



Meeting: **Reservoir Committee Agenda Item 1.4**

**September 20, 2024**

Subject: **Task Order Amendment for Somach, Simmons & Dunn (Somach)**

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**Requested Action:**

Reservoir Committee and Authority Board consider approval of:

- a) A task order amendment with Somach, Simmons & Dunn for additional scope of work for water right legal services in the amount of \$925,000 bringing the not to exceed total task order amount to \$3,589,471 for the period of January 1, 2022 through December 31, 2025.
- b) FY24 budget adjustment to the permitting subject area with funds being reallocated from the engineering subject area.

**Detailed Description/Background:**

Somach provides legal services related to the water right process, with several subconsultants working under their direction. The proposed task order amendment would provide contract authority and budget to address additional level of effort for Somach, an addition of subconsultants as necessary and an addition of a court reporter services for the extended water right proceeding.

**Prior Action:**

December 2023 approved Amendment 3 2024 Work Plan, including Somach task order amendment.

**Fiscal Impact/Funding Source:**

Somach's work is time and materials based on hourly rates and includes subconsultant billings. The amendment would authorize a ceiling for Somach's total billings under the contract to an amount Staff believes will be sufficient for the remainder of 2024. Staff will evaluate anticipated 2025 effort needed to secure the water right permit in July 2025 to be addressed in the 2025 annual budget which will be brought to the Board for approval at the October 2024 meeting. Funding for the increase to the Somach task order amendment will come from the budget transfer of engineering subject area to the permitting subject area. The engineering subject area scope and budget were recently reassessed in light of the budget constraints resulting from water right permit schedule delays and priorities have been shifted to maintain the most critical work to achieve investor commitment. Engineering scope and budget previously planned for Phase 2 will be deferred to Phase 3. The transfer from the

engineering subject area to the permitting subject area results in a zero-sum difference to the 2024 overall Work Plan budget. The 2024 Permitting subject area budget changes from \$8,215,679 to \$9,140,679 and the 2024 Engineering subject area budget changes from \$23,387,201 to \$22,462,201 upon approval of this adjustment.

The task order ceiling prior to this task order amendment was \$2,664,471 and would be increased to \$3,589,471.

**Staff Contact:**

Ali Forsythe

**Primary Service Provider:**

Somach Simmons & Dunn

**Attachments:**

None.