



GENERAL MANAGER  
Jim Barrett

ASSISTANT GENERAL MANAGER  
Robert Cheng

April 2, 2019

The Honorable Sharon Quirk-Silva  
California State Assembly  
State Capitol, Room 6012  
Sacramento, CA 95814

**RE: Assembly Bill 626 – SUPPORT**

Dear Assemblywoman Quirk-Silva:

Coachella Valley Water District (CVWD or District) supports Assembly Bill 626, related to Government Code §1090. CVWD was formed in 1918 to protect and conserve local water sources. Since then, the District has grown into a multifaceted agency that delivers irrigation and domestic (drinking) water, collects and recycles wastewater, provides regional storm water protection, replenishes the groundwater basin and promotes water conservation.

Public agencies and special districts such as CVWD are experiencing an alarming contracting issue when seeking to partner with private engineering and architectural firms on public work infrastructure projects.

When CVWD requests a proposal to contract with some engineers and architects, the District is finding these professionals are increasingly – and inappropriately – subjected to the terms of California Government Code §1090 through a narrow interpretation of that section by the courts and the Fair Political Practices Commission. As a result, well-qualified firms are being precluded from even bidding on subsequent phases of work if they had any involvement in an earlier phase of the project. Some argue the District should simply put out an RFP for a complete design-build contract. However, for some projects, a contract of such a large size and scope may be infeasible. Dividing some projects up into phases makes more sense for managing the District's resources.

Engineers and architects conceive, design, and build the state's infrastructure projects and systems, including the District's water treatment and distribution systems. Public safety is the top consideration when CVWD contracts for work on its systems, which serve drinking water to and transport wastewater from hundreds of thousands of homes and businesses in the Coachella Valley. It is unacceptable that CVWD or any similarly situated agency or district could potentially be prohibited from hiring the best qualified firms, because of a narrow reading of Government Code §1090. This issue came to the fore for CVWD several years ago when the District's counsel advised against accepting a bid from the best qualified firm because that same firm had participated in the design phase of the project.

Public agencies, municipalities and special districts should be free to choose through a competitive process who the most qualified firm is to partner with, to deliver projects, and on what scale to scope projects. Thank you for your leadership in addressing this issue and working toward a solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Johnson". The signature is fluid and cursive, with the first name "Kristen" being more prominent than the last name "Johnson".

Kristen Johnson, J.D.  
Government Affairs Specialist

cc: Mr. Ethan Jones, Chief Consultant, Assembly Committee on Elections and Redistricting  
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