

MINUTES OF BOARD OF DIRECTORS MEETING
WITH WATER ISSUES COMMITTEE
ORANGE COUNTY WATER DISTRICT
October 14, 2015 @ 8:00 a.m.

Water Issues Committee Chair Denis Bilodeau called the meeting to order in the Boardroom of the District office located in Fountain Valley, CA. Following the Pledge of Allegiance to the Flag, the Secretary called the roll and reported a quorum as follows.

Committee

Denis Bilodeau
Philip Anthony
Dina Nguyen (not present)
Shawn Dewane
Roman Reyna (not present)

Alternates

Steve Sheldon (arrived 8:05 a.m.)
Jan Flory
Harry Sidhu (arrived 8:05 a.m.)
Roger Yoh (not present)
Cathy Green

OCWD Staff

Mike Markus - General Manager
Joel Kuperberg - General Counsel
Judy-Rae Karlsen - Assistant District Secretary
Ryan Bouley, Jason Dadakis, Bill Dunivin,
Alicia Dunkin, Randy Fick, David Fields,
Roy Herndon, Bonnie Howard, Adam Hutchinson,
William Hunt, John Kennedy, Chris Olsen,
Dave Mark, Mehul Patel, Audrey Perry,
Sandy Scott, Ben Smith, Marsha Westropp,
Greg Woodside, Mike Wehner, Lee Yoo

Others

Mark Best - Best Drilling & Pump
Steve Conklin, Mark Marcantonio - Yorba Linda Water District
Howard Johnson - Brady & Associates
Keith Lyon - Municipal Water District of OC
Tom McCarthy - City of Anaheim
Paul Shoenberger - Mesa Water District
Ken Vecchiarelli - Golden State Water District

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Dewane, seconded by Director Anthony and carried [5-0] as follows.
[Yes –Bilodeau, Anthony, Dewane, Sheldon, Flory/No – 0]

1. Minutes of Previous Meeting

Approve minutes of Water Issues Committee meeting held September 9, 2015

2. Destruction of Monitoring Well AM-36

Recommended by Committee for approval at October 21 Board meeting: 1) Authorize filing of a Categorical Exemption for the destruction of monitoring well AM-36 in compliance with California Environmental Quality Act (CEQA) guidelines; 2) Authorize destruction of monitoring well AM-36; and 3) Establish a project budget of \$45,000.

3. Destruction of Monitoring Well SCS-13 and Construction of Replacement Monitoring Well SCS-13R

Recommended by Committee for approval at October 21 Board meeting: 1) Authorize filing of a Categorical Exemption for the destruction of monitoring well SCS-13 and construction of replacement monitoring well SCS-13R in compliance with the California Environmental Quality Act (CEQA) guidelines; 2) Authorize destruction of monitoring well SCS-13 and construction of replacement monitoring well SCS-13R; and 3) Establish a project budget of \$102,000.

- 4. Contract No. SAR-2014-1, Imperial Headgates and Weir Pond Rehabilitation: Amendment to Agreement with AKM Consulting Engineers for Construction Management Services

Recommended by Committee for approval at October 21 Board meeting: Authorize issuance of Amendment No. 1 to Agreement No. 1049 with AKM Consulting Engineers for an amount not to exceed \$63,063 for additional construction management and inspection services for the Imperial Headgates and Weir Pond Rehabilitation Project, Contract SAR 2014-1.

- 5. Contract No. GA-2015-1: Perimeter Site Improvement of the Green Acres Project and City of Santa Ana Reservoirs – Agreement to Parsam Construction, Inc.

Recommended by Committee for approval at October 21 Board meeting: 1) Receive and file Affidavit of Publication of Notice Inviting Bids for Contract No. GA-2015-1, Perimeter Site Improvement of the Green Acres Project and City of Santa Ana Reservoirs; and 2) Accept bid and award contract to the lowest responsive bidder Parsam Construction, Inc. in the amount of \$452,120.

- 6. Amendment to Agreement with Hargis + Associates to Prepare Pilot Study Work Plan for the South Basin Groundwater Protection Project

Recommended by Committee for approval at October 21 Board meeting: Authorize Amendment No. 1 to Agreement No. 1051 with Hargis + Associates in the amount of \$41,048 to prepare a pilot study work plan for the South Basin Groundwater Protection Project.

MATTERS FOR CONSIDERATION

Directors Sheldon and Sidhu arrived during the following discussion.

- 7. Alamitos Barrier Improvement Project: Award Contract No. AB-2015-1 to Jensen Drilling Company, Amend Agreement with CH2M Hill for Additional Well Construction Design Services and Revised Project Budget

District Engineer Chris Olsen gave a detailed overview of the Alamitos Barrier Improvement Project. He reported the initial Notice Inviting Bids for Contract No. AB-2015-1 was issued on November 5, 2014 and no bids were submitted. He advised that staff worked with two prospective drilling contractors to determine the reason for the lack of bids and it was determined that no bids were submitted due to the limited availability of drilling contractors and the technical specifications for the design of the footings for the noise abatement walls. Mr. Olsen noted that staff was required to contact the Orange County Flood Control District (OCFCD) to obtain approval for the modified technical specifications for the footings as they are located on the County right-of-way. He reported the scope of work was modified and the Notice Inviting Bids for Contract No. AB-2015-1 was reissued and three bids were received with Jensen Drilling Company (Jensen) being the apparent low bidder. Mr. Olsen advised the bids were reviewed by staff and a follow up with Jensen was required due to bid informalities. He presented the informalities and advised that General Counsel, OCFCD, and staff resolved the issues and recommends waiving the bid informalities and awarding the contract to Jensen. Mr. Olsen advised the Committee that there was an informal protest received from Best Drilling & Pump Inc., however, after a thorough evaluation, staff sustained their proposed recommendation to award Contract No. AB-2015-1 to Jensen and notified Best Drilling & Pump Inc. of that determination. He reported the District received a formal bid protest letter on October 2, 2015 from Snell & Wilmer LLP representing Best Drilling & Pump, Inc. Mr. Olsen presented the objections stated in the formal protest letter. Additionally, he presented the need for an Amendment to the Agreement to CH2M Hill for an amount not to exceed \$91,328 for the additional design services and recommended an increase to the project budget in the amount of \$739,614. The Committee discussed the staff presentation and the objections stated in the formal protest letter submitted by Snell & Wilmer LLP representing Best Drilling & Pump, Inc.

Public Comment

Best Drilling & Pump Inc. representative Mark Best addressed the Committee and stated his concerns with the staff recommendation. He reiterated the objections stated in the formal protest letter and noted there were multiple irregularities and other discrepancies that rendered Jensen's bid non-responsive and he requested the Committee take an action to reject that bid.

The Committee requested that staff respond to the concerns raised by Mr. Best. Mr. Olsen advised that Jensen provided a written confirmation that explained and clarified that the typographical errors in the bid document were clerical errors, and the incorrect narrative costs entered throughout the bid schedule were the result of a miscommunication between office staff completing the bid schedule, however, Jensen stated it stands behind its total bid price for the job as written in the bid document which is approximately \$2 million less than its competitors. There was a lengthy discussion and the Committee entertained a motion to reject all bids. That motion failed with a vote of 2-3. A brief discussion ensued and the Committee requested that staff agendize this item as a Matter for Consideration at the October 21 Board meeting. The Committee then took the following actions.

Upon motion by Director Bilodeau, seconded by Director Anthony and carried [3-2] the Committee recommended that the Board at its October 21 Board meeting: 1) Receive and file Affidavit of Publication of Notice Inviting Bids for Contract No. AB-2015-1, Alamitos Barrier Improvement Project; 2) Reject bid from Jensen Drilling Company due to bid informalities; 3) Accept bid and award Contract No. AB-2015-1 to Best Drilling and Pump, Inc. for \$11,947,965; 4) Authorize issuance of Amendment No. 1 to Agreement No. 0916 to CH2M Hill for an amount not to exceed \$91,328; and 5) Increase the Alamitos Barrier Improvement Project budget as necessary to incorporate the bid from Best Drilling and Pump, Inc.

[Yes –Bilodeau, Anthony, Sheldon/No – Dewane, Flory]

INFORMATIONAL ITEMS

8. Update on GWRS Reverse Osmosis Concentrate Recovery Studies

Director of Water Production/GWRS Mehul Patel presented an update on the GWRS Reverse Osmosis Concentrate Recovery studies. He advised that staff has commenced an initial evaluation of methods to recover additional water from the reverse osmosis (RO) concentrate waste stream generated by GWRS and there is one pilot test study and one planning study to investigate this potential water source.

9. Sustainable Groundwater Management Act: Compliance Options

This presentation was deferred.

10. Prado Basin Sediment Removal Demonstration Project

This presentation was deferred.

ITEMS TO BE AGENDIZED AS A MATTER FOR CONSIDERATION AT THE OCTOBER 21 BOARD MEETING

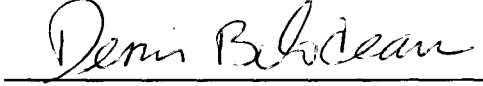
It was agreed to agendize Item No. 7, Alamitos Barrier Improvement Project as a Matter for Consideration at the October 21 Board meeting.

GENERAL MANAGER COMMENTS

General Manager Mike Markus reported the District hired Megan Plumlee as OCWD Research Director.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:39 a.m.


Director Denis Bilodeau, Chair