

Request For Qualifications
Executive Director and/or Technical Consultant to
Interim Borrego Springs Watermaster

The Interim Borrego Springs Watermaster (Watermaster) is soliciting proposals from a qualified individual or consulting firm to provide services to the Watermaster on an as-needed basis. The Watermaster is overseen by a board comprised of one representative and one alternate representing the Borrego Springs community, Borrego Water District, County of San Diego (currently vacant), agricultural sector and recreational sector. The Watermaster has been established by a Settlement Agreement among the groundwater producers listed in the Attachment (Settling Parties). The Settling Parties are responsible for over 90% of the groundwater production in the Borrego Springs Subbasin (Basin).

A groundwater rights adjudication is currently pending in the San Diego County Superior Court (*Borrego Water District v. All Persons Who Claim a Right to Extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024-01*, San Diego County Superior Court Case No. 37-2020-00005776-CU-TT-CTL), though it is being heard by a judge sitting in Orange County. As part of the Settlement Agreement, the Settling Parties have agreed to: (1) a proposed Stipulated Judgment that, if entered by the Court, will declare the individual rights of all groundwater producers in the Basin pumping more than a de minimis volume; (2) a Groundwater Management Plan; and (3) Watermaster Rules and Regulations (Watermaster Governing Documents, available at <http://www.bvgsp.org/judgment.html>). The Watermaster Governing Documents also provide for a Technical Advisory Committee (TAC) comprised of technical representatives from the individual parties, and an Environmental Working Group (EWG) to advise the Watermaster on groundwater dependent ecosystems and any other matters approved by the Watermaster.

The Watermaster is seeking proposals from independent consulting firms and qualified individuals to provide services on an as needed basis for the roles of Executive Director or Technical Consultant, or both, to the Watermaster. Watermaster may retain a single firm or individual to serve in both roles and qualified respondents may propose for one or both positions. The Watermaster also welcomes responses that propose, as appropriate, potential alternative arrangements for oversight of the administrative and technical work to be undertaken by the Watermaster staff. Proposers should describe any financial and other efficiencies in the operation of the Watermaster staff they believe would be prudent for Watermaster to implement.

1. Executive Director.

A. General.

The Executive Director provides administrative leadership for the Watermaster and receives direction from and is responsible to the Watermaster Board of Directors on all matters pertaining to the administration and operation of the Basin under the provisions of the Settlement Agreement, Stipulated Judgment and Groundwater Management Plan.

B. Essential Duties and Responsibilities.

The Executive Director is directly responsible for overseeing consultants and employees of the Watermaster; communicating with the community by way of the Watermaster's website, emails and telephone calls; maintaining current lists of TAC and EWG members; organizing and preparing Watermaster agendas, agenda reports, minutes and resolutions; levying, billing and collecting all assessments provided for under the Stipulated Judgment; record keeping; reporting to the Watermaster, Court and state agencies; and performing related duties as assigned.

The duties listed below are intended only as illustrations of the various types of work that may be performed by the Executive Director. The omission of specific statements of duties does not exclude them from the position if the work is similar or related.

Attending (in person or electronically as conditions warrant) all meetings of the Watermaster Board and hearings before the overseeing Court.

Monitoring compliance with the Settlement Agreement, Stipulated Judgment, Groundwater Management Plan, Watermaster Rules and Regulations, and any court orders.

Developing and managing the Watermaster financial budget; understanding and explaining budgetary issues to the Watermaster Board, staff and the community.

Building positive and cooperative relationships with Watermaster staff, TAC, EWG, Basin pumpers, community, the overseeing Court and state and local agencies.

Ensuring Watermaster contractors and employees accomplish activities in a safe, efficient, friendly and courteous manner;

Resolving all community and staff complaints quickly and reasonably while encouraging citizen participation.

Developing and administering personnel policies and procedures including recruitment, selection, termination, employee relations, training, evaluation, and compensation programs.

Remaining current on local and regional plans affecting the Basin, legislative issues related to water industry activities, and continually educating the Watermaster Board, and staff on developing issues.

Maintaining familiarity with applicable orders, regulations and guidance of the Department of Water Resources and the State Water Resources Control Board.

Overseeing maintenance of Data Management System.

Carrying out policies set by the Watermaster Board.

Performing related duties as assigned by the Watermaster Board.

C. Desired Minimum Qualifications.

The following are minimum qualifications desired by the Watermaster:

Knowledge of

Sustainable Groundwater Management Act; Brown Act; groundwater adjudications and watermasters; California water policies and issues; general principles of groundwater resource management; principles and practices of effective consultant and human resource management; demonstrated experience in inter-agency and Statewide water issues; regulations regarding water quality; project management; business and management principles involved in strategic planning, resource allocation, human resources modeling, leadership techniques, production methods, and coordination of people and resources; finance and budgeting; grant writing.

Demonstrated ability to

Keep the Watermaster Board fully informed in a timely and complete manner; stay abreast of legislation that might impact the Basin; address and solve problems; exercise tact and diplomacy in dealing with sensitive and complex issues and situations; exercise sound initiative and independent judgment; make technical presentations; communicate clearly and concisely, orally and in writing; track grant proposals and reporting; establish and maintain effective working relationships with all levels of management and staff; problem solve and put ideas into action.

Training and Experience

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from an accredited college or university with a bachelor's degree in business administration, public administration, engineering, hydrology, geology, or a closely related field (an advanced degree is desired); and five years of progressively responsible senior management and experience in or as consultant to a public or private water supply or management agency; or an equivalent combination of training and experience.

Licenses; Certificates; Special Requirements

Possession of a valid driver's license is required, as well as automobile liability insurance covering all personal vehicles that are operated in connection with the performance of services as Executive Director/Technical Consultant.

Possession of a certificate of registration as a professional engineer, hydrogeologist or related certificate of professional registration, issued by the State of California is preferred.

2. Technical Consultant.

A. General.

The Technical Consultant receives direction from and is responsible to the Executive Director on all matters pertaining to the monitoring of the Basin and data collection and analysis under the provisions of the Settlement Agreement, Stipulated Judgment and Groundwater Management Plan.

B. Essential Duties and Responsibilities.

The Technical Consultant is responsible for day-to-day oversight of any technical consultants and technical employees of the Watermaster, including overseeing Basin data collection activities; evaluating and analyzing Basin data; coordinating and attending meetings of the TAC and EWG; organizing and preparing agendas, agenda reports and minutes of the TAC and EWG meetings; evaluating, analyzing and reporting recommendations by the TAC and EWG; developing conclusions, summaries and reports to the Watermaster Board based thereon; making recommendations to the Watermaster Board; and performing related duties as assigned.

The duties listed below are intended only as illustrations of the various types of work that may be performed by the Technical Consultant. The omission of specific statements of duties does not exclude them from the position if the work is similar or related.

Attending (in person or electronically as conditions warrant) meetings of the Watermaster Board and hearings before the overseeing Court on an as needed basis.

Administering and ensuring the integrity of the Basin's data management system using a consultant or in-house resources.

Coordinating with the Executive Director in communicating with the Watermaster Board by way of agenda reports and presentations during Watermaster meetings.

Coordinating with the Executive Director in communicating with the community by way of the Watermaster's website.

Remaining current on best management practices applicable to Basin operations and data collection, and continually educating the Watermaster Board, and staff on developing issues.

Maintaining Data Management System.

Carrying out policies set by the Watermaster Board.

Performing related duties as assigned by the Watermaster Board.

Prepare Annual Reports for filing with the Court and 5-year reviews of the Groundwater Management Plan for filing with DWR consistent with the terms of the Stipulated Judgment.

C. Desired Minimum Qualifications.

The following are minimum qualifications desired by the Watermaster:

Knowledge of

Sustainable Groundwater Management Act; Brown Act; groundwater adjudications and watermasters; California water policies and issues; hydrology and groundwater modeling; principles and practices of groundwater resource management; principles and practices of effective consultant and human resource management; demonstrated experience in inter-agency and Statewide water issues; regulations regarding water quality; project management.

Demonstrated ability to

Keep the Watermaster Board, TAC, and EWG fully informed of Basin operations and data collection results in a timely and complete manner; stay abreast of emerging groundwater basin best management practices that might impact the Basin; address and solve problems; exercise tact and diplomacy in dealing with sensitive and complex issues and situations; exercise sound initiative and independent judgment; make technical presentations; communicate clearly and concisely, orally and in writing; establish and maintain effective working relationships with all levels of management and staff; problem solve and put ideas into action.

Training and Experience

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from an accredited college or university with a bachelor's degree in engineering, hydrology, geology, or a closely related field (an advanced degree is desired); five years of progressively responsible experience in or as consultant to a public or private water supply or management agency; or an equivalent combination of training and experience.

Licenses; Certificates; Special Requirements

Possession of a valid California driver's license is required, as well as automobile liability insurance covering all personal vehicles that are operated in connection with the performance of services as Technical Consultant.

Possession of a certificate of registration as a professional engineer, hydrogeologist or related certificate of professional registration, issued by the State of California and in good standing is preferred.

3. Conflicts of Interest.

The Watermaster Governing Documents prohibit hiring an individual/consulting firm that has a contractual relationship or business affiliation with any of the Settling Parties listed in the Attachment unless 4 of the 5 Watermaster Board members vote otherwise. Please disclose any potential disqualifying conflicts of interest in the proposed project or with involved parties. Also provide statement(s) identifying any potential conflicts of interest with other clients or interests of the responding firm or individual.

4. Proposal Submittal.

Any interested individual/consulting firm shall submit a proposal no later than **5:00 pm** on Thursday, May 21, 2020. Proposals are to be submitted in pdf format with the subject line, “RESPONSE TO RFQ FOR BORREGO SPRINGS WATERMASTER”, to Geoff Poole at email address geoff@borregowd.org.

5. Elements of Proposal.

Please include the following required information in your proposal:

1. Cover Letter:

Provide a Cover letter that summarizes your proposal.

2. Scope of Services:

Provide a detailed scope of services including any additional and necessary duties not listed above. Provide a description of your firm’s capabilities and understanding of the services to be performed for the Watermaster and familiarity with Watermaster activities as described in the “Essential Duties and Responsibilities” section of this RFQ.

3. Experience:

Identify the lead individual designated as the Executive Director and/or Technical Consultant, or participants in any alternative staffing arrangement proposed, to Watermaster and, for a firm, a description of any supporting team (with all resumes at the back of the proposal), emphasizing professional experience, qualifications, reputation, accessibility, and capabilities of the Executive Director and/or Technical Consultant and other key staff, if any.

4. Resumes:

Provide resumes, reference contacts and previous experience in the water industry.

5. Fee Proposal:

Provide the fee proposal on a separate page(s). The Watermaster is open to lump sum or hourly-rate fee schedules or some combination thereof. The fee proposal shall show a compensation schedule for services for the entire team. If a lump sum is offered, provide a statement of methods of determining the lump sum fee. For hourly-rate fees, provide a detailed statement for all personnel who would perform services for the Watermaster.

Proposal requirements:

Maximum length of proposal shall not exceed 10 pages, excluding front and rear cover, divider pages, resumes, reference contacts and previous experience. Proposals addressing both the Executive Director and Technical Consultant positions shall not exceed 15 pages, excluding front and rear cover, divider pages, resumes, reference contacts and previous experience.

Selection Process

Interviews will be scheduled with certain candidates based on the review of the proposals. The Watermaster’s selection will be based on the review of the proposals and

results of the interviews. Additionally, the Watermaster will consider the recommendations of the TAC in selecting a qualified individual or firm to serve as the Technical Consultant to Watermaster. The key selection criteria for the Executive Director will include: job-related knowledge and understanding (Basin, Settlement Agreement, Stipulated Judgment, Groundwater Management Plan, Rules & Regulations, adjudications and watermasters); knowledge of principles of hydrology and groundwater modeling; communication and presentation skills; finance/budgeting management experience; leadership skills; accessibility; and computer skills. The key selection criteria for the Technical Consultant will include: job-related knowledge and understanding (Basin, Settlement Agreement, Stipulated Judgment, Groundwater Management Plan, Rules & Regulations, adjudications and watermasters); working knowledge of hydrology and groundwater modeling; working knowledge of groundwater resource management; communication and presentation skills; and accessibility.

The minimum insurance requirements are automobile liability insurance of \$1,000,000 in a combined single limit; and professional liability insurance in the amount of \$1,000,000 per claim and annual aggregate, each policy with Watermaster named as an additional insured.

Watermaster reserves the right to reject any and all submittals, waive any proposal formalities, modify, postpone or cancel the proposed selection procedure at its sole discretion.

If a Proposer desires to exclude a portion of its proposal from disclosure under the California Public Records Act, the Proposer must mark it as such and state the specific provision in the California Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if a Proposer submits trade secret information, the Proposer must plainly mark the information as “Trade Secret” and refer to the appropriate section of the California Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the Watermaster may not be in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked “Confidential”, “Trade Secret” or “Proprietary” (“Proprietary Information”), the Watermaster will provide Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction. Proposer shall have five (5) working days after receipt of such notice to give Watermaster written notice of Proposer's objection to the Watermaster's release of Proprietary Information. Proposer shall indemnify, defend and hold harmless the Watermaster, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. Proposals which indiscriminately identify all or most of the proposal as exempt from disclosure without justification may be deemed unresponsive and disqualified from further participation in this procurement.

LIST OF SETTling PARTIES

1. Borrego Water District.
2. David and Juli Bauer, co-trustees of the D&J Bauer Family Trust dated 11-18-04.
3. William M. Bauer, and individual.
4. Borrego Nazareth, LLC.
5. Borrego Springs Unified School District.
6. Roland J. Jensen, trustee of the Jensen Family Trust dated 08-05-83.
7. James Sommerville, trustee of the Sommerville Trust dated 11-22-83.
8. Roy Brisbois, trustee of the Conzelman Family Trust A dated 11-22-83.
9. Steven Mohler, trustee of the Conzelman Family Trust C dated 11-22-83.
10. CWC Casa Del Zorro, LLC.
11. John Doljanin, an individual and owner and operator of West Coast Trees LLC.
12. JM Roadrunner, LLC.
13. Lance Lundberg, trustee of the Lundberg Family Trust dated 10-01-98.
14. The Roadrunner Club at Borrego, LP.
15. Seley Ranches, L.P.
16. Shenandoah Growers, Inc.
17. The Springs RV and Golf Resort, LP.
18. T2 Borrego LLC.
19. T2 Farms LLC.
20. T2 Holding LLC, doing business as T2 B Holding LLC.
21. Trojan Citrus, LLC.
22. Gamini D. Weerasekera, an individual and owner and manager of Mountain Spring Organics LLC.