



# Santa Clara Valley Water District

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**File No.:** 21-0641

**Agenda Date:** 7/13/2021  
**Item No.:** \*3.4.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Cross Valley Pipeline Extension Project, as part of the Anderson Dam Seismic Retrofit Project No. 91864005, Contract No. C0676 (Morgan Hill, Santa Clara County) (District 1).

### **RECOMMENDATION:**

- A. Adopt the plans and specifications and authorize advertisement for bids for the construction of the Cross Valley Pipeline Extension Project per the Notice to Bidders (Attachment 1); and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

### **SUMMARY:**

#### ***Background and Project Description***

Santa Clara Valley Water District (Valley Water) is undertaking the Anderson Dam Seismic Retrofit Project (ADSRP) Federal Energy Regulatory Commission Order Compliance Project (FOCP) as a result of the February 20, 2020 directive from the Federal Energy Regulatory Commission (FERC) to implement interim risk reduction measures at Anderson Dam. One of those measures is the Cross Valley Pipeline Extension Project (CVPEP).

The CVPEP entails constructing a new pipeline to convey imported water from the Cross Valley Pipeline to Coyote Creek to supplement flows during the construction of the ADSRP downstream of Ogier Ponds. The Project scope includes constructing an outfall which will include an energy dissipator, and also make creek bank improvements.

The completed improvements will consist of a 36-inch diameter, approximately 7,100 foot long pipeline, which will release an average flow of 30 cubic feet per second (cfs) during the dry season to ensure the continued recharge of the groundwater. The outfall will include an energy dissipation structure to reduce flow velocities and convey water onto a rock slope protection apron (cascade). The cascade will encourage flow-spreading and further reduce water velocity while also stabilizing the banks and inhibiting fish from entering the energy dissipation structure. Lastly, the outfall will also include a bank rehabilitation zone downstream of the cascade.

#### ***Rights of Way***

On April 27, 2021, Valley Water entered into an Agreement for Possession and Use (PUA) with the County of Santa Clara which, among other things, provides Valley Water the right to construct and

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use a water pipeline from Monterey Highway to Coyote Creek immediately downstream of the Ogier Ponds. Use of the easement is for conveyance of water and appurtenant utilities to support the Coyote Creek groundwater recharge and surface water conveyance system.

The easement will automatically expire following Valley Water's Board of Directors' acceptance of the ADSRP as complete, or December 31, 2032, whichever is earlier, subject to extension by agreement of the parties.

Valley Water is currently negotiating with the County to convert Valley Water's rights under the PUA to a recorded Water Pipeline Easement on similar terms and duration. The rights under the PUA are sufficient to permit the construction, use and maintenance of the water pipeline.

### ***Permits***

Staff anticipates receiving the Union Pacific Railroad permit necessary for construction and will only recommend the board award the construction contract after all required permit has been secured. Once the construction contract is awarded the contractor will be required to secure encroachment permits from the City of San Jose and Santa Clara County.

### ***Public Outreach***

Valley Water Communications staff will assist in promoting all FOCP Projects and their community benefits by utilizing several outreach strategies specific to the different stages of each Project's construction progress. At the core of the effort will be a communications plan developed by staff. This plan will highlight specific outreach tasks and timelines in each phase and identify stakeholders and potential challenges. A communication flyer will be sent out to the community living around each Project area. Communications staff will also utilize social media such as Nextdoor and Facebook to provide community updates.

### ***Specifications and Addenda Authorization***

Board adoption of plans and specifications and Board authorization to advertise is recommended in order to proceed to bid the Project for construction. Authorizing the Designated Engineer to issue addenda during the bidding allows for modifications to the construction Contract Documents, if necessary, during the bidding period and before the contract is awarded.

### ***Relevant Prior Board Action(s)***

On June 23, 2020, the Board approved the CEQA emergency exemption determination for the FOCP; adopted the Resolution approving the Engineer's Report for the FOCP; and approved the Project.

On December 8, 2020, the Board approved a budget adjustment in the amount of \$21 million from the Capital Warranty Services Project No. 95074001 to the Anderson Dam Seismic Retrofit Project No. 91864005.

***Outreach to Bidders***

As part of the Valley Water's customary small and local business outreach, the following routine steps will be taken: the Notice to Bidders (Attachment 2) will be sent to certified Small Business Contractors, Chambers of Commerce, Builders Exchange/ Plan Rooms, Building Construction & Trade Council, The San Jose Post and Valley Water's Master Contractor Database. In addition, the Notice will be sent to certified small business contractors and local and regional firms that have the appropriate license for this type of work. Staff also utilized Valley Water's website to solicit interest in Project Work.

***Next Steps***

If the Board approves the recommendations, staff will proceed to advertise for bids for Project construction. Staff anticipates recommending the Board award a construction contract on September 28, 2021.

**FINANCIAL IMPACT:**

The Anderson Dam Seismic Retrofit Project is included in the Five-Year 2022-26 Capital Improvement Program (CIP) and in the Board-adopted FY 2021-22 Budget. The estimated construction contract cost for the Project is between \$11 million and \$13 million and does not change the overall total project cost reflected in the FY 2022-26 CIP. There is sufficient funding in the Fiscal Year 2021-22 Budget to encumber the construction contract.

The Project is funded by a combination of Safe Clean Water (Fund 26) and Water Utility (Fund 61).

**CEQA:**

CEQA provides a statutory exemption for emergency projects, which include specific actions necessary to prevent or mitigate an emergency (Public Resources Code §21080(b)(4) and CEQA Guidelines §15269(c)). After analysis of the facts and applicable law, on June 23, 2020 following a public hearing, the Board determined that the FOCP, inclusive of the CVPEP measure, qualifies for this emergency exemption. Valley Water filed a Notice of Exemption with the County of Santa Clara Clerk/Recorder on June 26, 2020.

**ATTACHMENTS:**

Attachment 1: Map  
Attachment 2: Notice to Bidders  
Attachment 3: Project Delivery Process Chart  
Attachment 4: Plans  
Attachment 5: Specifications

**UNCLASSIFIED MANAGER:**

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