

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 23-04

**RESCINDING AND REPLACING ORDINANCE 04-01 AND DIRECTING THE
ESTABLISHMENT OF PROCEDURES FOR THE CONTRACTING OF
PROFESSIONAL CONSULTANT SERVICES**

WHEREAS, on June 15, 2004, the Board of Directors (Board) of Santa Clara Valley Water District (Valley Water) adopted Ordinance 04-01 to provide small business preference for contracting professional consultant services based on Government Code §4526 and incorporated preference criteria from Public Contract Code §2002; and

WHEREAS, Ordinance 04-01 established a preference of 5 percentage points for certified small businesses and a minimum of 3 percentage points up to 5 percentage points for non-small businesses who meet small business subcontracting participation goals of at least 30 percent; and

WHEREAS, in 2018, Assembly Bill 2762 amended Public Contract Code §2002 to establish policy requirements effective January 2019 for a local agency that offers a small business preference; and

WHEREAS, the Board received and considered proposed SBE policy updates at its regularly scheduled meeting on September 26, 2023 that included an agenda memo and proposed ordinances presented by Valley Water staff; and

WHEREAS, Valley Water now desires to establish a Small Business Outreach Program Policy that includes a small business preference and relevant policy updates to ensure maximum participation of small business firms in the selection and award of professional consultant services agreements.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby ordain as follows:

Section 1: This Ordinance rescinds and replaces Ordinance 04-01 to address policy updates and amendments to Public Contract Code §2002.

Section 2: That the policies contained in the agenda memo presented to and considered by the Board are adopted by the Board, and the Board directs that said policies shall be incorporated into a Small Business Enterprise Outreach Program Policy For Professional Consultant Services guidelines and all other relevant administrative policies and procedures to ensure maximum participation of Small Business Enterprise firms in the contracting for professional consultant services.

Section 3: The Chief Executive Officer is authorized to administratively implement statutorily mandated changes to the Small Business Enterprise Outreach Program Policy for Professional Consultant Services.

Section 4: This ordinance is adopted pursuant to the authority of Public Contract Code §2002 and Government Code §4526 and is not intended to carry the criminal penalties associated with ordinances adopted pursuant to Section 9 of the District Act.

Rescinding and Replacing Ordinance 04-01 And Directing The Establishment Of Procedures
For The Contracting Of Professional Consultant Services Ordinance No. 23-04

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by
the following vote on September 26, 2023:

AYES: Directors: Estremera, Santos, Beall, Eisenberg, Hsueh, Keegan, Varela

NOES: Directors: None

ABSENT: Directors: None

ABSTAIN: Directors: None

SANTA CLARA VALLEY WATER DISTRICT

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JOHN L. VARELA
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors