

# AGENDA

## Denver Board of Water Commissioners

Video Conference: <http://zoom.us/join>, Meeting ID: 910 5755 4424 - Passcode: 220819 or

Dial in (669) 900-6833 - Meeting ID: 910 5755 4424 - Passcode: 220819

**Wednesday, March 10, 2021 9:00 a.m.**

---

### I. INTRODUCTORY BUSINESS

#### A. Call to Order and Determination of Quorum

#### B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the Board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the Board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

#### C. Ceremonies, Awards and Introductions

1. Downtown Mains – Colorado Contractor’s Award      Erik Holck                      5 minutes

#### D. Legislative Update    Lauren Morales                      5 minutes

### II. ACTION ITEMS

#### A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Minutes from February 10, 2021
2. Minutes from February 24, 2021
3. Reappointment to the Citizens Advisory Committee – Denver Citizen Representative
4. Fourth Amendment with Tetra Tech for Gross Reservoir Expansion Environmental Planning Services (Permitting Support) – Contract 503641
5. Sixth Amendment with Restoration Logistics for Emergency Water Damage Clean Up – Contract 501437

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect



6. First Amendment to Intergovernmental Agreement with East Cherry Creek Valley Water and Sanitation District – Agreement 504702
7. 24/7 Managed Detection & Response Services – Agreement 10372

**B. Individual Approval Items**

**III. POLICY MATTERS**

**IV. EXECUTIVE UPDATE**

- A. CEO Update**
- B. CFO Update**
- C. Operations Update**

**V. BRIEFING PAPERS & REPORTS**

- A. Briefing Paper**
- B. Report**

**VI. ADJOURNMENT**

**VII. TRUSTEE MATTERS**

**VIII. EXECUTIVE SESSION**

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

- A. Confidential Report**

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 10, 2021

Board Item: II-A-3

## Reappointment to the Citizens Advisory Committee Denver Citizen Representative

Action by Consent

Individual Action

### **Purpose and Background:**

Denver Water's Citizens Advisory Committee (CAC) is a 10-member volunteer committee that advises Denver Water staff and the Board of Water Commissioners on a variety of issues while encouraging and coordinating public participation in the organization's policymaking process.

The CAC was created because of the 1979 Foothills Agreement that, among other terms of the agreement, required Denver Water to form a citizens group charged with representing public interests in specific categories of stakeholder groups. The CAC is required to have three Denver citizen representatives and recommends candidates to the Board. The Board has appointing authority for the CAC.

CAC members are appointed for one three-year term, with the opportunity to serve a second three-year term if recommended by the CAC and approved by the Board. Emily Orbanek, parks and wildlife manager for Great Outdoors Colorado, has completed her first term as the one of the CAC's Denver citizen representatives and has expressed interest in serving a second term. The CAC voted unanimously to recommend Ms. Orbanek for a second term, which would go through the end of 2023. Her biography is attached.

### **Budget and Schedule:**

There is no budgetary impact for this item.

### **Recommendation:**

Staff recommends the Board appoint Emily Orbanek for a second three-year term for the Denver citizen representative position.

### **Approvals:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager   | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer          |
| <input type="checkbox"/> Julie Anderson, Chief of Staff              | <input checked="" type="checkbox"/> Mike King, Chief External Affairs Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel           | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer         |
| <input type="checkbox"/> Angela C. Bricmont, Chief Financial Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer            |

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect



# Emily Orbanek Biography



Emily Orbanek represents Denver residents. A native of the Western Slope, Emily has lived in Denver since 2014. She is the parks and wildlife program manager for Great Outdoors Colorado (GOCO). She is responsible for managing the relationship with GOCO's largest partner, Colorado Parks and Wildlife. Parks and Wildlife receives half of GOCO's annual funding, about \$35 million. In her role, Emily works with a cross section of the agency, from the governor-appointed Colorado Parks and Wildlife Commission, to the leadership team, to the regional and field staff. She encourages strategic funding decisions to achieve joint priorities for both agencies. Prior to GOCO, Emily worked on federal public lands campaigns in southwest Colorado after spending two years in El Pomar Foundation's Fellowship program where she worked with communities across the state to solve regional issues. She spends as much time as she can in the great outdoors, fly fishing, backpacking, and chasing big game in the fall.

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 10, 2021

Board Item: II-A-4

## Fourth Amendment with Tetra Tech for Gross Reservoir Expansion Environmental Planning Services (Permitting Support) Contract 503641

Action by Consent

Individual Action

### **Purpose and Background:**

Tetra Tech, Inc. was contracted in 2018 to support Denver Water in preparing, reviewing, and coordinating with outside agencies for work associated with environmental permitting for the Gross Reservoir Expansion project. Specifically, Tetra Tech, Inc. has provided services related to two project elements: providing planning services of the Tree Removal Plan and developing a 1041 permit application for Boulder County. The development of the Tree Removal Plan was completed under a separate competitively procured contract (503863) and has since been closed. Contract 503641 for environmental planning services is an open contract through Denver Water's General Engineering On-Call program to support the 1041 permitting effort.

Denver Water has requested Tetra Tech, Inc. assist with updating the Tree Removal Plan, provide assistance with the Quarry Operation and Reclamation Plans, and the Traffic Management Plan. These plans are required to be submitted to the Federal Energy Regulatory Commission (FERC) by July 16, 2021 and are closely tied to ongoing coordination and 1041 permitting efforts with Boulder County.

The purpose of this board item is to execute the Fourth Amendment with Tetra Tech, Inc., to fund support of the referenced FERC compliance plans.

### **Budget and Schedule:**

The total amount of this amendment is \$84,600 and it extends the term through December 31, 2021. Funds for this amendment will come from the 2021 budget for Gross Reservoir Expansion business unit, which has sufficient funds to pay the \$84,600 estimated to be needed in 2021. A table showing the history of amendments is below.

Item	Cost	Description	Notes
Original Contract	\$74,733	Environmental Planning Services	Approved September 26, 2018
First Amendment	\$20,000	1041 Document Review	Approved April 1, 2019
Second Amendment	\$107,550	2019 – 1041 Document Finalization	Approved May 2, 2019
Third Amendment	\$50,040	2020 – 1041 Document Updates and Submittal	Approved August 5, 2020
Fourth Amendment	\$84,600	Permitting Support (FERC Compliance)	For Board Approval on March 10, 2021
<b>Total Amount:</b>	<b>\$336,923</b>		

### **Selection of Business Partner:**

Tetra Tech was selected through Denver Water's General Engineering Services On-Call program based on their specific experience with Boulder County's 1041 review process.

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect



**S/MWBE Information:**

A Minority and Women-owned Business Enterprise participation goal was not established for this contract due to need for specific staff members.

**Recommendation:**

Staff recommends that the Board approve the Fourth Amendment to Contract 503641 for \$84,600 with Tetra Tech, Inc. for Permitting Support (FERC Compliance) for an extension of the contract period through December 31, 2021 and for a total amended contract amount not to exceed \$336,923.

**Approvals:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager              | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer             |
| <input type="checkbox"/> Julie Anderson, Chief of Staff                         | <input type="checkbox"/> Mike King, Chief External Affairs Officer               |
| <input type="checkbox"/> Jessica R. Brody, General Counsel                      | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Financial Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer               |

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 10, 2021

Board Item: II-A-5

## Sixth Amendment with Restoration Logistics for Emergency Water Damage Clean Up – Contract 501437

Action by Consent

Individual Action

### **Purpose and Background:**

On May 8, 2019, the Board adopted the No-Fault Main Break Assistance Program Resolution (Program), which helps property owners and tenants whose property is damaged by no-fault main breaks. Restoration Logistics (Contractor) performs emergency water clean-up, mitigation, and restoration services to eligible properties under the Program and to other properties affected by water damage on an as-needed basis.

The request to extend this contract for time and money is based on two primary reasons. First, the Contractor is already familiar with Denver Water processes, including pandemic safety protocols. Second, amending the contract at this time decreases risks associated with onboarding a new contractor during a pandemic. As the state of Colorado moves to recovery later this summer, staff expects that this timing would be more appropriate to safely onboard a new contractor. Staff has issued a Request for Information to learn about additional claim services and anticipate having a new contract in place by September 1, 2021.

### **Budget and Schedule:**

The current amount of this contract is \$2,050,350 and the term of the contract is September 1, 2016 through March 31, 2021. Funds for this service/contract will come from the 2021 Systems and Programs budget, which has sufficient funds for 2021.

Item	Cost	Description	Notes
Original Contract	\$650,350	Emergency Water Cleanup	Approved August 24, 2016
First Amendment	\$300,000	Add money to cover damaging breaks on 12 <sup>th</sup> and Zuni	Approved July 25, 2018
Second Amendment	\$350,000	Add money to a cluster of damaging breaks in summer of 2018	Approved September 12, 2018
Third Amendment	\$435,000	Extend contract to and add money to cover 2019 estimated breaks 8/31/2020	Approved April 10, 2019
Fourth Amendment	\$315,000	Address scope change needed for clean up and add money to ensure coverage through contract period	Approved April 26, 2019
Fifth Amendment	\$0	Extend contract to 3/21/2021	Approved July 7, 2021
Sixth Amendment	\$300,000	Extend contract and add money to ensure coverage through contract period	For Board Approval on March 10, 2021
<b>Total Amount:</b>	<b>\$2,350,350</b>		

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect



**Selection of Business Partner:**

In July 2016, Denver Water issued a Request for Proposal (RFP) for emergency water damage cleanup services via the Denver Water public website, Rocky Mountain E-Purchasing System (BidNet), and direct email to the SBE MWBE chambers email list. Denver Water received nine proposals. Restoration Logistics was selected and is a Small Business Enterprise.

**S/MWBE Information:**

Emergency water damage cleanup services is a covered spend category under Denver Water's Covered Goods and Services S/MWBE program.

**Recommendation:**

Staff recommends that the Board approve the sixth amendment to Contract 501437 with Restoration Logistics for water damage clean-up for an extension of the contract period through August 31, 2021 and for an addition of \$300,000 for a total amended contract amount not to exceed \$2,350,350.

**Approvals:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager              | <input checked="" type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff                         | <input type="checkbox"/> Mike King, Chief External Affairs Officer              |
| <input type="checkbox"/> Jessica R. Brody, General Counsel                      | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer           |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Financial Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer              |



# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 10, 2021

Board Item: II-A-6

## First Amendment to Intergovernmental Agreement with East Cherry Creek Valley Water and Sanitation District – Agreement 504702

Action by Consent

Individual Action

### **Purpose and Background:**

The First Amendment (Amendment) to the Intergovernmental Agreement with East Cherry Creek Valley Water and Sanitation District (ECCV), amends Agreement 504702 (Agreement) to increase the leased non-potable raw water amount by an additional 600 acre-feet for a total maximum amount of 1,200 acre-feet, and extends the Agreement term through May 31, 2021. Except for these modifications, the terms of the Agreement will continue to control the leased water. The water that is the subject of the lease will be provided to ECCV on an as available basis as an augmentation source to create recharge accretion credits in Adams County. The recharge accretion credits will be used for the purpose of augmenting municipal well depletions in Beebe Draw in Adams County under ECCV's decrees entered in Case Nos. 02CW403, 02CW404/03CW442 and 10CW306 WD1. This lease will allow Denver Water to take advantage of excess available effluent and will not reduce Denver Water's diversions or supplies. The charge for the water will be at the current non-potable raw water rate for outside Denver Water's Service Area (Service Area). Leases of water outside of the Service Area require the lessee to pay a West Slope Charge under the terms of the Colorado River Cooperative Agreement. Because the Amendment increases the amount of temporary leased water outside of the Service Area, ECCV, Denver Water, and the Colorado River Water Conservation District will enter into an amendment to the December 16, 2020 West Slope Charge Agreement to update its terms consistent with the Amendment.

### **Budget and Schedule:**

The total amount of this Intergovernmental Agreement is up to \$469,224, which will be a receivable for Denver Water.

### **Recommendation:**

Staff recommends that the Board approve this First Amendment to Agreement 504702 with East Cherry Creek Valley Water and Sanitation District for an additional 600 acre-feet of non-potable water.

### **Approvals:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager              | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer          |
| <input type="checkbox"/> Julie Anderson, Chief of Staff                         | <input checked="" type="checkbox"/> Mike King, Chief External Affairs Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel                      | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer         |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Financial Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer            |

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect



# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 10, 2021

Board Item: II-A-7

## 24/7 Managed Detection & Response Services Agreement 10372

---

Action by Consent

Individual Action

---

### **Purpose and Background:**

Cybersecurity threats pose a continuous and evolving threat to Denver Water. A 24/7 detection and response service is necessary to ensure that the Denver Water Information Security Office is able to monitor, detect, respond to, and mitigate cybersecurity incidents at all times.

### **Budget and Schedule:**

The total amount of this contract is \$319,740 and the term of the contract is April 1, 2021 through April 30, 2023. This is part of an approved project for 2021 and funds for this contract will come from IT project budget, which has sufficient funds to pay the \$159,870 to be needed in 2021. The remaining \$159,870 for this contract will be budgeted in the year 2022.

### **Selection of Business Partner:**

Denver Water issued a Request for Proposals ("RFP") on December 18, 2020, and evaluated responses based on the following criteria:

- Methodology
- Industry Experience and Expertise
- Account Implementation Schedule
- Service Level Agreement
- Professional References
- Proposal Rates
- Proof of Concept, as requested
- Acceptance of Denver Water's Preferred Contractual Terms
- Any other relevant and appropriate factors as determined by Denver Water

### **S/MWBE Information:**

The selected vendor is a Small Business Enterprise.

### **Recommendation:**

Staff recommends that the Board approve Agreement 10372 for 24/7 Managed Detection and Response services for a total contract amount not to exceed \$319,740 for the contract period April 1, 2021 through April 30, 2023.

### **Approvals:**

- James S. Lochhead, CEO/Manager  
 Julie Anderson, Chief of Staff  
 Jessica R. Brody, General Counsel  
 Angela C. Bricmont, Chief Financial Officer

- Brian D. Good, Chief Administrative Officer  
 Mike King, Chief External Affairs Officer  
 Robert J. Mahoney, Chief Engineering Officer  
 Thomas J. Roode, Chief Operations Officer

*Denver Water aspires to be the best water utility in the nation.*

Integrity :: Vision :: Passion :: Excellence :: Respect

