



Legislation Text

File #: AI 13-1393, Version: 2

Consider recommendation from the Research & Technology Committee to approve a renewal, extension, and amendment of a contract with BIO-WEST, Inc., to continue to provide biological monitoring services for Comal and San Marcos Springs Ecosystems, in an amount not to exceed \$734,352.

RECOMMENDED MOTION:

Move the board adopt Resolution and Order No. 10-16-857 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal, extension, and amendment of Contract No. 14-689-HCP, between the EAA and Bio-West, Inc., to continue to provide a biological monitoring program for Comal and San Marcos Springs ecosystems, in an amount not to exceed \$734,352, for the period January 1, 2017 through December 31, 2017, and authorizing the General Manager to execute the contract renewal.

SUMMARY:

The purpose of this agenda item is for the board to consider a Research & Technology Committee recommendation to approve the renewal of a contract between the EAA and BIO-WEST, Inc. (BIO-WEST), to continue to provide a biological monitoring program for the Comal and San Marcos springs ecosystems, as required by the Edwards Aquifer Habitat Conservation Plan (EAHCP). Specifically, section 6.3.1 of the (EAHCP) requires the EAA to “...provide a means of monitoring changes to habitat availability and the population abundance of the Covered Species that may result from Covered Activities ...”

The contract term, which initially was February 12, 2014, through December 31, 2014, is eligible to be renewed for an additional year pursuant to Article I, paragraph 1.3 of the contract. This is the third of four renewal options identified in the original contract. The total annual amount under the contract, as now renewed, is not to exceed \$734,352. The new contract expiration date will be December 31, 2017. The contract is also being amended to clarify the tasks to be performed in 2017.

In accordance with Article 10.02(b) of the EAA's Bylaws, contracts whose value exceeds \$100,000 are required to be approved by a written resolution. A draft resolution and order, and the letter of renewal of Contract No. 14-689-HCP, which have both been reviewed by legal counsel, are attached to this item.

At the September 27 meeting, the Research & Technology Committee voted to recommend the board adopt a resolution and order of the Edwards Aquifer Authority Board of Directors approving a one-year renewal, extension, and amendment of Contract No. 14-689-HCP, between the EAA and Bio-West, Inc., to continue to provide a biological monitoring program for Comal and San Marcos Springs ecosystems, in an amount not to exceed \$734,352, for the period January 1, 2017 through December

31, 2017, and authorizing the General Manager to execute the contract renewal.

M/WBE PARTICIPATION:

BIO-WEST, Inc., is not an M/WBE vendor.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal A. Sustain Federally Protected Aquifer-Dependent Species.

A Biological Monitoring Program is required of the EAA to maintain compliance with the Incidental Take Permit issued by USFWS on March 18, 2013. Specifically, this item is related to the obligations of Section 6.3.1 of the Edwards Aquifer Habitat Conservation Plan.

FISCAL IMPACT:

This project has two funding sources: EAHCP Program funds will be used to pay for comprehensive biological monitoring. The EAA Endangered Species Mitigation Fund will be used to pay for potential critical period monitoring, if necessary.

Funding in the amount of \$408,275 is included in the 2017 proposed EAHCP budget. If necessitated by specific springflow conditions, \$125,000 is available in the 2017 EAA Operating Budget. Should additional funding be needed for additional critical period monitoring as provided by the contract, a budget amendment would be required to appropriate funds from the Endangered Species Mitigation Operating Reserves or the EAA's unrestricted operating reserve if necessary.