

**DRINKING WATER
TECHNICAL ASSISTANCE PROVIDER
REQUEST FOR QUALIFICATIONS
GUIDELINES**



December 2021

Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

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I. INTRODUCTION

The State Water Resources Control Board (State Water Board) is seeking qualified entities (applicant or applicants) to create a pool of qualified drinking water technical assistance (TA) Providers that will be eligible to enter into a funding agreement with the State Water Board.

Effective September 23, 2021, the list of eligible funding recipients for monies from the SADW Fund was expanded¹ to include TA Providers, meaning that the State Water Board is able to directly fund a “technical assistance provider”, defined as a person, including a privately owned public utility, whom the State Water Board has determined is competent to assist a water system by providing administrative, technical, operational, legal, or managerial services.

The assistance provided by TA Providers in the pool will be:

- For drinking water systems and/or domestic well communities;
- Funded by the SADW Fund and/or any other funding sources that allow TA funding for the defined eligible entities; and
- Used to support eligible systems and communities, including small, disadvantaged communities (DACs), larger systems with projects benefitting small water systems, and small non-DACs as allowed per the Policy for Developing the Fund Expenditure Plan (Policy) for the Safe and Affordable Drinking Water (SADW) Fund, the appropriate annual Fund Expenditure Plan for the SADW Fund, and other relevant State Water Board resolutions or policies.

To meet these needs, the State Water Board is soliciting Statements of Qualifications (SOQs) from interested parties to be considered for inclusion in the eligible TA Provider pool. This document defines the RFQ process and outlines requirements for the SOQ submittal, which is the first step to be considered for placement in the TA Provider pool, and thus eligible to receive funding from the State Water Board. Developing an expanded list of qualified TA providers may allow for additional types of services to be added to the existing TA Program portfolio and will allow services to be made more broadly available in all regions of the State.

Moving forward, entities must be in the TA Provider pool to receive funding from the State Water Board to provide TA. All eligible entities, including entities already receiving funding for TA work prior to the implementation of this RFQ process, will be required to submit a SOQ and be approved for placement on the TA Provider pool prior to requesting additional funding from the State Water Board (including requests to amend an existing agreement for additional scope or budget).

¹ Senate Bill (SB) 776 (Stats. 2021, ch. 187).

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For additional background information on TA and the broader Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program (Program), applicants may review the following items:

- [Technical Assistance Funding Program Webpage](#)
- [Policy for Developing the Fund Expenditure Plan](#) (adopted May 5, 2020, and amended October 19, 2021)
- [Fiscal Year 2021-22 Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund](#) (adopted October 19, 2021)

II. REQUEST FOR QUALIFICATIONS PROCESS

This TA Provider Request for Qualifications (RFQ) is a continuous advertisement and may be completed at any time. The qualified TA Provider pool will be maintained, continuously updated, and made available on the State Water Board's website at: [Technical Assistance \(TA\) Funding Program | California State Water Resources Control Board](#).

Overall, the TA Provider RFQ process involves three phases:

- 1) SOQ submittal
- 2) SOQ evaluation
- 3) Approval or denial of candidates for the qualified TA Provider pool

If a TA Provider's SOQ is approved, the TA Provider RFQ process is followed by a separate funding process, outlined in this document below.

II.A. SOQ Submittal

Per the definition of 'Technical Assistance Provider', applicants may include individual persons, though individuals should note that applications will be evaluated based on the applicant's ability to provide TA to multiple water systems concurrently in either a defined region or on a statewide basis. Accordingly, interested individuals are strongly encouraged to pursue partnerships with larger entity applicants that can provide a diverse set of tasks and services over a significant geographic area. 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 for and comfortable performing. Interested parties may submit qualifications to act as a TA provider and assist water systems by providing any combination of administrative, technical, operations, legal, or managerial, or community engagement² services.

² Although Community Engagement is not listed as a separate category in the definition of "Technical Assistance Provider" from SB 776, it is an integral part of the defined TA categories and is an essential part of TA efforts.

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The State Water Board will be continuously accepting SOQs, and therefore applicants may submit at any time. The SOQ should include a brief resume of key staff and any known subcontractors who would work under the TA Provider through a future funding agreement with the State Water Board. Details of the required SOQs can be found below in the “SOQ Instructions” section of this document.

II.B. SOQ Evaluation and Approval or Denial

Once a potential TA Provider has submitted an SOQ, State Water Board staff will review the application materials. Each of the six service categories (administrative, technical, operational, legal, managerial, or community engagement) will be evaluated independently. An applicant to the TA Provider RFQ may demonstrate their qualifications in one or more of the six service categories (i.e., need not be qualified across all six areas).

Additional criteria that will be used to evaluate the competency of an entity or person interested in being recognized as a TA Provider include:

- 1) Demonstrated knowledge and experience in successfully providing any combination of administrative, technical, operational, legal, managerial, or community engagement services to drinking water systems in California.
- 2) Number of systems assisted.
- 3) Demonstrated successful outcomes in bringing a water system into compliance; completing a consolidation; reducing or eliminating factors that put the system at risk of not providing safe water; and/or demonstrable enhancement of the technical, managerial, and administrative capacity of the water system;
- 4) Demonstrated ability to provide TA to multiple water systems concurrently in a defined region of California or statewide.
- 5) Demonstrated success in outreach and engagement with community members, including working in coordination with community-based organizations.
- 6) Demonstrated experience working with DACs; multilingual communities; Black, Indigenous, and communities of color; and under-resourced communities.
- 7) Demonstrated ability to establish equitable and inclusive community engagement approaches that consider cultural differences, provide support for equitable access, and identify and address any implicit/explicit biases.

If the SOQ is satisfactory, the applicant will be placed into the pool of eligible TA Providers for the applicable service category(ies). The evaluation and review period is estimated at 45 days. However, this may be expedited in some cases, e.g., where there is a lack of existing qualified candidates or skillsets to address a specific urgent need.

After the SOQ review is completed, DFA will provide the applicant with notification of Acceptance or Denial and will indicate the geographical area where the applicant may

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serve and the approved service category(ies). As applicable, DFA will also indicate if the applicant is approved only for certain items within a service category.

Once an applicant is placed in the eligible TA Provider pool, that standing will remain active for up to five 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 five years, the applicant should resubmit/update their submitted SOQ.

An entity placed in the qualified TA Provider pool may be removed for any of the following reasons, but not limited to:

- a) Including false or misleading information in the SOQ.
- b) Not supplying adequate services while acting as a TA Provider.
- c) Being unresponsive and/or lacking timely completion of required tasks.
- d) A lack of transparency with, or a lack of adequate engagement of, the community/water system or other relevant stakeholders.
- e) Not conducting required actions outlined in the Policy, the Safe and Affordable Drinking Water Fund Expenditure Plan, or other related guidance.
- f) Having current or pending legal and/or enforcement actions against their relevant licenses or certifications.

Prior to removal from the qualified TA Provider pool, DFA will notify the applicant and include the reason(s) for removal. If deemed appropriate by the State Water Board, the applicant may re-submit the SOQ once all issues have been resolved.

III. TECHNICAL ASSISTANCE FUNDING PROCESS AND TIMING

Once a TA Provider's SOQ has been evaluated and approved for placement in the qualified TA Provider pool, the next steps towards implementing TA are listed as follows and described in more detail below:

- 1) Preliminary discussion(s) with State Water Board staff on service offerings and areas of need, and submittal of a complete TA proposal
- 2) Preparation and execution of funding agreement
- 3) Referral of assistance requests (ARs) to provide TA to a specific community/water system or group of communities/water systems
- 4) Work plan development and approval
- 5) Work plan implementation

Once a complete proposal of TA services (including scope and budget) is received, the Deputy Director of DFA may approve a recommendation for a funding agreement, after

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which the TA Provider may begin to incur eligible costs. However, eligible, incurred costs may only be reimbursed after an agreement is executed. Upon Deputy Director approval of a funding recommendation, DFA staff will work with the TA Provider towards the execution of the funding agreement. Timing between Deputy Director approval of funding and funding agreement execution is typically on the order of months.

Eligible ARs may be submitted by a water system, the State Water Board's Division of Drinking Water, the Local Primacy Agency, or another third party. As needs for specific communities/systems are identified, DFA may refer eligible ARs to the TA Provider and ask the TA Provider to prepare and submit a work plan and budget. Work plans include community-specific/system-specific tasks and deliverables.

In some cases, more than one TA Provider with differing areas of expertise may be asked to coordinate to provide TA under a single AR (to the same community/system). For example, one TA Provider might focus on more technical aspects like engineering or financial reviews, while another might focus on other aspects like outreach and engagement. For complex projects requiring significant community engagement, DFA will work to include a TA Provider that has demonstrated experience with outreach and engagement to address outreach and engagement needs and keep affected communities informed in alignment with State Water Board guidance on SAFER Community Outreach and Engagement. Where feasible, DFA will include an existing community-based organization with experience working in that community.

Work plans are approved by the Deputy Director of DFA or designee. Timing between initial work plan submittal and Deputy Director or designee approval is typically on the order of weeks.

DFA staff will monitor the timeliness of TA work plan development, and all TA work implemented under each approved work plan. Monthly or quarterly reporting is a requirement of the funding agreement and typically coincides with the reimbursement request cycle.

IV. GENERAL PROGRAM REQUIREMENTS

All applicants that are qualified as TA Providers and receive funding by the State Water Board to provide TA services must comply with the following general program requirements. Before proceeding, applicants must consider their ability to comply with these requirements.

IV.A. Conflict of Interest

All actions taken on behalf of a TA Provider shall be in the best interests of the community/water system receiving assistance. 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.

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IV.B. 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 any TA provider awarded funding will be available to the public including the scope of work and associated costs. All application materials will be subject to a Public Records Act request unless they contain personally identifiable information, including those who are not added to the TA Provider pool or awarded funding.

IV.C. Labor Code Compliance

TA Providers 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. Additional details will be part of specific master funding agreements.

IV.D. Grants and Loans General Terms and Conditions

All applicants must comply with the Division of Financial Assistance's standard contract language for general terms and conditions for grants. The General Terms and Conditions for grant funded projects are available at the following link: [Exhibit C - General Terms and Conditions 2019-Nov \(ca.gov\)](#)

V. SOQ INSTRUCTIONS

An applicant interested in being qualified as a TA provider shall have all necessary licenses and certifications for the scope of services being offered, or the ability to contract for and oversee the services necessary for the service category. An applicant interested in being qualified as a TA provider shall also have sufficient and demonstrated experience for the scope being offered. As part of the SOQ, applicants shall submit a signed self-certification that 1) the information is being submitted by an authorized representative of the entity applying, and 2) the authorized representative is attesting to the truthfulness of the information that is being submitted.

To demonstrate the expected range of qualifications for each category, examples of tasks or services that may fall into each of the six TA service categories (Administrative, Technical, Operational, Legal, Managerial, and Community Engagement) are listed on the following pages. As mentioned above, an applicant to the TA Provider RFQ may demonstrate their qualifications in any of the six service categories or portions of the six categories (i.e., need not be qualified across all six areas).

Applicants are required to attach an explanation for each relevant category, which clearly explains/shows how the applicant is qualified to be a TA provider for the specific category, the duration of the applicant's experience, and any applicable licenses that the applicant has (maximum 30 pages total for the SOQ submittal). Applicants should include any specific examples that show the applicant's experience within the areas listed.

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TA is often needed in DACs that may be multi-cultural and/or multilingual. Specific examples of successes in Black, Indigenous, and communities of color will strengthen the applicant's submission.

The State Water Board also requests that applicants provide specific experience or qualifications related to the criteria listed above in Section II.B. Additional notes include:

- As part of addressing Item 2 (Number of systems assisted), applicants are required to include names of specific systems assisted and provide a reference for each one.
- As part of addressing Item 3 (Successful outcomes), applicants are required to include information on projects or systems that had significant delays or challenges and what was done to address them.

Example tasks or services for the six service categories of a TA Provider include but are not limited to the list below. Applicants should expressly state which items they are claiming to have experience with for each category (i.e., refer to numbers listed below, for example, Administrative Category, Item #1, 3, and 5, etc.). Applicants may also describe other applicable tasks related to the six categories that are not specifically listed below. If the applicant is proposing to subcontract specific categories or tasks, that should also be clearly indicated, and providing examples of subcontracting processes will support the application.

ADMINISTRATIVE

- Experience subcontracting and managing administrative tasks

OR

- (1) Personnel services
- (2) Accounting & payroll
- (3) Billing and collections
- (4) Grant administration and invoicing
- (5) Auditing
- (6) Purchasing
- (7) Clerical functions
- (8) Grant/loan funding writing and processing
- (9) Financial capacity building
- (10) Securing or administering bridge loans

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TECHNICAL

- Experience subcontracting and managing technical tasks

OR

- (1) Feasibility studies or consolidation studies
- (2) Review of infrastructure deficiencies
- (3) Preliminary engineering report preparation
- (4) Engineering and design services
- (5) Environmental review and services
- (6) Funding application support
- (7) Soliciting bids and awarding contracts for services
- (8) Purchasing
- (9) Permitting
- (10) Construction oversight
- (11) Preparing asset inventory and management plans
- (12) Preparing and implementing capital improvement plans
- (13) Well sampling and sounding
- (14) Water quality data review
- (15) Implementation of point-of-use or point-of-entry treatment
- (16) Leak detection
- (17) Water/energy efficiency
- (18) Emergency Response Plans, Climate Readiness, Vulnerability Assessments, Drought Contingency Plans, Water Conservation Plans, etc.

OPERATIONAL

- Experience subcontracting and managing operational tasks

OR

- (1) Operation of water treatment plants
- (2) Operation of distribution systems
- (3) Compliance monitoring and reporting
- (4) Emergency response

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LEGAL

- Experience subcontracting and managing legal tasks

OR

- (1) Drafting and/or negotiating ownership and access agreements and/or easements
- (2) Land acquisition
- (3) Legal advice and agreement negotiation regarding consolidation
- (4) Permitting, including change of ownership
- (5) Annexation support
- (6) Local Agency Formation Commission coordination
- (7) Ensuring proper governance formation
- (8) Drafting and development of corporate documents, including resolutions and bylaws, articles of incorporation, and filings with the Secretary of State
- (9) Advise on compliance with relevant local agency law
- (10) Transactional work to make a community eligible for grant funding, including work to bring systems into good standing with the Franchise Tax Board
- (11) Contracts for services
- (12) Municipal law/local governance
- (13) California Public Utilities Commission (CPUC) law
- (14) Conflicts of interest
- (15) Competitive bid requirements
- (16) Employment/labor law
- (17) Grant/loan review and support including preparation of legal documents required to submit planning and construction funding applications
- (18) Water rights support

MANAGERIAL

- Experience subcontracting and managing managerial tasks

OR

- (1) Facilitate discussions and negotiations between multiple entities that may be involved in extension of service, consolidation, or regional projects
- (2) Communication with regulatory and funding agencies
- (3) Supervision of water system staff
- (4) Creating and monitoring budgets and policies
- (5) Developing plans to address current and future water system needs
- (6) Ensuring financial management meets industry standards
- (7) Performing water rate analyses and altering rates to meet system needs

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- (8) Prop 218 water rate processes
- (9) CPUC water rate processes
- (10) Ensuring adequate technical, managerial, and financial capacity
- (11) Conducting Median Household Income (MHI) surveys

COMMUNITY ENGAGEMENT

- Experience subcontracting and managing outreach and engagement tasks

OR

- (1) Develop and execute community outreach and communication plans
- (2) Develop and execute effective and equitable local engagement strategies
- (3) Plan, execute, and facilitate multi-stakeholder meetings, discussions, and negotiations focused on sensitive topics such as: extension of service, consolidation, or development of regional projects
- (4) Develop multilingual and culturally relevant outreach and engagement materials
- (5) Coordinate and provide professional language interpretation and translation services
- (6) Develop and implement community surveys
- (7) Track and report on metrics and progress related to community engagement efforts
- (8) Keep affected communities informed through development and distribution of printed and/or digital materials

ADDITIONAL QUESTIONS 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:

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As stated previously, the State Water Board's purpose in this RFQ is to create a pool of qualified TA providers. 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"/> Orange |
| <input type="checkbox"/> Alameda | <input type="checkbox"/> Placer |
| <input type="checkbox"/> Alpine | <input type="checkbox"/> Plumas |
| <input type="checkbox"/> Amador | <input type="checkbox"/> Riverside |
| <input type="checkbox"/> Butte | <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Calaveras | <input type="checkbox"/> San Benito |
| <input type="checkbox"/> Colusa | <input type="checkbox"/> San Bernardino |
| <input type="checkbox"/> Contra Costa | <input type="checkbox"/> San Diego |
| <input type="checkbox"/> Del Norte | <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> El Dorado | <input type="checkbox"/> San Joaquin |
| <input type="checkbox"/> Fresno | <input type="checkbox"/> San Luis Obispo |
| <input type="checkbox"/> Glenn | <input type="checkbox"/> San Mateo |
| <input type="checkbox"/> Humboldt | <input type="checkbox"/> Santa Barbara |
| <input type="checkbox"/> Imperial | <input type="checkbox"/> Santa Clara |
| <input type="checkbox"/> Inyo | <input type="checkbox"/> Santa Cruz |
| <input type="checkbox"/> Kern | <input type="checkbox"/> Shasta |
| <input type="checkbox"/> Kings | <input type="checkbox"/> Sierra |
| <input type="checkbox"/> Lake | <input type="checkbox"/> Siskiyou |
| <input type="checkbox"/> Lassen | <input type="checkbox"/> Solano |
| <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Sonoma |
| <input type="checkbox"/> Madera | <input type="checkbox"/> Stanislaus |
| <input type="checkbox"/> Marin | <input type="checkbox"/> Sutter |
| <input type="checkbox"/> Mariposa | <input type="checkbox"/> Tehama |
| <input type="checkbox"/> Mendocino | <input type="checkbox"/> Trinity |
| <input type="checkbox"/> Merced | <input type="checkbox"/> Tulare |
| <input type="checkbox"/> Modoc | <input type="checkbox"/> Tuolumne |
| <input type="checkbox"/> Mono | <input type="checkbox"/> Ventura |
| <input type="checkbox"/> Monterey | <input type="checkbox"/> Yolo |
| <input type="checkbox"/> Napa | <input type="checkbox"/> Yuba |
| <input type="checkbox"/> Nevada | |

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Questions regarding the TA Provider application process or becoming a pool candidate may be submitted to:

James Garrett via email*:

DFA-TARequest@waterboards.ca.gov

Or mailed to*:

State Water Resources Control Board, Division of Financial Assistance
c/o James Garrett
1001 I Street
Sacramento, CA 95814

*Electronic correspondence is preferred.