

RESOLUTION AND ORDER NO. 07-19-939

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS
APPROVING PURCHASE ORDER NO. 19-15640 BETWEEN THE EAA
AND AQUATIC INFORMATICS FOR AN AQUARIUS SAMPLES
SOFTWARE SUBSCRIPTION IN AN AMOUNT OF \$6,000 FOR THE
PERIOD AUGUST 1, 2019, THROUGH JULY 31, 2020, AND
AUTHORIZING THE GENERAL MANAGER TO APPROVE THE
PURCHASE.

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 Sections 1.11(b), 1.15-.20, and 1.35 of the Act, the EAA is to administer a permit program; and

WHEREAS, under Section 1.27 of the Act, the EAA may conduct research to the Aquifer on the Aquifer; and

WHEREAS, under Sections 36.062, 36.065, 49.062 and 49.065, Texas Water Code, the EAA is to maintain its records and preserve them in a safe place; 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, on June 25, 2019, the Finance and Administration Committee voted to recommend the Board adopt a resolution and order approving Purchase Order No. 19-15640 between the EAA and Aquatic Informatics for an Aquarius Samples software subscription in an amount of \$6,000 for the period August 1, 2019 – July 31, 2020, and authorizing the General Manager to approve the purchase order; and

WHEREAS, under Sections 4.01(b) and 10.02(a)(1) of the EAA Bylaws, the General Manager is authorized to execute, without further Board authorization, contracts involving the expenditure of equal to or less than \$50,000; and

WHEREAS, under Sections 4.01(b) and 10.02(a)(2) of the EAA Bylaws, the General Manager may also execute, without further Board authorization, multiple contracts with the same party for different, separate and distinct projects (whether similar in nature or not) as long as the total of such multiple contracts is equal to or less than \$100,000 in one calendar year; and

WHEREAS, Sections 4.01(b) and 10.02(b) of the EAA Bylaws by implication require that multiple agreements, contracts, or any other procurement instruments with the same party whose total combined value exceeds \$100,000 in a calendar year be approved by a written resolution of the Board adopted during a Board meeting; and

WHEREAS, during calendar year 2019, the General Manager has entered into 5 purchase orders with Aquatic Informatics for different and separate projects related to software and hosting services for the EAA supporting the management of biological monitoring data and stream flow data with a total combined value of \$95,159.50; and

WHEREAS, the General Manager now desires to enter into Purchase Order No. 19-15640 with Aquatic Informatics for another project related to a software subscription for the EAA with a total value of \$6,000; and

WHEREAS, the combined total of all of the purchase orders that the General Manager has previously entered into with Aquatic Informatics during calendar year 2019, and Purchase Order No. 19-15640 will be \$101,159.50; and

WHEREAS, the total amount to be paid to Aquatic Informatics under the terms of the multiple purchase orders during calendar year 2019 will exceed \$100,000; and

WHEREAS, the multiple purchase orders with Aquatic Informatics have not been reviewed by EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board of the EAA was held on July 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 for a purchase order for a software subscription supporting the management of biological monitoring data.

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 approves Purchase Order No. 19-15640 between the EAA and Aquatic Informatics, attached hereto, in a total amount of \$6,000 for an Aquarius Samples software subscription for the period, August 1, 2019 through July 31, 2020.
- Section 3. The General Manager is authorized to execute and deliver Purchase Order 19-15640 attached hereto and release payment as may be required by the Purchase Order.
- 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 JULY 2019.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
General Counsel

Requisition

Transaction History

Approve

Decline

Done

More actions

Aquatic Informatics, Inc (V-12649)

Transaction date	Date due	Item totals	Subtotals	Transaction total	Transaction status
06/14/2019	06/14/2019	6,000.00	0.00	6,000.00	Partially Approved

Date

06/14/2019

Vendor

V-12649--Aquatic Informatics, Inc

Document number

PO-19-15640

Pay to

Aquatic Informatics, Inc

Return to

Aquatic Informatics, Inc

#2400 - 1111 West Georgia

Vancouver, British Columbia V6E4M3

accounting@aquaticinformatics.com

(mailto:accounting@aquaticinformatics.com)

#2400 - 1111 West Georgia

Vancouver, British Columbia V6E4M3

accounting@aquaticinformatics.com (mailto:

accounting@aquaticinformatics.com)

Payment terms

Net 30

Vendor document number

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Attachments

12201

Expiration date

06/14/2019

Message

Vendor Quote from Aquatics Informatics

Partially Approved

Reference

Aquarius Samples 1 year subscription

Ship via

Show Spend Insight

Entries

Item ID	Fund	Department	MWBE	Quantity	Price	Extended price	Memo	
1	Equipment Maintenance--Equipment Maintenance	245--HCP Program Fund	505--Modeling & Research	7--Non-MWBE	6000	1.00	6,000.00	Aquarius Samples 1 year subscription
Total						6,000.00		