

**MEMORANDUM**

**DATE:** August 19, 2021

**TO:** THOMAS C. ESQUEDA, City Manager  
City Manager's Office

**FROM:** MICHAEL CARBAJAL, Director   
Department of Public Utilities

**SUBJECT:** UNIQUE QUALIFICATIONS OF SCS ENGINEERS TO PROVIDE  
CONSULTANT SERVICES FOR SB 1383 COMPLIANCE PLANNING

The purpose of this memorandum is to request the City Manager establish SCS Engineers (SCS) as a uniquely qualified professional consulting services provider for SB 1383 compliance planning. City Manager approval is necessary pursuant to Administrative Order 06-19, which would thereby allow the Department of Public Utilities (DPU) to dispense with the City's standard Request for Qualifications Process and enter into an agreement with the provider for consulting services.

SCS Engineers was selected by Fresno County in February 2020 through a formal Request for Proposals (RFP) process to provide professional consulting services oriented toward solid waste planning and solid waste regulatory compliance. Since then, SCS has been working with Fresno County staff to gather the appropriate background information, meet with all waste haulers within the County, and analyze programs, among other tasks, to meet the SB 1383 compliance requirements.

Compliance with SB 1383 regulations is required by January 1, 2022. The City of Fresno must work quickly to meet this compliance deadline. Since SCS has already completed a lot of the preliminary work for the County and therefore has a lot of background information regarding the services, programs, and capacity within the City, they are able to begin work immediately for the City. This will dramatically reduce the turnaround time for deliverables.

Additionally, since SB 1383 compliance is required of all jurisdictions throughout the State of California, there are very limited options for compliance consulting services anywhere in the State. In fact, consultants are turning away jurisdictions due to lack of staff capacity to take on the additional work. SCS is willing to take the City on as a client, since it aligns so well with the work they have already done for Fresno County.

**MEMORANDUM**

Thomas Esqueda, City Manager

**UNIQUE QUALIFICATIONS OF SCS ENGINEERS**

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SCS Engineers is a qualified consulting service provider with expertise in solid waste planning, sustainable materials management, and organics material management. There are exigent circumstances in the rapidly-approaching regulatory compliance deadlines. SCS Engineers' qualifications combined with the work already completed for Fresno County make SCS uniquely qualified to perform the tasks required by the City in time to meet the regulatory deadlines.

X

Approved

\_\_\_\_ Denied

  
\_\_\_\_\_  
Thomas Esqueda, City Manager

  
\_\_\_\_\_  
Date

August 19, 2021  
File No. 010756221

Mr. Michael Carbajal  
Director of Public Utilities  
Department of Public Utilities  
2600 Fresno Street, Room 4019  
Fresno, CA 93721

Subject: Proposal to Provide SB 1383 Consulting Services

Dear Mr. Carbajal:

The City of Fresno has requested a proposal from SCS Engineers to assist with planning required for Senate Bill 1383 (SB 1383) compliance. SB 1383, or the Short-Lived Climate Pollutants Act, establishes methane emissions reduction targets, and grants CalRecycle the authority to pass regulations to achieve those targets. This new state law sets the immediate statewide goal for the reduction of organic waste to landfills—50 percent by 2020, and 75 percent by 2025—in addition to the recovery of 20 percent of edible food waste for human consumption.

The following proposed scope of work has been prepared based on our discussion on July 28, 2021, our understanding of the City's requirements under SB 1383, and our experience performing similar services for municipalities in California

## **SCOPE OF WORK**

- Task 1: Kick Off Meeting
- Task 2: City of Fresno SB 1383 Roadmap
- Task 3: Ordinance Review and Updates
- Task 4: Agreements Review and Updates
- Task 5: Organics Generation and Program Analysis and Recommendations

A detailed description of the tasks we will undertake is included below.

## **TASK 1: DATA REQUEST AND KICK OFF MEETING**

Following the contract award, we will provide a data request list for documents that are necessary to begin the project. If possible, we would like to receive these documents from the City prior to the kick-off meeting, so we are able to review and provide feedback or ask questions. This data request list may include annual reports, franchise agreements, ordinances, planning documents, and/or other pertinent documents as background information.

We will meet with City staff to clarify objectives and the approach. This initial meeting will serve to set the expectations and timeline for the project. SCS will want to understand the measures the City has completed to date and the City's vision for moving forward with SB 1383 programs, and discuss our recommended strategies. The kick off meeting will also establish the best means for ongoing



communication and collaboration between the Project Team and the City for the duration of this engagement.

#### **Task 1 Deliverables:**

- Data needs list
- Notes and action items from meeting

### **TASK 2: CITY OF FRESNO SB 1383 ROADMAP**

SCS will prepare an SB 1383 Roadmap that includes milestones, action items, recommended foundational tasks, and a schedule to serve as a checklist toward compliance. The Roadmap will designate the City department(s) that will be involved in each regulatory action, the next steps required, and timeline.

For example, SB 1383 requires jurisdictions to adopt ordinances or other enforceable mechanisms by January 1, 2022. To complete this task, the Public Utilities Department will facilitate drafting of the ordinances, followed by review from the City Attorney. The next steps include a City Council Meeting to adopt the ordinance. As initiation for this action, no later than October 2021, the Department of Public Utilities should submit code updates and enforcement plans for review and adoption ahead of the 2022 deadline for compliance.

#### **Deliverables**

- A Roadmap for SB 1383 compliance, including actions required and due dates.

### **TASK 3. ORDINANCES REVIEW & UPDATE**

SB 1383 requires jurisdictions to adopt ordinances or other enforceable mechanisms by January 1, 2022. CalRecycle has developed a model SB 1383 ordinance that the City may choose to utilize and customize. The City's C&D ordinance may also require revision to incorporate the Green Building and storage space requirements. Our team will collaborate with the City to understand the different ordinances that require review and updating, to receive background information on how they have been used, the functionality of each, and details the City is looking for to add into the ordinances. An assessment will be performed on the current documents to identify what needs to be enhanced and what should be added to meet the new requirements, and whether we should revise the City's existing ordinances or utilize the CalRecycle version. As part of this task, we will provide advice to the City on enforcement of the new requirements, and integration of the penalties and fines included in SB 1383 into the City's ordinance.

#### **Deliverable**

- SB 1383/Mandatory Organics Recycling Ordinance or Revisions to City's Existing solid waste ordinance.
- Revisions to the City's C&D ordinance

### **TASK 4. AGREEMENTS REVIEW & UPDATE**

This task will be to update the City's existing franchise agreements with Republic Services and Mid Valley Disposal, and the service agreements with CARTS, Green Valley and West Coast Waste to

incorporate the requirements of SB 1383. Our team is currently working with Fresno County to update their franchise agreements, utilizing the CalRecycle statewide model franchise agreement and ordinance that are compliant with SB 1383. These tools may allow for a more cost-efficient process to arrive at those revised agreements from a business term and service description perspective. We will review the City's agreements, and provide recommendations for additions, deletions, and edits to incorporate the requirements of SB 1383.

### **Deliverable**

- Revisions to collection agreements

## **TASK 5: PROGRAM ANALYSIS AND RECOMMENDATIONS**

### **Subtask 5.1 Baseline Data**

SCS will compile key program statistics to provide a summary of the current organics program efforts in the City service area. This information will be prepared using readily-available reports provided by the City, and is anticipated to include the following information:

- Tons of solid waste, recyclables, mixed organics, food scraps, and C&D collected;
- Summary of multi-family and commercial account data highlighting the number of accounts with recyclables, mixed organics, and food scraps collection services (e.g., compliant and non-compliant with AB 341 and AB 1826, and accounts that fall below AB 1826 thresholds)
- Information on existing education and outreach, collection, and other organics programs

### **Subtask 5.2 Develop Program Options**

This task will utilize the analysis of the City's current organics collection programs and provide recommendations for new or expanded programs that will comply with SB 1383 requirements. Based on the review of the City's existing programs, the minimum standards required in SB 1383, and discussions with staff, we will develop a set of recommended organic waste reduction programs designed to bring the City and generators into compliance with SB 1383. We will begin by developing a menu of program options, and assessment of key qualitative program considerations for each option. SCS will use our institutional knowledge and experience from other SB 1383 planning projects to provide compliance recommendations.

### **Task 5 Deliverables:**

- Excel spreadsheet with current and recommended organics program options.
- Memorandum of findings

## **IMPLEMENTATION TIMELINE**

Work will commence upon approval of the contract and notice to proceed. Following the kick-off meeting, we will begin to review the existing information, and prepare the Roadmap and revisions to the ordinances and agreements. We are aware of the schedule and requirements of SB 1383, and will work closely with the City to complete the requisite assignments within those timeframes.

## PROJECT FEES

The proposed fees to complete the above described scope of work is indicated in Table 1. The fee is inclusive of all labor and direct costs. We assume meetings will not be in person, however if there is the need to attend an in-person meeting, we can make ourselves available, however the cost to attend will be in addition to the proposed fees indicated below.

Table 1. Project Fees

Task	Description	Hours	Fee
1	Data Needs and Kick-Off Meeting	10	\$2,000.00
2	SB 1383 Roadmap	48	\$7,600.00
3	Ordinances Review and Revisions	62	\$14,400.00
4	Agreements Review and Revisions	78	\$17,600.00
5	Organics Generation and Program Analysis and Recommendations	42	\$8,000.00
TOTAL		240	\$49,600.00

## CLOSING

Following your review of this proposal, please do not hesitate to contact me with any questions you may have. We appreciate the opportunity to submit this proposal to the City, and look forward to working with you in the near future.

Sincerely,



Michelle P. Leonard  
Senior Vice President  
SCS Engineers