

RESOLUTION AND ORDER NO. 11-20-985

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS
APPROVING PURCHASE ORDER NO. 20-17972 BETWEEN THE EAA
AND SHI GOVERNMENT SOLUTIONS FOR A SCALE DISASTER
RECOVERY SERVER, SUPPORT AND INSTALLATION SERVICES IN
AN AMOUNT OF \$46,921.00, 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 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 Section 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 October 27, 2020, the Finance and Administration Committee voted to recommend the Board adopt a resolution and order approving Purchase Order No. 20-17972 between the EAA and SHI Government Solutions for a SCALE disaster recovery server and support and installation services in an amount of \$46,921.00, 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 2020, the General Manager has entered into 12 purchase orders with SHI Government Solutions for different and separate projects related to software, hardware, training, support and hosting services for the EAA supporting the organizational information technology needs with a total combined value of \$93,599.29; and

WHEREAS, the General Manager now desires to enter into Purchase Order No. 20-17972 with SHI Government Solutions for another project related to a hardware, support and installation services for the EAA with a total value of \$46,921.00; and

WHEREAS, the combined total of all of the purchase orders that the General Manager has previously entered into with SHI Government Solutions during calendar year 2020 and Purchase Order No. 20-17972 will be \$140,520.29; and

WHEREAS, the total amount to be paid to SHI Government Solutions under the terms of the multiple purchase orders during calendar year 2020 will exceed \$100,000; and

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

WHEREAS, a regular meeting of the Board was held on November 11, 2020, at 3:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code and the Governor's orders temporarily suspending certain provisions of Chapter 551 due to the Covid-19 pandemic; 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 this Resolution and Order; and

WHEREAS, it in the public interest that the EAA enter into this Resolution and Order to purchase a SCALE disaster recovery server and support and installation services.

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. 20-17972 between the EAA and SHI Government Solutions, attached hereto, in a total amount of \$46,921.00 for a SCALE disaster recovery server and support and installation services.
- Section 3. The General Manager is authorized to execute and deliver Purchase Order 20-17972 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 10TH DAY OF NOVEMBER 2020.

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

SHI/Government Solutions (V-11994)

Transaction date	Date due	Item totals	Subtotals	Transaction total	Transaction status
10/15/2020	11/14/2020	46,921.00	0.00	46,921.00	Submitted

Date

10/15/2020

Vendor

V-11994--SHI/Government Solutions

Document number

PO-20-17972

Pay to

SHI/Government Solutions

Return to

SHI/Government Solutions

P.O. Box 847434

Dallas, TX 75284-7434 United States

Jessica_Vos@SHI.com

P.O. Box 847434

Dallas, TX 75284-7434 United States

Jessica_Vos@SHI.com

Payment terms

Net 30

Expiration date

11/14/2020

Reference

BuyBoard-579-19 Scale DR Node

Vendor document number

19424190

Message

BuyBoard-579-19 Scale DR Node

Ship via

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Attachments

19376

State

Submitted

Show Spend Insight

Entries

	Item ID	Fund	Department	MWBE	Quantity	Price	Extended price	Memo
1	Computer Hardware - Capital CY--Computer Hardware - Capital CY	100--General Fund	205--Information Technology	3--Asian	37569	1.00	37,569.00	BuyBoard-579-19 Scale DR Node
2	Hosting, SAAS and Support Agmt--Hosting, SAAS and Support Agmt	100--General Fund	205--Information Technology	3--Asian	9118	1.00	9,118.00	Scale Support
3	Contractual Professional Serv.--Contractual Professional Services	100--General Fund	205--Information Technology	3--Asian	234	1.00	234.00	Installation services
	Total						46,921.00	