



**SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION**

City and County of San Francisco

**London N. Breed**  
Mayor

**MINUTES**

**Tuesday, February 23, 2021**

**1:30 P.M.**

(Approved March 9, 2021)

This meeting was held by Teleconference Pursuant to the Governor's Executive Order N- 29-20 and the Twelfth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

**Commissioners**

Sophie Maxwell, President  
Anson Moran, Vice President  
Tim Paulson  
Ed Harrington  
Newsha Ajami

**Michael Carlin**  
Acting General Manager

**Donna Hood**  
Secretary



1. Call to Order

*President Maxwell called the meeting to order at 1:32 PM.*

2. Roll Call

*Present: Maxwell, Moran, Harrington and Ajami*

*The Commission Secretary stated that items 5, 14 and 19 were removed from the agenda. She noted the reason for Closed Session being heard first on the agenda and then read items to be heard during Closed Session prior to calling for public comment.*

*Commissioner Paulson arrived at 1:36 PM.*

3. Public comment on matters to be addressed during Closed Session

- *Francisco DaCosta asked that the Commission do the right thing and speak truth to power.*

4. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel

*On Motion to assert the attorney-client privilege:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

*The Commission entered Closed Session at 1:38 PM.*

*Present in Closed Session: All items – Commissioners Maxwell, Moran, Paulson, Harrington and Ajami, Michael Carlin, Acting General Manager, Francesca Gessner, Deputy City Attorney, Eric Sandler, Chief Financial Officer, Donna Hood, Commission Secretary, and Lee Sayao, SFPUC IT; Item 5 – Greg Yee, SFPD, Gary Price, SFPD, Ramsey Williams, SFPUC IT, and Ken Salmon, SFPUC IT; Item 6 – Ellen Levin, SFPUC Water Enterprise, Nicholas Whipps, Deputy City Attorney; Item 7 – Steve Ritchie, SFPUC Water Enterprise.*

5. THREAT TO PUBLIC SERVICES OR FACILITIES – San Francisco Administrative Code Section. 67.10(a) and Cal. Govt. Code § 54954.5(e). San Francisco Deputy Police Chief Greg Yee and Gary Price, Director of IT Architecture, Operations and Safety, San Francisco Police Department

6. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation as Petitioner per California Government Code 54956.9(d)(4) and S.F. Admin Code 67.10(d)(2)

7. CONFERENCE WITH LEGAL COUNSEL – Pursuant to California Government Code, Section 54956.9(d)(2), and San Francisco Administrative Code, Section 67.10(d)(1)

Unlitigated Claim

Sharon Eastman v. City and County of San Francisco

Unlitigated File No.: 18-03043

Date Filed: 06/20/2018

Proposed settlement with City to pay claimant \$99,000 and claimant to release all claims. (Resolution 21-0025)

8. Conference with Legal Counsel – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1) Conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 9-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL 19-38- 000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18- 1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703- 000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; and California Public Utilities Commission Case No. R.19-09-016, filed January 10, 2019

*The Commission exited Closed Session at 2:54 PM.*

9. Announcement following Closed Session

*President Maxwell announced that the Commission recommended the Board of Supervisors resolve and settle the unlitigated claim for item #7.*

10. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)

*On Motion not to disclose discussions during Closed Session:*

*Ayes: Present: Maxwell, Moran, Paulson, Harrington and Ajami*

*The Commission Secretary re-announced that items 14 and 19 were removed from the agenda.*

11. Approval of the Minutes of February 5, 2021 Special Meeting and February 9, 2021 Regular Meeting

*No public comment.*

*On Motion to approve the Minutes of February 5, 2021 Special Meeting:*

*Ayes: Present: Maxwell, Moran, Paulson, Harrington and Ajami*

*On Motion to approve the Minutes of February 9, 2021:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

12. General Public Comment

- *Peter Drekmeier, Tuolumne River Trust, discussed the SFPUC's file for petition for reconsideration with State Water Board to rescind water quality certification for the Don Pedro and La Grange Dam Projects. He expressed concern with information the SFPUC provided to BAWSCA to prepare their Urban Water Management Plan. He requested the item be agendized. He thanked President Maxwell for her statement regarding public comment.*
- *Eileen Boken discussed Assistant General Manager Ritchie's April 18, 2019 presentation to SPUR (The Bay Delta and the Future of Our Water Supplies). She indicated there is no audio or video of the presentation and requested a hearing on the subject.*
- *Francisco DaCosta expressed confusion with the numbering of the agenda items. He discussed President Maxwell's request for civility when giving public comments.*
- *Thomas Busse provided written comments regarding the Swan Lake pumped hydro project in Southern Oregon and that it is an ideal investment for the SFPUC Community Choice Aggregation Program.*

13. Communications

- Advance Calendar
- Contract Advertisement Report
- Correspondence Log
- Sewer Inspection and Replacement Program Update
- Water Supply Conditions Update

*Acting General Manager (GM) Carlin responded to an inquiry from Vice President (VP) Moran about the scheduling of the third water workshop and the green infrastructure workshop.*

*No public comment.*

*The Commission Secretary re-announced that item 14 was removed from the agenda.*

14. Presentation by KPMG LLP, of the Audited Financial Statements of SFPUC enterprises for FY 2019-20, detailing and summarizing the audit process, test work and audit options for the Water Enterprise, Wastewater Enterprise, and Hetch Hetchy Water & Power Enterprise, including CleanPowerSF.

15. Presentation by the City's Department of Human Resources (DHR) of the four highest scoring respondents to DHR's informal solicitation from a pre-qualified pool for a firm to recruit candidates for the SFPUC General Manager, and possible action by the Commission to select a recruiting firm and authorize DHR to engage the selected firm to perform the recruitment for an amount not-to-exceed \$100,000 and a duration of not-to-exceed one year.

*Kate Howard, San Francisco Department of Human Resources, briefly reviewed the eight steps to executive recruitment. She indicated four firms were responsive to the proposal: Alliance, Bob Murray, CPS-HR, and Hawkins, She indicated they all have experience recruiting for large urban environments, have experience and approach recruiting a diverse talent pool, provided additional cost amounts (if any) for stakeholder meetings, and provided sample recruitment brochures. She noted each firm's professional service fee, fee for additional stakeholder meetings, timeline to finalist interviews, experience with City and County of San Francisco / utilities recruitments, and diversity experience.*

*President Maxwell stated that both Hawkins and Alliance stood out for her, but that Hawkins has experience with recruitments for the San Francisco Airport and Library. She noted they also have recruitment for the General Manager for the Metro Water District in Southern California and are already in touch with those experts in the field. She noted Alliance does good work, but Hawkins seems more diverse with women and people of color.*

*Commissioner Ajami agreed with President Maxwell that Hawkins' work with Metro Water will be of benefit to the GM Search.*

*VP Moran concurred with comments made by President Maxwell and Commissioner Ajami.*

Public Comment

- *Francisco DaCosta stated the headhunters do not do a good job and that the Commission has blindfolds. He stated there are no morality, standards or leadership.*

*On Motion to select Hawkins as the firm to conduct the General Manager search:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

16. Report of the General Manager

a) Quarterly Audit and Performance Review Report

*Charles Perl, Deputy Chief Financial Officer (CFO) presented the report. He indicated there are 25 audits and assessments year-to-date (36% in progress, 32% complete, 28% upcoming, and 4% cancelled). He reviewed audits completed and reports issued. CFO Perl highlighted the FY 2018-19 Wholesale Revenue Requirement, an annual audit required by the Water Supply Agreement with wholesale customers that reviews allocation of operating and capital costs to retail and wholesale water customers, and reviewed findings indicating the SFPUC concurs with findings.*

*He offered a FY 2020-21 third quarter current outlook noting performance and financial audits that are completing and upcoming.*

*Commissioner Moran noted the audit program is necessary to maintain trust. He indicated the table of aging audits was missing from the report. Deputy CFO Perl stated that there are currently no outstanding recommendations, but that he will indicate if that is the case in future reports.*

#### Public Comment

- *Francisco DaCosta stated emphasis needs to be put on community benefits and he noted the Controller's audit. He discussed the increasing cost of the Sewer System Improvement Project.*

#### b) Quarterly Budget Status Report

*Laura Busch, SFPUC Budget Director, began the report noting (1) positive net operating results for Water and Power Enterprises and negative for Wastewater and CleanPowerSF, (2) personnel savings projected in the three enterprises and CleanPowerSF due to vacancies, (3) water debt refinancing provided debt service savings, (4) one-time benefit from close-out of capital/programmatic projects to replenish fund balance, and (5) financial results projected to exceed or meet policy targets for coverage and reserves.*

*Director Busch reviewed FY 2020-21 Water budgetary variances – net operating result \$0.8M; Wastewater budgetary variances – net operating results (\$5.4M); Power budgetary variances – net operating results \$15.5M; and CleanPowerSF budgetary variances – net operating results (\$6.5M). She concluded with a summary of key financial ratios (fund balance reserve and debt service coverage reserve) for each enterprise and CleanPowerSF.*

*Director Busch and Eric Sandler, CFO, responded to a question from Commissioner Ajami as to whether the SFPUC has any idea how the changes are going to hold and if any forecasts have been done regarding changes in use and consumption given increasing work-at-home.*

*Acting GM Carlin responded to a follow-up question from Commissioner Ajami as to whether there is strategic budget planning in the event there happens to be another pandemic in the next five years. CFO Sandler noted there are several organizations looking at regional recovery forecasts.*

*Commissioner Harrington noted that CleanPowerSF is dipping into their rate reserve due to PG&E's continually changing things at the California PUC. CFO Sandler indicated it will be addressed at the next CleanPowerSF rate adjustment.*

*Acting GM Carlin responded to a question from President Maxwell as to whether there is any funding in the next COVID relief package for public utilities and how it is dispersed.*

*President Maxwell requested that at the appropriate time the Commission receive a presentation on economic recovery study efforts (e.g. SF Controller, Bay Area Council, etc.) and implications for SFPUC consumption forecast.*

*No public comment.*

- c) Update on December 2018 Bay Delta Plan Amendment and Voluntary Agreement Negotiations with the State  
*Acting GM Carlin stated staff are working to move forward and for the third workshop on water supply and demand.*

*No public comment.*

- d) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements  
*None.*

17. New Commission Business

*Commissioner Ajami requested staff prepare a memorandum as to the status of the bill before the California Legislature regarding the statewide water affordability assistance program.*

*No public comment.*

*VP Moran and Commissioner Harrington requested that item 18b be pulled for discussion.*

18. Consent Calendar:

- a) Approve the award of a five-year lease to Dorian 230, Inc., a California corporation, with a financial guarantee by affiliate Harman Management Corporation, a Utah corporation, for use of an approximately 2,848 square-foot restaurant building plus common areas at 950 El Camino Real, in Millbrae, California, at an initial annual Base Rent of \$129,600 (\$10,800 per month). The proposed lease includes two one-year conditional options to extend the lease term, for a total potential lease term of seven years and total potential revenue of \$952,991. ([Resolution 21-0026](#))

*No public comment.*

*On Motion to approve Consent Item 18a:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

- b) Approve Amendment No. 1 to Agreement No. PRO.0049, High Efficiency Toilet Direct Install Program, with Bottom Line Utility Solutions, to provide replacement of inefficient toilets and other plumbing devices with high-efficiency models for residential customers in the San Francisco Public Utilities Commission's retail service area; and authorize the General Manager to

execute this amendment, increasing the agreement duration by four years, for a total duration of eight years, with no change to the agreement amount. (21-0027)

*Steve Ritchie, AGM Water, stated the request is for a time extension only. He indicated there are funds remaining and there is more market for toilet replacement.*

*Commissioner Harrington noted his affection for the program and that it combines conservation with equity. He expressed concern that the program will end with money remaining and wants to ensure that everything possible has been done to install as many toilets as possible. He noted the possibility of adding additional money to the program if there is need. He discussed the availability of SFPUC grant and rebate programs and noted who qualifies for those programs.*

*AGM Ritchie indicated that due to the length of time the program has been in existence, market penetration is high.*

*Julie Ortiz, Project Manager, stated they are always looking for opportunity to install additional toilets. She noted the citywide saturation rate for efficient toilets is at approximately 80% but there is opportunity with the remaining 20% .*

*Ms. Ortiz responded to a question from VP Moran as to whether the vendor is capable of the work of doubling the number of installations in the next increment and asked if there were any obstacles faced during the first phase.*

*Ms. Ortiz responded to a question from Commissioner Ajami regarding penetration with multi-family, small commercial business and restaurants, and if program mapping has been conducted for data tracking. President Maxwell requested to see the tracking information.*

*Commissioner Harrington stated that if funds run out prior to the end of the need, that staff return to the Commission to request additional funding.*

*Acting GM Carlin noted that water rebates are taxable, and that staff have been working with a national coalition to get it into a stimulus program and make it attractive to a broader audience.*

#### Public Comment

- *Francisco DaCosta stated that clean water shouldn't be used to flush toilets. He asked for a report on water pipeline upgrades and stated that a needs assessment should be conducted on leaky pipes.*

*On Motion to approve Consent Item 18b:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

*The Commission Secretary re-announced that item 19 was removed from the agenda.*

19. Adopt revisions to the San Francisco Public Utilities Commission Contract Delegation Matrix previously adopted by the Commission in 2009 per Resolution No. 09-0017 (1) delegating authority to the General Manager to directly award, execute, and amend certain types of contracts, grants, and other agreements, and (2) establishing rules for which types of Commission actions on contracts, grants and other agreements are heard on the Commission's Consent Calendar versus the Regular Calendar.
20. Authorize the General Manager to execute a "Pilot Project Memorandum of Understanding" with the Modesto Irrigation District (MID), Turlock Irrigation District (TID), and United States Fish and Wildlife Service regarding the parties' intention for cooperation and funding of early implementation of habitat improvement projects on the lower Tuolumne River prior to issuance of a new Federal Energy Regulatory Commission license for the Don Pedro Project and an original license for the La Grange Project; and delegate authority to the General Manager to negotiate and enter into a separate agreement with MID and TID in an amount not-to-exceed \$1,500,000 to fund planning and design only of potential habitat improvement projects and return to Commission following completion of environmental review for potential authorization to construct any such projects. ([Resolution 21-0028](#))

*Ellen Levin, Deputy Manager, Water, introduced the item. She responded to questions from VP Moran (1) what are the anticipated implementation actions, (2) what is the timeline for actions, and (3) what is the expectation as to additional flow levels that will be required to make the test meaningful.*

*Commissioner Moran noted that the Commission has been on record for a couple years looking for early implementation of some of the projects included in the Voluntary Agreement and that time is running out for early implementation. He noted outcomes from the workshops as to whether predator control works. He expressed support for a pilot test and requested that flows not be taken off the table.*

*Commissioner Moran read two proposed to amendments to the resolution, to be inserted before the last resolved clause:*

- 1. FURTHER RESOLVED, That this Commission urges the parties to proceed with a sense of urgency; and be it*
- 2. FURTHER RESOLVED, That this Commission urges the parties to size proposed projects and to provide appropriate related flows so as to ensue a robust and meaningful test of proposed actions; and be it*

#### Public Comment

- Tom Francis, BAWSCA Water Resources Manager, expressed support for the item. He indicated BAWSCA member agencies rely on the San Francisco Regional Water System to provide a majority of their water supply and that securing the new FERC license is critical to maintaining that supply. Full written comments were provided.*
- Peter Drekmeier, Tuolumne River Trust, expressed appreciation for Commissioner Moran's comments, to staff for moving the item forward, and to BAWSCA for their support. He discussed the SFPUC's \$2M contribution to the Dos Rios Project. He discussed an early implementation project.*

*On Motion to approve the proposed amendments to Item 20:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

*On Motion to approve Item 20 as amended:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

21. Approve the General Manager's February 8, 2021 determination under San Francisco Administrative Code Section 6.23(c)(1) that neither further outreach efforts nor removal or modification of certain requirements in the contract would likely result in contractors submitting responsive bids for Contract No. DB-121R2, Moccasin Powerhouse Generator Rehabilitation Project, and authorize the General Manager to negotiate an agreement with any qualified firm(s), and if such negotiations are successful, to return to Commission for authority execute such agreement. ([Resolution 21-0029](#))  
*Greg Lyman, Construction Contract Manager, introduced the item and requested approval. In response to a question from President Maxwell, Mr. Lyman indicated two of the most outstanding issues are indemnification and limited liability, which he briefly discussed.*

*AGM Ritchie responded to a question from President Maxwell as to whether there is a "Plan B" and whether there is a back-up generator available.*

*No public comment.*

*On Motion to approve Consent Item 21:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

22. Authorize the General Manager to execute a Project Partnership Agreement with the Army Corps of Engineers (ACOE) for the construction of the Ocean Beach Beneficial Use of Dredged Materials Project to place sand dredged from the San Francisco Main Shipping Channel against the bluff along a 3,000-foot stretch of Ocean Beach south of Sloat Boulevard, for an amount not-to-exceed \$2,800,000 and a duration of two years. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. ([Resolution 21-0030](#))  
*Anna Roche, Project Manager, indicated this is a three-phase project, one of which is a partnership with the ACOE to design and construct or place dredged materials from the San Francisco main shipping channel at Ocean Beach between Sloat Boulevard and Fort Funston. She stated the design portion on March 18, 2018 via Resolution 18-0040, and that work is complete.*

*Commissioner Moran noted that this project has been in the works for over 10 years and that it is good to see it come to fruition.*

*Ms. Roche responded to a question from Commissioner Moran as to the frequency required for sand replacement; a question from President Maxwell as to the other phase and what happens if there is a large storm; and a question from Commissioner Ajami as to options if a seawall is not wanted.*

### Public Comment

- *Eileen Boken noted when the Monterey Bay National Marine Bay Sanctuary was established the waters off Ocean Beach were designated as an exclusion area (donut hole). She discusses the reasons for the exclusion and related issues.*

*On Motion to approve Consent Item 22:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

23. Approve the plans and specifications, and award Contract No. WW-645R, Westside Pump Station Reliability Improvements, in the amount of \$48,328,300, with a duration of 1,020 consecutive calendar days, to the responsible bidder that submitted the lowest responsive bid, Anvil Builders, Inc., to provide redundant electrical power service feeds, replacement of essential wastewater process mechanical and electrical equipment, ancillary structural, ventilation, plumbing and instrumentation and control improvements, as well as construction of a new electrical building. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. ([Resolution 21-0031](#))  
*Brian Carlomagno, Project Manager, discussed the contract and indicated that contract completion is weather dependent and delay in contract award may jeopardize critical sequencing necessary to complete work during dry weather while the pump station remains in operation. He indicated the original contract, WW-645, was bid in December 2018 and was cancelled due to bids received being significantly over the engineer's estimate. He stated a Request-for-Qualification's was advertised in January 2020 with 10 applications received and pre-qualification of eight applicants. He indicated a Request-for-Bids was opened on November 10, 2020 with three of the eight pre-qualified firms submitting bids: Thompson Builders Corporation, Anvil Builders Incorporated, and Western Water Constructors.*

*He noted that after the bids, protest letters against Thompson Builders were received from Anvil Builders and Western Water Constructors protesting that Thompson Builders was non-responsive to the Contract Monitoring Division's (CMD) Local Business Enterprise (LBE) requirements. Anvil Builders also alleged that Thompson Builders failed to comply with SFPUC's procedures for substitution. Mr. Carlomagno stated that Thompson Builders provided a response to the protests. He indicated that after the SFPUC made multiple requests for supporting information from Thompson Builders, the CMD was unable to make a clear determination on Thompson's LBE subcontracting participation requirements. He stated that CMD determined that Thompson Builders' bid was non-responsive for failing to meet the good-faith outreach requirements.*

*Mr. Carlomagno indicated a protest letter was also received against Anvil Builders from Western Water Constructors protesting that Anvil's bid was non-responsive to the minimum qualifications. Mr. Carlomagno indicated that Anvil Builders provided response to the protest letter. After the review of the protest response and rebuttal, CMD, in consultation with the City Attorney's Office, denied the protest and determined that Anvil Builders was the responsible bidder submitting the lowest bid. He stated that staff recommends contract be award to Anvil Builders.*

*Commissioner Moran noted that Thompson Builders provided a letter prior to the last meeting as well as prior to the meeting of today, claiming that Anvil Builders also did not meet the good-faith effort standard. He noted a letter was received from CMD stating that Anvil Builders and Thompson Builders were asked for supplemental information at the same time and that Thompson Builders did not able to come up with more information than Anvil Builders. In response to a question from VP Moran as to whether the issues has been resolved and that Anvil Builders did not receive any disparate or preferential treatment, Tyson Arbuthnot, Deputy City Attorney, stated that it is the conclusion of the City Attorney's Office that the CMD acted appropriately and based on its representations that it did go back and make Anvil Builders confirm that it complied with the good-faith outreach requirements of the RFP.*

*Deputy City Attorney Arbuthnot responded to a follow-up from Commissioner Moran that there was a suggestion that supplemental info provided by Anvil was provided "after the fact" and asked if the City Attorney had an opinion. Mr. Arbuthnot responded he had not seen the recent letter or allegations. Romulus Asenloo, Director, CMD, stated that all submitted letters were reviewed by CMD and that they stand by their determination that Anvil Builders was compliant and that based upon the fact log, phone logs and time-stamped logs there was no reason not to believe the information as submitted.*

*Mr. Romulus responded in the affirmative to a question from President Maxwell that all information was received in a timely manner.*

*President Maxwell noted it is an involved process and that it is obligation of the Commission to obtain information.*

*Commissioner Paulson noted the need to rely on staff ability to do their job and to trust their work.*

#### Public Comment

- Paul Thompson, Thompson Builders, indicated a letter was submitted earlier in the day. He requested that the Commission, in the interest of fairness and transparency, delay the award of the contract. He stated that the contract is significant, and that Thompson Builders was the low bid. He indicated Thompson submitted a freedom of information request on February 5 for Anvil's bid documents and noted documents were received on February 17 but critical information was withheld from request. They submitted another request for omitted information which was received on February 22. He indicated they provided a response and asked that the Commission be transparent and forthright.*
- Kevin Esperger, Anvil Builders, stating that there is no discussion regarding the determination of a non-responsive bid by Thompson Builders, due to their lack of inadequate good faith, and lack of meeting LBE requirements. He stated Anvil Builders made the LBE requirements and Thompson Builders did not meet LBE requirement goals. He indicated they are experienced and knowledgeable in the process.*

*In response to a question from Commissioner Harrington, Jason Chow, CMD, confirmed that Anvil Builders met the LBE goals all along.*

*On Motion to approve Consent Item 23:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

24. Adjournment

*President Maxwell adjourned the meeting at 5:05 PM*

