



DELTA STEWARDSHIP COUNCIL
A California State Agency

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February 4, 2016

REQUEST FOR CONSULTING SERVICES
RFCS #0000000186
Addendum #1

Please note that this RFCS is being issued pursuant to Water Code section, 85213, which authorizes the Council to contract for consulting services. In addition, note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum.

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The purpose of this addendum is to help clarify the language and solicit as many qualified candidates as possible who can provide the scoped services and expertise.

Since the solicitation for Delta Plan Amendments was published on January 26, 2016, the Council has received a common inquiry regarding the applicability and application of Water Code section 85214 (Conflicts of interest; independence of contractor's work) to the services to be performed as part of this solicitation. That provision reads as follows:

"85214. (a) It is the intent of the Legislature to avoid any actual or apparent conflict of interest with respect to contracts entered into by the Council for work relating to the Delta Plan and the Bay Delta Conservation Plan.

(b) Therefore, it is the intent of the Legislature that any contract entered into by the Council for purposes of developing the Delta Plan should include provisions ensuring the independence of the contractor's work on the Delta Plan with respect to any work that the contractor may do, or may have completed, related to the Bay Delta Conservation Plan."

It is the Council's view, in light of that provision and the Council's statutory role under the Delta Reform Act, that a consultant that has done significant work on the BDCP or CAL Water Fix may not perform work on the anticipated Delta Plan amendment to promote options for new and improved Delta conveyance, storage systems and the operation of both to achieve the coequal goals (one of the potential amendments that could be tasked to the awardee). That consultant could, however, work - as the primary contractor or a subcontractor - on other discreet Delta Plan amendments anticipated under this solicitation where Water Code section 85214 is not implicated. The Council recommends that a Respondent describe how any of the BDCP or CAL Water Fix work and the potential work that the Council may task will be undertaken independently either by subcontractors or staff who have not consulted on the BDCP and CAL Water Fix. A clear "firewall" between the work effort on the BDCP and CAL Water Fix and the work to be undertaken for the Council should be described in detail to assure that no potential conflicts arise.

It is strongly recommended that in order to avoid any actual or apparent conflicts of interest in this regard that all proposed Respondents disclose in detail their past, present and potential future work related to BDCP or CAL Water Fix.