

TO: Andrew P. Powers, City Manager

FROM: Clifford G. Finley, Public Works Director

DATE: June 4, 2024

SUBJECT: Bioassay Testing Services Agreement

RECOMMENDATION:

1. Approve General Services Agreement to Aquatic Bioassay & Consulting Laboratories, Inc. (ABC) (Ventura, CA) for bioassay testing in the amount not-to-exceed \$205,530 for a four-year term July 1, 2024, through June 30, 2028.
2. Authorize expense in the amount of \$49,680 for FY 2024-25 from A/C #621-8250-682-5632 (Wastewater/Contracted Services).
3. Find that this action is not a project as defined under the California Environmental Quality Act (CEQA).

LEVINE ACT ITEM: Yes

FINANCIAL IMPACT:

No Additional Funding Requested. Minimal staff time required to prepare the report is included in the Adopted FY 2023-24 Wastewater Fund Budget and \$49,680 is included in the Adopted FY 2024-25 Wastewater Fund Budget. Additional budget for the remaining contract term will be requested during the upcoming biennial budget process.

BACKGROUND:

The Hill Canyon Treatment Plant (HCTP) treats eight million gallons of wastewater daily, offering round-the-clock tertiary treatment. This involves screening, grit removal, clarification, aeration with nutrient removal, secondary clarification, multi-media filtration, and disinfection. The resulting high-quality effluent is beneficially reused for agriculture and landscaping.

As HCTP releases tertiary-treated effluent into the North Fork Arroyo Conejo Creek, and subsequently, the ocean, it must adhere to the regulations set by a National Pollutant Discharge Elimination System (NPDES) Permit issued by the California Regional Water Quality Control Board (RWQCB). This permit delineates

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the requirements for effluent discharge that HCTP must fulfill. Among these requirements is the mandate for conducting bioassay testing to verify compliance with toxicity thresholds. Bioassay testing serves to monitor the impact of effluent discharged on the receiving waters. The current agreement for bioassay testing at HCTP is set to expire on June 30, 2024.

DISCUSSION/ANALYSIS:

On March 8, 2024, staff issued a formal Request for Proposals/Qualifications (RFP/Q) entitled, Bioassay Testing, which was published in the Thousand Oaks Acorn newspaper, and posted on the City's procurement website. On April 5th, two proposals were received: 1) ABC and 2) Enthalpy Analytical (San Diego, CA).

In accordance with Government Code section 4526 and Thousand Oaks Municipal Code section 3-10.401, contracts for professional, management, general, or special services should only be awarded to firms or persons who have demonstrated an adequate level of experience, competence, training, credentials, resources, staffing, and other professional qualifications necessary for more than a satisfactory performance of the services solicited. The award of an RFP/Q is based upon a variety of factors that demonstrate best value to the agency for the solicited scope of service. The cost of the service may be considered as one of those factors; however, the lowest cost is not the sole factor in deciding who will be awarded the contract.

The proposals were reviewed by a qualified panel of HCTP staff. ABC and Enthalpy Analytical submitted proposals that met the City's specifications and requirements to perform bioassay testing at HCTP, but ABC's proposal provided the lowest price and best value overall. ABC has also provided satisfactory laboratory service for HCTP in the past. Staff recommends awarding of a four-year agreement (Attachment #1) to ABC in the amount not-to-exceed \$205,530.

The project is categorically exempt from CEQA per Section 15306 (Information Collection).

LEVINE ACT (California Government Code § 84308):

This item is subject to the Levine Act. City Councilmembers who have received a campaign contribution of more than \$250 (aggregated) within the preceding 12 months from a party or their agent/representative, or a financially-interested participant involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; or if applicable (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the official knew or should have known about the contribution, and participate in the proceeding.

All parties and their agents/representatives must disclose on the record of this proceeding any aggregated contribution of more than \$250 made to any Councilmember within the preceding 12 months. Councilmembers are prohibited from accepting, soliciting, or directing a campaign contribution of more than \$250 (aggregated) from a party, their agent/representative, or a financially-interested participant during a proceeding and for 12 months following the date a final decision is made. In addition, a party, their agent/representative, or a financially interested participant is prohibited from contributing more than \$250 (aggregated) to a Councilmember during a proceeding and for 12 months following the date a final decision is made.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Santos Marquez, Laboratory Supervisor
Kim Sherman, Sr. Purchasing Specialist

Attachments:

Attachment #1 – Agreement with Aquatic Bioassay & Consulting
Laboratories, Inc.