

STAFF REPORT



SUBJECT: Emergency Response and Preparedness Plan - Professional Services Agreement
MEETING: Public Works Committee Meeting - 23 SEP 2021
DEPARTMENT: Public Works
STAFF CONTACT: Nick Williams

RECOMMENDATION:

Staff recommends approval of the proposed professional services agreement with Provenance Engineering, LLC. for the preparation of the Emergency Response Plan as required by America's Water Infrastructure Act (AWIA) and for the preparation of an Emergency Preparedness Plan as required by Senate Bill 3.

BACKGROUND:

Emergency Response Plan – AWIA Federal Mandate

On October 23, 2018, America's Water Infrastructure Act (AWIA) was signed into law; section 2013 of the Act amends Section 1433 of the Safe Drinking Water Act (SDWA). This section requires community (drinking) water systems (CWS) serving more than 3,300 people to conduct risk and resilience assessments, prepare or revise emergency response plans (ERPs), and certify to the U.S. Environmental Protection Agency (EPA) that work has been completed. In accordance with U.S. EPA Section 1433, the ERP certification statement to the EPA is due on or before December 31, 2021.

Emergency Preparedness Plan – SB3 State Mandate

On June 8, 2021, the governor of Texas signed into effect Senate Bill No. 3 (SB3) requiring all water utilities to create an emergency preparedness plan (EPP) to maintain operation of water systems during extended power outages. S.B. 3 is the Texas Legislature's response to February's unprecedented power and water outages brought on by Winter Storm Uri and imposes several new requirements on water utilities, including new reporting and emergency planning requirements.

- Nov. 1, 2021: Identify critical W/WW facilities and notify electrical provider(s) of critical load status.
- March 1, 2022: Submit emergency preparedness plan, as well as a timeline for implementing plan to the Texas Commission on Environmental Quality (TCEQ) for approval.
- July 1, 2022: Implement emergency plan.

FISCAL IMPACT SUMMARY:

Fiscal Year Budget 2021-2022, adopted September 7, 2021, allocated \$35,000.00 for the ERP and \$40,000.00 for the EPP. The proposal provides the necessary components for both plans for \$71,030.00 within the allotted state/federal timelines. Attached is a copy of the proposal detailing task deliverables. The proposal includes a timeline to meet the state and federal submission dates. A liquidated damages clause is also included to ensure to the scheduled milestones are met.

ALTERNATIVES:

The following alternatives are offered for consideration:

1. Do not recommend approval of the professional services agreement as presented;
2. Recommend an alternate firm to provide the mandated plans or direct staff to prepare the plans in-house.

ADVANTAGES:

Approval of the proposed agreement provides the means to meet the state and federal requirements under budget.

DISADVANTAGES:

No disadvantages are identified at this time regarding approval of the proposed agreement.

ATTACHMENTS:

Attached is a copy of the proposed professional services agreement.

[Emergency Response Plan and Emergency Preparedness Plan - PSA](#)