

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 3-19-15.8

1. REQUESTED MOTION

ACTION REQUESTED:

Authorize the County Manager to Approve a Memorandum of Understanding between the County of Sandoval and Algodones Mutual Domestic Water Consumers and Mutual Sewage Association to Act as Fiscal Agent for a \$650,000 Legislative Appropriation for Arsenic Treatment (STB 14-1729)

WHY ACTION IS NECESSARY (Summary):

The Association requested the County's assistance to act as fiscal agent for the Arsenic Treatment Project as required by the NM Department of Finance and Administration since Algodones is an unincorporated entity. Per the NM Environment Department, the County will provide project oversight only from start to completion. The County will not be responsible for putting up any funding for this project.

2. REQUESTOR

COMMISSIONER SPONSORED: YES NO

DISTRICT: DISTRICT 1 DISTRICT 4
 DISTRICT 2 DISTRICT 5
 DISTRICT 3

DIRECTOR / ELECTED: Michael Springfield

DIVISION: Planning & Zoning

ELECTED OFFICE:

ATTACHMENTS: YES NO

3. MEETING DATE

March 19, 2015

4. AGENDA (To be completed by County Manager)

- PROCLAMATION
- PRESENTATION
- CONSENT
- REGULAR
- APPEAL

5. RECOMMENDATIONS

Recommend Board of County Commission approval.

6. FISCAL IMPACT

No fiscal impact (see summary for explanation).

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form PFT	Finance Budget	County Manager PPR	Other
MRS 2/25/15	_____	_____	2/25/15	_____	3/13/15	_____

8. COMMISSION ACTION

Approved Denied Deferred Other

MEMORANDUM OF UNDERSTANDING

BETWEEN

Algodones Mutual Domestic Water Consumers and Mutual Sewage Association (Grantee)

AND

County of Sandoval (Fiscal Agent)

The purpose of this Memorandum of Understanding (hereinafter "MOU") is to confirm that the Grantee, Algodones Mutual Domestic Water Consumers and Mutual Sewage Association (hereinafter "Grantee") is working in collaboration with the County of Sandoval, the designated Fiscal Agent (hereinafter "Fiscal Agent"), for the administration of a New Mexico legislative special appropriation to the New Mexico Environment Department (hereinafter "NMED"). The special appropriation grant SAP 14-1729-STB is titled "Algodones Water Users Association Arsenic Treatment" in the amount of \$650,000.00 and has been appropriated for the following purpose:

Design, bidding, construction, observation and operational testing of 1) an oxidation-coagulation filtration arsenic treatment system (including the structure to house the system) and 2) potential water infrastructure (including a supplemental well and tank).

It is mutually agreed that Algodones Mutual Domestic Water Consumers and Mutual Sewage Association will determine the specific work to be completed, will oversee construction, and will own and operate the improvements resulting from completion of the Project. By this MOU, it is understood between the parties that:

1. The Algodones Mutual Domestic Water Consumers and Mutual Sewage Association will perform the following functions: In general, act as the grant representative/contracting agency overseeing all aspects related to the grant, including but not limited to issuing the RFP and evaluating proposals from responders to the RFP; issuing engineering contracts; making design determinations; approving construction contracts; and coordinating with the design engineer and the NMED.
2. The County of Sandoval will, in general, act as the secondary oversight party for the project, review the RFP to ensure that it meets state procurement requirements and will provide technical assistance to the Algodones Mutual Domestic Water Consumers and Mutual Sewage Association 1) during evaluation of responses to the RFP, 2) during evaluation of the design submitted by the winning respondent, 3) during evaluation of the construction bids and determination that the finished project meets standards, and 4) at such other times as Grantee requests assistance that County is equipped to provide.

Both parties to this agreement understand that the County of Sandoval will not put up any funds for this project; that invoices will be submitted to, and approved by, the Grantee; and that payment will be made by the Construction Bureau of the NMED following approval of invoices by the Algodones Mutual Domestic Water Consumers and Mutual Sewage Association.

The governing board of Algodones Mutual Domestic Water Consumers and Mutual Sewage Association will adopt a resolution appointing County of Sandoval as its Fiscal Agent and designating a signatory authority from the County Manager (Fiscal Agent) and a signatory authority from Algodones Mutual Domestic Water Consumers and Mutual Sewage Association in accordance with terms of the NMED Grant Agreement. The resolution shall also designate a grantee representative from Algodones Mutual Domestic Water Consumers and Mutual Sewage Association that is knowledgeable about the day to day activities relating to the Project.

The Fiscal Agent shall not be compensated from any grant funds for services rendered, or credited for services rendered, during the term of this MOU or during the duration of the Project.

This MOU shall be in effect for the duration of the grant agreement and terminates if the Grantee designates a new Fiscal Agent, or when the grant agreement expires or the project is complete and all appropriate close out documents are received, whichever comes first. The parties affirm their understanding and agreement by their signatures below. The parties may enter into a contractual agreement related to this project, but the terms of the agreement shall not conflict with the terms of this MOU or the Resolution.

IN WITNESS WHEREOF, the parties have duly executed this MOU as of the date of execution by the Fiscal Agent.

GRANTEE:

Signature of Official with Authority to Bind Grantee

By: John B Arango (Type or Print Name)

Its: Treasurer (Type or Print Title)

Date

FISCAL AGENT:

Signature of Official with Authority to Bind Grantee

By: Phillip Rios (Type or Print Name)

Its: County Manager (Type or Print Title)

Date