



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: September 13, 2022

Subject: Contract with Exponent for Services of Dr. Susan Paulsen, Water Resources Consultant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute on behalf of the County and the Contra Costa County Water Agency, a contract with Exponent, Inc., in an amount not to exceed \$50,000 to provide water resources consulting connected with the State of California's Delta Conveyance Project, for the period ending December 31, 2023, and to execute a reimbursement agreement with Solano County that requires each county to pay one half of Exponent's charges.

FISCAL IMPACT:

The \$50,000 cost will be funded by the Contra Costa County Water Agency. Because Exponent's work also will benefit Solano County, Solano will reimburse one half of Exponent's charges, up to \$25,000.

BACKGROUND:

The Department of Conservation and Development will contract with Exponent Inc. for the services of Susan Paulsen, Ph.D, PE, who will provide expert scientific review on the draft environmental impact report for the State of California's Delta Conveyance Project (DCP). Dr. Paulsen has extensive knowledge of California water supply issues, including expertise

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **09/13/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 13, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Ryan Hernandez (925)
655-2919

cc:

in hydraulics, water quality and water quality modeling specific to the Sacramento San Joaquin Delta. Dr. Paulsen's preparation of comments on the DCP is an essential part of the County's response to the State's latest version of the Delta tunnel project. Without Dr. Paulsen's expertise, the County's interests in water quality in the west Delta would not be adequately represented during the environmental phase, and potentially future phases, of the DCP.

The Department's contract will include a maximum payment limit of \$50,000, and an approximately 18-month term that will run through December 31, 2023, to ensure the County retains expertise in water resources for the review and comment on the DCP's draft environmental impact report. Changes to the County's general conditions related to insurance and indemnity have been reviewed and agreed to after seeking concurrence from Risk Management and County Counsel. The indemnity provision now requires the County to indemnify Exponent for any liabilities arising from the use or non-use of Exponent's work product. The insurance provisions now require Exponent to provide professional and comprehensive general liability policies, each with a policy limit of \$500,000, and automobile coverage with a policy limit of \$500,000. Based on the scope and nature of the work described in the service plan, the changes are determined to be reasonable and there is little risk to the County associated with these changes.

BACKGROUND: (CONT'D)

Solano County has water quality and other interests related to the tunnel project that overlap with Contra Costa County's interests. The two counties have worked cooperatively during earlier iterations of the tunnel project, including by sharing expert and consultant costs. Under a reimbursement agreement, Solano County will reimburse the County for one half of Exponent's charges. Solano's share of Exponent's charges will initially be capped at \$25,000, and any increase in that reimbursement limit would require an amendment to the agreement. The reimbursement agreement provides that the Director of Conservation and Development, or designee, is authorized to execute amendments to increase Solano's reimbursement limit, provided that no other changes are being made to the agreement. The reimbursement agreement will require each party to indemnify and defend the other party from liabilities that arise from the negligence or willful misconduct of the indemnifying party.

CONSEQUENCE OF NEGATIVE ACTION:

The Department does not currently contract with a water resources technical expert since the retirement of Dr. Denton. Failure to approve the contract leaves the Department without critical expertise in water resources during environmental review of the Delta Conveyance Project. Failure to approve the reimbursement agreement would require the County to bear the entire cost of Exponent's services.