



ADMINISTRATION COMMITTEE

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Agenda Report

File #: 2022-2655

Agenda Date: 12/14/2022

Agenda Item No: 5.

FROM: James D. Herberg, General Manager
Originator: Lan C. Wiborg, Director of Environmental Services

SUBJECT:

CONTRACTING AQUATIC BIOASSAY & CONSULTING LABORATORIES, INC. FOR TAXONOMIC SERVICES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve a General Services Contract to Aquatic Bioassay & Consulting Laboratories, Inc. to provide services for sample processing and taxonomic identification of ocean bottom-dwelling animals as required by Orange County Sanitation District's NPDES ocean discharge permit, Specification No. S-2022-1366BD, for a total amount not to exceed \$200,000 for the period beginning March 1, 2023, through February 29, 2024, with four (4) one-year renewal options; and
- B. Approve an annual contingency of \$20,000 (10%).

BACKGROUND

In accordance with Orange County Sanitation District's (OC San) ocean discharge permit (Order No. R8-2021-0010, NPDES Permit No. CA0110604), OC San is required to assess the health of ocean bottom-dwelling animal communities in the monitoring area. To achieve this, these animals are collected from the ocean floor (i.e., from sediment samples), screened from the sediment, sorted into broad taxonomic groups, and then further identified to species. The number and types of species present are used as indicators for determining the health of the ocean environment. In a typical program year, this assessment will include approximately 30,000 animals.

Ocean-bottom samples are typically collected on a quarterly basis across 11 sites and annually from 11 additional sites, for a total of 55 samples. The collection area covers approximately 90 square miles surrounding OC San's ocean outfall. Additionally, during the first quarter of fiscal year 2023-2024, OC San will be participating in a permit-required Southern California Bight Regional Monitoring Survey (Bight 2023) that occurs on a 5-year cycle. The Bight 2023 effort will require analyzing specimens from as many as 44 new regional sites. It is anticipated that the Bight 2023 assessment will add approximately 25,000 more animals to the sorting effort and as-needed taxonomic identification.

The sorting of ocean-bottom animals is laborious. The first step of the laboratory process involves removing the animals from the rocks and other debris in each sample. The animals are then sorted into five major taxonomic groups (i.e., worms, snails, sea stars, shrimp, and miscellaneous species) and prepared for further identification by OC San staff and a specialized marine taxonomic identification service.

Due to the labor-intensive and episodic nature of the sorting process, OC San has utilized outside contractors to perform this function for decades in order to maximize cost-effectiveness and manage staff workload.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent
- Sustain 1, 5, 20-year planning horizons
- Comply with environmental permit requirements

PROBLEM

OC San is mandated by its ocean discharge permit to monitor and report annually on animal community health in the ocean environment that receives the treated wastewater effluent. The Ocean Monitoring Program is not sufficiently staffed to completely perform all ocean animal assessments in-house, including the sorting and identification of all species, and required quality assurance program elements. Therefore, additional outside contractor support continues to be necessary to allow our program to meet this extensive environmental monitoring requirement.

PROPOSED SOLUTION

A contract with Aquatic Bioassay & Consulting Laboratories, Inc. will provide the skill set necessary to meet OC San's permit requirements.

TIMING CONCERNS

The current sorting and taxonomy contract is set to expire February 28, 2023. Samples must be collected in January-March 2023 and April-June 2023 per OC San's ocean discharge permit requirements and will need to be promptly sorted and analyzed to meet taxonomic, data analysis, and reporting requirements for the 2022-23 Marine Monitoring Annual Report submittal to regulators.

RAMIFICATIONS OF NOT TAKING ACTION

If ocean discharge permit compliance is not met for receiving waters monitoring, OC San could be subject to enforcement action and daily penalties not to exceed \$25,000 for each violation in addition to other actions deemed appropriate by the EPA and Regional Water Quality Control Board (RWQCB).

PRIOR COMMITTEE/BOARD ACTIONS

N/A

ADDITIONAL INFORMATION

On October 4, 2022, OC San issued a Notice Inviting Bids for taxonomic sorting and as-needed identification services. OC San received only one responsive bid from Aquatic Bioassay & Consulting Laboratories, Inc. for a total amount of \$371,470 for the maximum possible sorting and taxonomic identification services that could be required under this contract during any given year. However, not all identification services will be required in one contract term because of the work performed in-house. Therefore, staff is recommending award of the Contract to Aquatic Bioassay & Consulting Laboratories, Inc. for a total amount not to exceed \$200,000 for the first contract term in FY2023-2024, which will encompass both core monitoring and Bight 2023 regional sample requirements. During the subsequent years, sorting and as needed identification will be required only for permit-required core monitoring and is estimated to average \$76,000 annually, ranging from \$60,000 to \$110,000 depending on the permit requirements for each contract year.

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted FY 2022-23 Budget, Line item: Page 48, Operating Expense, Research & Monitoring).

<u>Date of Approval</u>	<u>Contract Amount</u>	<u>Contingency</u>
12/15/2022	\$200,000	\$20,000

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- General Services Contract