



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Susana Alcala Wood

**SUBJECT:** SEE BELOW

**DATE:** December 16, 2025

---

**SUBJECT: LEGAL SERVICES AGREEMENT WITH HAWKINS, DELAFIELD & WOOD LLP FOR THE SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY CAPITAL IMPROVEMENT PROGRAM**

## **RECOMMENDATION**

Adopt a resolution authorizing the City Attorney to negotiate and execute a legal services master agreement with Hawkins, Delafield & Wood LLP, in an amount not to exceed \$4,000,000 for a term from the date of execution by the City through June 30, 2030, with the City's right, at the discretion of the City Attorney, to extend the term of this Agreement for up to two (2) additional two-year terms through June 30, 2034, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

## **SUMMARY AND OUTCOME**

The outcome of the recommended action will allow Hawkins, Delafield & Wood LLP ("Hawkins Delafield") to provide legal services related to the design and construction of design-build projects at the San José-Santa Clara Regional Wastewater Facility ("RWF"), including the Aeration Basin Modifications – Phase 1 and Primary Rehabilitation projects.

## **BACKGROUND**

The RWF is owned jointly by the cities of San José and Santa Clara. The ownership agreement designates San José as having primary responsibility for administering, operating and maintaining the RWF. It expressly states that San José has the power to "make, award and enter into contracts with third parties for the construction, improvement, replacement, expansion, or repair" of the RWF.

Over the years, San José and Santa Clara have entered into a variety of separate agreements to provide wastewater treatment services to the cities of Milpitas, Cupertino, Campbell, Los Gatos, Monte Sereno and Saratoga, and to unincorporated areas of Santa Clara County. Currently, the RWF provides tertiary treatment of up to 167 million gallons of wastewater a day to approximately 1.4 million residents and about 17,000 commercial/industrial sewer connections. It operates 24 hours a day, 7 days a week.

The RWF uses a five-year capital improvement program to plan and identify capital improvement projects. Historically, the total cost of the capital improvement projects identified in the five-year capital improvement program has ranged from \$5 million to \$200 million dollars.

The RWF is now over 60 years old and requires an increased level of capital investment to fund significant infrastructure rehabilitation needs. To address these needs, the CIP is guided by the Plant Master Plan (PMP), which the City Councils of San José and Santa Clara approved in late 2013. The PMP recommended more than 114 capital improvement projects to be implemented over a 30-year planning period at an estimated investment level of approximately \$2 billion. The PMP assumed an implementation schedule of 2010 through 2040. The RWF is working on a technical update to the PMP that extends the planning horizon to 2050.

Over the past ten years, the RWF has completed several large capital projects, that have included rehabilitating digesters, covers, and mixing systems, upgrading the electrical distribution systems, rebuilding the headworks, replacing aging power generation equipment and filter systems, and transitioning from open-air biosolids drying to mechanical dewatering and drying.

Construction at the RWF during the past ten years has primarily been accomplished by using the design-bid-build method of project delivery. Following a request for qualifications process held in 2014, on November 24, 2014, the City entered a contract for legal services with Hawkins Delafield to work with the City Attorney's Office in:

1. Advising the City with the analysis of various alternative methods available to it for delivering major public works construction projects, including design-build projects; and
2. Advising the City on implementing, administering and managing major public works construction projects undertaken at the RWF using various project delivery methods, including design-build projects.

The City Council approved subsequent amendments to the 2014 agreement with Hawkins Delafield to continue to provide legal services for the RFW projects listed above and to provide services for the Additional Digester Facility Upgrade project through its scheduled completion in 2029, with total compensation under that agreement not to exceed \$3,100,000.

Based on PMP and upcoming technical update, the RWF anticipates continuing to implement major capital improvement projects over the next ten years, including rehabilitating primary and secondary tanks; rehabilitating and modifying aeration tanks; and upgrading pump stations. These improvements, along with other infrastructure projects, are estimated to put the level of capital investment over the next five years in the \$600 to \$800 million range.

Given the large volume of construction work planned for the RWF, and the size and complexity of the projects, the City Attorney's Office recommends that the City engage outside legal

counsel with an expertise in primarily the following areas to work with the City Attorney's Office in:

1. Advising the City with the analysis of various alternative methods available to it for delivering major public works construction projects, including design-build projects; and
2. Advising the City on implementing, administering and managing major public works construction projects undertaken at the RWF using various project delivery methods, including design-build projects.

### **ANALYSIS**

To identify the best qualified law firm to provide legal services for the upcoming projects described above, on June 24, 2025, the Office of the City Attorney issued a request for qualifications on Bidding for "Legal Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program."

On July 23, 2025, the Office of the City Attorney received statements of qualifications from six law firms: Ashurst; Atkinson, Andelson, Loya, Ruud & Romo; Hanson Bridgett; Hawkins Delafield & Wood LLP; Meyers Nave Ribak Silver & Wilson; and Nossaman LLP. A committee consisting of three attorneys from the Office of the City Attorney carefully reviewed, evaluated and analyzed each statement of qualifications.

The statements of qualifications submitted by the six law firms were impressive. They demonstrated that each of the law firms was qualified. However, the law firm of Hawkins Delafield & Wood, LLP distinguished itself based on having extensive, specific experience and expertise in advising public entity owners on the myriad of complex issues involved in implementing wastewater construction projects and was ranked first among the three responding firms. In addition, Hawkins Delafield & Wood is familiar with the RFW and has a good working relationship with staff and the Office of the City Attorney through its work with the City at to RWF over the last several years.

Accordingly, the Office of the City Attorney recommends that the City Council adopt a resolution delegating authority to the City Attorney to negotiate and execute a legal services master agreement with Hawkins Delafield & Wood, LLP. to support implementation of major capital improvement projects over the next ten years, including rehabilitating primary and secondary tanks; rehabilitating and modifying aeration tanks; and upgrading pump stations, in an amount not to exceed \$4,000,000 for a term from the date of execution by the City through June 30, 2030, with the City's right, at the discretion of the City Attorney, to extend the term of this Agreement for up to two (2) additional two-year terms through June 30, 2034

### **CLIMATE SMART SAN JOSÉ ANALYSIS**

The recommendation in this memorandum has no effect on Climate Smart San Jose energy, water or mobility goals.

### **EVALUATION AND FOLLOW UP**

No follow up action with City Council is expected at this time.

### **FISCAL/POLICY ALIGNMENT**

The recommended action is consistent with the City council approved budget strategy to focus on rehabilitating aging facility infrastructure, improve efficiency, and reduce operating costs. The recommendation action is also consistent with the budget strategy principle of focusing on protecting vital core services.

### **COST SUMMARY/IMPLICATIONS**

Services performed by Hawkins, Delafield & Wood LLP under this agreement will be authorized by service orders in an amount not to exceed \$4.0 million based on an hourly rate as set forth in the legal services agreement. While the San José-Santa Clara Treatment Plant Capital Fund will be the source of funding for future work, an appropriation is not required for the execution of this master agreement but is required for each service order subsequently authorized. Future funding is subject to appropriation and, if needed, will be included in the development of future year budgets during the annual budget process.

### **COORDINATION**

This memorandum has been coordinated with the Environmental Services Department and the City Manager's Budget Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the January 13, 2026 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

This item is scheduled to be heard at the January 8, 2026 Treatment Plant Advisory Committee meeting. A supplemental memorandum with the Committee's recommendation will be included in the January 13, 2026 City Council meeting agenda.

### **CEQA**

Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment.

HONORABLE MAYOR AND CITY COUNCIL

December 16, 2025

**Subject: Legal Services for the Regional Wastewater Facility Capital Improvement Program**

Page 5

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in Section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

SUSANA ALCALA WOOD

City Attorney



By Kevin Fisher  
Assistant City Attorney

cc: Jennifer Maguire

For questions, please contact Kevin Fisher, Assistant City Attorney, at (408) 535-1900.