

RESOLUTION AND ORDER NO. 04-19-931

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS
AUTHORIZING THE GENERAL MANAGER TO EXECUTE A
CONTRACT WITH QUACITO, LLC, FOR THE DEVELOPMENT AN
INTERNET WEBSITE FOR THE EAA IN AN AMOUNT NOT TO EXCEED
\$84,901.00.

WHEREAS, the Edwards Aquifer Authority ("EAA") was created by the Edwards Aquifer Authority Act, Act of May 30, 1993, 73rd Leg., R. S., ch. 626, 1993 Tex. Gen. Laws 2350, as amended ("Act"); and

WHEREAS, under Section 1.02 of the Act, the EAA is a conservation and reclamation district created by virtue of Article XVI, Section 59 of the Texas Constitution, and is a governmental agency and body politic and corporate vested with the full authority to exercise the powers and to perform the functions specified in the Act; and

WHEREAS, under Section 1.08(a) of the Act, the EAA has all the powers, rights and privileges necessary to manage, conserve, preserve, and protect the Edwards Aquifer ("Aquifer") and to increase the recharge to; and prevent the waste or pollution of water in, the Aquifer; and

WHEREAS, under Section 1.11(d)(2) of the Act, and other applicable law, the EAA may enter into contracts; and

WHEREAS, under Sections 36.057(a) and 49.057(a), Texas Water Code, the EAA may contract with all persons, firms, partnerships, corporations, or other entities, public or private, deemed necessary by the EAA Board of Directors ("Board") for the conduct of the affairs of the EAA; and

WHEREAS, under Section 49.211(a), Texas Water Code, the EAA has the functions, powers, authority, rights, and duties that will permit it to accomplish the purposes for which it was created or the purposes authorized by the constitution, the Texas Water Code, or any other law; and

WHEREAS, under Section 49.213(b), Texas Water Code, the EAA may enter into contracts with any person or any public or private entity in the performance of any purpose or function permitted by the EAA; and

WHEREAS, under Section 49.213(c)(7), Texas Water Code, the EAA may enter into contracts with persons or any public or private entities on the terms and conditions the Board may consider desirable, fair, and advantageous for, among other things, the exercise of any rights, powers, and duties granted to the EAA; and

WHEREAS, under Section 10.02(a) (1) and (2) of the EAA Bylaws, the EAA, through the General Manager, has previously contracted with Quacito LLC for various services to be performed during fiscal year 2019, which bylaw provisions generally authorize the General

Manger to contract for services without further authorization from the Board if the total dollar amount is \$50,000 or less, or, for any combination of contracts for which the cumulative total dollar amount with an individual vendor is \$100,000 or less, provided general allocation for the expenditure has been made in the annual budget; and

WHEREAS, such previous contracts with Quacito LLC had a cumulative total dollar amount of \$38,081.50, for the 2019 projects listed below:

Meter Matters App - Development	\$10,500.00
Meter Matters App – Hosting	5,400.00
Website Migration/Development – EAHCP	10,000.00
EAGIS System Review	12,181.50

WHEREAS, the General Manager now desires to contract again with Quacito LLC for website development services in the amount of \$84,901.00, however, in so doing, this contract will bring the cumulative total dollar amount of contracts with Quacito LLC during fiscal year 2019 to a total of \$122,982.50; and

WHEREAS, in light of the limitations in Section 10.02(a)(2) of the EAA Bylaws on the General Manager's contracting authority, it is necessary to utilize the procurement procedures of the Board in Section 10.02(b); and

WHEREAS, Section 10.02(b) of the EAA Bylaws requires that any contracts whose value exceeds \$100,000 be approved by a written resolution of the EAA Board of Directors ("Board"); and

WHEREAS, although the individual contract amount for the website services contract with Quacito LLC will not exceed \$100,000, the total cumulative dollar amount to be paid to Quacito LLC during fiscal year 2019 under the terms of the preexisting contracts and the website services contract as listed in the above table will exceed \$100,000; and

WHEREAS, the proposed contract with Quacito LLC for website development services will be reviewed by EAA legal counsel prior to execution by the General Manager; and

WHEREAS, a regular meeting of the Board of the EAA was held on April 9, 2019, at 3:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

WHEREAS, an agenda item was duly listed in the notice of public meeting that is the subject of this Resolution and Order; and

WHEREAS, a majority of the Directors was present and constituted a quorum of the Board; and

WHEREAS, the Board duly considered and took action on the Agenda Item that is the subject of this Resolution and Order; and

WHEREAS, a vote of the majority of the quorum of the Board present passed on, voted in favor of, and adopted the following Resolution and Order; and

WHEREAS, it in the public interest that the EAA enter into a contract to develop an internet website for the EAA as a means of communicating with EAA groundwater withdrawal permit holders, EAA stakeholders, and the general public.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THAT:

- Section 1. The recitals set out above are found to be true and correct, and they are hereby adopted by the Board of Directors and are made a part of this Resolution and Order for all purposes.
- Section 2. The EAA Board of Directors hereby authorizes the General Manager to execute a contract with Quacito LLC, in an amount not to exceed \$84,901.00 to provide consulting services to develop an internet website for the EAA.
- Section 3. The General Manager is authorized to execute and deliver the Contract and release payment as may be required by the Contract.
- Section 4. This Resolution and Order shall become effective from and after its adoption.

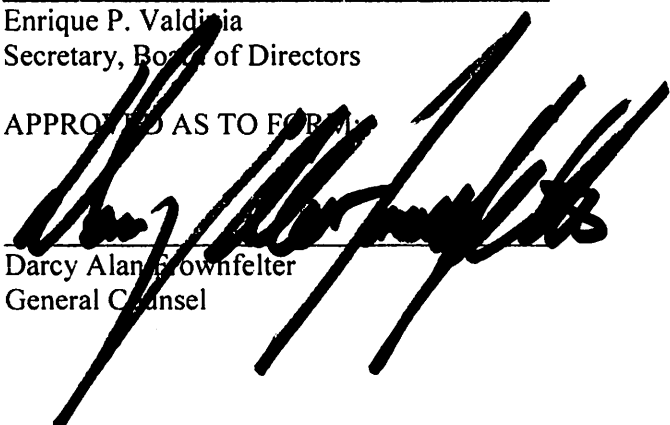
PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THIS THE 9th DAY OF APRIL 2019.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:



Darcy Alan Brownfelter
General Counsel