

LAVWMA
Livermore-Amador Valley Water Management Agency
Minutes

Special Meeting of Board of Directors
Wednesday, September 29, 2021

Due to Shelter in Place Orders, this was a web meeting available to participants and the public through the following link: <https://us02web.zoom.us/j/87001479653>
5:00 p.m.

1. Call to Order

Chair Ann Marie Johnson called the meeting to order at 5:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Board Members Present: Chair Ann Marie Johnson; Vice Chair Julie Testa; and Directors Valerie Arkin, Gina Bonanno, Bob Carling, and Arun Goel

Board Members Absent: None

Staff Present: General Counsel Alexandra Barnhill and General Manager Chuck Weir

Staff Absent: None

Others Present: None

4. Order of Agenda/Acknowledgement of Posting

There were no changes to the order of the agenda.

5. Comments from the Public

There were no comments from the public.

6. Consent Calendar

a. Minutes of the September 8, 2021 LAVWMA Board Meetings

Director Testa motioned, seconded by Director Bonanno, to approve Consent Calendar Item No. 6.a.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

7. Authorization for the General Manager to Award a Contract for the Purchase of Three Vertical Turbine Pumps

General Manager Weir noted that on September 8, 2021 the Board approved awarding the pump purchase project to Peerless Pumps and that a Notice of Potential Award (NPA) was issued to

them on September 13, 2021. The NPA included the contract from the bid packet with a requirement to sign the contract within ten days. The contract was structured to allow for up to 275 days for delivery of the pumps. On September 13, 2021 Peerless sent an email indicating they could not accept the award. The supplier MuniQuip unsuccessfully attempted to negotiate a buy/resell agreement with Peerless.

Mr. Weir then described various options for the Board to consider, including rejecting all bids and authorizing the General Manager to negotiate an agreement with the lowest bidders at terms that were mutually acceptable to both parties. Board members discussed possible reasons for two pump companies to reject the project due to concerns with the terms and conditions of the contract. Potential reasons included supply chain issues and the merging or acquisition of companies and an unwillingness to accept risk that previously was not an issue. The Board concluded that the best option would be to reject all the bids and authorize the General Manager and General Counsel to negotiate an acceptable contract with the low bidders, starting with Trillium.

Following questions from the Board, Mr. Weir stated that the Board has already approved the project up to the cost of the second low bidder and as such the contract would not need to come back to the Board as long as the final cost was within the parameters of the approved project cost. He further stated that it was their intent to hold Trillium to their bid price and only negotiate specific terms and conditions of the original contract. He anticipated that the negotiations could be concluded in approximately one week.

Director Goel motioned, seconded by Director Carling, to reject all bids and authorize the General Manager to negotiate the procurement on terms acceptable to LAVWMA starting with the low bidder and moving to the next highest bidder if unable to reach a mutually acceptable agreement.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

8. Consider Adopting a Resolution Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions

General Counsel Barnhill described this issue, including the expiration of the Governor’s Executive Order that temporarily allowed remote meetings, the recent passage of AB 361 allowing public agencies to continue to meet remotely provided that certain findings (describing the health and safety reasons justifying remote participation) can be made, and an order from the Contra Costa County Public Health Department recommending that public meetings be held remotely to reduce the spread of COVID-19. The end result is that, so long as the findings can continue to be made, remote meetings will be allowed until January 1, 2024, when AB 361 will sunset. A resolution similar to the one proposed making the necessary findings will need to be approved at each regular meeting and some minor changes in the procedures for accepting public comments will be required.

Director Bonanno motioned, seconded by Director Goel, to approve Resolution No. 21-08 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

9. Matters From/For Board Members

There were no matters from the Board.

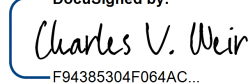
10. Next Regular Board Meeting, Wednesday, November 17, 2021 at 6:00 p.m.

Following discussion, the Board decided to have a remote meeting in November. The Board also asked that an item to consider the permanent location of regular meetings be added to the agenda.

11. Adjournment

There being no further action, Chair Johnson adjourned the meeting at 5:38 p.m.

Minutes Approved by the Board November 17, 2021.

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Charles V. Weir
General Manager