



Kiewit

April 26, 2021

Via Email

Santa Clara Valley Water District (SCVWD)
SCVWD Board of Directors
5750 Almaden Expressway
San Jose, CA 95118-3686
Board@valleywater.org
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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'm writing on behalf of Kiewit Infrastructure West Co. (Kiewit) to formally request the opportunity to be heard at the April 27, 2021 meeting of the Santa Clara Valley Water District (SCVWD) Board of Directors in connection with Kiewit's protest involving the Anderson Dam Tunnel Project.

As you know, SCVWD solicited bids for the Project and, on March 30, 2021, announced its intent to recommend award of the contract for the Project to Flatiron West, Inc. (Flatiron). Kiewit protested this decision on grounds that Flatiron's bid should have been rejected because an affiliate of Flatiron's, Dragados USA, Inc. (Dragados), submitted an alternative bid acting through a joint venture. We view the submission of alternative bids by affiliated entities to violate SCVWD's one-bidder, one-bid rule as stated in paragraph 18 of the Instructions to Bidders.

SCVWD's Engineer denied Kiewit's bid protest and announced that staff would recommend the Board of Directors award the contract to Flatiron at its next regular meeting, scheduled for April 27, 2021. I understand that Kiewit will be given the opportunity to address the Board in connection with Kiewit's protest as a matter of course, but nonetheless write to formally request that opportunity out of an abundance of caution.



Kiewit

I intend to virtually attend the April 27th meeting and look forward to addressing this matter before the Board. Thank you in advance, and please contact me with any additional information or instructions regarding the opportunity for comment.

Very truly yours,

Eric M. Scott
Sr. Vice President