



Meeting: **Joint Reservoir Committee & Authority Board December 17, 2021**
Agenda Item 2.9

Subject: **Task Order for Professional Services (Somach, Simmons, and Dunn)**

Requested Action:

Consider approval of Somach Simmons & Dunn's (SSD) Amendment 3 Task Order No. 2 scope of work for water rights legal services with a not-to-exceed contract authority of \$1,935,000 for the period of January 1, 2022 through December 31, 2024.

Detailed Description/Background:

On September 22, 2021, the Reservoir Committee approved a work plan for the Amendment 3 period of performance of January 1, 2022 through December 31, 2024 which included water rights activities. The below summary of the scope of services contained in the proposed SSD's Task Order No. 2 was negotiated and is recommended to achieve the required deliverables and milestones for Amendment 3. MBK Engineering will continue to serve as a sub-consultant to complete the associated technical activities. The Board is reminded that this contract will be managed to the total authority and annual authorized expenditures (by calendar year) reflected in the approved annual budget. An annual Notice to Proceed will be issued to the consultant reflecting these conditions. The proposed agreement task order contains the following subtasks with estimated costs as shown:

- **Complete Activities to Secure Water Right:** Complete preparation of the water rights application submittal and necessary documents supporting that submittal, including but not limited to the Water Availability Analysis. Ensure water right matters of a legal nature are properly analyzed in the Revised Draft EIR/Supplemental Draft EIS and associated Final EIR/EIS along with relevant permits and approval applications (i.e., Biological Assessment and State Incidental Take Permit application). Represent the Authority in discussions with the State Water Resources Control Board (State Board) staff and Board members. Represent the Authority in discussions with any protestants to the Authority's water rights application. Lead the Authority through the water rights application and approval process, including potentially representing the Authority at any water right hearing before the State Board on the application. Complete other related activities as needed to assist the Authority in successfully obtaining a water rights permit for the Project. (\$1,935,000)

Prior Action:

September 22, 2021: Approved the Amendment 3 Project Agreement and Work Plan with a period of performance of January 1, 2022 to December 31, 2024 for the purpose of initiating Participant home board review, deliberation and execution of the agreement.

Fiscal Impact/Funding Source:

Sufficient funds are included in the Amendment 3 Work Plan. Consultant activity will be monitored closely to ensure quality, timely deliverables, and to ensure a positive project cash balance is always maintained. Support consultant contract authority will be approved for a 36-month period, however, task order scope and budgets will be reviewed and authorized on an annual basis.

Staff Contact:

Joe Trapasso/Ali Forsythe

Primary Service Provider:

Somach Simmons & Dunn and MBK Engineers

Attachments:

None.