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April 23, 2021

Via Email

Santa Clara Valley Water District (SCVWD)
SCVWD Board of Directors
5750 Almaden Expressway
San Jose, CA 95118-3686
Board@valleywater.org
clerkoftheboard@valleywater.org

Re: Request for Opportunity to be Heard at April 27, 2021 Board of Directors Meeting

To the Board of Directors of the Santa Clara Valley Water District:

I represent Kiewit Infrastructure West Co. ("Kiewit"), the second highest ranked Best Value Bidder for the Anderson Dam Tunnel Project, Project No. 91864005; Contract No. C0663 ("the Project"). As you are aware, Kiewit protested the award of the subject contract, which SCVWD's Engineer denied, and Kiewit has appealed that denial in court. Earlier today, Kiewit's emergency motion for an injunction was denied, which paves the way for Kiewit to have its appeal heard on the merits.

I have been informed by SCVWD's outside counsel, Mr. Eric Firstman, Esq., that Kiewit will be given the opportunity to address the Board in connection with Kiewit's protest at the upcoming Board Meeting scheduled for Tuesday, April 27, 2021, and I understand that a formal request for that opportunity will be made by Kiewit directly. The purpose of this letter is to request the opportunity for counsel to address the Board to the extent the Board receives (in open session) information or argument about the legal merits of Kiewit's protest, the proceedings before the Santa Clara Superior Court and/or applicable California law.

Thank you.

Very truly yours,



J. Andrew Howard

cc: Eric Firstman, Esq. (via email)

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