stormwater program oversight to ensure the Stormwater Program is
meeting permit requirements and quality assurance/quality control monitoring efforts.

NOW, THEREFORE, in consideration of these premises and the following terms
and conditions, the parties hereto agree as follows:

1. Section 1, Scope of Services, and Section 2, Compensation, are hereby
amended to include providing stormwater program oversight and management services,
attached as Exhibit A, for a total amount of NINETY-NINE THOUSAND FOUR HUNDRED
FORTY-TWO DOLLARS ($99,442).

2. Section 10, Notices, is hereby amended to identify the Municipal Utilities
Department, Attn: Mark Madison, Director, City of Stockton, 2500 Navy Drive, Stockton, CA
95206 as the City party to be contacted.

3. All other terms and conditions of said original Contract shall remain in full
force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to Contract to be executed on the date and year first written above.

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

CITY OF STOCKTON, a municipal corporation

By: J. Gordon Palmer, Jr., City Manager

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
CITY ATTORNEY

LARRY WALKER ASSOCIATES

By: Malcolm Walker
Title: Vice President