

DRINKING WATER ADMINISTRATOR PROGRAM

REQUEST FOR QUALIFICATIONS

GUIDELINES



December 2022

Drinking Water Administrator Program – Request for Qualifications

Contents

Introduction.....	3
Administrator Background Information	3
Process	4
Qualified Administrator Pool	4
Project Specific Competitive Request of Interest	5
Administrator Funding Process.....	5
General Program Requirements	6
Applicant Approval or Denial Criteria	6
Conflict of Interest	7
Confidentiality	7
Labor Code Compliance.....	7
Submittal of Qualifications	7

Introduction

The Drinking Water Administrator Program is designed to provide managerial and technical support, as needed, to water systems that are unable to consistently obtain these services within their existing water system or elsewhere. In most of the projects associated with the administrator program, the State Water Board is seeking applicants that can fully manage, operate, and perform the long-term planning aspects for a failing water system, and then transition the water system to a longer term sustainable solution.

The State Water Board is seeking individuals and organizations to create a pool of qualified candidates that can be appointed as administrators for designated water systems to assume full managerial control. As this program is fully implemented, the State Water Board expects to have qualified administrators in all regions of the State. As such, the State Water Board is soliciting Statements of Qualifications (SOQs) from interested parties in order to be included in the administrator candidate pool.

Administrator Background Information

Section 116686 of the California Health and Safety code (adopted in 2019) gave the State Water Resources Control Board (State Water Board) the authority to order designated water systems “to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the State [Water] Board.” A designated water system is defined in Section 116686 as, “a public water system or state small water that has been ordered to consolidate pursuant to Section 116682 or that serves a disadvantaged community, [as defined in Section 116681], and that the State [Water] Board finds consistently fails to provide an adequate supply of affordable, safe drinking water.” A “limited-scope administrator” is appointed to provide services in one or more specific areas of need while a “full-scope” administrator is appointed to assume full managerial control of a water system. This Request for Qualifications is only for full-scope administrators.

Additional information can be found regarding the administrator program in the [Administrator Policy Handbook](#)¹ and in the [Administrator FAQ document](#)²

¹ https://www.waterboards.ca.gov/board_info/agendas/2019/sept/091719_6_cs1_cleanversion.pdf

² https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/administrator_faq.pdf

Process

This Request for Qualifications is a continuous advertisement and may be completed at any time. The administrator candidate pool will be maintained and continuously updated.

Overall, the administrator process involves three phases:

1. Submittal and approval for placement in the qualified administrator pool.
2. Response to a competitive Request for Interest (ROI) when services for a specific project are sent out to all administrators with the necessary skills, who have also indicated a willingness to provide services in the specific project's geographical area.
3. Selection of the most competitive administrator applicant, as evaluated by the State Water Board and including considerations of community input.

Qualified Administrator Pool

The submittal process described in this document allows an applicant to be considered for the qualified administrator pool. The submittal process allows applicants the opportunity to clarify the geographic areas where they are willing to provide services and describe the functions and services that they are qualified and comfortable performing. Interested parties may submit qualifications to act as a full-scope administrator, providing complete managerial control of a designated water system. The State Water Board will be continuously collecting SOQs and therefore applicants may submit at any time. Details of the recommended SOQs can be found below in the "Submittal of Qualifications" section of this document.

The SOQ should include a brief resume of all staff who will work on an administrator appointment. This program is governed by [Section 116686 of the California Health and Safety Code](#) and by the [Administrator Policy Handbook](#) adopted by the State Water Board in September 2019. Potential administrator applicants interested in submitting qualifications to be included in the administrator candidate pool should review these documents for the expectations and responsibilities of the appointment.

Upon submission of complete SOQ materials, the State Water Board will review the application materials. The State Water Board estimates that this will be a 60-day review period. However, this may be expedited in some cases to deal with projects that require emergency response and/or where there is a lack of existing qualified candidates or skillsets in a geographical area. After the application review is completed, the State Water Board will provide the applicant with notification of Acceptance or Denial and will

Drinking Water Administrator Program – Request for Qualifications

indicate the geographical area where the applicant may serve and the approved qualifications. The criteria that the State Water Board will consider during the Acceptance or Denial is further discussed in the “Applicant Approval or Denial Criteria” section below.

Once an applicant is placed in the Qualified Administrator Pool, that standing will remain active for up to ten years. It is the applicant’s responsibility to resubmit upon expiration of that period. If an applicant’s capabilities or proposed work area have significantly changed within the ten years, the applicant should resubmit/update their submitted SOQ.

Project Specific Competitive Request of Interest

When administrator services are deemed necessary for a specific project, the State Water Board will solicit a Request of Interest (ROI) from potential administrators in the Qualified Administrator Pool who have agreed to provide services in the specific geographic area. Details of the administrator services needed for a water system will be supplied in the ROI, along with a timeframe for a response.

If there are no potential administrators in the Qualified Administrator Pool serving the geographic area with the necessary skillsets, or a very limited number of Qualified Applicants such that the candidate pool is insufficiently competitive, the State Water Board may also reach out to nearby water systems, local agencies or organizations with the applicable skillsets to determine their interest in becoming an administrator for the designated water system.

As part of the ROI, the potential administrator will be required to include any potential conflicts of interest that the administrator may have related to the specific project. Conflict of Interest requirements are discussed in the [Administrator Policy Handbook](#) and below in the General Program Requirements.

Qualified Administrators with no conflicts of interest will be submitted to the impacted community for public input. The timeline for public input will be project specific, but typically will be approximately 45 days. During that period, if significant interest is expressed by the community for an alternative administrator the State Water Board will consider this request and outreach to other possible alternatives, as appropriate.

Administrator Funding Process

Administrators selected through the process described above will be appointed by the Division of Drinking Water as the administrator of the designated water system through a formal Compliance Order. The scope of work and associated administrator costs outlined during the ROI process will be formalized into a funding agreement with the

Drinking Water Administrator Program – Request for Qualifications

Division of Financial Assistance. The timeline and scope of work for each project may be unique and will be project specific.

As required in Section 116686, administrators are funded by the State Water Board. An administrator that is appointed will enter into a funding agreement with the State Water Board's Division of Financial Assistance and will be reimbursed for eligible costs incurred while acting in the capacity for which they are appointed. The funding provided for the administrator cannot be used for direct operations and maintenance activities or to fund capital projects of the designated water system. However, the administrator may submit application materials on behalf of the water system for improvements through the Division of Financial Assistance's available grant and loan programs or through other funding opportunities.

General Program Requirements

All applicants that are awarded an administrator contract must comply with the following general program requirements. Before proceeding applicants must consider their ability to comply with these requirements.

Applicant Approval or Denial Criteria

Once a potential administrator has submitted a SOQ, each category (Managerial, Administrative, Technical, Operational, Legal) will be scored independently. If appropriate, the potential administrator will be placed into the pool of qualified candidates. If the potential administrator is rejected, the applicant may resubmit an updated application 24 months from the date of the most recent application and not prior.

An applicant who has been placed in the candidate pool may be removed from the list of qualified candidates for any of the following, but not limited to:

- a. Including false or misleading information in the SOQ or ROI.
- b. Not supplying adequate services as advertised in the SOQ while acting as an administrator.
- c. Being unresponsive and/or lacking timely completion of required tasks.
- d. Not conducting required actions as outlined in the Administrator Policy Handbook.
- e. Having current or pending legal and/or enforcement actions against their relevant licenses or certifications.

Prior to removal from the candidate pool, the State Water Board will notify the applicant and include the reason(s) for removal. If deemed appropriate by the State Water Board, the applicant may resubmit a SOQ once all issues have been resolved.

Drinking Water Administrator Program – Request for Qualifications

Conflict of Interest

Applicants are subject to State and Federal conflict of interest laws. Before applying for work on a specific project, applicants are urged to seek legal counsel regarding conflict of interest requirements. Applicable statutes include, but are not limited to, California Government Code section 1090 and California Public Contract Code sections 10410 and 10411.

Confidentiality

Any privacy rights, as well as other confidentiality protections afforded by law with respect to the application submittal, will be waived once the SOQ has been submitted to the State Water Board. The name and organization of all administrators awarded funding will be available to the public including the scope of work and associated costs.

Labor Code Compliance

Administrators may be bound by the provisions of the Labor Code regarding prevailing wages and as appropriate shall monitor subcontracts subject to reimbursement from the funding agreement to assure that the prevailing wage provisions of the Labor Code are being met. The Division of Financial Assistance will provide additional details as applicable to specific funding projects.

Submittal of Qualifications

An applicant for an administrator shall have all necessary licenses and certifications for the scope of the appointment and nature of the assignment, or the ability to contract for the services necessary for the scope and nature of the appointment. An administrator applicant shall have sufficient experience for the scope of the appointment and nature of the assignment. Applicants may be subject to a background check.

Specific areas of experience that may be typically required tasks or necessary skills for administrators are listed on the following pages and include: Managerial, Administrative, Technical, Operational, and Legal support. Required tasks and skills may vary for each administrator process. Full-Scope administrators are expected to have experience in each category show below. **Attach an explanation for each category, which clearly explains/shows how the applicant is qualified to be an administrator for the specific category, the duration of the applicant's experience, and any applicable licenses that the applicant has.** Potential duties are provided below as examples of the expected range of qualifications for each category. Please include any specific examples that show the applicant's experience within the areas listed on the following pages, specifically Managerial, Administrative, Technical, Operational, and Legal.

Water systems for which the State Water Board is seeking administrators are financially disadvantaged communities that may also be multi-cultural and/or multilingual. Specific

Drinking Water Administrator Program – Request for Qualifications

examples of successes in diverse communities will strengthen the applicant's submission. If the applicant is proposing to subcontract specific tasks, providing examples of subcontracting processes will support the application. In addition, to strengthen the applicant's submission, the State Water Board also encourages applicants to provide specific experience or qualifications related to the following:

- a. Experience working with disadvantaged communities,
- b. Experience providing or incorporating workforce development opportunities from impacted communities,
- c. Expertise in building climate resiliency and water and energy efficiency with planning and operations, and
- d. Experience developing and incorporating affordability programs or approaches.

Drinking Water Administrator Program – Request for Qualifications

MANAGERIAL

- Preparation of post-administrator drinking water service plan
- Effective communication & reporting to community served by the water system, including the provision of language access services appropriate to the disadvantaged communities in the regions the administrator proposes to serve
- Preparation of a communications plan and community outreach
- Responding to regulatory agencies
- Supervision of water system staff
- Creating and monitoring budgets and policies
- Developing plans to address current and future needs
- Change of ownership
- Ensuring financial management meets industry standards
- Performing water rate analyses and altering rates to meet system needs
- Ensuring adequate technical, managerial, and financial capacity
- Prop 218 water rate processes
- California Public Utilities Commission (CPUC) water rate processes

ADMINISTRATIVE

- Experience subcontracting and managing administrative tasks

OR

- Personnel services
- Accounting & payroll
- Billing and collections
- Auditing
- Purchasing
- Interfacing with the public
- Clerical functions
- Grant/loan funding writing and processing

TECHNICAL

- Experience subcontracting and managing technical tasks

OR

- Engineering services
- Contracting for services
- Purchasing
- Permitting
- Preparing asset inventory and management plans
- Preparing and implementing capital improvement plans

Drinking Water Administrator Program – Request for Qualifications

OPERATIONAL

- Experience subcontracting and managing operational tasks

OR

- Operation of water treatment plants
- Operation of distribution systems
- Compliance monitoring and reporting
- Emergency response

LEGAL

- Experience subcontracting and managing legal tasks

OR

- Contracts for services
- Permitting, including change in ownership
- Annexation support
- LAFCO coordination
- Ensuring proper governance formation
- Grant/loan review and support
- Property easements
- Water rights support

ADDITIONAL QUESTIONS/INFORMATION FOR SUBMITTAL:

- Does the applicant have any adverse actions against any licenses or certifications associated with work related to the tasks above, or has the applicant ever been terminated from a contract with the State of California?

Yes No

If yes, please explain:

Drinking Water Administrator Program – Request for Qualifications

For private entities:

- Provide a copy of financial statements for the past three years, including but not limited to balance sheets, income or profit and loss statements, and cash flow statements. If any negative net revenue is reported in a year, provide an explanation below (if you have any questions regarding financial documents, please contact the Division of Financial Assistance, Mr. James Garrett at James.Garrett@waterboards.ca.gov):

- Is the entity a 501c non-profit organization?

Yes No

- Is the entity active with the Secretary of State?

Yes No

- Has there been any Uniform Commercial Code (UCC) liens filed against your entity?

Yes No

If yes, please explain:

- Have you preselected any contractors to assist with the administrator duties?

Yes No

If yes, provide a list of preselected contractors:

Drinking Water Administrator Program – Request for Qualifications

- Do you have a professional liability insurance coverage? (a minimum of \$2,000,000 for appointment to more than one system, \$1,000,000 for appointment of one system)? Specifically, this is referring to coverage of negligence claims/negligent performance of duties. Each administrator will bear responsibility through an administrator order and a funding agreement for the system. When work is subcontracted out by the administrator this could create the basis for a negligence claim.

Yes No

- Do you have a general liability insurance policy or additional policies and coverage (i.e. Auto Liability)?

Yes No

- Include a chart/table of individuals that will act as the administrators or assist the administrator with your submittal.

For Public Entities:

- Does your entity have Conflict of Interest Codes?

Yes No

If yes, please include a copy of conflict of interest codes in the submittal.

- Have you preselected any contractors to assist with the administrator duties?

Yes No

If yes, provide a list of preselected contractors.

- Do you carry Public Officials and Management Liability Coverage? This is the public sector equivalent to professional liability/E&O insurance.

Yes No

Drinking Water Administrator Program – Request for Qualifications

As stated previously, the State Water Board's purpose in this RFQ is to create a pool of qualified candidates who can enter into a grant agreement to be appointed as an administrator to a designated water system. Applicants shall also supply the area within California where they are willing to provide services by selecting the applicable county(s):

- | | |
|--|--|
| <input type="checkbox"/> All CA Counties | <input type="checkbox"/> Placer |
| <input type="checkbox"/> Alameda | <input type="checkbox"/> Plumas |
| <input type="checkbox"/> Alpine | <input type="checkbox"/> Riverside |
| <input type="checkbox"/> Amador | <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Butte | <input type="checkbox"/> San Benito |
| <input type="checkbox"/> Calaveras | <input type="checkbox"/> San Bernardino |
| <input type="checkbox"/> Colusa | <input type="checkbox"/> San Diego |
| <input type="checkbox"/> Contra Costa | <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Del Norte | <input type="checkbox"/> San Joaquin |
| <input type="checkbox"/> El Dorado | <input type="checkbox"/> San Luis Obispo |
| <input type="checkbox"/> Fresno | <input type="checkbox"/> San Mateo |
| <input type="checkbox"/> Glenn | <input type="checkbox"/> Santa Barbara |
| <input type="checkbox"/> Humboldt | <input type="checkbox"/> Santa Clara |
| <input type="checkbox"/> Imperial | <input type="checkbox"/> Santa Cruz |
| <input type="checkbox"/> Inyo | <input type="checkbox"/> Shasta |
| <input type="checkbox"/> Kern | <input type="checkbox"/> Sierra |
| <input type="checkbox"/> Kings | <input type="checkbox"/> Siskiyou |
| <input type="checkbox"/> Lake | <input type="checkbox"/> Solano |
| <input type="checkbox"/> Lassen | <input type="checkbox"/> Sonoma |
| <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Stanislaus |
| <input type="checkbox"/> Madera | <input type="checkbox"/> Sutter |
| <input type="checkbox"/> Marin | <input type="checkbox"/> Tehama |
| <input type="checkbox"/> Mariposa | <input type="checkbox"/> Trinity |
| <input type="checkbox"/> Mendocino | <input type="checkbox"/> Tulare |
| <input type="checkbox"/> Merced | <input type="checkbox"/> Tuolumne |
| <input type="checkbox"/> Modoc | <input type="checkbox"/> Ventura |
| <input type="checkbox"/> Mono | <input type="checkbox"/> Yolo |
| <input type="checkbox"/> Monterey | <input type="checkbox"/> Yuba |
| <input type="checkbox"/> Napa | |
| <input type="checkbox"/> Nevada | |
| <input type="checkbox"/> Orange | |

Questions regarding the administrator application process may be submitted to:
DDW-Administrator@Waterboards.ca.gov

Qualifications for becoming a pool candidate may be submitted to:

Sirichad Tara Ouitavon via email*:
DDW-Administrator@Waterboards.ca.gov

Or mailed to:

State Water Resources Control Board, Division of Drinking Water
c/o Sirichad Tara Ouitavon
850 Marina Bay Parkway
Building P, 2nd Floor
Richmond, CA 94804

*Electronic correspondence is preferred.