



ADDENDUM 2
Request for Proposals
OJRSA Project #2024-01
Regional Sewer Feasibility Planning Study

The Oconee Joint Regional Sewer Authority (OJRSA) Regional Feasibility Planning Study Pre-Submittal Conference was held at 2:00 pm on Thursday, June 8, 2023, at the Coneross Creek Wastewater Treatment Plant.

Attendees

- Garrett Davis, KCI Technologies
- Arlene Young, ACOG
- Angie Mettlen, WK Dickson
- Britton Corbin, MRB Group
- Madeleine Bolick, Bolton & Menk
- Chris Eleazer, OJRSA
- Amanda Kelley, OJRSA

General Information

- Discussed the background of this project, which can be found in the project narrative included with the Request for Proposals (RFP).
- Reviewed the Four Core Items: (1) Governance Structure, (2) Revenues & Finance, (3) Environmental Compliance, and (4) Efficiency in Operations and Service. These were shown during a PowerPoint presentation, which is attached.
- A map was shown of Oconee County and a portion of Anderson County that are to be included in the assessment. *See attached.*
- A map was shown that indicated the general sewer service areas for the retail wastewater providers. It was determined by the Appalachian Council of Governments several years ago that the only wastewater utility providers that could provide sewer service in Oconee County along the Interstate 85 corridor were the OJRSA and Pioneer Rural Water District. *See attached.*
- When applying for a state and federal grant to expand sewer service from the Golden Corner Commerce Park to Exit 1 on I-85, Pioneer Rural Water District was not interested in being a retail sewer service provider,¹ so the OJRSA was the only party eligible to apply for the grants.
- Currently, the OJRSA does not have user rates for its retail sewer operation along I-85.
- A map was shown of the general locations for each of the drinking water providers in Oconee County. Several of these locations have their own wastewater treatment collection and treatment system, including Foxwood Hills, Chickasaw Pointe, and Keowee Key. Over the years, several of these systems have stated they would consider getting out of the wastewater business. *See attached.*
- There is no known wastewater treatment or collection in the Salem; however, this area is to be included in the feasibility study.
- Jon Caime, Projects Manager with Anderson County, is aware of the study and will be the initial contact with whom to work with for the portion of the county west of the Seneca River arm of Lake Hartwell.
- The OJRSA will pay its governance and environmental council directly. Addendum #1 was distributed to the attendees. *See attached.*
- The selected firm may choose which financial and rate consultants they would want to partner with. The OJRSA has recently used Willdan and First Tryon.
- A link will be created on the OJRSA website for all parties to download support documents. It will be located at www.ojrsa.org/opportunities.

¹ By state statute, Pioneer can provide wastewater collection services but cannot operate a wastewater treatment facility.

Question: Is this an RFP and not an RFQ (Request for Qualifications)?

Answer: It began as an RFQ but the South Carolina Rural Infrastructure Authority (RIA) wanted it to be an RFP. RIA has provided a grant for the study, and they had input and criteria in the development of the solicitation.

Do you want a price?

It would be helpful to include an estimated price range but unless it was specifically stated in the criteria that was approved by RIA, then it is not necessary. The budget for the project will be determined during negotiations with the selected firm.

Is there a value associated with the grant?

The grant was for \$100,000 but we anticipate the project could exceed this. The OJRSA has prepared for this in a contingency, which will also be used for other project overruns.

Do the front and back cover, tabs, and section dividers count as pages (relative to the total page count)?

No.

Must audited financials be included in the submittal?

The RFP states these must be included but we do not feel it is necessary for this project. If you wish to not include them, that will be fine.

How will subcontractors be scored?

Subcontractors will be scored using the same criteria. If they have performed extensive work similar to the scope of this project, their project can be submitted on its own and it will be scored using the same methodology stated in the RFP. The prime contractor will receive the score as if it were them that performed the work. The OJRSA is aware that there are very few, if any, projects like this that have been performed in South Carolina or elsewhere and we want to evaluate the proposed project team collectively for the expertise and experience they bring to the project.

There was a question about how the OJRSA wholesale and retail sewer system operates.

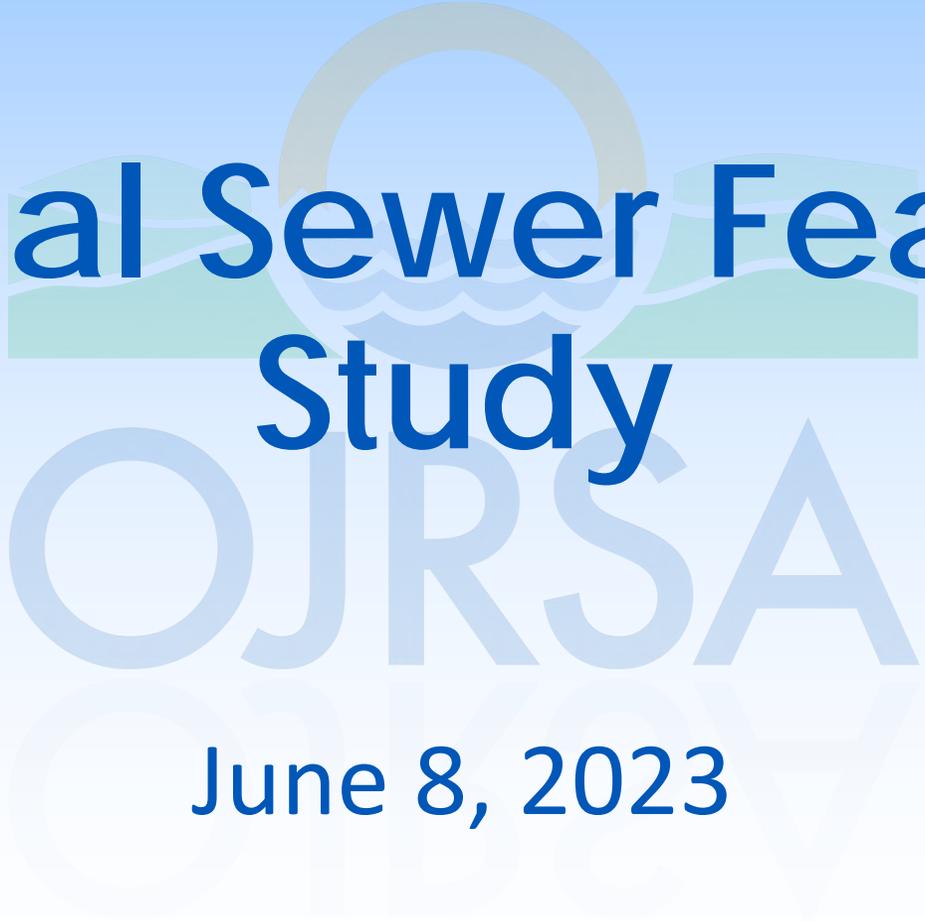
The OJRSA wholesale system is one that serves the cities of Seneca, Walhalla, and Westminster and the town of West Union. The three cities listed above are often referred to as the Member Cities. There is an intermunicipal agreement between all parties that includes many agreed upon articles, one of which is that the customers of the Member Cities, each of which owns and operates its own retail sewer service system, cannot subsidize the operation or expansion of a system that does not serve the cities. When it was determined the OJRSA was the only party eligible to apply for the grant to extend sewer service to the I-85 corridor, that put the OJRSA as also operating a retail sewer collection system. The only overlap between the wholesale and retail systems is at the Coneross Creek Water Reclamation Facility, which is owned, operated, and maintained by the OJRSA.

There was a discussion about the timeframe of the project.

RIA stated they will be willing to work with the OJRSA and its selected firm to consider an extension once the project is awarded and during the negotiation phase.

How much does the OJRSA have budgeted for the project?

We do not know what to expect in this regard, and as mentioned earlier, we have set aside a general contingency amount for this and other budgeted projects. If we cannot negotiate a price that we feel we can afford, we will need to consult with RIA to determine the next steps. We are not sure if we can void the award and begin negotiations with the next firm or not.

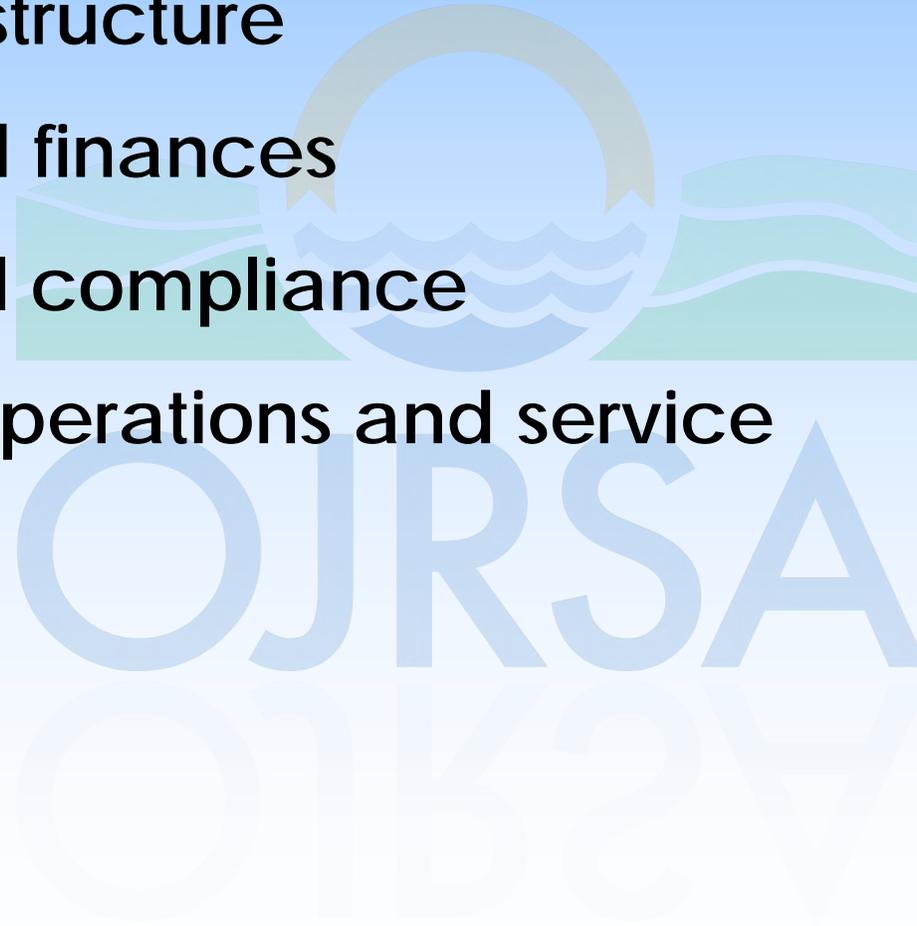


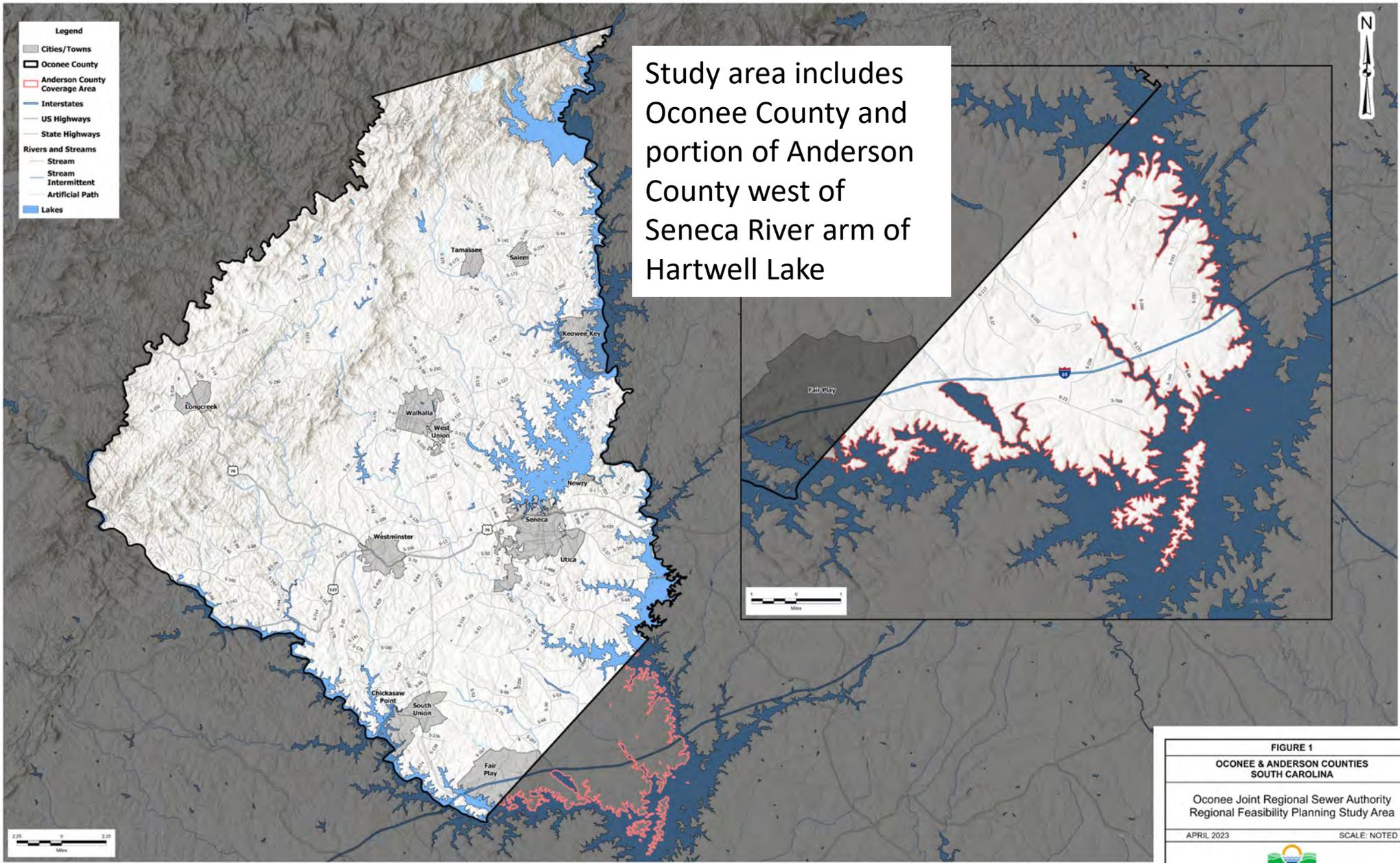
Regional Sewer Feasibility Study

June 8, 2023

Core study focuses

1. Governance structure
2. Revenues and finances
3. Environmental compliance
4. Efficiency in operations and service





Study area includes Oconee County and portion of Anderson County west of Seneca River arm of Hartwell Lake

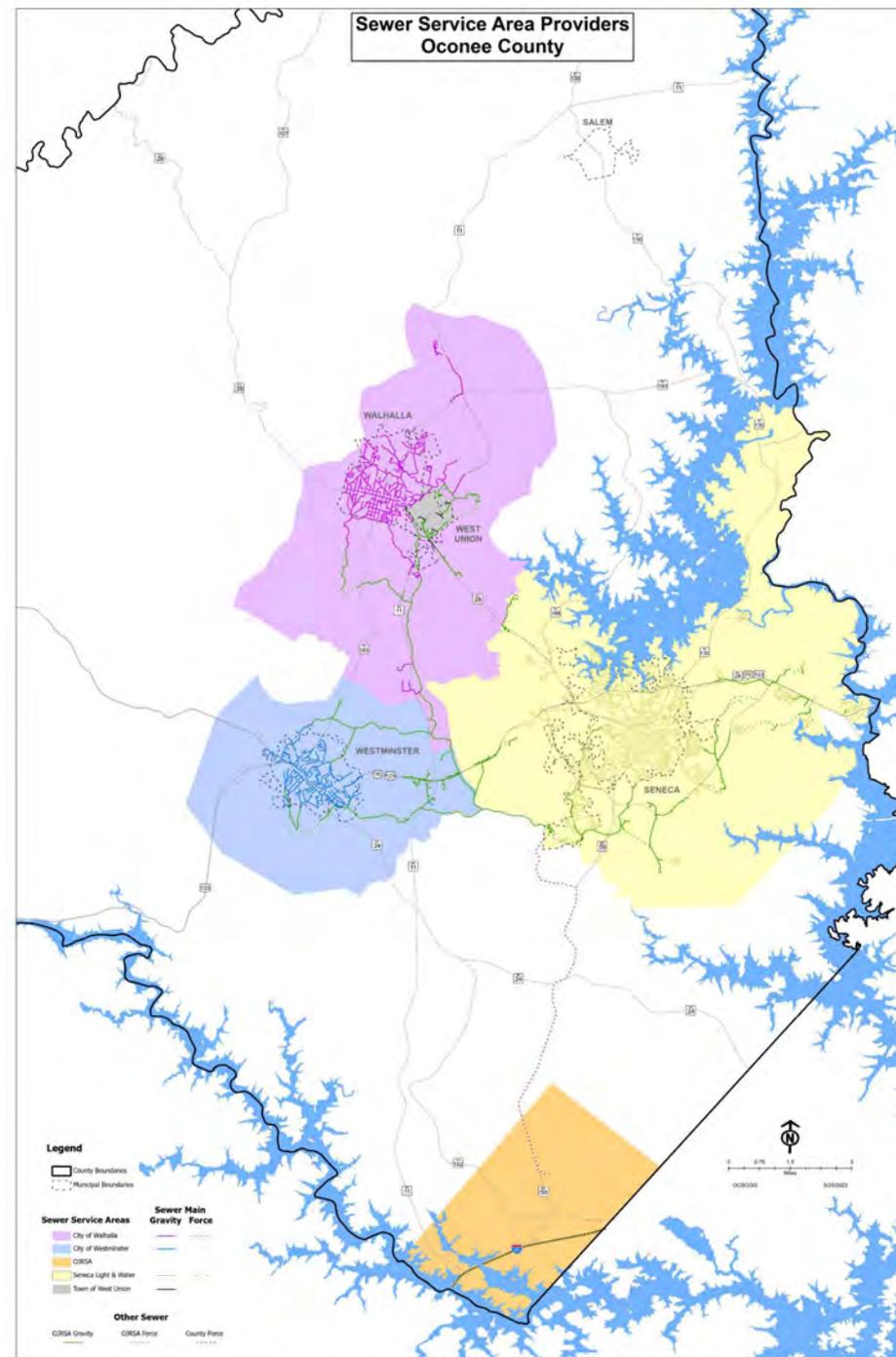
FIGURE 1
OCONEE & ANDERSON COUNTIES
SOUTH CAROLINA

Oconee Joint Regional Sewer Authority
 Regional Feasibility Planning Study Area

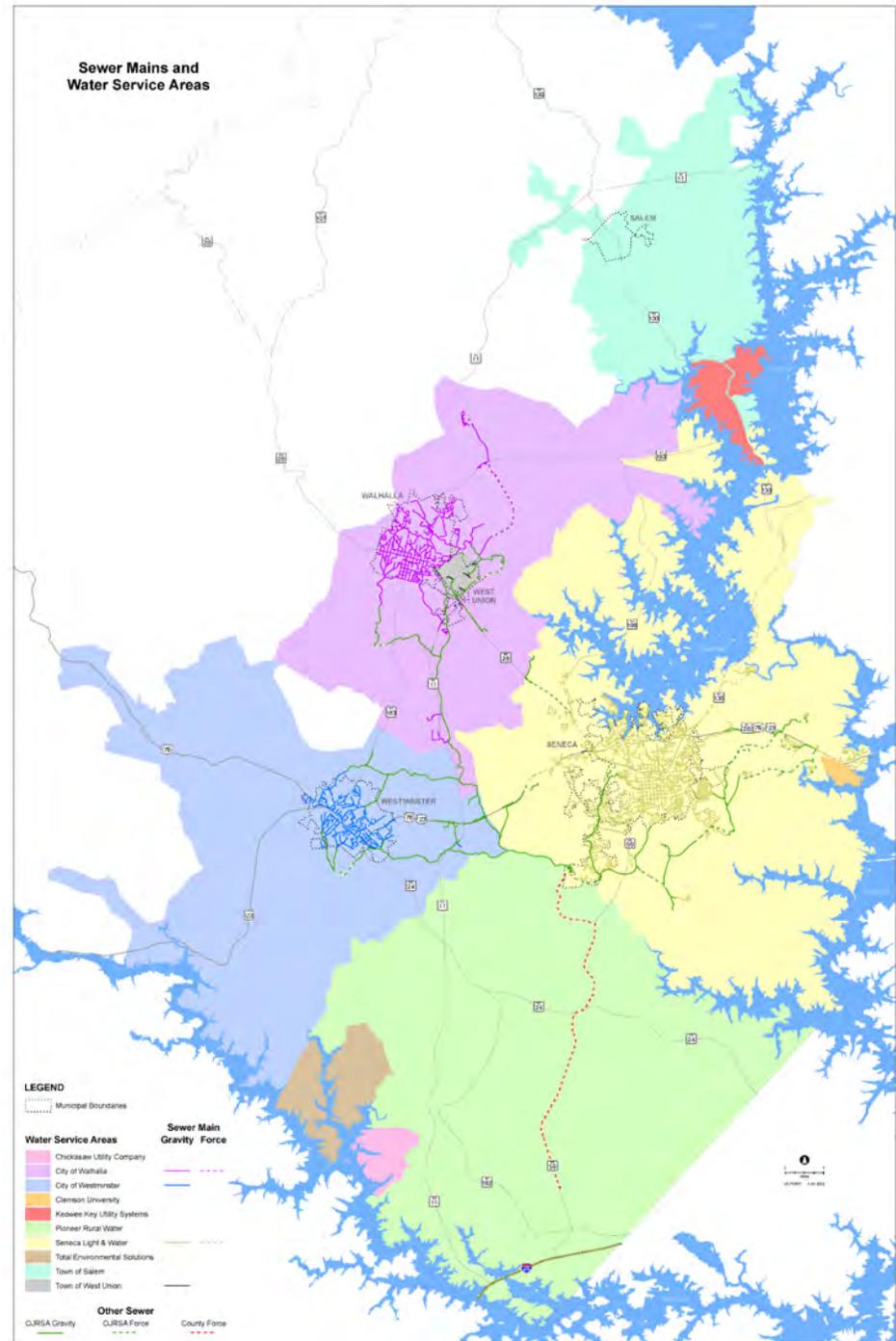
APRIL 2023 SCALE: NOTED



Sewer providers shown does not include privately owned utilities, such as Keowee Key, Chickasaw Pointe, Foxwood Hills, JACABB Utilities, “The Pier” development, etc.



**Sewer Mains and
Water Service Areas**



LEGEND

Municipal Boundaries

Water Service Areas

- Chickasaw Utility Company
- City of Walhalla
- City of Westminister
- Clemson University
- Keebles Key Utility Systems
- Pioneer Rural Water
- Seneca Light & Water
- Total Environmental Solutions
- Town of Galen
- Town of West Union

Sewer Main Gravity Force

- Gravity
- Force

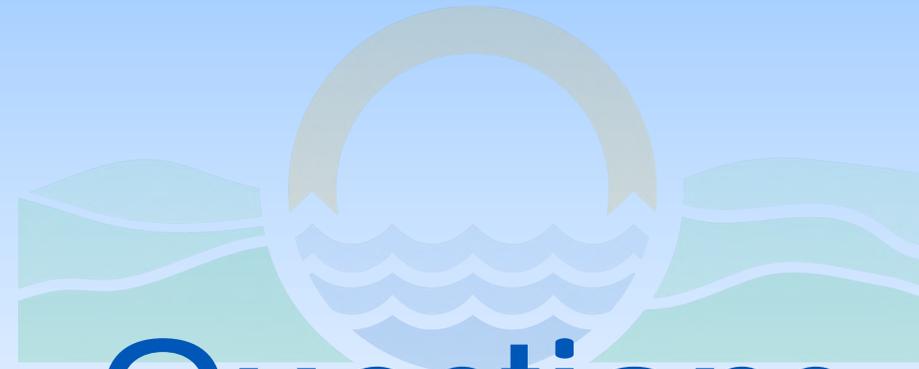
Other Sewer

- OURSIA Gravity
- OURSIA Force
- County Force

Outside professional assistance

1. Legal assistance to be provided by OJRSA – See Addendum #1
2. Finance and rate assistance to be determined by selected Firm

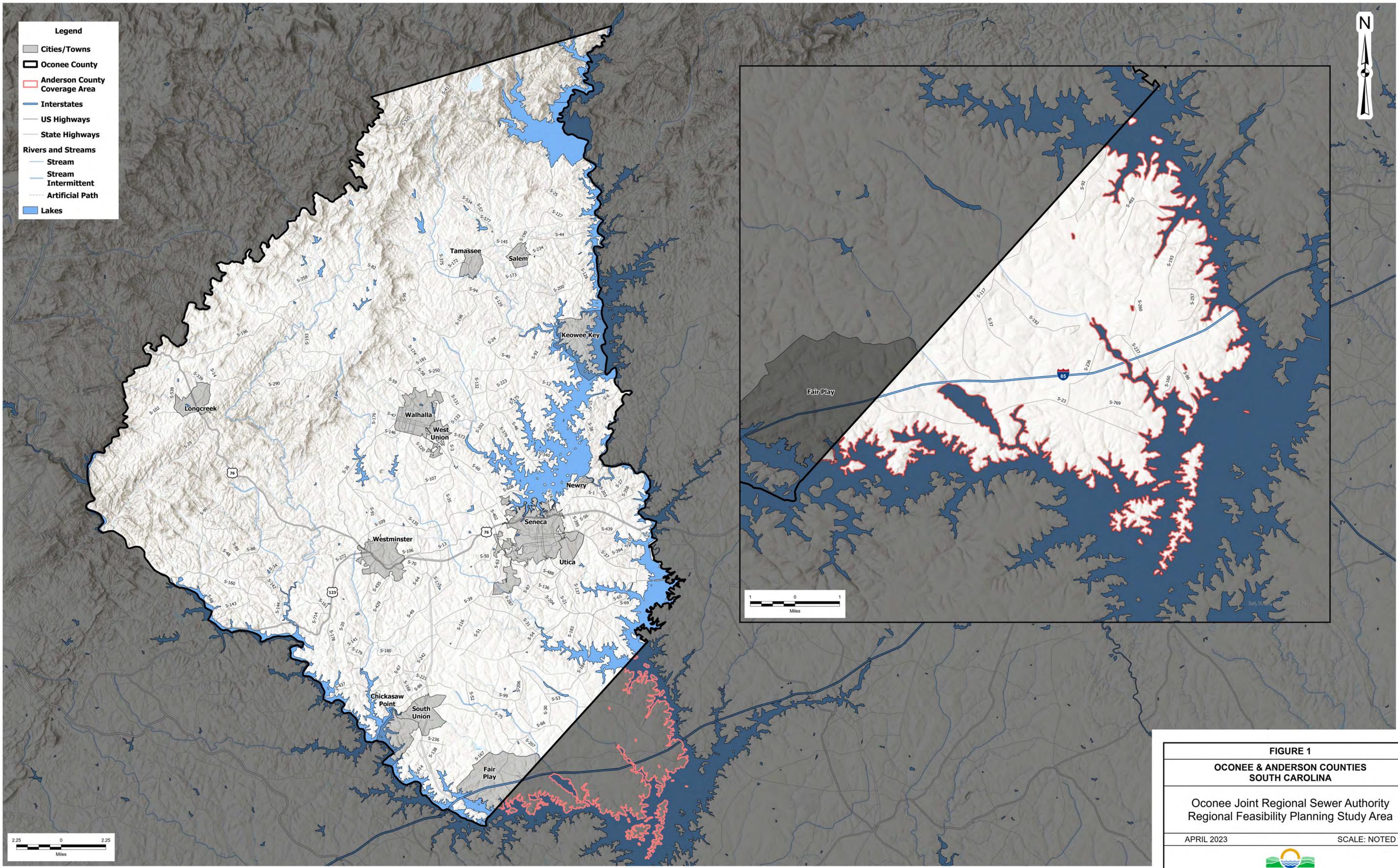




Questions

OJRSA

OJRSA



- Legend**
- Cities/Towns
 - ▭ Oconee County
 - ▭ Anderson County Coverage Area
 - Interstates
 - US Highways
 - State Highways
 - Rivers and Streams**
 - Stream
 - Stream Intermittent
 - Artificial Path
 - Lakes

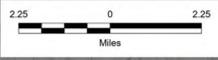
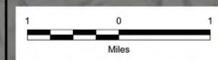


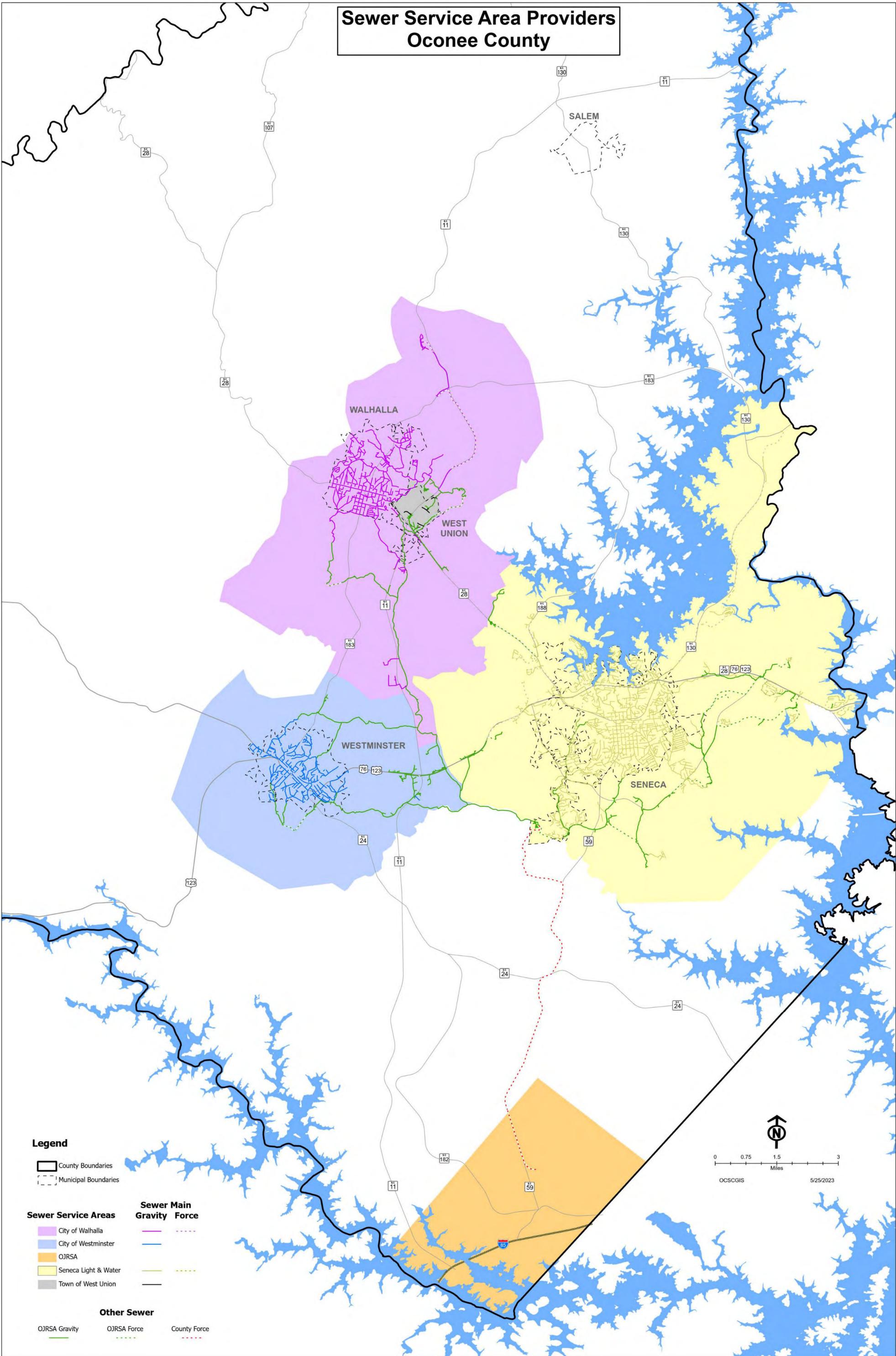
FIGURE 1
OCONEE & ANDERSON COUNTIES
SOUTH CAROLINA

Oconee Joint Regional Sewer Authority
 Regional Feasibility Planning Study Area

APRIL 2023 SCALE: NOTED



Sewer Service Area Providers Oconee County



Legend

- County Boundaries
- Municipal Boundaries

Sewer Service Areas

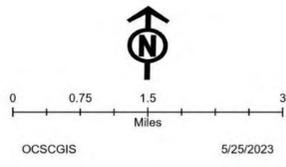
- City of Walhalla
- City of Westminster
- OJRSA
- Seneca Light & Water
- Town of West Union

Sewer Main Gravity Force

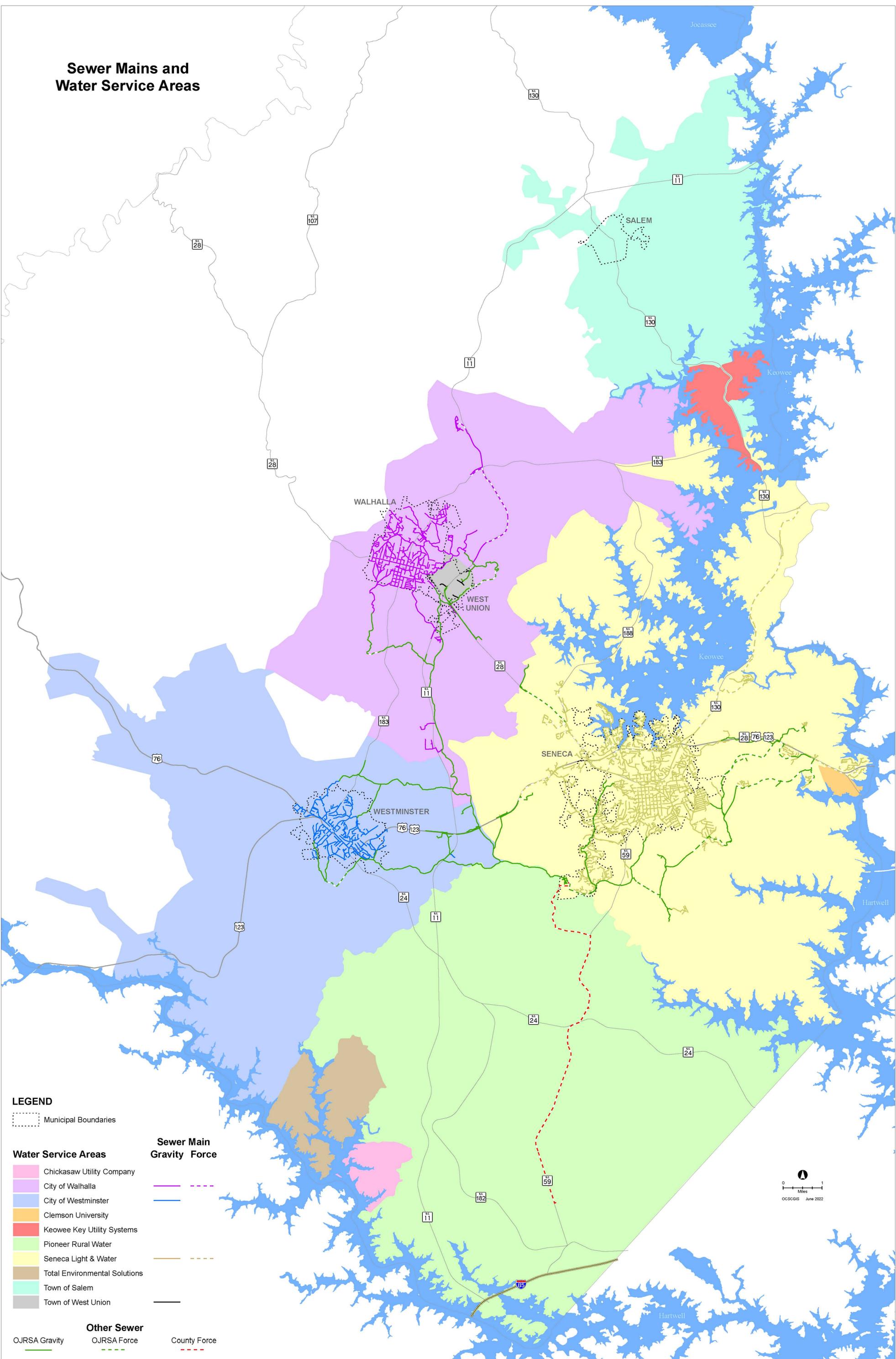
- City of Walhalla
- City of Westminster
- Seneca Light & Water
- Town of West Union

Other Sewer

- OJRSA Gravity
- OJRSA Force
- County Force



Sewer Mains and Water Service Areas





ADDENDUM 1
Request for Proposals
OJRSA Project #2024-01
Regional Sewer Feasibility Planning Study

On May 26, 2023, Oconee Joint Regional Sewer Authority, South Carolina (hereafter referred to as “Owner” or “OJRSA”) submitted a request for proposals related to Project #2024-01 – Regional Feasibility Planning Study. As part of the solicitation, it was stated that “OJRSA legal counsel will be a provided resource to the selected Firm and shall be paid directly for services by OJRSA. The Firm shall work with OJRSA’s counsel to review legally permissible governance options and formulate recommendations with rationale as to which are the most favorable for the region.”

OJRSA has received an inquiry from a proposed bidder for clarifications regarding the legality/legal requirements of the various governance options required under the study. In response to this question, OJRSA proposes the following:

OJRSA has separately engaged Pope Flynn, LLC (<https://popeflynn.com/>) and Maynard Nexsen (<https://www.maynardnexsen.com/>) to advise it on various legal matters related to the Project.

POPE FLYNN

Pope Flynn is a boutique law firm based in Columbia, South Carolina that focuses exclusively on the issues and legal concerns of South Carolina local governments and state agencies. The primary point of contact with Pope Flynn will be Mr. Lawrence Flynn, Esq., the attorney that prepared the “Governance and Structural Options Memo” dated March 28, 2022, a copy of which was included in the original RFP materials. OJRSA intends to make Mr. Flynn and his colleagues available to the winning firm as necessary to assist with background and other information regarding the history and formation of OJRSA under the Joint Authority Water and Sewer System Act, codified at Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the “Act”), the existing governance and alternative structures under the Act, and other potential state law alternatives to the Act regarding governance and operations (including abolition of OJRSA, conveyance of the OJRSA assets to another entity, merger/consolidation with another entity, or reconstitution as a multi-county special purpose district). OJRSA is cognizant that the structure and governance portion of the study requires expertise on the legal options and alternatives available to OJRSA, and calls and meetings with Mr. Flynn, drafting assistance (as necessary) and other research materials from his firm will be made available to the winning bidder, upon request.

MAYNARD NEXSEN

Maynard Nexsen (the successor in interest to Nexsen Pruet Adams Kleemeier, LLC) is a full-service law firm based in Birmingham, AL with offices throughout South Carolina. OJRSA has engaged Maynard Nexsen, and particularly Mr. Tommy Lavender and Mr. Michael Traynham, to assist it with ongoing regulatory and compliance matters. As noted in the Request for Proposals, the South Carolina Department of Health and Environmental Control (DHEC) issued Consent Order 21-025-W (Consent Order) on May 14, 2021. The Consent Order addresses allegations of numerous sanitary sewer overflow (SSO) events within OJRSA’s collection system, and requires OJRSA to undertake several corrective measures. Mr. Lavender and Mr. Traynham have been advising OJRSA regarding compliance with the Consent Order, and, similar to Mr. Flynn, they will be made available to the winning firm to assist and consult in environmental compliance matters associated with the study.