State of Kansas
Capacity Development Program

Small Public Water Supply System Planning Grant Pilot Project

Instructions and Application

May 2012

Kansas Department of Health and Environment
Division of Environment
Bureau of Water
Public Water Supply Section

1000 SW Jackson Street, Suite 420
Topeka, Kansas 66612
(785) 296-5514

I. General Information

Small public water supply systems in Kansas face increasing challenges in complying with Safe Drinking Water Act (SDWA) requirements. This is especially true for small water systems with low income populations. To help small public water supply systems achieve and maintain compliance KDHE is introducing the **Small Public Water Supply System Planning Grant Pilot Project**. The purpose of this document is to explain the requirements and application procedures for participation in this pilot project. This pilot project will match sponsor funding "dollar-for-dollar" to pay for preliminary engineering studies to identify solutions to resolve compliance issues for small public water supply systems.. This PWS pilot project helps implement the Kansas Capacity Development Strategy for Existing Systems and is one of the tools used to help small water systems achieve and maintain Technical, Financial and Managerial (TFM) Capacity.

The Kansas Department of Health and Environment Capacity Development Program implements the Kansas Capacity Development Strategy with drinking water revolving loan fund set-asides authorized under Sections 1452(g) and 1452(k) of the SDWA [42 U.S.C. § 300j-12(1996)]. Section 1452(k) allows a portion of the set-aside to be used for the Small Public Water Supply System Planning Grant Pilot Project. If successful, KDHE anticipates using the results of this pilot project to help establish guidelines for a permanent program.

Included in this document:

- Eligibility Criteria for Applicants
- Cost Share and Payment Process
- Grant Project Timelines
- Engineer Selection Process
- Preliminary Engineering Report Criteria
- Application Form

II. Eligibility Criteria for Applicants

The following criteria shall apply for pilot project qualification.

1. The population served by the small water system must be 1,000 or less.
2. The small water system must have of score of 11 or more on EPA's Enforcement Response Policy List
3. The small water system must have its most recent TFM Capacity Survey on file with KDHE.
4. The small water system must be willing to correct deficiencies identified on TFM Survey.
5. The small water system must have an approved Water Conservation Plan. The Kansas Water Office (KWO) or the Department of Agriculture, Division of Water Resources (DWR) approves water conservation plans. Technical assistance can be provided to develop a water conservation plan through the KWO.
6. The small water system must be a publicly owned community water system.
7. If a regional solution is determined feasible by KDHE, the small water system will not qualify for assistance under this pilot project.

III. Cost Share and Payment Process

KDHE will provide a 50% cost-share match up to a maximum of $5,000.00 to the small water system for development of a preliminary engineering study.

The following payment conditions will apply to all cost-share projects.

1. Project cost-share funding may NOT be used for engineering services provided prior to the date of signature of cost-share agreement between KDHE and the small water system or prior to the signed agreement between the small water system and the consulting engineer.
2. Upon signature of the pilot project agreement between the small water system and KDHE, one-half of KDHE's portion of the cost share funding will be released to the small water system.
3. Final payment will be forwarded to the small water system upon KDHE's receipt and approval of the preliminary engineering report.
4. The small water system is responsible for all payments for engineering services.

IV. Grant Project Timelines

KDHE has reserved $75,000.00 for State Fiscal Year 2013 for this pilot project. Applications will be accepted on a continuous basis. If there are more qualified projects than funding available during SFY 2013, KDHE may extend this pilot project into SFY 2014.

KDHE will use the following timelines for pilot project management.

1. KDHE will provide notice of approval/denial to the small water system within 30 days of receipt of application.
2. The small water system must select the engineer within 3 months of Notice of Approval from KDHE.
3. Upon selection of the engineer by the small water system, a pilot project agreement shall be signed by KDHE and the small water system. The agreement will outline the payment process, the total project cost, the cost-share amounts that will be provided by KDHE and the small water system, project completion date and the criteria that must be included in the final preliminary engineering report.
4. The small water system shall have a separate agreement with the engineer for completion of the preliminary engineering report. A copy of the contract agreement between the small water system and the engineer shall be provided to KDHE once finalized and signed.
5. Once selected, the engineer must complete and submit the preliminary engineering report within 12 months to the small water system. The small water system shall provide 3 copies of the final preliminary engineering report to KDHE upon receipt from the engineer.

V. Engineer Selection Process

There are no KDHE procurement regulations or required procedures for selecting engineering consultants. The small water system should use locally established procedures. If there are no locally established procedures the project sponsor may wish to use the procurement procedures as recommended by the Kansas Consulting Engineers or similar to K.S.A. 75-5801 thru 5807 (see Attachment A). The preliminary engineering report must be prepared by a professional engineer registered in Kansas.

Prior to the contract award between the small water system and the engineer, the small water system shall provide a Scope of Work prepared by the selected engineer for KDHE review. KDHE will only review for consistency with report criteria; no recommendation for a specific proposal will be made.

VI. Preliminary Engineering Report Criteria

The preliminary engineering report must be sufficient in scope and detail to fully address the issues outlined by the small water system in the KDHE pilot project application. In addition the report must include the following.

1. Name, address, telephone and email of the engineering company.
2. Name of engineer with primary responsibility for report preparation.
3. Date of report submission.
4. Clear identification of the recommended alternative.
5. Description of existing conditions at the small water system, including age, treatment and storage capacity, and current water use.
6. Cause of the problem(s) being addressed and documentation of all compliance, public health, water quality and affordability issues.
7. Future water demands and population estimates and impact project will have on population growth and land use patterns in the region.
8. Discussion and evaluation of alternatives.
9. Justification for selection of recommended alternative.
10. If development of new water source is recommended, the report must demonstrate use of existing water sources, both treated and raw, is not feasible.
11. Financing options including estimated annual costs and total costs for each alternative.
12. Estimated annual cost of operation, maintenance and replacement budget, and estimated salary of operator, etc. for each alternative. Life cycle costs shall be provided for each alternative.
13. The engineer must evaluate all alternatives possible to help the system achieve and maintain technical, financial and managerial capacity.
14. Potential environmental impacts for each alternative.
15. The engineer must consult with KDHE to complete the waste stream summary review and disposal method consensus process for the selected alternative. The outcome of the waste stream summary review and disposal method consensus process shall be included in the report to ensure it being carried forward throughout the project.

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Attachment A

Local Government Procurement Procedures
For
Professional Engineering Services

And

K.S.A. 75-5801 thru 5807

LOCAL GOVERNMENT
PROCUREMENT PROCEDURE
FOR
PROFESSIONAL ENGINEERING SERVICES

From Kansas Consulting Engineers@

When a local government desires the services of a professional engineer, the procedure used to contract for such services has a great deal to do with how satisfied the government entity will be with the engineer and ultimately with the resulting public works project. Quite frequently the best procedure is simply to negotiate with the firm which has established a prior good relationship with the governing body, particularly if the design professional is qualified for the project under consideration.

There are, however, occasions when the local government will wish to consider several engineering firms; therefore, under these circumstances the procedure below is recommended.

This procurement procedure consists of four major elements: notice, submittals, review of submittals, and negotiations. Each element is discussed in some detail in the following paragraphs:

1. **Notice**: The notice to consultants can be formal or informal depending upon the size and complexity of the project under consideration. It can be done by letter to consultants with whom the local government is familiar, or by publication in newspapers and/or trade journals. The notice should be concise and as brief as possible containing the following information.

    a. Name of the local government requiring services and the name of a contact person.
    b. A description and location of the project.
    c. The deadline for receipt of submittals from interested design professionals.

2. **Submittals**: All interested professional architect/engineers responding to the notice should provide the requested information in a convenient manner. This response should contain all the necessary information and shall also include the following information:

    a. A statement of the technical approach to be utilized in performing the project.
    b. A statement of his proposed schedule for accomplishment.
    c. Facilities, equipment and personnel available for the project.
    d. Any other supporting material as may be applicable.

3. **Review of Submittals**: The governmental body should establish a review panel to receive and review submittals for the proposed work. The review panel should meet promptly after the deadline date and should review and evaluate all submittals received. A short list comprised of three submittals (if available) should be established and ranked in order of preference. The panel is encouraged to check references of the firms by phone or letter.

   The review panel may desire to further examine the experience and qualifications of the short listed firms through personal interviews. In such cases, the firms identified by the ranked submittals should be contacted and invited to schedule interviews. Adequate, but specified time should be allowed for this interview.

   After the interviews, or when the selection is determined, the top-ranked firms should be invited to negotiate terms and conditions of the contract for professional services.

4. **Negotiations**: The governmental body should undertake to negotiate with the top-ranked firm as soon as possible after the selection has been made.

   In the event the governmental body is unable to negotiate a suitable contract with the first-ranked firm, negotiations should be terminated with that firm, and the governmental body should then initiate negotiations with the second-ranked firm. This process should be continued until suitable contractual arrangements with the firm have been satisfactorily consummated. All unsuccessful firms should be so advised by letter.

   This procedure has been carefully prepared for the mutual protection of the client and the consultant. It has stood the test of time and is widely accepted as the best for the client and the design professional.

Article 58 - State Engineering and Land Surveying Services

75-5801. State policy. The legislature hereby declares it to be the policy of this state to publicly announce all requirements for engineering services, and to negotiate contracts for engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable fees.

History: L. 1977, ch. 287, ' ' 1; April 21.

75-5802. Definitions. As used in this act unless the context specifically requires otherwise:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services.

(b) "Engineering services" means those services described in subsection (i) of K.S.A. 74-7003 and amendments thereto.

(c) "Land surveying" means those services described in subsection (j) of K.S.A. 74-7003, and amendments thereto.

(d) "Agency head" means the chief administrative officer of a state agency, as that term is defined in subsection (3) of K.S.A. 75-3701 and amendments thereto, but shall not include the chief administrative officer of any state institution.

(e) "Negotiating committee" means a committee designated to negotiate as provided in this act, and consisting of (1) the agency head of the state agency for which the proposed project is planned, or a person designated by such agency head, (2) the secretary of administration, or a person designated by said secretary, and (3) the chief administrative officer of the state institution for which the proposed project is planned, or when the proposed project is not planned for a state institution, the agency head shall designate a second person in lieu of the chief administrative officer of a state institution.

(f) "Project" means any capital improvement project or any study, plan, survey or program activity of a state agency, including development of new or existing programs and preparation of federal grant applications.

(g) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780 and amendments thereto, or any duly authorized officer or employee of such commission.

History: L. 1977, ch. 287, ' ' 2; L. 1978, ch. 337, ' ' 30; L. 1992, ch. 240, ' ' 30; L. 1996, ch. 48, ' ' 1; Mar. 28.

75-5803. Qualification statements of engineering and land surveying firms; annual list of qualified firms; selection of firms from list prepared by state building advisory commission in certain cases; procedure. (a) In the procurement of engineering or land surveying services, each agency head which utilizes engineering or land surveying services shall encourage firms engaged in the lawful practice of their profession to annually submit a statement of qualifications and performance data to the agency head and to the state building advisory commission. The agency head shall thereafter cause to be prepared annually a list of firms qualified, based upon criteria established and published by such agency head, to provide such engineering or land surveying services.

(b) Except as otherwise provided in subsection (c), when a project requiring engineering or land surveying services is proposed for a state agency, the agency head for such state agency shall evaluate current statements of qualifications and performance data on file with the agency head, together with those that may be submitted by other firms regarding the proposed project. The agency head may establish time frames for the receipt of qualifications statements and performance data from any firm wishing to be considered for the proposed project. The agency head shall conduct discussions with not less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required engineering or land surveying services and then such agency head shall select from among all such firms, on a rotational basis, the firm to perform the engineering or land surveying services, unless such firm refuses to provide such engineering or land surveying services.

(c) In any case where a project requiring engineering or land surveying services is proposed which concerns the construction of any building or facility or any major repairs or improvements to any building or facility, including in any case but not limited to any heating, cooling or power facility, for a state agency and a negotiating committee is not convened under K.S.A. 75-5804 and amendments thereto, the agency head of the state agency shall notify the state building advisory commission and shall request a list of firms qualified to provide the engineering or land surveying services for such project. Upon receipt of any such request, the state building advisory commission shall evaluate the current statements of qualifications and performance data on file, together with those statements that may be submitted by other firms, regarding the proposed project and other information developed and available to the state building advisory commission, and shall prepare a list of at least three and not more than five firms which, in the opinion of the state building advisory commission, are qualified to furnish the engineering or land surveying services for the proposed project. Each such list shall be submitted to the agency head without any recommendation of preference or other recommendation. The agency head shall conduct discussions with the firms listed and shall select the firm to perform the engineering or land surveying services, all in the manner provided in subsection (b). If the agency head is unable to enter into a contract for the necessary engineering or land surveying services with any firm so listed, the agency head shall request the state building advisory commission to prepare and submit another list of firms qualified to provide such engineering or land surveying services and shall proceed in accordance with this subsection. The secretary of administration shall provide to the agency head such information, advice and assistance as may be requested by the agency head regarding the selection of a firm to provide engineering or land surveying services for such projects, including all information and evaluations regarding the listed firms gathered and developed under K.S.A. 75-3783, and amendments thereto.

History: L. 1977, ch. 287, '' 3; L. 1978, ch. 337, '' 31; L. 1984, ch. 336, '' 1; L. 1996, ch. 48, '' 2; Mar. 28.

75-5804. Negotiating committee convened; list of qualified firms for projects; list prepared by state building advisory commission in certain cases; procedure. (a) Whenever it becomes necessary in the judgment of the agency head of a state agency for which a project is proposed and, in any case where the total cost of such a proposed project is expected to exceed $250,000, the agency head shall convene a negotiating committee. Except as otherwise provided in subsection (b), the agency head shall submit the list of at least three and not more than five of the most highly qualified firms to the negotiating committee so convened, without any recommendation of preference or other recommendation.

(b) Whenever a negotiating committee is convened under this section for a proposed project requiring engineering or land surveying services which concerns the construction of any building or facility or any major repairs or improvements to any building or facility, including but not limited, to any heating, cooling or power facility, for a state agency, the agency head for the state agency shall notify the state building advisory commission of the project and shall request a list of firms qualified to provide the engineering or land surveying services for the proposed project. Upon receipt of any such request the state building advisory commission shall evaluate the current statements of qualifications and performance data on file, together with those statements that may be submitted by other firms regarding the proposed project and other information developed and available to the state building advisory commission. The commission shall prepare a list of at least three and not more than five firms which, in the opinion of the state building advisory commission, are qualified to furnish the engineering or land surveying services for the proposed project. Each such list shall be submitted to the negotiating committee so convened without any recommendation of preference or other recommendation.

History: L. 1977, ch. 287, '' 4; L. 1978, ch. 337, '' 32; L. 1979, ch. 280, '' 19; L. 1996, ch. 48, '' 3; L. 1996, ch. 238, '' 1; July 1.

75-5805. Written project description; no alteration without approval. The negotiating committee shall cause a written description of the scope or program of the proposed project to be prepared. Such description shall be used in the negotiations between the negotiating committee and qualified firms. The proposed project description shall be the basis for the project development and such description shall not be altered without the prior approval of the negotiating committee.

History: L. 1977, ch. 287, '' 5; April 21.

75-5806. Negotiating committee access to data on firms; selection of firms. The negotiating committee for each proposed project shall have access to the current statements of qualifications and performance data on file with the agency head for the firms listed by the agency head. In the case of firms listed by the state building advisory commission, the negotiating committee shall have access to the current statements of qualifications and performance data on file with the state building advisory commission and to all information and evaluations regarding the listed firms gathered and developed under K.S.A. 75-3783, and amendments thereto.

The negotiating committee shall conduct discussions with each of the firms so listed regarding the proposed project and then shall select a single firm from such listing to provide engineering or land surveying services in accordance with this act.

History: L. 1977, ch. 287, ' ' 6; L. 1978, ch. 337, ' ' 33; L. 1996, ch. 48, ' ' 4; Mar. 28.

75-5807. Negotiation of contract with selected firm; duties of committee; failure of negotiations with selected firms; additional list of nominees. (a) Each negotiating committee shall determine which engineering or land surveying services are necessary and shall negotiate a contract for each proposed project with the selected firm for the necessary engineering or land surveying services. In such negotiations, the negotiating committee shall always consider demonstrated competence and qualifications and shall take into account the estimated value of the engineering or land surveying services to be rendered and the scope, complexity and professional nature thereof.

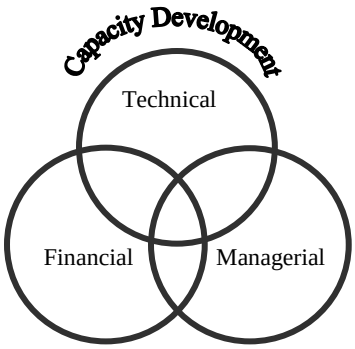
(b) If the negotiating committee is unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be terminated. The negotiating committee shall then undertake negotiations with the second most qualified firm. If there is a failing of accord with the second most qualified firm, negotiations with such firm shall be terminated. The negotiating committee shall then undertake negotiations with the third, fourth and fifth most qualified firms in turn.

(c) If the negotiating committee is unable to negotiate a satisfactory contract with any of the selected firms, the negotiating committee shall reevaluate the necessary engineering or land surveying services and fee requirements and reopen negotiations with any of the firms on the list submitted by the agency head. If the negotiating committee is still unable to enter into a contract for the necessary engineering or land surveying services, the negotiating committee shall request the agency head or, in the case of a proposed project under subsection (b) of K.S.A. 75-5804, and amendments thereto, the state building advisory commission to provide another list of firms to be negotiated with by the negotiating committee and, upon receipt of such list, the negotiating committee shall proceed in accordance with the provisions of this act.

History: L. 1977, ch. 287, ' ' 7; L. 1978, ch. 337, ' ' 34; L. 1996, ch. 48, ' ' 5; Mar. 28.

Attachment B

Small Public Water Supply System
Planning Grant Pilot Project
Application



Kansas Department of Health and Environment
Public Water Supply Section
Capacity Development Program

SYF 2013

Small PWS System Planning Grant Pilot Project Application

Date Received by KDHE_____ KDHE Project Number_____

Application does not guarantee funding by KDHE. Pilot project funding to approved applicants shall not exceed 50% of the costs for a preliminary engineering report, and in any case shall not exceed $5,000. If approved the small water system and KDHE shall enter into an agreement as described in Section IV, page 2 (Project Timelines) of the Instructions.

Name of Small PWS System:_____

Name and Title of Contact Person:_____

Street Address or P.O. Box_____

City_____ State_____ Zip Code_____ Tax ID No._____

Telephone_____ FAX_____

E-mail_____

1. Provide a brief narrative of the proposed pilot project:

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2. What issues would the proposed pilot project address?

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_____

I certify that I am authorized to sign this application on behalf of the small public water supply system. To the best of my knowledge and belief, the information provided in this application is true and accurate.

_____	_____
Signature and Title of Authorized Official	Print or Type Name and Title
_____	_____
Witness Name and Title	Print Name and Title
_____	
Date	

Return this application to: KDHE, Attn: Capacity Development Program, 1000 SW Jackson: Suite 420: Topeka, KS 66612-1367.
Questions? Contact: KDHE at (785) 368-7130 or email ctuckerv@kdheks.gov