

CAPITAL IMPROVEMENT PROGRAM COMMITTEE MEETING

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# MINUTES

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FRIDAY, JULY 31, 2020  
11:00 AM

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER/ROLL CALL.**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Capital Improvement Program Committee (Committee) was called to order via Zoom video teleconference at 11:00 a.m.

1.1 Roll Call.

Committee members in attendance were District 4 Director Linda LeZotte, District 6 Director Tony Estremera, and District 5 Director Nai Hsueh, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were M. Baratz, R. Blank, J. Collins, N. Dominguez, S. Ferranti, A. Fulcher, R. Fuller, M. Gangoo, C. Hakes, G. Hall, J. Martin, H. McMahon, N. Nguyen, L. Orta, M. Richardson, P. Trieu and B. Yerrapotu.

Guest presenters: Mr. Eric Firstman and Mr. Sebastian Kaplan, Meyers Nave Law Corporation.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

Chairperson Hsueh declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

**3. ACTION ITEMS.**

3.1. Discuss Best Value Construction Contractor Selection Method for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project.

Recommendation: Recommend proceeding with a best value construction contractor selection method for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project (FOCP).

Mr. Chris Hakes, Deputy Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo, and the information contained in Handout 3.1-A was reviewed by Ms. Leslie Orta, Assistant District Counsel, and Mr. Eric Firstman and Mr. Sebastian Kaplan, Meyers Nave Law Corporation.

It was noted that AB 3005 (R. Rivas) Expedited Dam Safety for Silicon Valley Act to obtain best value contracting authority was currently making its way through the State Legislature.

Due to the risks associated with the Anderson Dam Tunnel Project (Project), which is a critical piece of infrastructure, and the magnitude of the project, staff feels it would be advisable for Valley Water to undertake every method possible to select a qualified contractor.

Director LeZotte expressed concern for the expedited process with regard to selecting a contractor and awarding the project. Mr. Hakes explained that the proposed modification to the contractor selection process is to enable Valley Water to comply with the Federal Energy Regulatory Commission Order that Valley Water implement the dam safety directives, including design and construction of the proposed low-level outlet immediately.

Ms. Leslie Orta, Assistant District Counsel, introduced Mr. Eric Firstman and Mr. Sebastian Kaplan, Meyers Nave Law Firm, who discussed the caliber of expertise needed to complete the Project and reviewed the best value selection process and criteria for procurement of a qualified contractor for the tunnel portion of the project.

Director LeZotte asked for and received an explanation regarding consequences associated with a bid protest, which could occur with the prequalification decision, and potential impacts to the schedule.

Mr. Bart Broom, Assistant Officer, updated the Committee on the status of AB 3005, noting the bill has tentatively been set for hearing on Wednesday, August 5, 2020.

Director LeZotte asked and received an explanation regarding response to potential challenges to Valley Water's preference for a best value selection process for the Anderson Dam Tunnel Project.

It was moved by Director LeZotte, seconded by Director Estremera and unanimously carried to support staff's proposal to recommend proceeding with a best value construction contractor selection method for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project.

#### **4. CLERK'S REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS AND RECOMMENDATIONS.**

In regard to Item 3, the Committee's support for staff's proposal to recommend proceeding with a best value construction contractor selection method for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project was entered into the record.

**5. ADJOURN.**

Chairperson Hsueh adjourned the meeting at 11:57 a.m., to the next regular scheduled meeting at 10:00 a.m., on August 10, 2020, via Zoom video teleconference.

[original signed by]  
Natalie F. Dominguez, CMC  
Assistant Deputy Clerk

Approved: February 8, 2021

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