



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING
Tuesday, December 8, 2020
10:00 a.m.
Virtual**

Notice is hereby given that the Tuesday, December 8, 2020 Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m.

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via webinar or teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: December 3, 2020

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
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**AGENDA
Legislative/Human Resources Committee
Tuesday, December 8, 2020
10:00 a.m.
Virtual**

Location

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*Committee Members John A. Coleman {Chair}, Lesa R. McIntosh,
and William B. Patterson will participate by webinar or teleconference*

***** Please see appendix for public participation instructions*****

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update: (Dumaine)
 - State Legislative Initiatives for 2021 Legislative Year
 - Update on Legislative Issues of Interest to EBMUD
2. Contract Equity Program Annual Report - Fiscal Year 2020 (Lee)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

Legislative/Human Resources Committee Meeting
Tuesday, December 8, 2020
10:00 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

Please visit this page beforehand to familiarize yourself with Zoom.
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://zoom.us/j/99907402817?pwd=SGp6eTlVd3pDUmQyL3dFY0w2VEQrUT09>

Webinar ID: 999 0740 2817

Passcode: 394855

By Phone

Telephone: 1 669 900 6833

Webinar ID: 999 0740 2817

Passcode: 394855

International numbers available: <https://zoom.us/j/99907402817?pwd=SGp6eTlVd3pDUmQyL3dFY0w2VEQrUT09>

Providing public comment

The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:


- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded


To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: December 3, 2020

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: State Legislative Initiatives for 2021 Legislative Year

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on December 8, 2020.

BACKGROUND

Each year the Office of Intergovernmental Affairs, in consultation with the Senior Management Team, develops specific legislative initiatives for the coming year. The initiatives represent important focus areas for EBMUD and include policy areas likely to be before the legislature that have the potential to directly affect EBMUD operations and/or policies as well as proposals for EBMUD-sponsored legislation. In addition to these specific initiatives, staff assesses all legislation throughout the year for a nexus to EBMUD operations and policy objectives and will bring relevant bills to the Board for consideration, as appropriate.

NEXT STEPS

For 2021, the Office of Intergovernmental Affairs is proposing the eight legislative initiatives listed in alphabetical order below and in the summary table. Those that are carryovers from prior years are indicated. Detailed evaluations of each of the legislative initiatives are included in the attachment.

1. Board Quorum – Pursue legislation to update the statutory requirements for reaching a Board quorum to declare an emergency. This is a carryover initiative from 2020.
2. Climate Change – Advance EBMUD’s interests related to climate change and climate adaptation discussions.

3. Forest Health/Wildfire Prevention – Advance EBMUD’s interests in efforts to address forest health and wildfire preparedness, response, and recovery in the context of water service. This is an ongoing initiative.
4. Housing Fees – Seek constructive ways to protect and advance EBMUD’s interests as the legislature considers development-related fees, including capacity charges and connection fees, in the context of increasing housing supply and affordability.
5. Low-Income Ratepayer Assistance – Seek constructive ways to advance EBMUD’s interests as the administration and the legislature consider ways to provide assistance to low-income water customers.
6. Racial Equity and Justice – Look for opportunities to advance EBMUD’s interests, as outlined in the June 2020 Board resolution, as the legislature continues to consider ways to address racial equity and justice issues.
7. Wastewater Discharge – Advance EBMUD’s interests in any efforts to eliminate or reduce the discharge of treated wastewater to the ocean and bays. This is a carryover initiative from prior years.
8. Water Supply and Reliability – Protect and advance EBMUD’s interests in the context of its water supply reliability and the Mokelumne River fishery as the administration and legislature continue to contemplate water, endangered species, and Bay-Delta issues. This is an ongoing initiative.

LEGISLATIVE PROPOSAL	2021 RECOMMENDATIONS
1. Board Quorum	<p>Proceed – This proposal would authorize staff to continue to pursue legislation via an association, to eliminate the requirement that a quorum of a local agency’s governing body be present in the local agency’s service area when using teleconferencing to declare or ratify an emergency. This is a carryover initiative from 2020. This year the governor issued executive orders that suspended this requirement as well as various other public meeting requirements, to provide greater flexibility during the COVID-19 pandemic.</p> <ol style="list-style-type: none"> 1. Staff will continue to engage on this issue with local government associations to determine the support for and feasibility of advancing legislation at this time. This issue will likely be discussed in the broader context of public meeting requirements during emergencies. 2. Staff will bring relevant legislation to the Board for consideration.
2. Climate Change	<p>Proceed – Advance EBMUD’s interests related to climate change, adaptation, and mitigation as discussions in the legislature continue. The state’s response to climate change continues to be a key focus of both the legislature and administration. In 2021, discussions are expected to include potential policy initiatives as well as a climate bond or broader economic stimulus package that could include investments in the green</p>

LEGISLATIVE PROPOSAL	2021 RECOMMENDATIONS
	<p>economy.</p> <ol style="list-style-type: none"> Staff will continue to monitor discussions with particular attention on areas that have a direct nexus to EBMUD operations. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.
<p>3. Forest Health/ Wildfire Prevention</p>	<p>Proceed – Advance EBMUD’s interests as the legislature seeks to address forest health and wildfire preparedness, response, and recovery. Legislative discussions on forest health and wildfire preparedness, response, and recovery have been ongoing and will continue in 2021. Legislative oversight of the use of public safety power shutoffs (PSPS) to avoid catastrophic wildfire will likely continue as well. This initiative is an extension and consolidation of two initiatives from 2020.</p> <ol style="list-style-type: none"> Staff will continue to actively engage with the legislature and stakeholders on the issue of forest health, and bring specific legislative proposals to the Board for discussion and consideration, as appropriate, and identify potential opportunities for EBMUD to engage, particularly through its role in the Upper Mokelumne River Watershed Authority. Staff will continue to actively engage with the legislature and stakeholders on the issue of PSPS, and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.
<p>4. Housing Fees</p>	<p>Proceed – Seek constructive ways to protect and advance EBMUD’s interests as the legislature considers development-related fees, including capacity charges and connection fees, in the context of increasing housing supply and affordability. Housing-related mitigation fees, impact fees, or developer fees, include water and wastewater capacity charges and connection fees, and have received considerable attention in the legislature in the past few years.</p> <ol style="list-style-type: none"> Staff will actively seek opportunities to engage with the legislature and interested stakeholders to provide EBMUD’s perspective on potential development-related legislation pertaining to water and wastewater capacity charges and connection fees. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.
<p>5. Low-Income Ratepayer Assistance</p>	<p>Proceed – Seek constructive ways to advance EBMUD’s interests as the administration and the legislature consider ways to provide assistance to low-income water customers. The administration and legislature are likely to continue discussions on the issue of providing low-income ratepayer assistance in 2021, both in response to the economic impacts of the COVID-19 pandemic and more broadly in the context of long-term assistance needs.</p> <ol style="list-style-type: none"> As discussions occur at the legislative and administrative levels, staff will continue to engage and provide information on EBMUD’s efforts. If there are legislative proposals on this topic during 2021, staff will bring relevant proposals to the Board for discussion and consideration, as appropriate.

LEGISLATIVE PROPOSAL	2021 RECOMMENDATIONS
6. Racial Equity and Justice	<p><u>Proceed</u> – Advance EBMUD’s interests related to legislative efforts to address racial equity and justice. Racial equity and justice will continue to be a key focus for the administration and the legislature in 2021, including, but not limited to areas aligned with EBMUD’s June 23, 2020 resolution such as diversity in contracting and hiring decisions, additional police reform legislation, and addressing various forms of harassment.</p> <ol style="list-style-type: none"> 1. Staff will continue to monitor legislative discussions, engage with stakeholders, and bring relevant legislative proposals related to racial equity and justice to the Board for discussion and consideration, as appropriate.
7. Wastewater Discharge	<p><u>Proceed</u> – Continue to advance EBMUD’s interests in any legislative efforts to eliminate or reduce the discharge of treated wastewater to the ocean and bays. This issue was before the legislature twice in recent years and may be reintroduced in 2021.</p> <ol style="list-style-type: none"> 1. Staff will continue to advocate for a balanced approach that facilitates increasing the production and use of recycled water, while providing a clear path forward to overcome the significant barriers that currently exist in a manner that minimizes negative consequences for ratepayers. 2. Staff will bring specific legislative proposals to the Board for discussion and consideration, as appropriate.
8. Water Supply and Reliability	<p><u>Proceed</u> – Protect and advance EBMUD’s interests in the context of its water supply reliability and the Mokelumne River fishery as the administration and legislature continue to contemplate water, endangered species, and Bay-Delta issues. Discussions may include, but are not limited to, the Bay-Delta Water Quality Control Plan and/or implementation of voluntary agreements, and the California Water Resilience Portfolio. This is an ongoing initiative.</p> <ol style="list-style-type: none"> 1. Staff will continue to actively seek opportunities to engage with the administration and legislature to provide EBMUD’s perspective on potential legislation that could impact EBMUD’s water supply reliability and the Mokelumne River fishery. 2. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.

CCC:MD:DM/JW

Attachment

STATE LEGISLATIVE INITIATIVES – 2021

INITIATIVE # 1 – BOARD QUORUM: PURSUE LEGISLATION TO UPDATE THE STATUTORY REQUIREMENTS FOR REACHING A BOARD QUORUM TO DECLARE AN EMERGENCY

Existing law constrains the ability of a local agency governing body, such as EBMUD's Board, to reach a quorum to declare an emergency under those conditions when the requisite number of board members is outside the service area at the time of the emergency and unable to return.

BACKGROUND

The Municipal Utility District (MUD) Act requires a five-sevenths vote of all members of a seven-ward district in order to declare an emergency. Though local agencies, including EBMUD, may use teleconferencing for meetings, the Brown Act also requires that a quorum of the local agency governing body participate on the teleconference from locations within the jurisdictional boundaries of the local agency.

This would be problematic in the event of an emergency situation if more than four EBMUD Board members are outside the service area and cannot return because of the emergency. For example, if four or more Board members are out of the area during a scheduled holiday and all flights into the Bay Area are cancelled due to an earthquake or other disaster, EBMUD's Board would be unable to achieve a quorum for declaring an emergency.

Under the MUD Act, declaring an emergency allows EBMUD to take immediate action and minimize damage by suspending bid and notice requirements for contracts in order to quickly execute needed contracts, such as for the purchase of critical supplies and materials. Though EBMUD's General Manager has the authority to declare an emergency under EBMUD Policy 7.03 – Emergency Preparedness/Business Continuity – the Board is required to meet from locations within the service area within 14 days to ratify the emergency declaration, either in person or by teleconference.

This proposal would amend the Ralph M. Brown (Brown) Act in a manner that would enable EBMUD's Board, and the governing bodies of other local government agencies, to declare and ratify emergencies via teleconference from locations outside the jurisdictional boundaries of the agency.

AFFECTED PARTIES

This legislative proposal would affect cities, counties, and other special districts. Other interested parties include the associations that represent cities, counties, and special districts, and the wide array of interests that attend and/or participate in local government meetings.

LEGISLATIVE CHANGE REQUESTED

The legislative change would require amending the Brown Act to allow a quorum to be achieved through teleconferencing in emergency situations regardless of the location of the members of the governing body of a local agency.

DISCUSSION

This legislative initiative was previously approved by EBMUD's Board for 2020. Staff was in the early stages of investigating the feasibility of advancing legislation through its local government associations in early 2020, prior to the COVID-19 pandemic emergency. On March 4, 2020, Governor Newsom declared a state of emergency due to the COVID-19 pandemic. Subsequently, the governor issued two executive orders that, in addition to temporarily addressing the quorum issue discussed above, waived certain Brown Act requirements to provide local governments with needed flexibility to conduct meetings during the pandemic. The executive order provisions remain in effect and include:

- Permitting a local body to hold a public meeting via teleconferencing and make it accessible by telephone or "otherwise electronically." All requirements requiring the physical presence of members, the clerk, or other personnel are waived.
- Suspending the requirement that a local body make a physical location available for members of the public to observe and comment from when holding a meeting via teleconferencing.
- Addressing access for individuals with disabilities and notice requirements for meetings held via teleconference.
- Suspending all requirements regarding noticing of each teleconference location, making each teleconference location accessible to the public, allowing the public to comment at each location, the posting of agendas at each location, requiring at least one member of the governing board to be present at the meeting location, and, consistent with this legislative proposal, suspending the requirement that a quorum of the governing board be located within agency's boundaries.

These executive orders have resulted in the increased use of teleconferencing to conduct local government agency meetings and have enabled members of local agency governing bodies to participate from locations outside an agency's jurisdictional boundaries.

Broader discussions are now underway among the various local government associations and the legislature aimed at evaluating whether there is a need to codify some or all of the provisions of the governor's executive orders related to the Brown Act. Given that the board quorum issue was included in the executive orders, discussions on the issue of changing statutory requirements for reaching a board quorum when using teleconferencing will, by necessity, be taking place as part of these broader discussions.

The current legislative climate with regard to local government operations is focused on both emergency preparedness as well as increasing transparency. As this proposal would change the

teleconferencing requirements that a quorum be present in the local agency's territory or service area when meeting to declare an emergency, this proposal could be perceived as moving away from transparency. It will be critical to demonstrate that this proposal is limited in scope to declarations of emergencies and is broadly supported by stakeholders.

NEXT STEPS

1. Staff will continue to engage on this issue with local government associations to determine the support for and feasibility of advancing legislation at this time. This issue will likely be discussed in the broader context of public meeting requirements during emergencies.
2. Staff will bring relevant legislation to the Board for consideration.

INITIATIVE #2 – CLIMATE CHANGE: ADVANCE EBMUD'S INTERESTS RELATED TO CLIMATE CHANGE AND CLIMATE ADAPTATION DISCUSSIONS

The state's response to climate change continues to be a key focus of both the legislature and administration. Governor Newsom advanced several executive orders in recent months to fight climate change and boost climate resilience. In addition, both the legislature and administration contemplated advancing a climate bond in 2020 though none of the efforts were ultimately successful, largely due to the financial impacts of COVID-19. Discussions on the state's response to climate change are expected to continue in 2021 and are likely to include discussions on potential policy initiatives as well as a climate bond or broader economic stimulus package that could include investments in the green economy.

BACKGROUND

Governor Newsom has reaffirmed his commitment to addressing climate change, most recently through his direction to administration officials to review and accelerate current strategies and two climate-related executive orders. Legislation will likely be needed to facilitate the implementation of these actions and develop complimentary policies. Brief summaries of the two executive orders are provided below.

- On September 23, 2020, Governor Newsom issued Executive Order N-79-20, relative to climate change. Among other things, this order directs that it is the goal of the state that all new passenger cars and trucks sold in California be zero-emission by 2035, that all medium- and heavy-duty trucks in the state be zero-emission by 2045 where feasible, and that the state transition to 100 percent zero-emission off-road vehicles by 2035 where feasible.
- On October 7, 2020, Governor Newsom issued Executive Order N-82-20, relative to biodiversity and climate change. The order states that it is the goal of the state to conserve

at least 30 percent of California's land and coastal waters by 2030. To do this, the California Natural Resources Agencies (CNRA) and other state agencies are directed to develop and report strategies to the governor no later than February 1, 2022, to achieve this goal.

On September 22, 2020, EBMUD took action to make the District's water operations carbon neutral by 2030, making EBMUD a climate leader among water agencies. In addition, EBMUD is greening its vehicle fleet, as well as increasing the use of renewable energy through the District's own generation of electricity from hydropower, solar, and biogas.

NEXT STEPS

As climate change discussions develop and continue at the administrative and legislative levels, topics with a nexus to EBMUD operations and policies are expected to be part of the conversations. Examples include the reduction of greenhouse gas emissions, water/energy nexus, workforce transition, renewable energy, carbon neutrality, vehicle technologies, and a climate bond, though it is not yet clear what the breadth and scope of the conversations will be.

1. Staff will continue to monitor discussions with particular attention on those areas that have a direct nexus to EBMUD operations.
2. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.

INITIATIVE #3 – FOREST HEALTH/WILDFIRE PREVENTION: ADVANCE EBMUD'S INTERESTS IN EFFORTS TO ADDRESS FOREST HEALTH AND WILDFIRE PREPAREDNESS, RESPONSE, AND RECOVERY IN THE CONTEXT OF WATER SERVICE

Legislative discussions on wildfire preparedness, response, and recovery have been ongoing and will continue in 2021. This initiative is a continuation and consolidation of two initiatives from 2020.

BACKGROUND

Five of the six biggest fires in California's history occurred in 2020, capping one of the biggest wildfire seasons on record. The legislature and administration are likely to focus on forest health and fuels reduction, including efforts to identify additional funding to achieve greater preparedness for wildfires. Legislative oversight of the use of public safety power shutoffs (PSPS), and the magnitude and scope of PSPS events, as well as their impacts, will be ongoing given their frequency in the later part of the 2020 year to avoid wildfires.

Forest Health

The legislature is likely to continue to discuss forest health in the context of wildfire preparedness in 2021. There is general recognition in the legislature that more action may be needed to address the issue of forest health and wildfire fuels reduction, including the need for additional funding. While legislative interest in this topic was high, very few policy bills addressing wildfire preparedness were signed into law in 2020. In addition, none of the potential climate-related bond measures advanced to the ballot due to the state's poor fiscal situation because of the COVID-19 pandemic emergency.

Continued discussions on a climate bond are anticipated in 2021 and may include funding for wildfire prevention and community resilience. This could be an avenue to provide additional grant funding opportunities for entities that undertake forest health restoration and fire prevention projects, such as EBMUD and the Upper Mokelumne River Watershed Authority, of which EBMUD is a member.

PSPS

While legislative interest in the topic of PSPS was high, no major policy changes in this area were signed into law in 2020. Focus areas in the legislature included costs of PSPS events, ways to mitigate impacts on vulnerable populations, use of back-up generation and other power sources and technology, air quality issues, and whether additional limitations needed to be placed on the scope and magnitude of PSPS events.

EBMUD staff testified at the February 11, 2020, informational hearing of the Assembly Water, Parks and Wildlife Committee that examined the implications for water supply during PSPS events. Staff highlighted EBMUD's experiences with the October 2019 PSPS events including the District's preparedness and planning prior to the events to continue delivering safe drinking water with no service interruptions, EBMUD's communication with other public safety partners and electric utilities, and the overall costs of such events to EBMUD.

In the FY 2020-2021 state budget, the administration and legislature acknowledged the costs borne by local agencies during PSPS events by allocating \$50 million to address future community resiliency, with \$20 million specifically reserved for special district applicants.

NEXT STEPS

Staff will continue to advance EBMUD's interests in efforts to address wildfire preparedness, response and recovery in the context of water and wastewater service.

1. Staff will continue to actively engage with the legislature and stakeholders on the issue of forest health, and bring specific legislative proposals to the Board for discussion and consideration, as appropriate, and identify potential opportunities for EBMUD to engage, particularly through its role in the Upper Mokelumne River Watershed Authority.

2. Staff will continue to actively engage with the legislature and stakeholders on the issue of PSPS, and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.

INITIATIVE # 4 – HOUSING FEES: SEEK CONSTRUCTIVE WAYS TO PROTECT AND ADVANCE EBMUD’S INTERESTS AS THE LEGISLATURE CONSIDERS DEVELOPMENT-RELATED FEES, INCLUDING CAPACITY CHARGES AND CONNECTION FEES, IN THE CONTEXT OF INCREASING HOUSING SUPPLY AND AFFORDABILITY

The issue of housing supply and affordability remains a key focus of the legislature and administration. One aspect of this broader conversation on costs of new housing revolves around fees charged by local agencies on developers to mitigate the effects of housing developments on communities. The discussion of these fees, known as mitigation fees, impact fees, or developer fees, includes water and wastewater capacity charges and connection fees, and has received considerable attention in the legislature in the past few years. Discussions are expected to continue in 2021.

BACKGROUND

Existing law establishes the Mitigation Fee Act (Act) which allows local agencies to impose fees on development projects, specifies the requirements that local agencies must meet to establish, impose or increase these fees, and dictates how funds can be spent. The Act also allows for the imposition of capacity charges and connection fees for water and wastewater services, although these particular fees are treated in a different manner than other general development fees in the Act because they are considered fees for service.

In 2017, the legislature passed, and the governor signed AB 879 (Grayson), which required the Department of Housing and Community Development (HCD) to complete a study to evaluate the reasonableness of local fees charged to new developments. The study, performed by the Turner Center for Housing Innovation on behalf of HCD, was released in August 2019. The study noted that fees can be a barrier to development and raise prices, though fees are also used “to support the funding of much-needed growth-related infrastructure.” In 2019, the legislature passed, and the governor signed, AB 1483 (Grayson) that, among other things, required cities, counties and special districts to post information about development-related fees on their respective websites to provide more transparency and certainty in the development-related fee process. In 2020, a number of bills on the topic of development-related fees were introduced though none advanced out of the legislature. EBMUD staff has been engaged in discussions with committee staff and associations regarding capacity charges and connection fees throughout these legislative efforts.

NEXT STEPS

Given the legislature's and administration's interest in housing supply and affordability, additional legislation focused on development-related fees, including water and wastewater capacity charges and connection fees, is likely. Discussions could include topics such as capping or limiting fees and imposing additional requirements that must be met to charge development-related fees.

1. Staff will actively seek opportunities to engage with the legislature and interested stakeholders to provide EBMUD's perspective on potential development-related legislation pertaining to water and wastewater capacity charges and connection fees.
2. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.

INITIATIVE # 5 – LOW-INCOME RATEPAYER ASSISTANCE: SEEK CONSTRUCTIVE WAYS TO ADVANCE EBMUD'S INTERESTS AS THE ADMINISTRATION AND THE LEGISLATURE CONSIDER WAYS TO PROVIDE ASSISTANCE TO LOW-INCOME WATER CUSTOMERS

The administration and legislature are likely to continue discussions on providing low-income ratepayer assistance in 2021 amidst the growing recognition of the COVID-19 pandemic's effects on the ability of customers to pay for water service. This initiative is a continuation from 2020.

BACKGROUND

In accordance with AB 401 (Dodd, 2015), the State Water Resources Control Board (SWRCB) released its final report to develop a plan for funding and implementing a Low-Income Water Rate Assistance Program in February 2020. Due to the COVID-19 pandemic, the recommendations in the report were not a focus of the legislature in 2020, nor were any recommendations enacted.

While the report focuses on long-term strategies for low-income ratepayers, there is a desire within the administration to also consider ways to assist ratepayers impacted by the COVID-19 pandemic. These discussions will also involve Governor Newsom's Executive Order (Order) prohibiting water service shut-offs, and the progression of the COVID-19 pandemic in California with the anticipated eventual lifting of the Order.

EBMUD was one of the first water agencies in California to provide assistance to low-income customers through its Customer Assistance Program (CAP), instituted in 1987. CAP provides assistance to households with income at or below the U.S. Department of Housing and Urban Development's very low-income level for Alameda and Contra Costa counties. The program offers a 50 percent discount on the fixed water service charge and on the volumetric residential

water use charges for eligible households or homeless shelters, up to a maximum of 1,050 gallons per person per month. In addition, a 35 percent discount is provided to offset wastewater service and flow charges. EBMUD's program is funded with non-rate revenue as the use of rate revenue is limited by Proposition 218. Since January 2019, participation in EBMUD's CAP has increased by about 19 percent to over 8,000 customers.

EBMUD continues to identify ways to provide assistance to customers beyond CAP, such as encouraging the implementation of assistance programs by those entities that bill through EBMUD and considering the use of flow restrictors in lieu of service shut-off for non-payment.

1. As discussions occur at the legislative and administrative levels, staff will continue to engage and provide information on EBMUD's efforts.
2. If there are legislative proposals on this topic during 2021, staff will bring relevant proposals to the Board for discussion and consideration, as appropriate.

INITIATIVE # 6 – RACIAL EQUITY AND JUSTICE: LOOK FOR OPPORTUNITIES TO ADVANCE EBMUD'S INTERESTS, AS OUTLINED IN THE JUNE 2020 BOARD RESOLUTION, AS THE LEGISLATURE CONTINUES TO CONSIDER WAYS TO ADDRESS RACIAL EQUITY AND JUSTICE ISSUES

The issue of racial equity and justice will continue to be a key focus for the administration and the legislature in 2021.

BACKGROUND

The legislature contemplated numerous bills in 2020 including ACA 5 (Weber), an amendment to the California Constitution to allow for limited preferential treatment based on race, ethnicity, sex or national origin in public employment, public education, and public contracting decisions made by the state and local agencies. Other related issues contemplated by the legislature include, but are not limited to, police reform legislation, criminal justice reform, and anti-harassment legislation.

EBMUD adopted a resolution on June 23, 2020, to, as stated in the staff report, "guide the District to further improve diversity, equity and inclusion in the District's culture and practices of hiring, contracting, and employee support. In addition, the resolution will inform potential changes to District policies and procedures to ensure the workplace makes no allowances for acts of prejudice, abuse of power, racial bias, or racism, and sets expectations to address conscious and unconscious bias." EBMUD staff will use this resolution to monitor and guide legislative engagement on the issue of racial discrimination moving forward.

The legislature took several actions in this general policy area in 2020. A brief summary of some recent actions with a nexus to EBMUD's efforts is provided below.

Diversity in Contracting and Hiring

ACA 5 (Weber), which was placed on the November 2020 ballot as Proposition 16, would have repealed provisions of Proposition 209 (1996), and resulted in the ability for state and local governments to grant preferential treatment to people based on race, ethnicity, sex, or national origin in decisions affecting public employment, public education, and public contracting. Proposition 16 did not garner the necessary votes to pass, thereby leaving Proposition 209 intact. EBMUD supported both ACA 5 and Proposition 16.

Police Reform and Criminal Justice Legislation

While the legislature discussed numerous police reform bills, only a few were ultimately signed into law. Staff is assessing the measures in terms of relevance to EBMUD's internal security force and contractors, as well as partnering law enforcement agencies, and the June 2020 resolution.

Anti-Harassment & Worker Protection Legislation

In 2020, AB 1775 (Jones-Sawyer) was signed into law to increase the penalty of a person knowingly using the 911 emergency system for the purpose of harassing another, if the harassment is also an act defined to be a hate crime or is an offense committed against a person based on their perceived race, ethnicity, religion, nationality, country of origin, ancestry, disability, gender, gender identity, gender expression, or sexual orientation. Staff is evaluating the bill in terms of enhanced worker protection.

NEXT STEPS

In 2021, the legislature is likely to broadly discuss ways to address racial equity and justice including but not limited to areas aligned with EBMUD's June 23, 2020 resolution, such as supporting the goals of ACA 5, adopting additional police reforms, and addressing various forms of harassment.

1. Staff will continue to monitor legislative discussions, engage with various stakeholders, and bring relevant legislative proposals related to racial equity and justice to the Board for discussion and consideration, as appropriate.

INITIATIVE # 7 – WASTEWATER DISCHARGE: ADVANCE EBMUD'S INTERESTS IN ANY EFFORTS TO ELIMINATE OR REDUCE THE DISCHARGE OF TREATED WASTEWATER TO THE OCEAN AND BAYS

The issue of requiring wastewater agencies that discharge to the ocean and bays to recycle a specified amount of their wastewater will likely be discussed in the legislature in 2021.

BACKGROUND

Two prior efforts, SB 163 (Hertzberg) and SB 332 (Hertzberg), which would have imposed a statewide mandate to essentially eliminate wastewater discharges into the ocean and bays, were unsuccessful and did not advance out of the legislature in 2016 and 2019, respectively. The author has indicated interest in pursuing the issue in 2021. EBMUD had an “oppose unless amended” position on both measures and sought to work with the author on amendment concepts intended to identify real barriers to increased recycled water production and provide recommendations for overcoming those barriers. The author remained committed to imposing a mandate and did not entertain any of EBMUD’s proposed amendment concepts.

Facilitating the production and use of recycled water in California is laudable and consistent with EBMUD’s efforts. However, a statewide mandate is premature due to significant hurdles that include: an incomplete regulatory framework, the cost of compliance and lack of a clear funding source that acknowledges the need to keep water affordable, the need for places to put the water, jurisdictional issues, potential for increased greenhouse gas emissions, the need for broad public acceptance for all uses of recycled water, and the potential to create environmental justice issues.

EBMUD is a strong proponent of recycled water and has a long track record of recycling its wastewater. EBMUD began using recycled water for various industrial purposes and to irrigate landscaping at its own facilities in the 1970s, and has been distributing recycled water to customers since the 1980s. Recycled water is an important part of EBMUD’s water supply portfolio and, in accordance with EBMUD’s Policy 9.05 – Non-Potable Water, customers may be required to use recycled water for non-potable uses if feasible. In addition, EBMUD has developed several landmark projects in which the use of recycled water for landscape irrigation and industrial purposes has reduced the demand on high-quality drinking water and can reduce the amount of treated wastewater discharged into the San Francisco Bay. These projects include the Richmond Advanced Recycled Expansion Water Project, the North Richmond Recycled Water Project, the East Bayshore Recycled Water Project, and the San Ramon Valley Recycled Water Program.

Currently, EBMUD has a recycled water production capacity of approximately 9 million gallons per day (mgd), and a goal of increasing recycled water use in its service area to 20 mgd by 2040. Most of EBMUD’s recycled water is produced at projects located throughout the EBMUD service area, not at EBMUD’s Main Wastewater Treatment Plant (MWWTP), which discharges into San Francisco Bay. The MWWTP has significant space constraints and EBMUD is completing the development of the Integrated MWWTP Master Plan which provides the roadmap for investing in aging infrastructure, meeting increasingly more stringent water and air regulations, and addressing climate change while protecting public health and the San Francisco Bay.

EBMUD’s updated Recycled Water Master Plan (RWMP), completed in February 2019, evaluated the existing recycled water program and assessed opportunities for non-potable and potable reuse to inform a path forward toward the 2040 goal. Given the high cost for potable reuse projects, the RWMP maintained that EBMUD’s recycled water goal should be met through

continuing to expand and implement non-potable reuse projects, though projects and opportunities for potable reuse will be periodically re-evaluated as EBMUD's water supply need and potable reuse regulations are updated.

NEXT STEPS

Staff will continue to represent EBMUD's interests in any effort to impose a statewide mandate to eliminate or reduce treated wastewater discharges to the ocean and bays.

1. Staff will continue to advocate for a balanced approach that facilitates increasing the production and use of recycled water, while providing a clear path forward to overcome the significant barriers that currently exist in a manner that minimizes negative consequences for ratepayers.
2. Staff will bring specific legislative proposals to the Board for discussion and consideration, as appropriate.

INITIATIVE # 8 – WATER SUPPLY AND RELIABILITY: PROTECT AND ADVANCE EBMUD'S INTERESTS IN THE CONTEXT OF ITS WATER SUPPLY RELIABILITY AND THE MOKELUMNE RIVER FISHERY AS THE ADMINISTRATION AND LEGISLATURE CONTINUE TO CONTEMPLATE WATER, ENDANGERED SPECIES, AND BAY-DELTA ISSUES

Water, and related topics of endangered species and Bay-Delta issues, will likely be focus areas for the administration and legislature in 2021.

BACKGROUND

Discussions will include, but are not limited to, the Bay-Delta Water Quality Control Plan and/or implementation of voluntary agreements and the California Water Resilience Portfolio.

Bay-Delta Water Quality Control Plan

The State Water Resources Control Board (SWRCB) process of updating the Bay-Delta Water Quality Control Plan, the SWRCB's regulatory framework for protecting fish and wildlife, water quality and other beneficial uses of water in the Bay-Delta and its key watersheds has been ongoing and will continue in 2021. The update has the potential to impact EBMUD's water supply reliability and the Mokelumne River fishery.

In addition, the California Natural Resources Agency continues to lead a separate but related effort to negotiate voluntary agreements with water users that could take the place of the Bay-Delta Water Quality Control Plan. The objective of the voluntary agreements is to support environmental objectives through a broad set of tools that include flow and non-flow approaches, while protecting water supply reliability.

With regard to EBMUD, staff has been coordinating with Mokelumne River stakeholders and a state team of representatives from the Department of Fish and Wildlife, Department of Water Resources (DWR), and the SWRCB to develop the framework for a potential voluntary agreement for the Mokelumne River watershed and fishery. EBMUD staff has also engaged with representatives of non-governmental organizations to identify potential avenues of support for the proposed voluntary agreement. The proposed voluntary agreement provides a comprehensive suite of flow and non-flow measures for the Mokelumne River watershed to help achieve the SWRCB's water quality objectives to benefit fish and wildlife resources while protecting reliable water supplies. EBMUD's voluntary agreement proposal builds on decades of demonstrated success and provides for a comprehensive and holistic approach to improve the Mokelumne River ecosystem while maintaining reliability of the District's water supplies. Whether the state moves forward with the Bay-Delta Water Quality Control Plan or voluntary agreements, implementing legislation may be advanced.

California Water Resilience Portfolio

Earlier this year the administration released the final version of the California Water Resilience Portfolio, which is intended to guide state efforts to meet water needs for communities, the economy, and the environment as the climate changes. The California Water Resilience Portfolio includes specific actions state agencies should take as resources allow. Though the California Water Resilience Portfolio is an aspirational document, it does mention various issues of interest to EBMUD including securing voluntary agreements as one of its key priorities. Other issues of interest include water storage, water transfers, and fish hatcheries. With regard to fish hatcheries, the California Water Resilience Portfolio supports research, maintenance, and upgrades to fish hatcheries. While EBMUD has committed significant resources to make the Mokelumne River Fish Hatchery the best in the state, if additional state funding became available it would allow for further improvements in the future including adaptation efforts with regard to climate change impacts. As the administration pursues actions and priorities outlined in the California Water Resilience Portfolio it is possible that the administration or legislature would pursue related legislation.

Other Issues

Other factors contributing to continued interest in water-related issues include the possibility of the state facing a dry water year. Overall, DWR noted that water year 2020 (October 1, 2019 to September 30, 2020) ended below average, with the estimated peak snowpack in April coming in at about 50 percent of average though statewide reservoir storage was at 95 percent of average at the end of the water year.

NEXT STEPS

While it is unclear at this time what the universe of water-related legislation in 2021 will look like, it is clear that water will continue to be a topic of discussion in the administration and legislature. Staff will continue to work to protect and advance EBMUD's interests, particularly in the context of EBMUD's water supply reliability and the Mokelumne River fishery, as the

administration and the legislature continue to contemplate water, endangered species, and Bay-Delta issues in 2021.


1. Staff will continue to actively seek opportunities to engage with the administration and legislature to provide EBMUD's perspective on potential legislation that could impact EBMUD's water supply reliability and the Mokelumne River fishery.
2. Staff will continue to actively evaluate legislation and bring specific legislative proposals to the Board for discussion and consideration, as appropriate.


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: December 3, 2020

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Andrew L. Lee, Manager of Customer & Community Services 

SUBJECT: Contract Equity Program Annual Report - Fiscal Year 2020

SUMMARY

For over 35 years, the District's Contract Equity (CE) Program has committed to diversity and inclusion practices by promoting contracting opportunities to businesses that reflect the communities we serve. Inclusive business participation in local government procurement and contracting provides jobs within our communities, while strengthening them economically and socially. The CE Program Fiscal Year 2020 (FY20) Annual Report provides an overview of the District's contracting performance and staff activities to advance contracting objectives. This report will be presented at the December 8, 2020 Legislative/Human Resources Committee meeting.

DISCUSSION

The District ensures diversity in our contracting and supply chain through the CE Program. Since the inception of the CE Program, over \$894 million in contracts have been awarded to ethnic minority and women-owned businesses (EM/WBEs). The District's procurement and contracting practices support our mission to deliver safe, reliable and high quality water service and provide wastewater services for our customers in the Bay Area.

In FY20, the CE Program key accomplishments include:

- \$85.0 million in District contracts were awarded to local businesses¹, including \$11.3 million to local small businesses.
- \$37.6 million in District contracts were awarded to small businesses² (including disabled veteran and lesbian, gay, bisexual, transgender business enterprises).
- \$21.0 million in District contracts were awarded to EM/WBEs businesses.

¹ "Local Business" is a business located in Alameda, Contra Costa, San Joaquin, Calaveras, Amador, and other counties directly impacted by District contracts and/or operations.

² "Small business" is a business enterprise that has average annual gross receipts of \$15,000,000 or less over the previous three years or is a manufacturer with 100 or fewer employees or disabled veteran business enterprise. For public works projects "small business" is a public works construction contractor with 200 or fewer employees and average gross receipts \$36,000,000 or less over the previous three years.

- Achieved over 47 percent local hires on 24 targeted construction projects, which resulted in over \$5 million in wages and benefits to workers who reside in the counties of Alameda, Contra Costa, San Joaquin, Calaveras, or Amador.
- Awarded 76 percent of District contracts to companies with a minority workforce that employ at least 50 percent of their applicable Metropolitan Statistical Area³.
- Conducted five business development forums and participated in 39 community outreach events promoting the District's mission for diversity in contracting.
- Produced the *Equalizer* newsletter quarterly, to promote District contracting and procurement opportunities.
- Received a Certificate of Special Congressional Recognition from Congresswoman Barbara Lee and won two awards for the District's CE Program.

NEXT STEPS

The District will continue to invest resources to promote supplier diversity and increase local business participation. Additionally, staff will focus on advancing initiatives to achieve the District's contracting objectives, small business goals, and promote local hiring on District construction projects. Key initiatives include:

- Help "level the playing field" for local, diverse, small businesses by exploring ways to invest back into the community and promote mentor-protégé relationships such as a "Social Impact Partnership/Community Benefits" Component.
- Continue to explore ways to increase diversity of contract awards such as increasing the current Small Business Enterprise (SBE) Set-Aside cap from \$80,000 to \$250,000 to match the State of California SBE Option.
- Enhance outreach and education efforts by expanding the use of the electronic certified payroll system to incorporate the demographics of the local workforce and show how workforces are distributed within the service area by Ward and by local communities.
- Develop and implement internal and external awards/recognition program with internal awards focusing on innovation in support of the overall intent of CE Program.

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Attachment

I:\Sec\2020 Board Related Items\Committees 2020\120820_LEG\HR Ctte\CCS - FY20 CEP Annual Report.docx

³ Metropolitan Statistical Area (MSA) is the formal definition of a region that consists of a city and surrounding communities that are linked by social and economic factors that is determined by the U.S. Office of Management and Budget and applied to census data.

FY20 Annual Report

CONTRACT EQUITY PROGRAM

Advocating Economic Equality for over 35 Years



Stewardship ~ Integrity ~ Respect ~ Teamwork

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ATTACHMENTS

- Attachment 1 - Overall and \leq 80,000 Distribution of Contract Awards
- Attachment 2 - Listing of Top Prime Contract Awards
- Attachment 3 - Jobsite Workforce Local Hire Status Summary
- Attachment 4 - Key Outreach Activities

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OVERVIEW - CONTRACT EQUITY PROGRAM

The Contract Equity (CE) Program Fiscal Year 2020 Annual Report provides an overview of the District's contracting performance and related staff activities. For FY21, additional program enhancements will be made to support the CE Program's continuing goal to increase contract participation in the following areas:

- Cultural and gender diversity,
- Small businesses¹ (including disabled veteran and lesbian, gay, bisexual, transgender business enterprises), and
- Local businesses².

For more than 35 years, the District has committed to and invested in diversity and inclusion practices in its contracting opportunities to reflect the communities we serve. Inclusive business participation in local government procurement and contracting is an important source of income and jobs for our communities and strengthens communities both economically and socially.

Since inception of the CE program, the District has awarded over \$4 billion in contracts with 21 percent (\$894 million) awarded to ethnic minority and women owned businesses (EM/WBEs). This represents an average of \$24.5 million in annual awards to EM/WBEs for over 35 years. Through its CE Program, the District promotes stewardship to ensure diversity in our contracting and supply chain. The District's procurement and contracting practices supports our mission to deliver safe, reliable and high quality water service and provide wastewater services for customers in the Bay Area.

The CE Office oversees the District's contracting process to ensure fairness and equity in business opportunities, bidding of potential contracts, and the execution of contracts to the business community, especially to those sectors historically underutilized, including small and local businesses. Fair, active and open competition help build valued relationships with the community where we live and serve, which drives competition and productivity to provide value to our ratepayers.

Background

The District established a Minority Business Enterprise (MBE) program in 1984 in order to increase the level of minority business participation in contracting. In 1988, the MBE program was expanded to include women-owned businesses (previously only minority women-owned businesses were included), and the program was renamed the Minority and Women Business Enterprise (M&WBE) Program.

¹ "Small business" is a business enterprise that has average annual gross receipts of \$15,000,000 or less over the previous three years or is a manufacturer with 100 or fewer employees or disabled veteran business enterprise. For public works projects "small business" is a public works construction contractor with 200 or fewer employees and average gross receipts \$36,000,000 or less over the previous three years.

² Local Business" is a business located in Alameda, Contra Costa, San Joaquin, Calaveras, Amador, and other counties directly impacted by District contracts and/or operations.

In 1999, the M&WBE Program was changed to the Contract Equity (CE) Program in response to changing laws and court decisions³. The purpose of the CE Program is to prevent ongoing and future discrimination in contracting, avoid the granting of illegal preferences on the basis of race, gender, and other protected categories while proactively promoting contract awards diversity among business persons of all races and both genders, including white men.

At the same time, a Small Business Enterprise (SBE) Component was added to the CEP with bid discount and set-aside incentives. For all contracts \leq \$50,000⁴, there are goals of 50 percent SBE participation and a 25 percent SBE set-aside. The definition of SBE was expanded to include disabled veteran businesses in FY16. In FY19, the small business bid discount was increased from five percent to seven percent for all competitively bid contracts, the definition of small business became more inclusive by the addition of lesbian, gay, bisexual, transgender business enterprises, and a definition for small public works construction contractors was added.

Concurrently with changes to the CEP in 1999, the Contractors' Affirmative Action Workforce Profile (CAAWP) Program for contractors was established which requires all firms doing business with the District to take lawful and adequate steps to assure that their employment practices comply with Equal Employment Opportunity (EEO) laws. Then in 2001, CAAWP was replaced by the current Contractors' Compliance with Equal Employment Opportunity Program.

Since FY11, at least half of the firms awarded contracts continue to have a minority workforce that reflects 50 percent or more of their applicable Metropolitan Statistical Area (MSA.) To support these efforts, the District provides *Working Together with Respect* brochures and posters which notify contractors and their employees that discrimination, harassment, and retaliation are not tolerated by the District – to be prominently displayed at all contractors' worksites.

The District's CEP reached another milestone in FY16. In response to ongoing interest in a local hire program, a pilot local hire component was launched on targeted construction projects with a good faith goal of 50 percent for local residents with 30 percent from the county(ies) directly impacted by the project. Because of the District's commitment to reinvest back into the community through local hiring and track its impacts, the local hire component was adopted in FY19.

³ The CE Program takes into account State of California Public Contract Code §2000, Proposition 209, the U.S. Supreme Court's decision in *City of Richmond, Virginia v. J. A. Croson Company* 488 U.S. 469 (1989), and other related court decisions.

⁴ Current dollar threshold for SBE set-asides is \$80,000 as of January 1, 2019.

FY20 SUMMARY

Highlights

In FY20, the CE Program key accomplishments include:

- \$85.0 million in District contracts were awarded to local businesses⁵, including \$11.3 million to local small businesses.
- \$37.6 million in District contracts were awarded to small businesses⁶ (including disabled veteran and lesbian, gay, bisexual, transgender business enterprises).
- \$21.0 million in District contracts were awarded to EM/WBEs businesses.
- Achieved over 47 percent local hires on 24 targeted construction projects, which resulted in over \$5 million in wages and benefits to workers who reside in Alameda, Contra Costa, San Joaquin, Calaveras, or Amador County.
- Awarded 76 percent of District contracts to companies with a minority workforce that employ at least 50 percent of their applicable Metropolitan Statistical Area (MSA)⁷.
- Conducted five business development forums and participated in 39 community outreach events promoting the District's mission for diversity in contracting.
- Produced quarterly the *Equalizer* newsletter to promote District contracting and procurement opportunities.
- Received a Certificate of Special Congressional Recognition from Congresswoman Barbara Lee and won two awards for the District's Contract Equity Program.

Contract Awards

In FY20, the District awarded contracts totaling approximately \$235.1 million with exclusions of \$23.3 million⁸. Chart 1 on the following page reflects the program results and levels of participation after deleting the exclusions. See Attachment 1 for the distribution of contract awards – overall and for contract awards ≤ \$80,000.

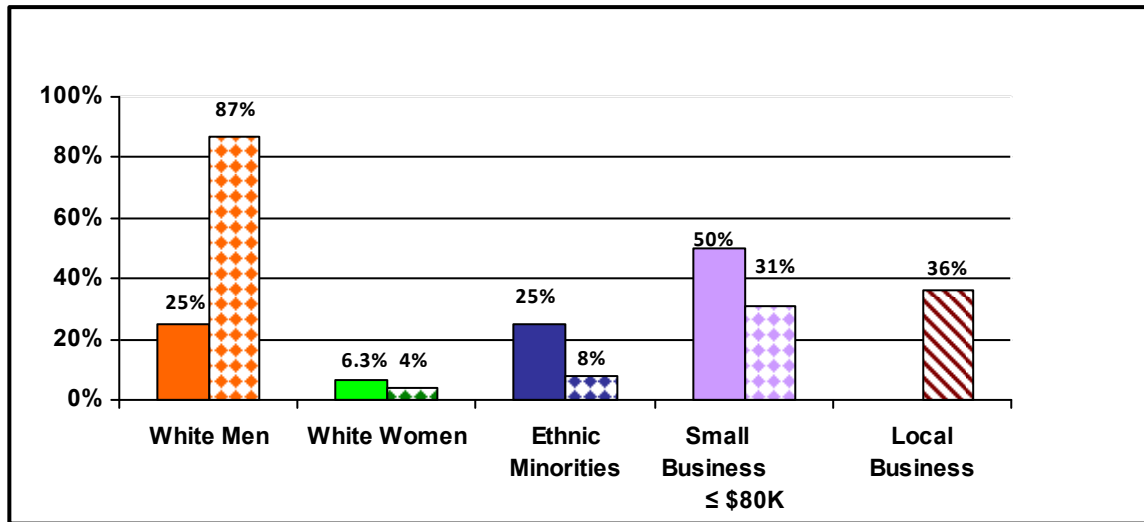
⁵ "Local Business" is a business located in Alameda, Contra Costa, San Joaquin, Calaveras, Amador, and other counties directly impacted by District contracts and/or operations.

⁶ "Small business" is a business enterprise that has average annual gross receipts of \$15,000,000 or less over the previous three years or is a manufacturer with 100 or fewer employees or disabled veteran business enterprise. For public works projects "small business" is a public works construction contractor with 200 or fewer employees and average gross receipts \$36,000,000 or less over the previous three years.

⁷ Metropolitan statistical area (MSA) is the formal definition of a region that consists of a city and surrounding communities that are linked by social and economic factors that is determined by the U.S. Office of management and Budget and applied to census data.

⁸ Excluded contracts are awards to government/nonprofit (\$1.5M), publicly held corporations (\$15.9M), foreign owned (\$5.9M) and sole source providers (\$0).

Chart 1. Distribution of FY20 Contract Awards



Solid Color = Contracting Objective/Goal
Checkerboard Color = Actual Results

Table 1 below provides a comparison of FY20 to FY19 contracting results. Contract awards of ≤ \$80,000 for local businesses increased, while contracting objectives for white men and white women were achieved. The 31 percent small business participation is a 4 percent decrease compared to FY19.

Table 1. FY20 Contract Equity Program Performance <i>(excludes awards to government agencies, nonprofit organizations, publicly held corporations, foreign owned, and sole source awards)</i>					
Availability Group/ Misc. Grouping	Contracting Objective %	Overall Results %		≤ \$80,000 Results %	
		FY19	FY20	FY19	FY20
White Men	25	79	87	68	71.3
White Women	6.3 ⁹	4	4	9	11.7
Ethnic Minorities (Men/Women)	25	14	7.5	11	11.3
Unclassified	NA	3	1.5	12	5.7
Local Business	NA	43	36.3	42	54
Local/Small Business	NA	12	4.8	25	19.3
Small Business	50 ¹⁰	22	16	35	30.7
<i>Micro-business</i>	NA	2	<1	5	2
All Men	NA	92.5	86	62	84
All Women	NA	4.3	4	13	4.5
Exclusions	NA	8	9	13	11.5

⁹ Weighted average based on contract distribution per contract category for FY05-FY15.

¹⁰ The 50% SBE goal is for contract awards of ≤ \$80,000 since January 1, 2019.

The distribution of \$235.1 million in total contract awards by gender, ethnicity, unclassified, and exclusions is shown in Table 2 below:

Table 2. Distribution of FY20 Contract Awards by Gender/Ethnicity								
GENDER/ ETHNICITY	CONTRACT AWARDS							
	Overall		Local Business		Small Business		≤ \$80K Small Business	
	\$ Amount	%	\$ Amount	%	\$ Amount	%	\$ Amount	%
<i>Men</i>	197,691,904	84.1	72,900,532	86.3	30,407,130	83.7	12,550,536	78.5
<i>Women</i>	10,217,845	4.3	5,546,552	6.6	5,789,046	15.9	2,806,643	17.5
White Men	184,067,311	78.3	69,787,369	82.6	26,888,966	74.0	10,876,665	68.0
White Women	8,492,622	3.6	4,529,509	5.4	4,861,747	13.4	2,242,544	14.0
African American/ Black Men	226,681	0.1	80,119	0.1	170,334	0.5	172,381	1.1
African American/ Black Women	102,698	0.0	55,000	0.1	45,000	0.1	45,198	0.3
Hispanic Men	5,380,242	2.3	1,194,092	1.4	2,311,391	6.4	738,404	4.6
Hispanic Women	182,537	0.1	126,106	0.1	126,106	0.3	130,515	0.8
Asian/Pacific Islander Men	3,885,488	1.7	868,918	1.0	803,423	2.2	631,728	3.9
Asian/Pacific Islander Women	1,352,049	0.6	832,936	1.0	662,516	1.8	294,062	1.8
American Indian/ Alaskan Native Men	261,349	0.1	122,660	0.1	42,660	0.1	54,169	0.3
American Indian/ Alaskan Native Women	19,292	0.0	3,000	0.0	16,292	0.0	16,292	0.1
Mixed Minority Men	3,870,833	1.6	847,375	1.0	0.0	0.0	77,190	0.5
Mixed Minority Women	68,646	0.0	-	0.0	77,385	0.2	78,032	0.5
<i>Unclassified</i>	3,170,414	1.3	725,173	0.9	96,729	0.3	284,422	1.8
<i>Exclusions</i>	24,005,315	10.2	5,306,902	6.3	20,000	0.1	335,593	2.1
Total	235,085,478	100.0	84,479,158	100.0	36,312,906	100.0	15,977,194	100.0

Table 3 shows the overall percentage of contracts awarded to the three availability groups and unclassified firms by contract category. For the highest level of contract participation excluding purchase cards, white men achieved 95.4 percent in construction, and white women achieved 8.3 percent in materials and supplies. Separately, ethnic minorities achieved 19.0 percent in both professional and general services. See Attachment 2 for a list of top prime awards by firm for each availability group and contract category.

Table 3. FY20 Contract Participation (\$235.1M) <i>(excludes awards to government agencies, nonprofit organizations, publicly held corporations, foreign owned, and sole source awards)</i>						
Availability Group/Misc. Grouping	Contract Categories					Overall
	Professional Services	General Services	Construction	Materials & Supplies	Purchasing Card	
White Men	77.0%	65.0%	95.4%	73.0%	80.8%	87.0%
White Women	3.5%	7.2%	2.0%	8.3%	4.0%	4.0%
Ethnic Minorities (Men & Women)	19.0%	19.0%	2.6%	15.8%	6.1%	7.5%
Unclassified Firms	0.5%	8.8%	0.0%	2.9%	9.1%	1.5%

Small Business Enterprise

Over 2,800 small business enterprises (SBEs) are registered with the District. In FY20, SBE purchases and services contracts totaled \$73 million with \$4.7 million going to micro-businesses⁷. The District is committed to expand the use of SBE's by including a seven percent bid discount incentive on competitively bid contracts and the 25 percent set-aside for contracts that are ≤ \$80,000.

For contract awards ≤ \$80,000, SBEs received 31 percent (\$13.3 million) of the total value, compared to 35 percent from FY19. Micro-businesses were awarded two percent (\$864.0 thousand) in FY20, which is less than three percent decrease from FY19 for micro-businesses¹¹. The level of participation by this availability group was 71 percent for white men, 12 percent for white women and 12 percent for ethnic minorities with five percent for unclassified firms. The highest level of SBE participation for contract awards ≤ \$80,000 for FY20 was 66 percent (\$1.3M) for construction awards.

¹¹ "Micro-business" is a small business enterprise that, together with affiliates, has average annual gross receipts of \$3,500,000 or less over the previous three years or is a manufacturer with 25 or fewer employees.

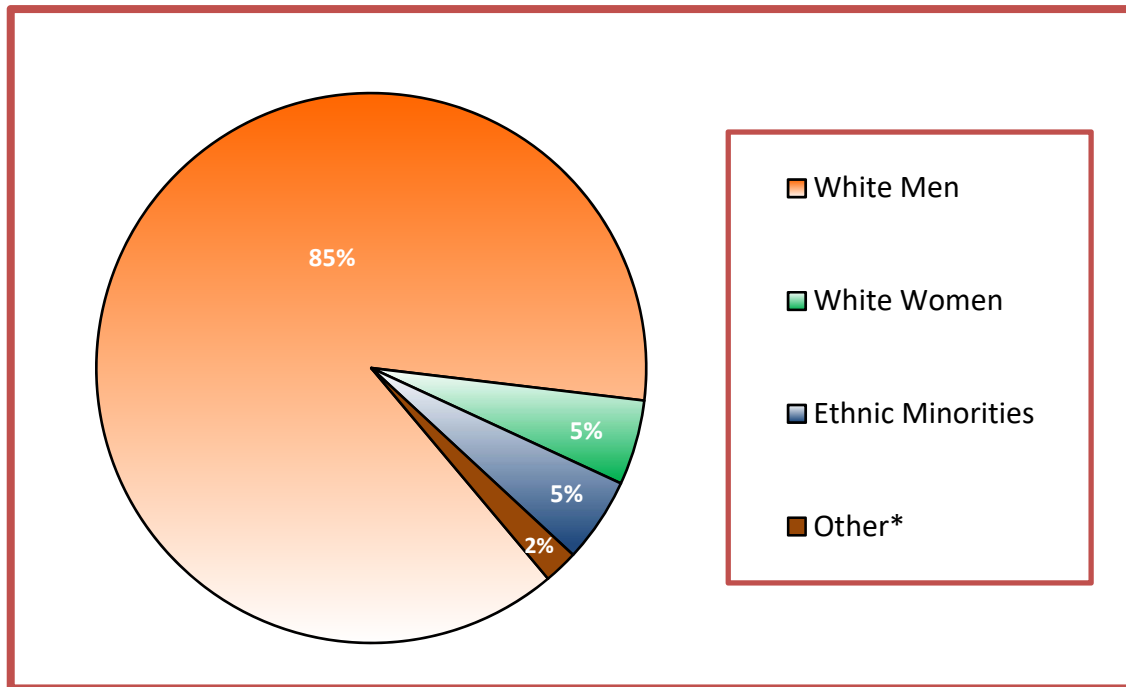
Table 4 shows the average dollar amount of contracts \leq \$80,000 excluding purchase cards for FY20 is \$7.9K which indicates opportunities to increase SBE awards to meet the goal of 50 percent participation since size of the contract should not be a barrier. Materials and supplies contracts accounts for over 66 percent (\$23.3M) of awards \leq \$80,000, so the CE Office will focus on increasing SBE participation by targeting outreach efforts in this contract category in FY21.

Table 4. FY20 Average Contract Expenditure by Contract Category			
Contract Category	Total Expenditures	Total Awards	Average Contract Expenditure
AWARDS > \$80,000			
Professional Services	\$46.2M	53	\$871.7K
General Services	\$6.7M	31	\$216.1K
Construction	\$102.5M	12	\$8.5M
Materials & Supplies	\$36.5M	99	\$368.7K
SUBTOTAL	\$191.9M	195	\$984.1K
AWARDS \leq \$80,000			
Professional Services	\$2.1M	102	\$20.6K
General Services	\$7.8M	1,151	\$6.8K
Construction	\$2.0M	21	\$95.2K
Materials & Supplies	\$23.3M	3,156	\$7.4K
SUBTOTAL	\$35.2M	4,430	\$7.9K
Purchasing Card	\$8.9M	18,674	\$477
SUBTOTAL	\$44.1M	23,104	\$1.9K
GRAND TOTAL	\$236.0M	23,299	\$98.4K

Local Business Enterprise

The District actively encourages firms in the District's service area or in counties directly impacted by its operations to compete for contract opportunities. Even though there is no numeric goal established for local business enterprises (LBEs), local participation resulted in \$84.0 million (36%) in District contract awards a seven percent decrease compared to 43 percent in FY19 as shown previously in Table 1. Chart 2 provides the distribution of local business awards by availability group.

Chart 2. FY20 Distribution of Local Business Awards



**Other is defined as contracts awarded to government/nonprofit, publicly held corporations, foreign owned, or unclassified.*

In FY20, the highest overall level of LBEs participation was in general services (51.8%). For contract awards \leq \$80,000, LBEs received \$23 million (54%) in District contract awards, which increased LBEs participation by 12 percent compared to FY19 (42.3%).

Local Small Business Enterprises (L/SBEs) received \$11.3 million (4.8%) in overall contract awards compared to \$18million (11%) in FY19. The highest overall level of L/SBE participation was for general services (22.5%). For contract awards \leq \$80,000, the L/SBE participation was \$8.3 million (19.3%) compared to \$6.5 million (24.3%) in FY19. The highest level of participation was in construction at 37 percent.

Local Hire

The District's overall good faith goals for local hiring are 50 percent of the total work hours for the project, with 30 percent from the county(ies) directly impacted by the District project. For FY20 over \$5 million in wages and benefits were reinvested back to the local community.

A summary of the jobsite workforce and wage data for FY20 projects can be found in *Attachment 3*. Of the total 24 current projects, nine projects met the good faith goal of 50 percent and 19 projects met the local hire good faith goal of 30 percent from the counties directly impacted by the projects. Six projects met both goals. The total workforce from these projects had 47 percent local hires of which 44 percent being from counties directly impacted by the project.

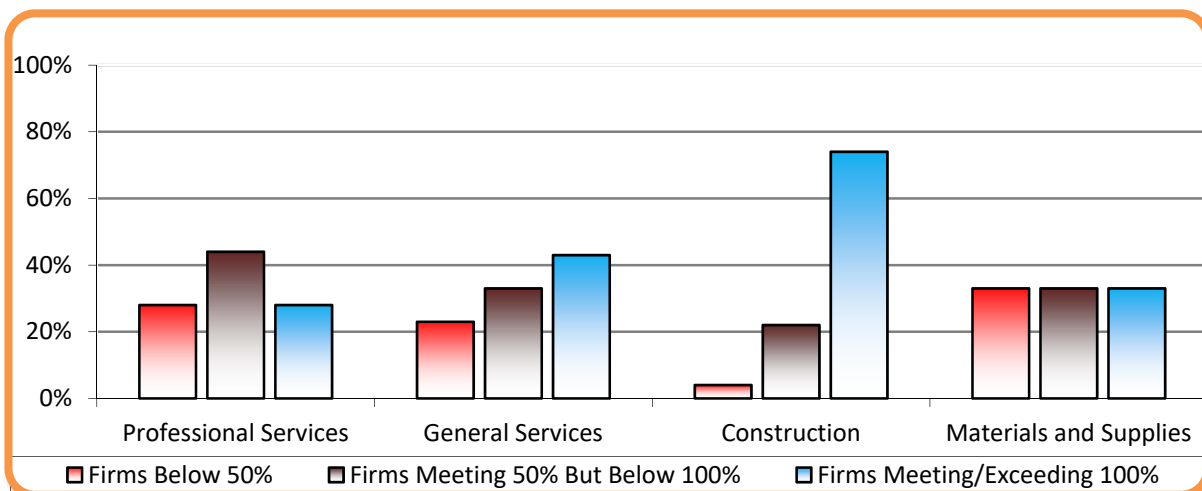
Staff gathered contractors' employment data from 24 construction projects (93 prime and subcontractors) since January 2017. The data analyzed during this period, reflects over \$5.0 million in prevailing wages, including benefits have gone back into our local communities.

Contractors' Compliance with Equal Employment Opportunity

Of the 195 major contract awards (>\$80K) in FY20, 175 firms submitted employment data. This data reflects that 76 percent (134 firms) awarded contracts went to companies with minority workforces that employ at least 50 percent of their applicable Metropolitan Statistical Area (MSA). Of those 175 firms, 42 percent either met or exceeded their MSA for their local communities.

Contractors' compliance results by contract category are shown in Chart 3. Firms providing construction for the District have the most diverse employment record with 96 percent having a minority workforce profile meeting and exceeding 100 percent of their applicable MSAs. A review of the materials and supplies contract awards reflects that approximately 33 percent (15 firms) were below 50 percent of the parity.

Chart 3. FY20 Contractors' Compliance Results for CCEEO by Contract Category



Outreach and Community Participation

The District recognizes that small, diverse, and local businesses play an important role in health of the community that we serve. To that end, the District has an outreach program in place for more than 35 years to engage these businesses regarding our contracting opportunities. These outreach activities are embedded organizationally to promote the District's CEP program, where staff engages in race and gender-neutral activities designed to:

- Identify potential firms to bid on District projects,
- Spark a firm's interest in doing business with the District,
- Educate firms on how to do business with the District,
- Educate District staff on our contracting process, including the CE Program, and
- Promote the District's CE Program and mission in the community at large.

A key in maintaining a successful CE Program is achieving wide visibility and support for the program. Staff participated in the following outreach activities in FY20 to promote diversity and inclusion in the District's contracting processes:

- Conducted five Business Forums:
 1. **On July 9, 2019, the District and the Construction Resource Center hosted the July Project Management Certificate Ceremony in Oakland, CA.** The ceremony was to present completion certificates along with a certificate from Senator Nancy Skinner to students and small business owners who had successfully completed the 10-weeks project management course at Laney College. Staff informed participants of upcoming contracting and employment opportunities and the District's Contract Equity Program. Approximately 51 participants attended.
 2. **On December 10, 2019, the District and the Construction Resource Center hosted the December Project Management Certificate Ceremony in Oakland, CA.** The ceremony was to present completion certificates along with a certificate from Senator Nancy Skinner to students and nineteen (19) small business owners who had successfully completed the 10-weeks project management course. Staff informed participants of upcoming contracting and employment opportunities and the District's Contract Equity Program. Approximately 45 participants attended.
 3. **On January 23, 2020, the District and the American Indian Chamber of Commerce – California hosted *Going to "O-Town" for Opportunities in Oakland, CA.*** Also the American Indian Chamber of Commerce Education Fund conducted a "Strategic Planning: Increase your Business Market Share and Profitability" workshop. Staff informed participants of upcoming contracting opportunities and recent Contract Equity Program enhancements. Approximately 35 participants attended.
 4. **On May 20, 2020, Swinerton, the District, and the Western Region Minority Supplier Development Council hosted a virtual *Back to Business Builders Event.*** Staff gave a presentation on the Contract Equity Program, overview of contracting process, and upcoming construction opportunities. Approximately 180 participants attended.

5. **On May 26, 2020, the District and Construction Contractors Resource Center hosted *Creative Business Solutions* as part of the 10-week Project Management Program.** Staff gave a presentation on upcoming contract opportunities, how to do business with the District, and on the Contract Equity Program. Approximately 21 participants attended.
- Staff participated in 32 community events/trade fairs/conferences, conducted 7 presentations and placed 18 magazine advertisements promoting the District's mission for diversity in contracting. (See Attachment 3 - Listing of Key Outreach Activities.)
 - Quarterly production of the *Equalizer* Newsletter to inform prospective businesses of contracting opportunities.
 - Participation on the:
 - American Indian Chamber of Commerce – *Corporate Advisory Committee*
 - Construction Resource Center – *Industry Advisory Committee*
 - Oakland Latino Chamber of Commerce – *Board of Directors*
 - University of California - *Small & Diverse Business Advisory Council*
 - Western Region Minority Supplier Development Council - *Construction Working Group*

Awards/Recognition:

- Received a Certificate of Special Congressional Recognition from Congresswoman Barbara Lee on November 12, 2019 for the 35th Anniversary of the Contract Equity Program.
- Received the Reciprocity Partner of the Year Bronze Winner award from the State of California during their 20th Annual State Recognition Awards Program on January 29, 2020. The award recognized the State's top three (3) organizations that supports and promotes the state's small business and disabled veteran business programs.
- Winner of the Local/Regional Corporation of the Year for the Western Region Minority Supplier Development Council (WRMSDC) on June 30, 2020. This award recognizes a Local/Regional Corporate Member that has demonstrated company-wide support of WRMSDC and whose Supplier Diversity initiatives are moving the needle toward a more inclusive and diverse landscape.

MAJOR FOCUS FOR FY21

The District will continue to invest resources to promote supplier diversity and increase local participation. Additionally, staff will focus on advancing initiatives to achieve the District's contracting objectives, small business goals, and to promote local hiring on District construction projects. Key initiatives will include:

- Help “level the playing field” for local, diverse, small businesses by exploring ways to invest back into the community and promoting mentor-protégé relationships such as a “Social Impact Partnership/Community Benefits” Component.
- Continue to explore ways to increase diversity of contract awards such as increasing the current SBE Set-Aside cap from \$80,000 to \$250,000 to match the State of California SBE Option.
- Enhanced outreach and education efforts by expanding the use of the electronic certified payroll system to incorporate the demographics of the local workforce and show how workforces are distributed within the service area by Ward and by local communities.
- Develop and implement internal and external awards/recognition program with internal awards focusing on innovation in support of overall intent of CE Program.

ATTACHMENTS

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FY20 – OVERALL DISTRIBUTION OF CONTRACT AWARDS
East Bay Municipal Utility District
July 1, 2019 – June 30, 2020

Contract Category/Awards (\$)		Availability Group/ Misc. Grouping ¹	Contracting Objective %	FY19 Year-End Results %	FY20 Results %
Professional Services	\$39.3M	White Men	25.0	65.2	77.0
		White Women	6.0	4.5	3.5
		Ethnic Minorities	25.0	24.8	19.0
		Unclassified	NA	5.5	0.5
	\$49.3M	Local Business	NA	52.6	23.0
		Local/Small Business	NA	20.0	3.8
		Small Business	50.0	26.2	14.5
		Microbusiness	NA	6.1	3.0
General Services	\$12.3M	White Men	25.0	72.2	65.0
		White Women	6.0	7.6	7.2
		Ethnic Minorities	25.0	13.6	19.0
		Unclassified	NA	6.8	8.8
	\$14.5M	Local Business	NA	36.5	51.8
		Local/Small Business	NA	36.1	22.5
		Small Business	50.0	46.0	38.3
		Microbusiness	NA	6.0	4.8
Construction	\$107.3M	White Men	25.0	76.7	95.4
		White Women	9.0	2.5	2.0
		Ethnic Minorities	25.0	20.6	2.6
		Unclassified	NA	0.2	0.0
	\$107.6M	Local Business	NA	36.6	36.5
		Local/Small Business	NA	8.2	4.6
		Small Business	50.0	19.6	5.8
		Microbusiness	NA	0.0	0.0
Materials & Supplies	\$45.5M	White Men	25.0	89.0	72.8
		White Women	2.0	3.6	8.3
		Ethnic Minorities	25.0	3.7	15.8
		Unclassified	NA	3.7	2.9
	\$60.8M	Local Business	NA	34.0	32.3
		Local/Small Business	NA	11.7	10.0
		Small Business	50.0	16.3	16.3
		Microbusiness	NA	3.4	2.3
Purchase Cards	\$7.7M	White Men	25.0	76.5	80.9
		White Women	2.0	3.8	4.0
		Ethnic Minorities	25.0	3.4	6.1
		Unclassified	NA	16.3	9.3
	\$8.9M	Local Business	NA	33.3	32.5
		Local/Small Business	NA	17.0	13.8
		Small Business	50.0	22.4	18.8
		Microbusiness	NA	2.1	1.5
Overall Contracts	\$212.1M	White Men	25.0	79.5	87.0
		White Women	6.3 ²	3.8	4.0
		Ethnic Minorities	25.0	13.9	7.5
		Unclassified	NA	2.8	1.5
	\$235.1M	Local Business	NA	43.3	36.3
		Local/Small Business	NA	12.2	4.8
		Small Business	50.0	22.0	16.0
		Microbusiness	NA	1.9	0.9

*Total contract awards excluding government, nonprofit, publicly held corporations, foreign-owned and sole source awards.

¹ Ethnic Minorities includes men and women.

² Weighted average based on contract distribution per contract category for FY05-FY15; for the District overall and departments with construction awards, the contracting objective is 6.3 percent; for departments without construction awards, the objective is 1.7 percent.

FY20 – DISTRIBUTION OF CONTRACT AWARDS OF \$80,000 OR LESS

East Bay Municipal Utility District

July 1, 2019 – June 30, 2020

Contract Category/Awards (\$)		Availability Group/ Misc. Grouping ¹	Contracting Objective %	FY19 Year-End Results %	FY20 Fourth Quarter Results %
Professional Services	\$2.0M	White Men	25.0	47.0	53.3
		White Women	6.0	18.9	17.3
		Ethnic Minorities	25.0	17.1	20.3
		Unclassified	NA	16.8	7.7
	\$2.1M	Local Business	NA	44.4	50.3
		Local/Small Business	NA	21.3	30.3
		Small Business	50.0	28.7	59.0
		Microbusiness	NA	7.0	10.0
General Services	\$7.3M	White Men	25.0	58.4	66.7
		White Women	6.0	9.5	5.0
		Ethnic Minorities	25.0	18.8	12.6
		Unclassified	NA	13.6	15.7
	\$7.8M	Local Business	NA	58.2	48.0
		Local/Small Business	NA	44.7	25.7
		Small Business	50.0	47.4	42.3
		Microbusiness	NA	8.1	2.7
Construction	\$2.0M	White Men	25.0	77.6	80.0
		White Women	9.0	6.9	3.3
		Ethnic Minorities	25.0	9.8	15.3
		Unclassified	NA	5.3	1.3
	\$2.0M	Local Business	NA	63.7	59.0
		Local/Small Business	NA	32.8	37.0
		Small Business	50.0	33.9	66.0
		Microbusiness	NA	7.3	17.3
Materials & Supplies	\$22.0M	White Men	25.0	73.7	72.3
		White Women	2.0	9.2	7.7
		Ethnic Minorities	25.0	7.2	11.3
		Unclassified	NA	10.3	8.7
	\$23.3M	Local Business	NA	35.3	46.3
		Local/Small Business	NA	19.8	19.0
		Small Business	50.0	30.1	32.7
		Microbusiness	NA	3.4	1.7
Purchase Cards	\$7.7M	White Men	25.0	76.5	80.0
		White Women	2.0	3.8	3.5
		Ethnic Minorities	25.0	3.4	6.5
		Unclassified	NA	16.3	10.0
	\$8.9M	Local Business	NA	33.3	35.0
		Local/Small Business	NA	17.0	14.0
		Small Business	50.0	22.4	18.7
		Microbusiness	NA	2.1	1.3
Overall Contracts	\$38.2M	White Men	25.0	68.1	71.3
		White Women	6.3 ²	8.7	11.7
		Ethnic Minorities	25.0	11.3	11.3
		Unclassified	NA	12.0	5.7
	\$43.2M	Local Business	NA	42.3	54.0
		Local/Small Business	NA	24.6	19.3
		Small Business	50.0	35.3	30.7
		Microbusiness	NA	5.2	2.0

*Total contract awards excluding government, nonprofit, publicly held corporations, foreign-owned and sole source awards.

¹ Ethnic Minorities includes men and women.² Weighted average based on contract distribution per contract category for FY05-FY15; for the District overall and departments with construction awards, the contracting objective is 6.3 percent; for departments without construction awards, the objective is 1.7 percent.

TOP PRIME PROFESSIONAL SERVICES AWARDS
FY20 (July 1, 2019 – June 30, 2020)

Prime Firm	Project Description	Availability Group	Contract Amount
BROWN & CALDWELL	Provide Consulting Services for the MWWTP Master Plan Project.	White Men	\$1,995,000
LUHDORFF & SCALMANINI	Provide Consulting Services for East Bay Plain Subbasin Groundwater Sustainability Plan Development.	White Men	\$1,591,442
GAYNER ENGINEERS	Provide Engineering and Design Services for HVAC and Other Building Systems Improvements at the MWWTP.	Asian Men	\$1,183,530
CONSOLIDATED CM	Provide Construction Support Services for the Administration Buildings HVAC Systems Upgrade.	White Men	\$990,048
TAIT ENVIRONMENTAL SVCS INC	Provide Engineering Design Services for the Specification 2147 Fuel Systems Improvement Project.	White Men	\$943,786
BROWN & CALDWELL	Provide Consulting Services for Design of a Hypolimnetic Oxygenation System (HOS) at San Pablo Reservoir.	White Men	\$775,078
RIMINI STREET, INC	Provide Software Maintenance Services for PeopleSoft HRIS/FIS Systems.	White Men	\$348,000
MCMILLEN JACOBS ASSOCIATES	Provide Design of Two New Chemical Feed Shafts to Pardee Tunnel as a part of the Pardee Chemical Plant Improvements.	White Men	\$338,611
LETTIS CONSULTANTS INT'L, INC.	Perform Engineering Geology Field Work and Preparation of Planning Documents for the Pardee Dam.	White Men	\$281,030
TERRAPHASE ENGINEERING	Support State Mandated Lead Sampling in K -12 Schools.	White Men	\$260,000

TOP PRIME GENERAL SERVICES AWARDS
FY20 (July 1, 2019 – June 30, 2020)

Prime Firm	Project Description	Availability Group	Contract Amount
CLEAR BLUE ENERGY CORP	Upgrade Lighting in the Admin Building per RFQ 1819.	White Men	\$1,162,069
SCHNEIDER ELECTRIC	Supply ICS Cyber security Services for the Districts Scada Network.	White Men	\$716,467
PATRIOT ENVIRONMENTAL SERVICES	Provide Routing and Emergency Hazardous and Non Hazardous Waste Management Services.	White Men	\$700,000
CIVICORPS SCHOOLS	Provide Vegetation Control and Related Duties.	Government	\$572,240
NATIONAL PLANT SERVICES	Perform Sewer Interceptor Siphon and Gravity Pipe Cleaning and Inspection Services.	White Men	\$484,257
HORIZON WATER AND ENVIRONMENT	Prepare Required Environmental Documentation to Support Routing Maintenance of the Mokelumne Aqueducts.	Mixed Minority	\$348,514
PACIFIC RIM FALL PROTECTION	Provide Fall Protection Services and Systems for Adeline Maintenance Center Building.	White Men	\$340,864
EXPERT TREE SERVICE	Provide Tree Removal Services to Reduce Wildfire Hazard.	White Men	\$310,000
SOLAR TURBINES	Extended Service Agreement for PGS2 Solar Turbines Mercury 50 Turbine.	Publicly Held Corp	\$212,000
PROCESS SOLUTIONS INC	Install Chloramine Boosting System at the Project Site.	White Men	\$200,000

TOP PRIME CONSTRUCTION AWARDS
FY20 (July 1, 2019 – June 30, 2020)

Prime Firm	Project Description	Availability Group	Contract Amount
MOUNTAIN CASCADE, INC.	Specification 2125 - San Pablo Clearwell & Rate Control Station Replacement.	White Men	\$41,213,000
MLADEN BUNTICH CONSTRUCTION	Specification SD-392 - Construction for South Interceptor 3rd Street Rehabilitation Phase 2.	White Men	\$12,516,000
BAYCITY MECHANICAL SERVICE	Specification 2130 – Administration Building HVAC Systems.	Mixed Minority	\$11,265,800
SIERRA MOUNTAIN CONSTRUCTION	Specification 2129 – Construction of Arcadian, Larkey, and Rheem Reservoirs Rehabilitation.	Hispanic Men	\$9,630,813
KIEWIT INFRASTRUCTURE WEST	Specification SD-399 –Main Wastewater Treatment Plant Aerated Grit Tanks and Gallery Improvements.	White Men	\$4,787,350
DISNEY CONSTRUCTION, INC	Specification 2126 – Fire Trail and Jensen No. 1 Pumping Plants Rehabilitation.	White Men	\$4,340,000
CON-QUEST CONTRACTORS, INC.	SD-401 – Construction of the North Interceptor Relief Sewer – Virginia Street Relief Structure.	White Men	\$3,172,728
KWS MANUFACTURING CO, LTD	RFQ 1909.	White Men	\$1,978,299
E.R.S. INDUSTRIAL SERVICE	Specification SD-408 – Solid Liquid Waste Receiving Station Tanks 4 & 5 Recoating and Miscellaneous Improvements.	White Men	\$842,790
FARWEST CORROSION CONTROL	Specification 2131 – Mokelumne Aqueducts Cathodic Protection Improvements.	White Women	\$554,034

TOP PRIME MATERIAL & SUPPLIES AWARDS**FY20 (July 1, 2019 – June 30, 2020)**

Prime Firm	Project Description	Availability Group	Contract Amount
SOLENIS LLC	Polymeric Flocculent Supplies for Dewater Digested Sludge.	White Men	\$31,399,997
SOLENIS LLC	Thickening Polymeric Flocculent Active Base.	White Men	\$12,138,578
MYERS POWER PRODUCTS, INC.	Miscellaneous Electrical supplies.	White Men	\$7,024,354
ALISTO ENGINEERING GROUP	Provide Services to Install Anodes and Conduct Leak Detection Survey on 5355 Copper Services in the City of Alameda.	Asian Men	\$3,293,325
HONEYWELL PROCESS SOLUTIONS	USL and Sobrante Plant Hardware/Software.	Publicly Held Corporation	\$2,660,487
GRANITE DATA SOLUTIONS	Various Dell OptiPlex products and equipment with 5 years Pro Support and Onsite Services.	White Men	\$2,147,281
AT&T/MCI	Provide Data and Voice Communication Services through the State of California's CalNET Contract.	Publicly Held Corporation	\$1,906,055
FERGUSON WATERWORKS	Miscellaneous Supplies replating for Proposal 1905A.	Publicly Held Corporation	\$1,784,100
HONEYWELL PROCESS SOLUTIONS	Provide Engineering Services Relating to Sobrante and USL Water Treatment Plants Control System Improvements.	Publicly Held Corporation	\$1,500,040
BADGER METER, INC.	Miscellaneous Meter Supplies for Prop 1805D.	Publicly Held Corporation	\$1,423,638

EBMUD FY20 Jobsite Workforce Local Hire Status Summary for Current Projects								
Project County(ies) Location	Total Work Hours	Local Work Hours				County Work Hours		
		Number of Hours	Percentage of Total Work Hours	GOAL	Wages with Benefits	Number of Hours	Percentage of Local Work Hours	GOAL
Spec. 2075 South Reservoir Replacement (Alameda Co.)	4,863	1,538	32%	50%	\$80,807	656	43%	30%
Spec. 2085A Carisbrook Reservoir & Skyline Pumping Plant Replacements and Montclair Reservoir Rehabilitation (Alameda Co.)	12,573	3,402	27%	50%	\$216,242	747	22%	30%
Spec. 2111 Wildcat Pipeline Improvement - Berkeley (Alameda Co.)	292	172	59%	50%	\$9,806	50	29%	30%
Spec. 2112 Country Club, Schapiro & Berryman North Pumping (Alameda & Contra Costa Co.)	1,381	63	5%	50%	\$6,212	27	43%	30%
Spec. 2117 Sobrante and Upper San Leandro Ozone Systems (Contra Costa Co.)	547	459	84%	50%	\$31,485	374	81%	30%
Spec. 2121 Bacon, Mendocino, and Pearl Reservoirs 384 (Contra Costa Co.)	2,764	1,158	42%	50%	\$100,718	20	2%	30%
Spec. 2125 San Pablo Clearwell and Rate Control Station Replacement (Contra Costa Co.)	17,789	8,696	49%	50%	\$523,345	4,240	49%	30%
Spec. 2126 Fire Trail and Jensen No. 1 Pumping Plants Rehabilitation (Alameda Co.)	3,816	2,782	73%	50%	\$225,676	233	8%	30%
Spec. 2129 Arcadian, Larkey, and Rheem Reservoirs Rehabilitation (Contra Costa Co.)	15,551	3,526	23%	50%	\$227,221	2,364	67%	30%
Spec. 2130 Administration Building HVAC Systems Upgrade (Alameda Co.)	23,948	17,057	71%	50%	\$1,756,232	6,410	38%	30%
Spec. 2135 Maloney Pumping Plant, Greenridge Pumping Plant, La Honda Rate Control Station, and Sobrante WTP Improvements (Contra Costa Co.)	11,432	8,216	72%	50%	\$553,449	4,568	56%	30%

EBMUD FY20 Jobsite Workforce Local Hire Status Summary for Current Projects								
Project County(ies) Location	Total Work Hours	Local Work Hours				County Work Hours		
		Number of Hours	Percentage of Total Work Hours	GOAL	Wages with Benefits	Number of Hours	Percentage of Local Work Hours	GOAL
Spec. 2136 Bayfair Pumping Plant and Peralta Regulator Replacement & Peralta, South, and May Pumping Plants Demolition (Alameda Co.)	6,394	3,004	47%	50%	\$176,005	1,420	47%	30%
Spec. 2143 Orinda Water Treatment Plant Maintenance and Scouring Air System Upgrade (Contra Costa Co.)	84	0	0%	50%	\$0	0	0%	30%
Spec. 2144 Birch, Cull Creek, and Sherwick Reservoirs Rehabilitation (Contra Costa Co.)	6,626	2,535	38%	50%	\$144,113	865	34%	30%
Spec. 2146 Oak, 98th and Sequoia Rate Control Stations Rehabilitation; University Pumping Plant, and University No. 2 Reservoir Replacement (Alameda Co.)	2,964	645	22%	50%	\$43,942	193	30%	30%
Spec. 2149 Westside Pumping Plant Replacement - El Toyonal/La Encinal Pipeline Improvements (Contra Costa Co.)	1,437	877	61%	50%	\$37,990	473	54%	30%
SD356 MWWTP Digester Upgrade Project Phase 3 (Alameda Co.)	7,625	3,764	49%	50%	\$251,234	2,071	55%	30%
SD396 MWWTP Primary Sedimentation Tanks and Channels Rehabilitation - Phase 5 (Alameda Co.)	17,781	6,425	36%	50%	\$483,469	2,101	33%	30%
SD399 Aerated Grit Tanks Improvement (Alameda Co.)	6,941	1,265	18%	50%	\$95,738	453	36%	30%
SD400 North Interceptor Relief Sewer Buchanan Street and Page Street Intertie Structures and Eastshore Highway Interceptor (Alameda Co.)	1,205	693	58%	50%	\$41,194	306	44%	30%

EBMUD FY20 Jobsite Workforce Local Hire Status Summary for Current Projects								
Project County(ies) Location	Total Work Hours	Local Work Hours				County Work Hours		
		Number of Hours	Percentage of Total Work Hours	GOAL	Wages with Benefits	Number of Hours	Percentage of Local Work Hours	GOAL
SD401 North Interceptor Relief Sewer - Virginia Street Relief Structure (Alameda Co.)	6,052	5,653	93%	50%	\$334,194	4,143	73%	30%
SD408 Solid Liquid Waste Receiving Station Tanks 4 & 5 Recoating and Misc. Improvements (Alameda Co.)	1,434	217	15%	50%	\$10,104	184	85%	30%
SD411 Main Wastewater Treatment Plant 02 Plant Recoat (Alameda Co.)	2,284	735	32%	50%	\$56,184	501	68%	30%
927-40830-AX EBMUD Blend Tank OCU Improvement (Alameda Co.)	309	309	100%	50%	\$19,339	8	3%	30%
TOTAL	156,092	73,191	47%	--	\$5,424,699	32,407	44%	--

Goal Achieved

New Project

Completed

FY20 KEY OUTREACH ACTIVITIES

Business Forums: Staff provided information on how to do business with the District and contract opportunities.

- EBMUD and the Construction Resource Center hosted the July Project Management Certificate Ceremony (July, Oakland, CA)
- EBMUD and the Construction Resource Center hosted the December Project Management Certificate Ceremony (December, Oakland, CA)
- EBMUD and the American Indian Chamber of Commerce - California hosted Going to “O-Town” for Opportunities Forum (January, Oakland, CA)
- Swinerton, EBMUD, and the Western Region Minority Supplier Development Council hosted a virtual *Back to Business Builders Event*. (May, Virtual)
- East Bay Municipal Utility District and Construction Contractors Resource Center hosted *Creative Business Solutions* as part of the 10-week Project Management Program (May, Virtual)

Presentations: Staff provided information on how to do business with the District and contract opportunities.

- American Indian Chamber of Commerce of California hosted its 2019 Expo “Creating Connections & Business Success in a Changing Market” (July, Rancho Mirage, CA).
- Western Regional Minority Supplier Diversity Council (WRMSDC) hosted the 2019 Multi-Industry Diversity Expo: “The Digitized Supplier” (August, San Ramon, CA)
- Richmond Chamber of Commerce hosted its 2019 Richmond Chamber Economic Summit (September, Oakland, CA)
- Western Regional Minority Supplier Development Council hosted its Builders & Tradespeople Industry Day in (October, Oakland, CA)
- Women’s Business Enterprise Council - Pacific hosted its Bold Success Level Up! Conference in (November, San Jose, CA)
- Alameda County Public Works Agency hosted *Business Opportunities for Business (B.O.B) Construction Contracting Opportunities Workshop & Breakfast* (January, Hayward, CA)
- California Department of General Services will host its 4th Annual Procurement Workshop & Panel (February, San Jose, CA)

Trade Fairs/Conferences: Staff disseminated information on the CE Program, Small Business incentives and contracting opportunities.

- American Indian Chamber of Commerce of California hosted its 2019 Expo “Creating Connections & Business Success in a Changing Market” (July, Rancho Mirage, CA).
- California Hispanic Chamber of Commerce hosted its 40th annual Statewide Convention “REINVENT OPPORTUNITIES” (August, Stockton, CA)
- Western Regional Minority Supplier Diversity Council (WRMSDC) hosted the 2019 Multi-Industry Diversity Expo: “The Digitized Supplier” (August, San Ramon, CA)
- Associated General Contractors-California hosted its Bay Area Fall Regional Meeting and Public Works Expo (September, Lafayette, CA)
- Greater Stockton Chamber of Commerce hosted its October Business Showcase & Trade Show (October, Stockton, CA)
- Oakland Metropolitan Chamber of Commerce hosted its Small Business and Nonprofit Fair (October, Oakland, CA)
- California Public Utilities Commission/Joint Utilities hosted its Small/Diverse Business Expo (October, Citrus Heights, CA)
- Alameda County Public Works Agency hosted *Business Opportunities for Business (B.O.B) Construction Contracting Opportunities Workshop & Breakfast* (January, Hayward, CA)
- California Department of General Services will host its 4th Annual Procurement Workshop & Panel (February, San Jose, CA)

Community Events & Public Outreach: Staff networked with small businesses and community organizations explaining how to do business with the District and provided information on contract opportunities.

- Oakland African American Chamber of Commerce - Chairwoman's Reception (July, Oakland, CA)
- Alameda County Public Works Agency- Building Opportunities for Business (B.O.B.) DBE, SLEB, and SLBE Certification Workshop (July, Hayward, CA)
- San Joaquin Hispanic Chamber of Commerce - Leaders' Luncheon on Business Planning for San Joaquin's Future (July, Stockton, CA)
- Peralta Colleges Foundation - Annual Scholarship Gala Benefit Going to Bat for our Students, our Colleges and our Community (September, Oakland, CA)
- Tradeswomen Inc. - 40 Years Celebration (September, Oakland, California)
- Asian, Inc. Asian, Inc. - 48th Anniversary Gala (September, San Francisco, CA)
- Regional Parks Foundation - *A Night to Remember 50th Anniversary Gala* (October, Pleasanton, CA)
- Council of Business & Industry of West Contra Costa County - *Annual Shoreline and Bay Yacht Tour* (October, Richmond, CA)
- Oakland Latino Chamber of Commerce - *Board Meeting* (October, Oakland, CA)
- Oakland African American Chamber of Commerce - *16th Annual Business Awards Luncheon* (October, Oakland, CA)
- San Francisco Public Utilities Commission - *6th Annual Women in Construction Expo – "A Seat At the Table"* (November, San Francisco, CA)
- American Indian Chamber of Commerce - *Advisory Council Planning Retreat* (December, Santa Rosa, CA)
- Women's Business Enterprise Council – *Pacific Awards Gala* (December, San Jose, CA)
- Construction Resource Center - *Industry Advisory Committee Meeting* (December, Teleconference)
- State of California - 20th Annual State Recognition Awards (January, Citrus Heights, CA)
- California Hispanic Chamber of Commerce - Latino Legislative Caucus Reception (January, Sacramento, CA)
- California Hispanic Chamber of Commerce - Round Table with the U.S. Department of Energy (February, Oakland, CA)
- San Francisco Public Utilities Commission (Contractors Assistance Center) - LBE Cooperative Opportunity and Discussion (March, San Francisco, CA)
- Construction Resource Center - Industry Advisory Committee Meeting, (April, Teleconference)
- American Indian Chamber of Commerce - Advisory Council Meeting (April, Teleconference)
- American Indian Chamber of Commerce Tribal Business Empowerment Webinar: Connect with Customers and Manage Your Business Remotely & Chamber AICEF-PTAC COVID Resources Update with Town Hall Discussion (May, Google Meets)
- Oakland Latino Chamber of Commerce - Board Meeting (May, Zoom Meeting)
- Women's Business Enterprise Council Pacific - *Corporate General Membership Meeting* (May, Zoom Meeting)
- California Hispanic Chamber of Commerce - *Virtual California Business Policy Summit* (May, Zoom Meeting)
- EBMUD and the Construction Resource Center hosted the July Project Management Certificate Ceremony in (December, Oakland, CA)
- EBMUD and the American Indian Chamber of Commerce – California will host Going to "O-Town" for Opportunities (January, Oakland, CA)
- Western Region Minority Supplier Development Council Prime Time (February, San Francisco, CA)

Participation on the following:

- American Indian Chamber of Commerce - *Corporate Advisory Committee*
- Construction Resource Center – *Industry Advisory Committee*
- Oakland Latino Chamber of Commerce – *Board of Directors*

- University of California - *Small & Diverse Business Advisory Council*
- Western Region Minority Supplier Development Council - *Construction Working Group*

Awards/Recognition:

- Received a Certificate of Special Congressional Recognition from Congresswoman Barbara Lee on November 12, 2019 for the 35th Anniversary of the Contract Equity Program.
- Received the Reciprocity Partner of the Year Bronze Winner award from the State of California during their 20th Annual State Recognition Awards Program on January 29, 2020. The award recognized the State's top three (3) organizations that supports and promotes the state's small business and disabled veteran business programs.
- Winner of the Local/Regional Corporation of the Year for the Western Region Minority Supplier Development Council (WRMSDC) on June 30, 2020. This award recognizes a Local/Regional Corporate Member that has demonstrated company-wide support of WRMSDC and whose Supplier Diversity initiatives are moving the needle toward a more inclusive and diverse landscape.

ADVERTISEMENTS

- American Indian Chamber of Commerce of CA
- American Contract Compliance Association
- Asian Business League of San Francisco
- Asian Enterprise Magazine
- Asian, Inc.
- Bay Area Black Expo, LLC
- California Hispanic Chamber of Commerce
- California Black Chamber of Commerce
- Construction Resource Center
- Cypress Mandela Training Center, Inc.
- Hispanic Chamber of Commerce of Contra Costa County
- Latino Times
- Minority Business Enterprise Magazine
- National Association of Minority Contractors
- Pride & A Paycheck
- R. Warren Media
- San Joaquin County Hispanic Chamber of Commerce
- Western Regional Minority Supplier Development