

**COMMISSION OF SILICON VALLEY CLEAN WATER
JOINT POWERS AUTHORITY
REGULAR MEETING – Thursday July 10, 2025
8:00 a.m.**

Place: Silicon Valley Clean Water
1406 Radio Road
Redwood City, California

Consistent with Government Code Section 54953, this meeting will be held both in person and virtually. See page 5 of this agenda for virtual meeting access information and instructions.

COMMISSIONERS

BOARD MEMBER GEORGE OTTE, WEST BAY SANITARY DISTRICT – CHAIR
MAYOR ELMER MARTÍNEZ SABALLOS, REDWOOD CITY – VICE CHAIR
COUNCIL MEMBER TOM McCUNE, BELMONT – SECRETARY
COUNCIL MEMBER NEIL LAYTON, SAN CARLOS

MANAGER: MATTHEW P. ZUCCA

ATTORNEY FOR THE AUTHORITY: CHRISTINE C. FITZGERALD

CONTROLLER: BETH GOLDBERG

TREASURER: MATTHEW ANDERSON

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact SVCW (650) 591-7121. Notification in advance of the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Any member of the public may address and ask questions of the Chair under this item relating to any matter within the Commission's jurisdiction that does not appear as a separate item on the agenda. Opportunity will be provided for members of the public to address the Chair and ask questions about any item that is listed on the agenda at the time the Commission considers the item and before action is taken. If you address the Commission on a non-agenda item, be aware that the Ralph M. Brown Act (Gov. C. § 54950 et seq.) prohibits the Commission from acting on or

discussing such matters at this meeting. Such item may be referred to staff for a decision with regard to placing it on a future agenda for discussion, action, or report.

5. REPORTS

- A. Manager's Report
 - 1. Upcoming Commission Actions.....pg.7
- B. Financial Report
 - 1. Investment Report Maypg. 9
- C. Engineering Capital Projects Report.....pg. 13
- D. Commission Requested Staff-Level Action Items.....pg. 17

6. MATTERS OF COMMISSION MEMBERS' INTEREST

Election of New Chairperson, Vice Chairperson and Appoint New Secretary

7. CONSIDERATION OF MOTION APPROVING CONSENT CALENDAR (begins pg.19)

8. BUSINESS ITEMS

- A. CONSIDERATION OF RESOLUTION AWARDDING CONTRACT FOR LABORATORY BUILDING ROOF REPLACEMENT PROJECT (Project #0388) (pg. 27)

Proposed Action:

Move adoption of RESOLUTION APPROVING CONTRACT DOCUMENTS FOR THE LABORATORY ROOF REPLACEMENT PROJECT (PROJECT# 0388); ACCEPTING BID OF LOWEST RESPONSIBLE BIDDER; AUTHORIZING EXECUTION OF AGREEMENT AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID PROJECT (\$240,802) – CLEAN ROOFING

- B. CONSIDERATION OF RESOLUTION AND MOTIONS AWARDDING CONSTRUCTION CONTRACT AND ENGINEERING SERVICES DURING CONSTRUCTION TASK ORDERS FOR BIOGAS UTILIZATION – GAS CONDITIONING SKID INSTALLATION PROJECT (CIP #9269) (pg. 31)

Proposed Actions:

- i. Move adoption of RESOLUTION APPROVING CONSTRUCTION CONTRACT DOCUMENTS FOR THE BIOGAS UTILIZATION – GAS CONDITIONING SYSTEM INSTALLATION (CIP# 9269); REJECTING BID OF APPARENT LOW BIDDER AND ACCEPTING BID OF NEXT LOWEST RESPONSIBLE BIDDER; AUTHORIZING EXECUTION OF AGREEMENT AND DIRECTING RETURN OF SECURITY DEPOSITS AND

AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID PROJECT (\$5,874,000) – C. OVERAA & CO.

ii. Move approval of TASK ORDER SCOPE OF WORK AND BUDGET FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE BIOGAS UTILIZATION - GAS CONDITIONING SYSTEM INSTALLATION (CIP #9269) IN AN AMOUNT NOT TO EXCEED \$318,175 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BROWN AND CALDWELL

iii. Move approval of TASK ORDER SCOPE OF WORK AND BUDGET FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE BIOGAS UTILIZATION - GAS CONDITIONING SYSTEM INSTALLATION (CIP #9269) IN AN AMOUNT NOT TO EXCEED \$379,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BEECHER ENGINEERING

C. CONSIDERATION OF RESOLUTION APPROVING CHANGE TO THE LOCATION OF THE MONTHLY SVCW COMMISSION MEETING AND RESCINDING RESOLUTION NO. 25-06 (pg. 40)

Proposed Action:

Move adoption of RESOLUTION ESTABLISHING DAY, TIME, AND PLACE OF REGULAR MEETINGS OF THE COMMISSION OF SILICON VALLEY CLEAN WATER AND RESCINDING RESOLUTION NO. SVCW 25-06

9. CLOSED SESSION – NOT USED

10. RECONVENE IN OPEN SESSION – NOT USED

11. ADJOURN

CONSENT CALENDAR

NOTICE TO PUBLIC

All matters listed under CONSENT CALENDAR are considered to be routine. There may be discussion on items on the CONSENT CALENDAR. All items will be enacted by one motion with a voice vote unless members of the Commission, staff, or public request specific items be removed from the CONSENT CALENDAR for separate action.

7. A. APPROVAL OF MINUTES – June 12, 2025 - Regular Meeting (pg. 19)
- B. CONSIDERATION OF MOTION APPROVING CLAIMS AND CHECKS DATED MAY 13 – JUNE 9, 2025, AND NECESSARY PAYMENTS THROUGH JUNE 9, 2025 (pg. 25)

Microsoft Teams Access Information
Silicon Valley Clean Water
Regular Meeting
Thursday, July 10, 2025

WEBSITE: [Link to access meeting](#)

MEETING ID: 270 547 566 14

CALL IN PHONE NUMBER: [+1 747-216-0281](#) **ID:** 925 412 740#

You may log in via URL located on SVCW's website at <https://svcw.org/about/governance/commission-meetings>. You may view video during the meeting via live stream. An audio will be available after the meeting at SVCW's website. If you experience technical difficulties or have technical questions prior to or during the meeting, please contact Teams meeting support at 707-862-0859. Note: Public participation is not permitted during closed session discussion items.

Public Comment

Public comment may be made by joining the meeting using the link or phone number above. Members of the public may provide public comments via the Teams platform by using the "raise hand" feature or, if calling in by phone, by unmuting and beginning to speak. In response to a "raised hand", SVCW will unmute the member of public and allow them to speak. In response to a phone request to speak, SVCW will ask what is the nature of the comment and will provide directions to follow to provide comment. Public comments will be limited to three minutes.

Public comment may also be made by emailing comments to commission@svcw.org up to two hours prior to the scheduled meeting time. Indicate in your email the agenda item to which your comment applies. If you have anything that you wish distributed to the Commission and included for the official record, please include it in your email.

Accessibility for Individuals with Disabilities

Upon request, SVCW will provide for access to individuals with disabilities to fully engage in the meeting process. Joining the meeting via the teleconference instructions above will provide access to open captioning. For other accommodations, please email your request to commission@svcw.org or call 650-591-7121 at least four (4) days prior to the scheduled meeting time. Requests will be granted whenever possible and resolved in favor of accessibility.

Subject to Change:

The format of this meeting may change or the meeting may be canceled. You may check on the status of the meeting by visiting SVCW's website www.svcw.org.

AGENDA ITEM 5A

Recurring and Upcoming 2025 Commission Actions
Updated for July 2025 Meeting

January	February	March	April
	<ul style="list-style-type: none"> Long Range Financial Plan Capital Improvement Plan Update Commission Meeting Schedule for 2025 	<ul style="list-style-type: none"> Operating Budget Workshop Vacancies Reporting (AB2561) 	<ul style="list-style-type: none"> Operating Budget Approval Initiate Manager Performance Evaluation (skip for 2025)
May	June	July	August
<ul style="list-style-type: none"> Manager Performance Evaluation (skip for 2025) Re-evaluate Long Range Financial Plan 	<ul style="list-style-type: none"> Approve Resolution 77-6 "Personnel Resolution" Receive Report re: Internal Controls 	<ul style="list-style-type: none"> Elect Chair, Vice Chair; Appoint Secretary Conflict of Interest Update (Biennial; even numbered years) 	<ul style="list-style-type: none"> Review Reserve Funds Policy (typically in June)
September	October	November	December
<ul style="list-style-type: none"> Review Investment Policy Review Debt Management Policy 	<ul style="list-style-type: none"> Annual Investment Update Initiate Application for State/Fed'l Funding 	<ul style="list-style-type: none"> Audited Financial Report Annual Investment Update 	<ul style="list-style-type: none"> Commission Meeting Schedule for 2026

-  - Recurring Commission Actions
-  - Upcoming Commission Actions

AGENDA ITEM 5B

Silicon Valley Clean Water Authority
Cash & Investments Summary Report
May 31, 2025

Description	Market Value	% of Total Holdings	Yield to Market
<u>Reserve Accounts</u>			
Operating Reserve* - Securities	\$ 2,630,656	2.72%	3.96%
Operating Reserve - Money Market Fund Balance	1,889,716	1.95%	4.21%
CIP Reserve* - Securities	29,458,852	30.47%	3.50%
CIP Reserve - Money Market Fund Balance	679,243	0.70%	4.21%
Stage 2 Capacity Reserve* - Securities	7,976,822	8.25%	1.64%
Stage 2 Capacity Reserve - Money Market Fund Balance	251,719	0.26%	4.21%
Total Market Value: Operating and Reserve Accounts	\$ 42,887,008	44.4%	3.23%
Total Accrued Interest: Operating and Reserve Accounts	211,546		
GRAND TOTAL, RESERVE ACCOUNTS	\$ 43,098,554		
<u>Trustee Accounts:</u>			
2018 Bond Project Fund Account - CAMP	21	0.00%	4.42%
2018 Bond Revenue Account	2,896	0.00%	3.94%
2021 Refunding Bonds Revenue Account	1,598	0.00%	3.94%
2021A Notes Interest Account	117	0.00%	3.94%
2021A Notes Principal Account	10,383	0.01%	3.94%
2021A Notes (RESCU) - Money Market Fund	455	0.00%	3.94%
2021A Notes (RESCU) - LAIF**	1,507,323	1.56%	4.27%
2021B Notes (WWTP) - CAMP	5,627,268	5.82%	4.42%
2021B Notes (WWTP) - LAIF**	25,203,336	26.07%	4.27%
2021 Notes Capitalized Interest Account - Money Market Fund	496,835	0.51%	3.94%
Total Market Value, Trustee Accounts	\$ 32,850,233	33.97%	4.29%
Accrued Interest:	28,028		
Prefunding Pension - Section 115 Trust	3,291,272	3.40%	2.39%
Operating Cash (includes outstanding checks)	4,123,259	4.26%	0.00%
Cal-CLASS Balance	13,502,095	13.96%	4.35%
Local Agency Investment Funds (LAIF) Balance	40,097	0.04%	4.27%
Total Cash & Investments	\$ 96,933,538	100.00%	3.58%


Matthew P Anderson

Chief Financial Officer / Assistant Manager

* Monthly report of security transactions and interest available upon request

**Market value of LAIF based on the most available Fair Value factor

6/20/2025

Date

Silicon Valley Clean Water Operating and Reserve Funds - Sector Allocation & Compliance May 31, 2025									
Security Type	Operating Reserve	CIP Reserve	Capacity Reserve	Total Market Value	% of Total Portfolio	% Allowed by Policy	In Compliance	% Change vs. Prior Month	
U.S. Treasury	\$ 2,580,699	\$ 17,406,912	\$ 4,295,740	\$ 24,283,351	57%	100%	✓	(0.4%)	
Supranationals	-	-	-	-	0%	15%	✓	0.0%	
Federal Agency/GSE	-	1,012,160	713,506	1,725,665	4%	100%	✓	0.0%	
Federal Agency/CMBS	-	2,586,437	595,413	3,181,849	7%	100%	✓	(0.6%)	
Federal Agency CMO	-	551,019	306,862	857,881	2%	100%	✓	0.0%	
Federal Agency MBS	-	2,007,079	1,117,483	3,124,562	7%	100%	✓	(0.7%)	
Municipal	-	738,811	615,072	1,353,883	3%	30%	✓	0.2%	
Corporate Notes	49,957	5,156,435	332,747	5,539,139	13%	30%	✓	(0.1%)	
Asset-Backed Securities	-	-	-	-	0%	10%	✓	0.0%	
Securities Sub-Total	2,630,656	29,458,852	7,976,822	40,066,330	93%				
Accrued Interest	26,678	159,534	25,334	211,546					
Securities Total	2,657,334	29,618,386	8,002,156	40,277,876					
Money Market Fund	1,889,716	679,243	251,719	2,820,678	7%	20%	✓	0.6%	
Total Investments	\$ 4,547,050	\$ 30,297,629	\$ 8,253,875	\$ 43,098,554	100%				
As % of 6/30/25 Target:	104.8%	103.7%	100.0%	103.1%					

This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in this report are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and website, maintained at <https://emma.msrb.org>

- 1. All operating fund accounts are in compliance with SVCW's Investment Policy, and all bond proceeds accounts are in compliance with the relevant bond documents.*
- 2. SVCW has adequate funding levels for more than six months of operations and claim payments, as referenced in CA Code Section 53646.*
- 3. Market valuations for the Operating and Reserve accounts are provided by PFM Asset Management LLC (PFM). Generally, PFM's market prices are derived from closing bid prices as of the last business day of the month as supplied by ICE Data Services or Bloomberg. Where prices are not available from generally recognized sources the securities are priced using a yield-based matrix system to arrive at an estimated market value. Prices that fall between data points are interpolated. Non-negotiable FDIC-insured bank certificates of deposit are priced at par. Although PFM believes the prices to be reliable, the values of the securities do not always represent the prices at which the securities could have been bought or sold.*
- 4. In accordance with Generally Accepted Accounting Principles (GAAP), month-end holdings and information are reported on a trade date basis.*
- 5. The yields shown for securities portions of the operating and reserve accounts and 2021A and 2021B notes proceeds accounts are the yields to maturity at cost.*
- 6. The yield for LAIF is the average monthly effective yield. Source: https://www.treasurer.ca.gov/pmia-laif/historical/avg_mn_ylds.asp*
- 7. The yields shown for the PFM-managed money market funds are the Yield to Maturity at Cost, and the Yield to Maturity at Market sourced from the respective fund providers' statements.*
- 8. Yield shown for CAMP is the monthly distribution yield.*
- 9. Amounts will slight differ due to timing of custodian account reports.*

AGENDA ITEM 5C

**ENGINEERING REPORT: JUNE 2025
CAPITAL IMPROVEMENT PROGRAM****UPCOMING COMMISSION ACTIONS:**

Lab Roof Replacement (Project #0388): Replace the 32-year-old laboratory building roof which has developed leaks over the past two wet weather seasons.

This project will demolish the existing roof and insulation on the lab building, which is past its useful life. A new membrane roof system will be installed. Design was completed by Freyer and Laureta and the project is currently out to bid.

Planned Commission Actions: Award Construction Contract – July 2025

Biogas Utilization Project (CIP #9269): Install linear generators and supporting infrastructure to optimize biogas utilization and reduce dependence on purchased electricity.

This project includes two contracts. The first contract was authorized in May 2024 with Mainspring Energy for procurement and installation of five linear generators. The second contract is for construction of a gas conditioning system, pipeline to deliver biogas to the linear generators and installation of electrical infrastructure to connect the linear generators to SVCW's electrical distribution system.

Planned Commission Actions: Award Construction Contract for Gas Conditioning System, Gas Pipeline, and Electrical Infrastructure– July 2025

Digester 3 Rehabilitation Project (CIP #9244): Clean, inspect and rehabilitate Digester 3, which was last rehabilitated in 2011.

This project will repair corroding metal and concrete structures, pipes, valves, replace failing instruments, and replace the biogas piping loop that receives biogas from all three digesters. The project is currently in design by Kennedy Jenks.

Planned Commission Actions: Award Construction Contract – Fall/Winter 2025

Dual Media Filters and Aeration Basins Pipe Repair (CIP #9600): Repair the leaking underslab pipes that deliver water to the DMF Filters and Aeration Basins.

These critical pipelines have experienced leaks and are in danger of catastrophic failure. Brown and Caldwell is preparing design documents for the repair of these large diameter pipelines using carbon fiber reinforced polymer materials which will fix leaks

and ensure the continued structural integrity of the pipelines.

Planned Commission Actions: Award Construction Contract – Fall/Winter 2025

ONGOING PROJECTS IN CONSTRUCTION:

Solids Handling Building Switchgear Battery Replacement (CIP #9247): Replace Switchgear Battery

This project replaces the battery that provides auxiliary power to the switchgear. The battery is at the end of its useful life. Design was completed by Beecher Engineering, and construction is underway by D.W. Nicholson.

FFR and 3W System Rehabilitation (CIP #9242): Rehab of three fixed-film reactors and 3W system

This project includes rehabilitation of three remaining fixed-film reactors and upgrades to 3W system. These two processes are critical for maintaining the plant's permit compliance. The project was designed by Brown and Caldwell, and construction is being performed by J.F. Shea. The construction is expected to complete in 2026.

Final Effluent Pump (FEP) Improvements (CIP#9223): Design and rehabilitation of final effluent pump station.

Under this progressive design-build project, all five final effluent pumps, motors, VFDs and electrical systems associated with final effluent pumping are being replaced. It also includes relining buried pipes between Chlorine Contact Tank Wet Pits A and B and the pumps. W.M. Lyles Co. is the design-builder for this project.

Food Waste Improvements (CIP #9257): Design Build Project for an organic waste receiving facility.

This project will design and build an organic (food waste) receiving facility to receive up to 150 tons of material. The facility includes two large 18,000-gallon capacity storage tanks, pumps, piping, valves and electrical system on a new concrete pad located east of Digester No. 1. CCI Constructors is the Design-Builder on the project.

TASK ORDERS APPROVED CALENDAR YEAR 2025:

A list of task orders approved for engineering division projects is attached.

SVCW Engineering Division - Task Order Summary 01/01/2025-06/17/2025

Task Order Date	Consultant	TO Amt.	Project #	Project Name	Scope of Work
Commission-Approved Date Task Orders:		\$1,368,720			
2/10/2025	Brown & Caldwell - Amend. 1	\$95,758	9269	Biogas Utilization Gas Conditioning System	Design Engineering Consulting Services
2/10/2025	Beecher Engineering - Amend. 1	\$72,962	9269	Biogas Utilization Gas Conditioning System	Electrical Eng. Design Services
5/8/2025	Technical Edge	\$1,200,000	9130	Capital Improvement Engineering	Process Automation Services
	*Use Commission approved date				
Task Order Date	Consultant	TO Amt.	Project #	Project Name	Scope of Work
Manager-Approved Task Orders*:		\$169,006			
1/31/2025	Freyer & Laureta	\$25,179	9269	Biogas Utilization Gas Conditioning System	Design Services
2/3/2025	Freyer & Laureta	\$24,571	388	Lab Roof Repair	Design Services
3/6/2025	Sierra Research/Trinity Consultants - Amend. 1	\$13,200	9269	Biogas Utilization Gas Conditioning System	Air Permit Application Support
3/14/2025	Collaborative Strategies	\$74,844	6018	Conveyance System Completion	Inner Bair Island Restoration Coordination
3/24/2025	Nexinite	\$8,000	810	FY 24-25 As Needed Services	Name Builder Reconfiguration Services
4/14/2024	Freyer & Laureta	\$3,500	9131	Plant Service Road Surfacing	Driveway Drainage Improvements, Design, Bid, Const
6/3/2025	Sierra Research/Trinity Consultants - Amend. 1	\$5,000	810	FY 24-25 As Needed Services	Air Permit Consulting Services
6/11/2025	Beecher Engineering - Amend. 1	\$3,000	810	FY 24-25 As Needed Services	EV Fleet Charger & Trenching Design and bid phase support

*JPA level of Manager approval is \$75,000

**Use last approval signature (TAH) date

AGENDA ITEM 5D

Silicon Valley Clean Water
Commissioners' Requested Action Items

JULY 10, 2025
AGENDA ITEM 5D

Updated:
06/24/2025

Commission Meeting Date		Action Item	Requested or Estimated Date for Completion	Status			Date of Completion	Notes
				Ongoing	In Progress	Complete		
6/12/2025	1	Salaries	N/A		✓			Perform a compensation survey for staff positions
5/8/2025	1	Financing CIP	June			✓		Reach out to member staff to attend respective Council/Board meetings to discuss financing CIP projects. Future meetings are tentatively scheduled in June through September.
4/10/2025		No Action Items						
3/13/2025	1	Nitrogen Contributions by Member Agency	N/A			✓	3/31/2025	Send data on nitrogen measured from each member; discussed with Members' technical staff
2/10/2025		Short-Term Notes vis a vis WIFIA loan	N/A	✓				Keep apprised of Feds policy with respect to Fed'l loans. Inform Commission of any changes.
1/13/2025		No Action Items						
12/9/2024		No Action Items						
11/11/2024		No Action Items						
10/14/2024	1	ESD and Lab Senior Positions	N/A			✓	6/12/2025	When filled, report back on financial impact of senior-level positions. Report at June meeting.
9/14/2024	1	Internal Controls	Apr/May2025			✓	5/6/2025	Complete Internal Audit; report at June meeting
	2	Report back on Prevailing Wage/Union	N/A			✓	9/10/2024	Question: is EcoGreen a Union shop? Not a union shop but pay prevailing wages per Public Works Labor Code.
> One Year		8E - JPA Amendment; re-initiate "clean up" to JPA	N/A		✓			Manager presented a pathway to address critical changes to the JPA at the April 2023 meeting. Commission concurred; Manager to follow up with Members.

AGENDA ITEM 7A

**MINUTES OF SILICON VALLEY CLEAN WATER
REGULAR MEETING – June 12, 2025
8:00 a.m.**

Place: Silicon Valley Clean Water
1406 Radio Road
Redwood City, California

*Members of the public and SVCW staff and consultants were also able to observe
and participate remotely per instructions provided in the agenda.*

ITEM 1

CALL TO ORDER

The meeting was called to order at 8:01 a.m.

ITEM 2

ROLL CALL - Commissioners Duly Appointed by Each Agency

Board Member George Otte, West Bay Sanitary District – Chair

Mayor Elmer Martínez Saballos, Redwood City – Vice Chair

Council Member Tom McCune, Belmont – Secretary

Council Member Neil Layton San Carlos – Member

Staff, Consultants and Visitors Present

Teresa A. Herrera, SVCW Manager

Christine C. Fitzgerald, SVCW Legal Counsel

Matt Anderson, SVCW Chief Financial Officer/Assistant Manager

Jennifer Flick, SVCW Human Resources Director

Jessica Mangual, SVCW Secretary Pro Tem

Daniel Buenrostro, SVCW Chief Operations Officer

Arvind Akela, SVCW Engineering and Environmental Director

Anir Bhagwat, SVCW Senior Engineer

Chathu Abeyrathna, SVCW Senior Engineer

Cindy Hui, SVCW Finance Supervisor

Keith McClure, SVCW CIP Manager

Kiki Newberry, SVCW Financial Analyst

Vanessa Ventura, SVCW Admin

Edward McGinley, SVCW Admin

Mark Minkowski, Kennedy Jenks

Bill Tanner, Tanner Pacific

Brett Margosian, Tanner Pacific

Fariborz Heydari, West Bay Sanitary District

Fion Lui, Redwood City

Darren Aston, Redwood City

Matthew Zucca, City of Palo Alto

Henry Deland

ITEM 3**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by those in attendance

ITEM 4**PUBLIC COMMENT**

There were no Public Comments

Commissioner Layton made a motion to move Item 9 (Closed Session) ahead of Item 8B (Appointment of New Manager). Commissioner McCune seconded the motion.

Motion carried by unanimous vote.

ITEM 5**SAFETY MOMENT AND REPORTS**

Instructions for enabling live captioning and providing public comment remotely during the meeting were provided.

Item 5A Safety Moment included safety tips for distracted walking.

Item 5B Managers Report included a report on the financial impact of Senior Level positions within the Laboratory and Environmental Services Divisions.

For other written reports contained within the agenda packet, there were no questions or comments.

ITEM 6**MATTERS OF COMMISSION MEMBER'S INTEREST****ITEM 7****CONSIDERATION OF MOTION APPROVING CONSENT CALENDAR ITEMS 7A THROUGH 7C****A. APPROVAL OF MINUTES – (pg. 27)**

- i. May 8, 2025 – Regular Meeting
- ii. May 10, 2025 – Special Meeting
- iii. May 16, 2025 – Special Meeting
- iv. May 29, 2025 – Special Meeting

B. CONSIDERATION OF MOTION APPROVING CLAIMS AND CHECKS DATED APRIL 15 - MAY 12, 2025, AND NECESSARY PAYMENTS THROUGH MAY 12, 2025**C. CONSIDERATION OF MOTION ACCEPTING THE INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES**

FOR SVCW INTERNAL CONTROL ASSESSMENT FOR THE FISCAL YEAR 2023-24

Proposed Action:

Move approval of RECEIPT AND ACCEPTANCE OF INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES FOR SVCW INTERNAL CONTROL ASSESSMENT FOR FISCAL YEAR ENDED JUNE 30, 2024

Motion/Second: Mr. Layton / Mr. McCune

The Motion carried by Unanimous Vote

ITEM 8A

CONSIDERATION OF MOTION APPROVING FINAL ACCEPTANCE AND AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR THE PUMP STATIONS IMPROVEMENTS PROJECT (CIP #9501)

Proposed Action:

Move approval of MOTION TO ACCEPT THE PUMP STATIONS IMPROVMENTS PROJECT (CIP PROJECT #9501) AND AUTHORIZE FILING NOTICE OF COMPLETION – SHEA PARSONS JOINT VENTURE

Motion/Second: Mr. McCune / Mr. Saballos Martinez

The Motion carried by Unanimous Vote

ITEM 9

Closed Session was called to order at 8:28 am

ITEM 10

RECONVENE IN OPEN SESSION

Open Session reconvened at 8:39 am

Ms. Fitzgerald reported that, as to closed session item 9A, no action was taken.

ITEM 8B

CONSIDERATION OF APPOINTMENT OF NEW MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT

Proposed Actions:

- i. Chair to orally summarize recommended action regarding Manager's salary and benefits in accordance with Government Code Section 54953(c)(3)
- ii. Move adoption of RESOLUTION APPOINTTING MATHEW P. ZUCCA AS MANAGER OF SILICON VALLEY CLEAN WATER AND APPROVING EMPLOYMENT AGREEMENT

Mathew P. Zucca's salary and benefits were summarized both orally and via PowerPoint slides during Manager Herrera's presentation of the item.

Motion/Second: Mr. Saballos Martinez / Mr. Layton

The Motion carried by Unanimous Vote

ITEM 8C

CONSIDERATION OF RESOLUTIONS AND MOTION ESTABLISHING RATES OF PAY AND CLASSIFICATIONS FOR CONFIDENTIAL GENERAL, UNREPRESENTED GENERAL, PROFESSIONAL, AND MANAGEMENT EMPLOYEES AND INCREASING THE SILICON VALLEY CLEAN WATER MATCHING AMOUNT FOR THE GENERAL CONFIDENTIAL AND PROFESSIONAL EMPLOYEES.

Proposed Actions:

- i. RESOLUTION ESTABLISHING RATES OF PAY AND RELATED COMPENSATION PROVISIONS FOR MANAGEMENT EMPLOYEES OF SILICON VALLEY CLEAN WATER AND RESCINDING AND RESTATING CERTAIN PROVISIONS OF RESOLUTION NO. SVCW 24-52 AND RESCINDING ANY AND ALL OTHER RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith
- ii. RESOLUTION ESTABLISHING RATES OF PAY AND RELATED COMPENSATION PROVISIONS FOR CONFIDENTIAL GENERAL EMPLOYEES OF SILICON VALLEY CLEAN WATER AND RESCINDING RESOLUTION NO. SVCW 24-25 AND ANY AND ALL OTHER RESOLUTIONS OR PROVISIONS THEREOF IN CONFLICT HERewith
- iii. RESOLUTION ESTABLISHING RATES OF PAY AND RELATED COMPENSATION FOR UNREPRESENTED GENERAL EMPLOYEE POSITIONS OF ENGINEERING INTERN, LABORATORY ASSISTANT AND GENERAL INTERN AND RESCINDING RESOLUTION NO. SVCW 24-26 AND ANY AND ALL OTHER RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith
- iv. RESOLUTION ESTABLISHING RATES OF PAY AND RELATED COMPENSATION PROVISIONS FOR PROFESSIONAL EMPLOYEES OF SILICON VALLEY CLEAN WATER AND RESCINDING RESOLUTION NO. SVCW 24-42 AND RESCINDING ANY AND ALL OTHER RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith
- v. RESOLUTION AMENDING SECTION 6 OF RESOLUTION NO. SVCW 77-6, THE SVCW PERSONNEL RESOLUTION, RELATING TO CLASSIFICATION OF POSITIONS AND RESCINDING PARAGRAPH 1 OF RESOLUTION NO. SVCW 24-53 AND ANY AND ALL OTHER RESOLUTIONS OR PROVISIONS THEREOF IN CONFLICT HERewith

- vi. RESOLUTION APPROVING AND ADOPTING CONSOLIDATED PAY SCHEDULE FOR ALL REPRESENTED AND UNREPRESENTED EMPLOYEES OF SILICON VALLEY CLEAN WATER FOR FISCAL YEAR 2025-2026
- vii. MOTION TO INCREASE 457(b) DEFERRED COMPENSATION MATCHING FOR CONFIDENTIAL GENERAL AND PROFESSIONAL EMPLOYEES

Motion/Second: Mr. Layton / Mr. McCune

The Motion carried by Unanimous Vote

ITEM 11

ADJOURN

There being no further business, the meeting adjourned at 9:02 am

Minutes prepared by Teresa A. Herrera

Reviewed by General Counsel

Tom McCune, Secretary

AGENDA ITEM 7B

SVCW WARRANT REGISTER

SVCW Warrant Registers dated May 13 – June 9, 2025, will be distributed to the Commission and Legal Counsel on July 3, 2025.

AGENDA ITEM 8A

**LABORATORY BUILDING ROOF REPLACEMENT (PROJECT #0388)
AWARD CONTRACT**

ISSUE

Award Contract for Laboratory Building Roof Replacement Project (Project #0388)

BACKGROUND

The laboratory building was constructed in 1993. While the roof underwent a repair and recoating project in 2013, the major components of the roof system are 32 years old. Over the last several years, the building has experienced various roof leaks during rain events resulting in water entering the laboratory through the ceiling. Every year since the leaks began to appear, SVCW has contracted with roofing companies to perform spot repairs in the areas of suspected failures. The spot repairs have been partially successful in extending the life of the roof; however, the frequency of leaks is increasing and, this past winter, drywall inside the lab was damaged and sensitive analytical equipment put at risk.

DISCUSSION

Knowing that the roof's useful life was reached, in late 2024 SVCW initiated a Task Order with Freyer & Laureta, Inc. (F&L) to complete a full design and scope of work to replace the existing laboratory building roof and underlying insulation. In February 2025, F&L completed the design and prepared bid documents for the project.

During the 24/25 wet weather season, as the project was being designed, the lab ceiling was leaking during every rain event, and the SVCW maintenance department put significant efforts into determining the location of the leaks. In February, after a significant effort to secure the flashing around the perimeter of the roof, there were two rain events that did not result in leaks. The project was put on hold because staff thought that the flashing repairs had resolved the major leaking issues and that the roof could potentially last a few more years before needing replacement. This decision was made in consideration of members' staff input and Commissioners' direction to slow capital spending. However, in April 2025, the lab experienced additional water leaks after a very small rain event. Based on the resumption of leaks, even after a very small rain event, the Manager made the decision to proceed with the project and replace the roof before the upcoming 25/26 winter season.

The project scope includes complete removal of the existing roof material and insulation, inspection for and removal of any possible mold, selection of roofing/insulation material, and roofing installation by a qualified licensed roofing contractor.

On June 10, 2025, SVCW hosted a mandatory site walk of the roof replacement project. Three roofing contractors attended the mandatory site visit. Bids for the project were received on June 25, 2025. One contractor provided a bid for the project. Clean Roofing was the lowest responsible bidder on the project with a bid of \$240,802. The Engineer's Estimate of Probable Cost for the roof replacement work is \$541,000.

To address the mold in the interior of the lab, SVCW contracted with a water restoration company to remove the damaged drywall inside the lab, inspect, and mitigate mold found behind the drywall. Drywall removal work was completed and on May 27, 2025, SVCW received certification that mold mitigation was complete. Placement of new drywall will not take place until after the replacement of the building roof to prevent any further damage to the drywall remaining in place.

CLIMATE EFFECTS

There are no anticipated direct effects to climate from this action.


FINANCIAL IMPACT

The Project is a capital project listed within Fund 14 and is identified as Capital Project #0388 – Laboratory Roof Replacement. Fund 14 reflects “pay-go capital projects” that are part of the annual operations budget.

RECOMMENDATION

Move adoption of RESOLUTION APPROVING CONTRACT DOCUMENTS FOR THE LABORATORY ROOF REPLACEMENT PROJECT (PROJECT# 0388); ACCEPTING BID OF LOWEST RESPONSIBLE BIDDER; AUTHORIZING EXECUTION OF AGREEMENT AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID PROJECT (\$240,802) – Clean Roofing

SVCW
Lab Roof Replacement Project, Capital# 0388
Bidders Checklist
Wednesday, June 25, 2025; 11:00 AM PST

							
Name of Bidder	Addendum	Proposal Guaranty Bond	Site Visit Affidavit	Desig. of Subcontractors	Noncollusion Affidavit	Affidavit of Safety Compliance	Total Bid Amt.
	#1 & 2	Section 00 41 00	Section 00 43 00	Section 00 43 36	Section 00 45 19	Section 00 45 22, 00 45-22-1 00 45 22-2	
1 Clean Roofing	2	✓	✓	✓	✓	✓	\$240,802.00
Award Pending Commission Approval. Next Commission meeting is scheduled for Thursday, July 10,2025.							

AGENDA ITEM 8B

**BIOGAS UTILIZATION – GAS CONDITIONING SKID INSTALLATION (CIP #9269)
AWARD CONSTRUCTION CONTRACT AND
APPROVE ENGINEERING SERVICES DURING CONSTRUCTION TASK ORDERS**

ISSUE

Staff recommend that the Commission:

- (1) Reject the Apparent Low Bid of Anvil Builders as non-Responsive and Award the Construction Contract to Responsive Low Bidder C. Overaa & Co. and
- (2) Authorize Task Orders for Engineering Services During Construction

for Biogas Utilization – Gas Conditioning Skid Installation Project (CIP #9269).

BACKGROUND

SVCW operates anaerobic digesters that treat wastewater solids. These digesters generate biogas from sewage sludge, food waste, and other organic wastes. Currently, this biogas is used to produce on-site electricity via two internal combustion cogeneration engines. At its May 2024 meeting, the Commission approved procurement of five Mainspring Linear Generators (Lgens) to further enhance on-site electricity generation. Mainspring is responsible for building and installing the Lgens. SVCW is responsible for designing and constructing three related work items: a new gas conditioning system, a pipeline to deliver the treated gas to the Lgens, and electrical infrastructure to connect the electricity generated by the Lgens to the SVCW power system.

Gas Conditioning System

A gas conditioning system¹ is required to clean raw biogas from the digesters prior to use in the linear generators. Conditioning will remove hydrogen sulfide, siloxanes, and moisture from the raw gas. To address this need, the Commission approved procurement of a new gas conditioning system designed by Brown and Caldwell. Following a competitive public bidding process, procurement from Unison Solutions, Inc. was awarded at the July 2024 Commission meeting.

Gas Pipeline

Brown and Caldwell designed the pipelines to connect the digester gas loop to the gas conditioning system and to the new Lgens.

Electrical Scope of Work

Beecher Engineering provided design drawings for the electrical and instrumentation elements of the Gas Conditioning system. They also prepared the design for required upgrades and connections to the existing electrical switchgear, ensuring that power generated by the Lgens can be properly integrated into SVCW's electrical distribution system.

This project is a discretionary project (defined as a project that is not needed to comply with Local, State, or Federal regulatory requirements), and is being pursued based on the

¹ SVCW utilizes a gas conditioning system for its existing cogeneration engines; however, its capacity is insufficient to support both the current engines and the new Lgens.

significant reduction in annual energy costs. At the time of project initiation, SVCW performed a simple payback analysis to determine whether the project should proceed. The results of that payback analysis are that the project will pay for itself within 4.2 years after startup. The payback analysis includes an anticipated energy tax credit that became available as part of the Infrastructure Reduction Act. It is unknown whether this funding will be available, based on the changed priorities of the Federal Government. If the tax credit is not available when the project is completed, the payback changes to 6.4 years.

DISCUSSION

In May 2025, Brown and Caldwell and Beecher Engineering completed the design and prepared bid documents for all three elements of the project. The project scope includes assignment of the procurement agreement with Unison Solutions to the General Contractor, installation of the gas conditioning system, installation of the biogas pipeline, interconnection of PG&E natural gas supply to the Lgen facility, and electrical improvements to connect the Lgens to SVCW electrical distribution system.

The project was publicly advertised on May 20, 2025, and a mandatory pre-bid conference and site-walk took place on May 28, 2025, attended by several interested construction firms. Bids were due on July 1, 2025, and 4 bids were received. The bid summary sheet is attached. Anvil Builders, Inc. submitted the lowest bid in the amount of \$5,259,821.39. C. Overaa & Co. submitted the second lowest bid in the amount of \$5,549,000.

Soon after the bid opening a Letter of Bid Protest was received from the second low bidder, C. Overaa & Co., claiming that Anvil Builders' electrical subcontractor, Anvil Power, does not meet the mandatory experience requirements of the contract. The Letter of Bid Protest, dated July 2, 2025, is attached. The letter was forwarded to Anvil Builders, and their response has not been received as of the time this agenda report was published. Staff also notified Anvil Builders of the date and time of this meeting and its intent to recommend that the Commission award the contract to the next lowest bidder.

After evaluation of the bid protest letters by SVCW General Counsel, SVCW staff has determined that Anvil Builders' apparent low bid is not responsive because the electrical subcontractor does not meet the mandatory experience requirements. The bid documents specifically require that the bidder's electrical subcontractor to have been engaged in the contracting business for 10 years. Staff verified that Anvil Power first received a license in 2017; this constitutes a material variance that cannot be waived. Moreover, awarding the contract to a bidder that lacks required experience is not only unfair to the second low bidder, but to the bidding community at large and potential bidders that chose not to submit proposals because they lacked the specified experience.

C. Overaa requested that the bid by Anvil Builders be determined both non-responsive and non-responsible. A non-responsible bidder does not possess the experience, facilities, reputation, or financial resources to be fully capable of performing the contract. Based on review of the information provided, staff believes Anvil Builders to be a non-responsible bidder.

SVCW staff recommends that the Commission reject the apparent low bid of Anvil Builders as non-responsive and award the construction contract for CIP #9269: Biogas Utilization – Gas Conditioning Skid Installation Project to responsive low bidder C. Overaa & Co.

SVCW included two additive alternate bid items (Alternate A and B) for performing the additional electrical contractor assistance with the tasks of power distribution protective relay integration, programming and commissioning services for this project. These tasks were added as bid alternates because SVCW staff wanted to leave open the option of bidding this work out separately if the contractor costs were too high. C. Overaa provided costs that are appropriate and cost effective for Alternates A and B, and staff recommends moving forward with authorizing the bid Alternates. The cost for Bid Alternate A is \$215,000, and Bid Alternate B is \$110,000. Adding these bid alternates to the authorization increases the total authorization for C. Overaa & Co. to \$5,874,000. The Engineer's Estimate of Probable Cost for construction was \$6,000,000.

Brown and Caldwell and Beecher Engineering will be providing Engineering Services During Construction (ESDC) for this project. Scope includes submittal review, responding to RFIs, preparation of design clarifications, attending coordination meetings with the contractor, aiding commissioning and start-up activities of the system and completion of as-built drawings and asset handover documents. SVCW Engineering staff negotiated a scope and budget for each firm to perform ESDC. The negotiated budget for Brown and Caldwell is \$318,175 and for Beecher Engineering is \$379,000. These costs are appropriate based on the complexity of the project, and they are within the budget for the project.

CLIMATE EFFECTS

This project offers a significant positive climate impact. The Lgens exhibit substantially higher electrical efficiency compared to internal combustion engines. This heightened efficiency translates to reduced fuel consumption for equivalent electricity production. Additionally, Lgens produce significantly lower air emissions compared to internal combustion engines.

FINANCIAL IMPACT

The Project is funded under CIP #9269 – Biogas Utilization, which has a total budget of \$12 million. As of June 2025, \$4,944,925 has been expended and a budget of \$7,055,075 remains. The expenditures to date include partial payments made to the vendors for the purchase of the Lgens (\$3.1 million to Mainspring Energy) and the gas conditioning units (\$760,000 to Unison Solutions), plus design and administrative costs.


RECOMMENDATIONS

- i. Move adoption of RESOLUTION APPROVING CONSTRUCTION CONTRACT DOCUMENTS FOR THE BIOGAS UTILIZATION – GAS CONDITIONING SYSTEM INSTALLATION (CIP# 9269); REJECTING BID OF APPARENT LOW BIDDER AND ACCEPTING BID OF NEXT LOWEST RESPONSIBLE BIDDER; AUTHORIZING EXECUTION OF AGREEMENT AND DIRECTING RETURN OF

SECURITY DEPOSITS AND AUTHORIZING MANAGER TO APPROVE CONTRACT CHANGE ORDERS UP TO TEN PERCENT OF THE CONTRACT PRICE FOR SAID PROJECT (\$5,874,000) – C. OVERAA & CO.

- ii. Move approval of TASK ORDER SCOPE OF WORK AND BUDGET FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE BIOGAS UTILIZATION - GAS CONDITIONING SYSTEM INSTALLATION (CIP #9269) IN AN AMOUNT NOT TO EXCEED \$318,175 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BROWN AND CALDWELL
- iii. Move approval of TASK ORDER SCOPE OF WORK AND BUDGET FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE BIOGAS UTILIZATION - GAS CONDITIONING SYSTEM INSTALLATION (CIP #9269) IN AN AMOUNT NOT TO EXCEED \$379,000 AND AUTHORIZE MANAGER TO APPROVE UP TO TEN PERCENT CONTINGENCY FOR ADDITIONAL WORK ON AN AS-NEEDED BASIS – BEECHER ENGINEERING

SVCW
Biogas Utilization-Gas Conditioning Skid Project, CIP 9269
Bidders Checklist
Tuesday, July 1, 2025; 2:00 PM PST

																
Name of Bidder		Addendum	Proposal	Site Visit Affidavit	Bid Security Bond or Cashier's Check to SVCW	Designation of Subcontractors	Domestic Content Requirement- Certification of Compliance	Certification of Bidder's Experience & Qualifications	Certification of Subcontractors Experience & Qualifications	Noncollusion Affidavit	Acknowledgement of Insurance Requirements	Affidavit of Safety Compliance	Sub-Contractor Utilization Form	DBE Sub-Contractor Performance Form		
			1	2	3	4	5	6	6a	7	8	9	10	10	10	
		#1, 2, 3	Section 00 41 00	Section 00 43 00	Section 00 43 13	Section 00 43 36	Section 00 45 00	Section 00 45 13	Section 00 45 14	Section 00 45 19	Section 00 45 21	Section 00 45 22, 00 45-22-1 00 45 22-2	SRF 4500-3	SRF 4500-4	Bidder's List	Total Base Bid
1	Anvil Builders	1, 2, 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$5,259,821.39
2	C. Overaa	1, 2, 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$5,549,000.00
3	W.M. Lyles	1, 2, 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$5,760,822.00
4	J.F. Shea	1, 2, 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$5,973,721.39
** Pending Commission Approval. Next Commission meeting is scheduled for Thursday, July 10, 2025.																



200 Parr Boulevard
Richmond, CA 94801
Tel 510-234-0926
Fax 510-237-2435
www.overaa.com

SILICON VALLEY CLEAN WATER
1400 Radio Road
Redwood City, CA 94065

Attn: Secretary (SVCW)

Jose Martinez, Tanner Pacific

jmartinez@tannerpacific.com

Brett Margosian, Tanner Pacific

bmargosian@tannerpacific.com

Arvind Akela, SVCW

aakela@svcw.org

July 2, 2025

Re: Bid Protest – Electrical Subcontractor Experience – Specification 00 45 14
Project: Silicon Valley Clan Water Biogas Utilization - Gas Conditioning Skid
Installation (CIP 9269)
Bidder: Anvil Builders (CSLB Lic. No. 952883)
Electrical Subcontractor: Anvil Power (CSLB Lic. No. 1025528)

Dear Jose Martinez, Brett Margosian, Arvind Akela and SVCW Secretary:

C. Overaa & Co. respectfully submits this protest regarding the apparent low bidder, Anvil Builders, and its designated electrical subcontractor, Anvil Power, in connection with the above-referenced project. The basis of this protest is Anvil Builders' failure to comply with the mandatory experience requirements outlined in the bid specifications for electrical subcontractors.

Noncompliance with Required Experience

Section 2.0 of Specification 00 45 14 requires that:

“The Bidder’s Electrical Subcontractor has been engaged in the contracting business, under the present business name for 10 years and has experience in work of a nature similar to this Project which extends over a period of 5 years. (At least five (5) years of related experience is preferred).”

Anvil Builders designated Anvil Power (CSLB Lic. No. 1025528) as its electrical subcontractor. According to public CSLB records, Anvil Power’s license was issued on April 6, 2017. As such, Anvil Power does not meet the 10-year minimum business duration requirement under the present



business name and is therefore not eligible to serve as the electrical subcontractor under the terms of the solicitation.

False or Misleading Certifications

Both Anvil Builders and Anvil Power submitted certifications attesting that all statements contained in their bid were true and correct, and that the bid conformed to the requirements of the Contract Documents. Neither party disclosed their failure to satisfy the minimum experience requirement, nor did they seek an exception or qualification in their bid submission. This omission represents a material misrepresentation and renders the bid non-responsive and non-responsible.

Designated Subcontractor's Ineligibility Creates Unfair Competitive Advantage

The bid documents emphasize the importance of a qualified electrical subcontractor, including a requirement that the designated subcontractor attend the mandatory pre-bid conference. The Authority's intent is clear: electrical subcontractor qualifications are essential to ensuring safe, compliant, and successful project execution.

Despite this, Anvil Builders designated Anvil Power—licensed only since 2017—and made no effort to qualify or disclose the discrepancy. Both entities certified full compliance. This provided Anvil Builders with a competitive advantage over bidders who complied fully and may have selected higher-priced, experienced subcontractors.

We anticipate that Anvil Builders may now assert that it holds its own C-10 license and could self-perform the electrical scope. However, its bid expressly identifies Anvil Power as the electrical subcontractor. No alternate performance plan or intent to self-perform was stated. A bidder may not retroactively cure a material defect by reallocating scope post-bid opening—such actions are contrary to California public contracting law.

Discretionary Language Does Not Justify Waiver of Mandatory Requirements

We acknowledge the bid documents include a discretionary provision:

“Further, the Authority reserves the right to accept a Bidder's qualifications that do not meet the experience requirements listed above.”

However, this provision must be interpreted in harmony with public bidding principles. It does not grant the Authority license to disregard material bid requirements or treat bidders unequally. Deviating from clearly stated experience thresholds, particularly after bid opening, undermines the integrity of the process and penalizes compliant bidders.

Even if Anvil Builders' failure to comply was inadvertent, it resulted in an unequal playing field. Exceptions granted after the fact, especially those not disclosed in the bid, erode confidence in public procurement and expose the Authority to potential legal challenge.



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Richmond, CA 94801
Tel 510-234-0926
Fax 510-237-2435
www.overaa.com

Legal Grounds for Rejection:

California law requires strict compliance with material bid terms:

- A responsive bid must conform to the material terms of the bid package.
(City of Inglewood v. L.A. County Civic Center Authority (1972) 7 Cal.3d 861)
- Material deviations require rejection.
(Hensel Phelps Construction Co. v. Department of Corrections and Rehabilitation (2020) 45 Cal.App.5th 679)
- Mandatory requirements such as subcontractor listings are material terms.
(Pozar v. Dept. of Transp. (1983) 145 Cal.App.3d 269)
- A bid is non-responsive if it gives the bidder an unfair advantage.
(Menefee v. County of Fresno (1985) 163 Cal.App.3d 1175)
- Even mistakes that allow withdrawal without bond forfeiture constitute unfairness.
(Public Contract Code § 5103)

Conclusion

For the reasons set forth above, C. Overaa & Co. respectfully requests that the Authority:

1. Reject Anvil Builders' bid as non-responsive and non-responsible based on its failure to comply with the minimum experience requirements for electrical subcontractors; and
2. Award the contract to the next responsible bidder who satisfies all material requirements of the solicitation.

Please confirm receipt of this protest and advise as to the next steps in the protest review process.

Sincerely,

C. Overaa & Co.

A handwritten signature in blue ink, appearing to read "Larry Etcheverry", written over a horizontal line.

Larry Etcheverry, Vice President

AGENDA ITEM 8C

**CONSIDERATION TO CHANGE COMMISSION MEETING LOCATION, RESCIND
RESOLUTION NO. 25-06****ISSUE**

Consider Approving Change to the Location of the Monthly SVCW Commission Meeting and Rescind Resolution No. 25-06.

BACKGROUND

Commission meetings were previously held at the SVCW treatment plant site located at 1400 Radio Road but were relocated during 2023 to SVCW's North Annex Building at 1406 Radio Road due to ongoing construction at the treatment plant that might impede public access to the Commission meetings. Construction activities at the treatment plant have decreased since the completion of the RESCU program. Additionally, given the off-site nature of the current meeting location, additional staff time is required to set up, support, and attend the Commission meetings. Staff can more easily support Commission meetings if they are located at 1400 Radio Road.

DISCUSSION

On November 13, 2023, Commission approved relocating its meetings to SVCW's North Annex Building at 1406 Radio Road due to the substantial construction occurring at the SVCW treatment plant site that hindered access to the Commission meetings. The ongoing construction was deemed particularly challenging for members of the public who desired to attend meetings. The 1406 Radio Road site was recommended for Commission meetings as it has a conference/meeting room behind the main building easily accessible to staff, commissioners, and the public. The 1406 Radio Road site also has a dedicated parking lot for commissioners and the public, offering easy access to a meeting room outfitted with videoconferencing facilities appropriate for a public meeting.

However, since that time, the RESCU program has been completed and the amount of construction along access and egress roads has substantially decreased. Additionally, given the off-site nature of the 1406 Radio Road site, additional staff time is utilized in setting up and attending the Commission meetings. Staff can more easily prepare for and support Commission meetings at their previous location located in the Pelican Conference Room at the 1400 Radio Road treatment plant site.

Accordingly, staff is recommending that the Commission consider relocating their meetings from SVCW's North Annex Building at 1406 Radio Road to the Pelican Conference Room at the 1400 Radio Road treatment plant site. As was done previously, to allow easy public access to the Commission meetings, the front gate to the treatment plant site will be left open and temporary signage will be placed along the access and egress route directing the public to the Commission meeting location.

CLIMATE EFFECTS

There are no climate effects resulting from this action.

FINANCES

There are no direct financial impacts to this action.

RECOMMENDATION

Move adoption of RESOLUTION ESTABLISHING DAY, TIME, AND PLACE OF REGULAR MEETINGS OF THE COMMISSION OF SILICON VALLEY CLEAN WATER AND RESCINDING RESOLUTION NO. SVCW 25-06