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County of El Paso Agenda Item Details

Item Title:	Planning & Development _ Amendment one to the DigDeep's MOU
Submitted By:	Michael McElroy, Director
Department:	Planning and Development
Department Phone Number:	915-273-3330
Subject:	Approve and authorize the County Judge to sign the first amendment to the Memorandum of Understanding (MOU) with DigDeep right of water, which grants an extension of time to complete the water and wastewater projects for the El Paso County Colonias. (Contract No. 2024-0609)
Background:	<p>As the County remains committed to investing in vital community infrastructure, staff has been in close collaboration with the human rights organization to identify and pursue future partnership opportunities. Recently, staff and DigDeep explored the potential for funding ARPA project activities to increase project capacity and expedite service delivery to more residents. On March 22, 2022, DigDeep's Board of Directors unanimously voted to partner with El Paso County, committing \$5 million over two years towards addressing water and wastewater needs in the County's colonias. This MOU clearly defines the responsibilities of each party and the Colonias to be served.</p> <p>Given the scale and complexity of these critical infrastructure projects, a two-year contract extension is recommended to ensure that the necessary time is available to fully implement the planned improvements and maximize the impact of the partnership.</p>
Fiscal Impact:	N/A
Budget or Unbudgeted Match:	
Recommendation:	Approve and authorize the County Judge to sign the first amendment to the Memorandum of Understanding (MOU) with DigDeep right of water, which grants an extension of time

to complete the water and wastewater projects for the El Paso County Colonias. (Contract 2024-0609)

Prior Action:

10/24/2022. Item 19. Approve and authorize the County Judge to sign the Memorandum of Understanding (MOU) between DigDeep and El Paso County to accept a \$5,000,000 cash contribution to support water and wastewater projects to expand the number of colonias able to be connected with water and sewer lines in El Paso County. (Contract No. 2022-0906)

4/25/2022. Item 8 (ARP Project No. 1010) Receive a presentation from DigDeep regarding a potential collaboration and partnership to provide first-time water and wastewater service to underserved communities in El Paso County. Further, discuss and take appropriate action regarding formally evaluating and developing a partnership with DigDeep.

Strategic Plan:

Goal:

4. Upgrade Infrastructure

Objective:

4.1 Build infrastructure, including parks, to meet the needs of the community

Strategic Plan Information:

**Estimated Time Needed
For This Item:**

STATE OF TEXAS)
)
COUNTY OF EL PASO)

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN DIGDEEP AND EL PASO
COUNTY PLANNING & DEVELOPMENT
DEPARTMENT

Whereas, on October 24, 2022, a Memorandum of Understanding (“Agreement”) was established between the County of El Paso, Texas, and DigDeep Rights of Water Project to collaborate on providing first-time water and wastewater infrastructure projects to colonia residents (County Contract # 2022-0906).

The Parties now wish to amend the Agreement as follows: In the event of any conflicts between the main body of the Agreement and this Amendment, the provisions of this Amendment shall prevail.

1. The following section of the Agreement shall be deleted:

Section III. Timeline. The term of this MOU shall be from October 17, 2022, to December 31, 2024, with the possibility of extending into future years as mutually agreed upon by both parties in writing, to allow ample time for the needs assessment, planning, and fundraising to expand to additional projects in other colonias.

and replaced with the following:

Section III. Timeline. The term of this MOU shall be from October 17, 2022, to December 31, 2026, with the possibility of extending into future years as mutually agreed upon by both parties in writing, to allow ample time for the needs assessment, planning, and fundraising to expand to additional projects in other colonias.

All other terms and conditions of the Agreement remain the same.

IN WITNESS WHEREOF, the parties execute this Option to Renew Agreement on the day of _____, 2024.

DigDeep Right to Water

El Paso County

Julie Waechter, Chief Program Officer
DigDeep Right to water

Ricardo Samaniego, County
El Paso County, Texas

MEMORANDUM OF UNDERSTANDING
Between
DigDeep and El Paso County Planning & Development Department

I. Purpose

This Memorandum of Understanding ("MOU") is entered into between the El Paso County, ("El Paso County") a political subdivision of the State of Texas, 500 E. San Antonio, El Paso, TX 79901, and DigDeep Right to Water Project, ("DigDeep") a nonprofit organization located at 932 Wilson St. Suite 2D, Los Angeles, California (each a "Party," collectively referred to as the "Parties").

DigDeep is human rights nonprofit serving more than 2.2 million Americans with potable drinking water and flush toilets. El Paso County is focused addressing the lack of safe running water and wastewater in El Paso County colonias. Given El Paso County's limited resources, DigDeep and El Paso County are entering into a partnership to support water and wastewater infrastructure projects in certain colonias during 2022 and 2023, thereby having a positive impact on El Paso County's residents.

The purpose of this MOU is to formally establish a partnership between DigDeep and El Paso County and to describe and agree to the parameters and scope of each party's intended engagement in the partnership. This MOU sets forth a structure in which the Parties will work in a mutually beneficial manner to bring new water and wastewater infrastructure to the colonias in El Paso County.

II. Objectives of the Partnership and MOU

Through this MOU, DigDeep and El Paso County agree to collaborate on water projects in the following colonias: Hillcrest Estates, Laura E. Mundy 237, Serene Acres, and Tierra de Oro; and a wastewater project in Turf Estates. DigDeep will contribute \$2 million in 2022 and \$3 million in funding to assist the County in water and wastewater projects in the identified colonias. El Paso County agrees to utilize those funds to support water and wastewater projects to expand the number of colonias able to be connected with water and sewer lines, assisting more El Paso families with the health and dignity associated with running water.

III. Timeline

The term of this MOU shall be from October 17, 2022 to December 31, 2024 with the possibility of extending into future years as mutually agreed upon by both parties in writing, to allow ample time for the needs assessment, planning, and fundraising to expand to additional projects in other colonias. In the event El Paso County and DigDeep agree to collaborate on additional new water or wastewater projects, the terms and conditions of this agreement shall form the basis of further collaboration among the parties.

IV. Roles and Responsibilities

2022-0906

- A. Through this partnership, DigDeep will:
 - 1. Leverage its fundraising, marketing and networking capacity to help fund El Paso County water and wastewater projects in the identified colonias;
 - 2. Work with El Paso County to capture outcomes and reports.
- B. El Paso County will:
 - 1. Manage construction logistics for the projects;
 - 2. Provide technical and organizational leadership for the water and wastewater projects;
 - 3. Facilitate project design, including regular planning meetings and work with vendors to procure equipment and materials in a timely manner.
 - 4. Manage the overall execution of the projects on behalf of the partners.
 - 5. Include DigDeeps Colonia project manager in meetings with stakeholders during design and construction.

VII. Funding Contingency

DigDeep and El Paso County Planning & Development Department will collaborate on project scoping and County processes to complete these projects. In the event future projects are unable to be scoped out, or conditions change which make future projects unfeasible, this MOU can be terminated upon written notification from DigDeep or El Paso County after good faith efforts to create a more feasible project are attempted. Such termination will not absolve either party of any outstanding obligations and warranties from work which was previously contracted for in accordance with this MOU.

VIII. Contact Information

DigDeep
Kathryn R. Lucero
9477 Ariel Rico CT
El Paso, TX 79907

El Paso County
Munzer Alsarraj
800 East Overland Suite 200
El Paso, TX 79901
MAlsarraj@epcounty.com

IX. General Terms and Conditions

This agreement is effective when signed by both Parties and as of the date of the final signature and will remain in effect until the date indicated in section III. Timeline

This MOU shall be construed according to Texas law and subject to the jurisdiction of its courts. Furthermore, the parties agree that any suits or actions brought by either party against the other shall be filed in a court of competent jurisdiction in El Paso County.

By executing this Memorandum of Understanding where indicated below, each Party agrees, as of the date of the final signature, to be bound by the terms and provisions set forth above.

For **DigDeep:**

For **El Paso County**

By: Julie Waechter

By: Ricardo A. Samaniego

Date: October 31, 2022

Date: October 24, 2022


Name: Julie Waechter
Title: DigDeep Chief Program Officer
Address:
932 Wilson St. Suite 2D
Los Angeles, CA 90021

Name: Ricardo A. Samaniego
Title: County Judge
Address:
500 E. San Antonio
El Paso, TX 79901

By: George McGraw
Date: 2022-11-10
Name: George McGraw
Title: DigDeep Founder/CEO
Address:
932 Wilson St. 2D, Los Angeles, CA 90021

Signature Certificate

Reference number: QMFXW-K6SAQ-ARVBJ-UJS4A

Signer	Timestamp	Signature
George McGraw Email: george@digdeep.org Sent: 11 Nov 2022 03:08:17 UTC Viewed: 11 Nov 2022 06:32:59 UTC Signed: 11 Nov 2022 06:33:10 UTC		
Recipient Verification: ✓ Email verified	11 Nov 2022 06:32:59 UTC	IP address: 174.193.198.41 Location: Los Angeles, United States

Document completed by all parties on:
11 Nov 2022 06:33:10 UTC

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THIS OPINION OF COST WAS PREPARED USING THE 2017 WATER & WASTEWATER MASTER PLAN STANDARD COST AND/OR ESTIMATING PRACTICES. IT IS UNDERSTOOD THAT THIS IS ONLY AN OPINION, AND THAT THE COUNTY'S PLANNING & DEVELOPMENT DEPARTMENT WILL NOT BE LIABLE TO ANY THIRD PARTY FOR ANY FAILURE TO ACCURATELY ESTIMATE THE COST OF THE PROJECT, OR ANY PART THEREOF. THIS OPINION IS USED FOR PLANNING PURPOSES.

		Project	Potential Partner Agency	Category	Population	Connections	CONSTR COST	DESIGN/SUPP ORT COST (16%)	ARPA Portion / Commetted	DigDeep	
PCT 4	1	Laura E. Mundy Survey 237	EP Water	Water	115	38	\$ 1,738,800	\$ 331,200	\$ 2,070,000	\$ 1,026,706	DigDeeps money will be utalizzed to cover cost not budgetd under ARPA
PCT 4	2	Laura E. Mundy Survey 237	EP Water	Sewer	115	38	\$ 1,033,620	\$ 196,880	\$ 1,230,500	\$ -	
PCT 4	3	Serene Acres	EP Water	Water	30	10	\$ 284,246	\$ 54,142	\$ 338,388	\$ 292,740	DigDeeps money will be utalizzed to cover cost not budgetd under ARPA
PCT 3	4	Tierra de Oro	EP Water	Water	95	32	\$ 2,480,688	\$ 472,512	\$ 2,953,200	\$ 1,311,312	
PCT 1	5	Turf Road	EP Water	Sewer	120	23	\$ 3,212,626	\$ -	\$ 0.00	\$ 1,700,000	Not an ARPA funded project
PCT 1	6	Hillcrest Estates	EP Water	Water	300	125	\$ 4,486,104	\$ 669,242	\$ 0.00	\$ 669,242	Not an ARPA funded project
Total							\$ 13,236,084	\$ 1,723,976	\$ 6,592,088	\$ 5,000,000	