

**REQUEST FOR PROPOSALS
TO FACILITATE THE DECISION-MAKING PROCESS
FOR
THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM**

The Edwards Aquifer Recovery Implementation Program (“EARIP”) is seeking proposals for a facilitator to assist in reaching decisions necessary to develop a plan that addresses protection of the Edwards Aquifer as a water supply and addresses protection of the threatened and endangered species associated with the San Marcos and Comal Springs. The EARIP is issuing this Request for Proposals (“RFP”) to obtain the services of a qualified individual, or team, to facilitate the EARIP’s decision-making process. The EARIP is specifically interested in identifying an individual or team with experience in facilitating the decision-making process of large stakeholder groups involving as many as possible of the following aspects: issues related to water allocation; working in a public, consensus-based process involving complex technical and scientific issues; and issues related to federally-listed species.

1. BACKGROUND INFORMATION

a. The Edwards Aquifer Recovery Implementation Program

The Edwards Aquifer Recovery Implementation Program (“EARIP”) is a collaborative, consensus-based stakeholder process to protect and contribute to the recovery of the federally listed species associated with the San Marcos and Comal Springs, while also protecting the Edwards Aquifer as a water supply source. The EARIP consists of a diverse group of regional stakeholders. The stakeholders that have executed a 2007 Memorandum of Agreement with the United States Fish and Wildlife Service (“FWS”) regarding participation in the EARIP are identified in Attachment 1. Additional information regarding the EARIP can be found at <http://irnr.tamu.edu/earip/> The Program Operational Rules governing the EARIP process are attached as Attachment 2.

b. Senate Bill 3

The EARIP is undertaking this work as part of a process that was initially begun voluntarily by stakeholders and that subsequently became subject to specific requirements pursuant to direction of the 80th Texas Legislature in Article 12 of Senate Bill 3 (“S.B. 3”). A copy of Article 12 can be found at <http://earip.tamu.edu/GuidanceDocs.cfm> . S.B. 3 includes a requirement that the EARIP must prepare, approve, and execute a program document by September 1, 2012. The program document may take the form of a Habitat Conservation Plan (“HCP”) under § 10 of the Endangered Species Act. It must provide recommendations for withdrawal adjustments during critical periods to ensure that federally-listed species associated with the Edwards Aquifer and associated springs will be protected at all times including throughout a repeat of the drought of record. S.B. 3 also directs that a Steering Committee be established to oversee the EARIP’s activities.

c. Technical Resources

At a minimum, the following technical and scientific information developed by the EARIP resources will be utilized during the decision-making process. It is the intent of the EARIP that the decision-making process provides a full vetting of this information.

1. Science Subcommittee

The Texas Legislature required the EARIP to establish a Science Subcommittee comprised of individuals who have “technical expertise regarding the Edwards Aquifer system, the threatened and endangered species that inhabit that system, springflows, or the development of withdrawal limitations.” The EARIP has appointed fifteen well-respected scientists from academia, state and federal agencies, water authorities and purveyors, and the private sector to serve as the Science Subcommittee and to make recommendations to the EARIP regarding:

- the option of designating a separate San Marcos pool, of how such a designation would affect existing pools, and of the need for an additional well to measure the San Marcos pool, if designated;
- the necessity to maintain minimum springflows, including a specific review of the necessity to maintain a flow to protect the federally threatened and endangered species;
- as to whether adjustments in the trigger levels for the San Marcos Springs flow for the San Antonio pool should be made; and
- withdrawal reduction levels and stages for critical period management to maintain target spring discharge and Aquifer levels based on an analysis of species requirements in relation to spring discharge rates and aquifer levels as a function of recharge and withdrawal levels.

The Science Subcommittee recommendations with respect to the first three issues were completed in November 2008 and then were evaluated in a peer-review process. The Science Subcommittee is currently working on the last issue. It is expected to complete its recommendations on the withdrawal reduction levels by December 31, 2009.

2. Biological Modeling Study

To support the Science Subcommittee’s work on the withdrawal limitations and assist in the preparation of the program document, the EARIP has retained a team of scientists to evaluate the impacts of in-stream flows and other impacts such as recreation, flood events, and other factors on listed species in the Comal and San Marcos Springs systems, including the river reaches just downstream of the spring openings. See <http://earip.tamu.edu/Science/SciCommDocs.cfm> Each of the scientists on the team has worked extensively on the listed species in the springs. The team is led by Dr. Thomas Hardy from Utah State University. Dr. Hardy is expected to produce an initial report on this study by July 15, 2009, with a final report due by November 30, 2009. We anticipate that the EARIP and the facilitator(s) will be able to draw upon the services of Dr. Hardy and the team during the EARIP decision-making process.

3. United States Geological Survey

The EARIP retained the United States Geological Survey (“USGS”) to participate in the Hardy study process to ensure that the results will serve both the needs of the EARIP in preparing its program document and the FWS in reviewing it. Jean Cochrane of the USGS has worked with the Hardy team to assist in identifying impacts and developing influence diagrams of those impacts on listed species using Structured Decision-Making (SDM). *See* http://www.fws.gov/science/doc/structured_decision_making_factsheet.pdf (describing the Structured Decision-Making process); <http://earip.tamu.edu/Science/SciCommDocs.cfm> (influence diagrams). We anticipate that Jean Cochrane will continue to be available to assist the EARIP and facilitator(s) with scientific issues, including the targeted application of the SDM process. The selected facilitator(s) is encouraged to draw upon Ms. Cochrane’s work with Dr. Hardy’s team and her SDM expertise in the facilitation of scientific issues.

4. HCP Consultant

The EARIP is in the process of retaining a technical consultant to undertake the actual preparation of the program documents, including the required NEPA documentation. We anticipate that, in addition to preparing the program documents, the consultant will assist the stakeholders and facilitator(s) in developing measures and alternatives that will form the basis for these documents.

d. Tentative Decision-making Process/Timeline

The decision-making process will be open, inclusive, and transparent. It is expected that the selected facilitator will facilitate the decision-making process during meetings of the EARIP and will do all such preparatory and follow up work necessary to ensure that the process moves forward efficiently. The selected facilitator, or team, will be expected to coordinate with scientists who are also assisting the EARIP’s decision-making process.

In September, the EARIP will begin reaching the decisions necessary to develop a program document. Beginning in September, the Steering Committee, working with the EARIP stakeholders in a public, consensus-based process, will (1) develop specific goals and objectives for the program document, (2) resolve Endangered Species Act issues such as the geographic scope of the HCP, the duration of the permit, and the species to be covered. Later in the fall and into 2010, the Steering Committee, again working with the EARIP participants in a public, consensus-based process, will begin identifying the actions to be covered by the program document. Attachment 3 outlines some of the general issues the EARIP will have to address in its decision-making process. A rough timeline for addressing those issues is attached as Attachment 4.

2. RESPONDENT’S PROPOSAL SUBMITTAL

Two paper copies and an electronic pdf copy of all responses must be sent to:

Robert L. Gulley, Ph.D.
Program Manager
Edwards Aquifer Recovery Implementation Program

Institute of Renewable Natural Resources
2632 Broadway, Suite 301
San Antonio, Texas 78215
210-222-0711 (W)
979-595-8084 (C)
RLGulley@ag.tamu.edu

No facsimiles will be accepted. Questions regarding this RFP should also be sent to Robert Gulley by e-mail. All responses must be received by 5 p.m. CDT on June 12, 2009. Statements received after 5:00 p.m. on June 12, 2009, will be declared late and will not be eligible for consideration.

Responses to this RFP will be reviewed by a Work Group that will identify a short list of candidate facilitators for initial telephone interviews, followed by in-person interviews of the finalists on or before August 12, 2009. Those persons interviewed in-person will be expected to make a brief presentation to the Steering Committee and stakeholders at the EARIP meeting on August 13, 2009.

Formal selection of the facilitator(s) will be made by the Steering Committee, with input from stakeholders and the Work Group. The EARIP will base its choice largely on demonstrated competence and experience in facilitating the decision-making process of large consensus-based stakeholder groups with respect to water allocation issues involving complex technical and scientific issues. Experience with public stakeholder processes and water issues involving federally-listed species will be considered a plus.

The EARIP has been awarded a Section 6 Habitat Conservation Planning Assistance Grant from FWS. It is anticipated that the federal and non-federal contributions will cover most, if not all of the cost of the facilitation. The grant is a cost-reimbursement grant. The EARIP will contract for the selected facilitator(s) through a contracting agent.

The EARIP reserves the right to reject any and all RFPs received or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of the EARIP. The EARIP does not intend to pay for the information solicited or obtained through any response.

3. SPECIFIC INFORMATION REQUESTED

The respondent will provide information about the individual(s) who will facilitate the EARIP decision-making process. Current resumes should be provided for that individual or individuals.

Responses should include the following information:

- A brief statement (no more than one page) describing the proposed facilitator's(s') assessment of the facilitation needs of the EARIP process;
- A two-to-three page statement regarding how the proposed facilitator(s) anticipates approaching the facilitation of the EARIP decision-making process. The statement should include the facilitator's(s') approach to integrating the technical resources described above and the information developed by USGS through Structured Decision-Making;

- A list of any facilitation process that the proposed facilitator(s) has been involved with that included participation by any of the Stakeholders shown in Attachment 1 within the last 5 years. This list should include, at a minimum, contact information, type of work done, and dates of work performed;
- A list of the projects with which the proposed facilitator(s) has had a primary role in facilitating disputes regarding water issues involving complex technical and scientific issues. The list should identify the nature of the dispute, the scientific issues involved, and the outcome for each project. The list should also state whether the dispute involved federally-listed species, whether the facilitation occurred in an open process, and whether the facilitation involved a multi-party collaborative, consensus-based process;
- A list of references complete with names, addresses, e-mail addresses, and phone numbers for the proposed facilitator(s). Any reference should include persons who have knowledge of the proposed facilitator's(s') work on at least one of the projects described above;
- Comparable references for each person expected to participate in any direct facilitation capacity;
- A timely completion of the project is important to the EARIP. Accordingly, please identify all other significant projects that the proposed facilitator(s) will be involved with between August 2009 and December 2010 and the amount of that person's involvement; and
- The billing and fee structure, including expenses (travel, etc.) of the proposed facilitator(s) and all persons who will assist the proposed facilitator(s) in the facilitation process. Respondent should estimate the number of hours that each person will spend each month on the project assuming that the process will include approximately 24 full-day decision-making sessions over the period from August 2009 through December 2010, some of which may occur over two consecutive days, and taking into account the amount of preparatory and follow up work that will be required for each session.

To the extent possible, the response should be limited to 20 pages.

4. RIGHTS RESERVED

The EARIP expressly reserves the right to accept or reject any and all statements submitted; and is under no legal requirement to execute a resulting contract on the basis of this RFP and intends that the material is to be provided only as a means of identifying the various consultant alternatives.

This RFP does not commit the EARIP or its contracting agent to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the EARIP to award a contract or to pay any costs incurred in the preparation of a response. The EARIP specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where it deems it to be in the best interest of the EARIP.