

**REQUEST FOR PROPOSALS FOR
ENVIRONMENTAL CONSULTING SERVICES
FOR
THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM'S
HABITAT CONSERVATION PLAN**

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. The EARIP is seeking proposals for a consultant to assist in developing and preparing of an Incidental Take Permit (“ITP”) application, Habitat Conservation Plan (“HCP”), adaptive management plan, and National Environmental Policy Act (“NEPA”) documentation (collectively the “Documents”) to effectuate the tenets and purposes of the EARIP.

1. BACKGROUND INFORMATION TO BE CONSIDERED IN PREPARING THE PROPOSAL

The following background information describes on-going activities of the EARIP that will play an important part in the development of the Documents. Respondents should familiarize themselves with this information and consider it as they lay out their approach to the development of the Documents. Because the EARIP will be developing the actions to be covered by the ITP, has an expert Science Subcommittee and has engaged Dr. Hardy and other scientists to evaluate the impacts on species in the Comal and San Marcos Springs, we anticipate that the individual identified to interface with the EARIP will assist the stakeholders in developing measures and alternatives that will form the basis for the Documents and that the primary analytical work required of the selected Contractor will be associated with the preparation of the DEIS and adaptive management plan.

a. The Edwards Aquifer Recovery Implementation Program

The EARIP consists of a diverse group of regional stakeholders. The stakeholders that have executed a 2007 Memorandum of Agreement (“MOA”) with the United States Fish and Wildlife Service (“FWS”) regarding participation in the EARIP are identified in Attachment 1. The MOA setting out among other things, the tenets and purposes of the EARIP and the Program Operational Rules governing the EARIP process can be found at <http://earip.tamu.edu/ProgramDocs.cfm> . Additional information regarding the EARIP can be found at <http://irnr.tamu.edu/earip/> .

Beginning in the late summer, the Steering Committee working with the EARIP stakeholders in a consensus-based process will develop specific goals and objectives for the program documents, determine such things as the geographic scope of the ITP and the species to be covered under the ITP. Later in the fall and into 2010, the Steering Committee working with the EARIP participants will develop the actions to be covered by the HCP and the proposed mitigation and minimization measures.

b. Senate Bill 3

The EARIP is undertaking this work pursuant to the requirements of the 80th Texas Legislature in Article 12 of Senate Bill 3 (“S.B. 3”). S.B. 3 includes a requirement that the program document, which may be in the form of a habitat conservation plan, must be approved and executed by September 1, 2012. A copy of Article 12 of S.B. 3 can be found at <http://earip.tamu.edu/GuidanceDocs.cfm> . S.B. 3 directs that a Steering Committee be established to oversee the EARIP’s activities and programs.

c. 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;
- The necessity to maintain minimum springflows, including a specific review of the necessity to maintain a flow to protect federally threatened and endangered species;
- 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 can be found at <http://earip.tamu.edu/science/SciCommDocs.cfm> along with the results of 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. A full explication of the charge to the Science Subcommittee with respect to this issue can be found in subsection (j) of Article 12, Section 12.6 of S.B. 3.

d. Hardy Study

To support the Science Subcommittee’s work on the withdrawal limitations and assist in the preparation of the Documents, 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 species in the Comal and San Marcos Springs systems. 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. The Scope of Work for Dr. Hardy’s study can be found at <http://earip.tamu.edu/science/SciCommDocs.cfm> . 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.

EARIP also 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 a structured decision-making process.
<http://earip.tamu.edu/Science/SciCommDocs.cfm>

e. Edwards Aquifer Authority’s Draft HCP

Beginning in 1999, the Edwards Aquifer Authority (“EAA”), one of the participants in the EARIP, attempted to complete a HCP with respect to its management of withdrawals from the Edwards Aquifer and protection of the quality of water in the aquifer. EAA submitted a draft ITP application including an HCP to the U.S. Fish and Wildlife Service (“FWS”) in 2005. The EAA prepared, but did not submit, a draft Environmental Impact Statement (“DEIS”) for the HCP. FWS did not act on the draft HCP because it did not include important elements of the water management strategy or supporting NEPA documentation. The EARIP wishes, to the extent appropriate, to update and utilize the information in these documents. A copy of the draft HCP can be found at <http://www.edwardsaquifer.org/pages/reports.htm> A copy of the DEIS will be provided at the pre-submittal conference.

f. Other Information

The EARIP will be setting up a Ecosystem Restoration Subcommittee to examine options for restoration projects on the Comal and San Marcos Rivers. FWS currently has a San Marcos River Restoration team examining restoration options for the San Marcos River. It is anticipated that the Subcommittee when established will work closely with this team with respect to the San Marcos River.

Additional scientific background information regarding the threatened and endangered species and the hydrology of the Edwards Aquifer can be found at <http://irnr.tamu.edu/earip/> . These references, however, are not intended to be the entire universe of information necessary to prepare the Documents.

2. SCOPE OF WORK

The scope of work (the “Work”) for which the EARIP is seeking Proposals includes the following Tasks:

Task 1: Development of a Plan for Developing the Program Documents

Within 60 days of the execution of a contract, the selected Contractor shall submit to the EARIP Program Manager a step-by-step plan for developing the program document and for integrating the preparation process with the EARIP’s decision-making process. The plan shall include a description of what parts of the EAA’s draft HCP and DEIS referenced in Section 1.d the selected Contractor intends to update and utilize in the preparation of the Documents.

Task 2: Interface with the EARIP

The individual responsible for the Work will attend, as appropriate, the meetings of the EARIP and Science Subcommittee and provide advice to the EARIP regarding the development of Documents. The Science Subcommittee will meet monthly. The EARIP will meet at least monthly but may meet more frequently if necessary.

Task 3: Preparation of the Documents

The selected Contractor shall complete the Documents no later than June 30, 2011. Drafts of these documents shall be submitted for review by the EARIP no later than April 30, 2011. The Documents must comply with the requirements of the Endangered Species Act and its implementing regulations, NEPA and its implementing regulations, and FWS Guidance on HCPs. The selected Contractor will meet with the Project Manager and a work group from the EARIP at least monthly to discuss the progress towards completion of the Documents.

Task 4: NEPA Scoping Process

The selected Contractor will prepare the NEPA scoping document and any requisite notices. The selected Contractor shall attend and participate in public meetings regarding that document.

Task 5: Interface with the United States Fish and Wildlife Service

The individual responsible for the work and key personnel may be asked by the Project Manager from time-to-time to attend, with the applicant, meetings with the FWS to discuss issues related to the development and preparation of the Documents. The selected Contractor will to the extent necessary implement any changes or assist in the preparation of any responses to comments required by FWS for approval of the Documents.

3. OTHER SPECIFIC INFORMATION REQUESTED

The Proposal should include the following information:

- A straightforward, concise description of the Respondent and its Subcontractors' approach to performing the Work summarized in each of the Tasks set out above;
- A description in narrative and graphic form of how the Respondent proposes to manage the project and a schedule for the Work to be performed with milestones for completing the Work by June 30, 2011;
- A description of how, if the geographic scope of the HCP were to extend to the San Antonio Bay, the approach, schedule and personnel would be affected;
- The latest date by which the Respondent would require the completion of the development of the action to be covered by the ITP in order for the Respondent to be able to complete the Documents by June 30, 2011;
- A discussion of how the Respondent will ensure the legal sufficiency of the Documents;
- The hourly billing rates of the Respondent's personnel and the specific tasks each person will be assigned;
- The parts of the Work in which a Subcontractor will be involved;

- The identity of all subcontractors that the Contractor proposes to use, including a list of all personnel who will be used by the subcontractor, the personnel’s hourly billing rate, the specific tasks to which each person will be assigned, and the amount of that person’s time will be committed to the Work;
- A statement of the extent to which the Respondent qualifies as, or proposes to utilize, a small, woman- and/or minority-owned business(es);
- Any changes to the information submitted in response to the RFQ (the information submitted in that response should not be reiterated in the proposal);
- Identify any part of its Proposal which it claims is “business confidential”; and
- A two-to-three page executive summary of the proposal.

4. SELECTION CRITERIA

Responses to this RFP will be reviewed by a work group that will evaluate and rank the Proposals received and make recommendations to the Steering Committee of the EARIP. The Steering Committee working the EARIP will select one Respondent based on the information in the responses to the RFQ, the Proposals and the recommendations of the work group with which to try to negotiate a contract. The EARIP will request a task-by-task budget from the highest ranked Respondent and attempt to negotiate a contract. If a contract cannot be promptly negotiated, the EARIP may request a budget from the next ranked Respondent and attempt to negotiate a contract with that firm.

Specifically, the Steering Committee will base its choice on:

- The ability of the individual responsible for the Work to: (1) advise the EARIP regarding the development of the information necessary for the Documents; (2) manage the development and creation of Documents that comply with the requirements of the Endangered Species Act and its implementing regulations, NEPA and its implementing regulations, and FWS Guidance on HCPs; (3) complete the work on time and on budget and (4) work effectively within a collaborative process and with FWS.
- The demonstrated ability and experience of the Respondent’s personnel and Subcontractors in the development and creation of documents comparable to the Documents that comply with the requirements of the Endangered Species Act and its implementing regulations, NEPA and its implementing regulations, and FWS Guidance on HCPs.
- The approach of the Respondent to working with the EARIP in a public, consensus-based process and to developing the program document;
- The proposed schedule for completing the Work in a timely fashion and the commitment of the resources by the Respondent and its Subcontractor to complete the Work in a timely fashion.

- The ability of the Respondents to undertake the Work in a manner that fairly represents the interests of all the participants in the EARIP process.

The EARIP reserves the right to reject any and all proposals as a result of this RFP 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.

5. PROPOSAL SUBMITTAL INFORMATION

Two paper copies and an electronic pdf copy of all proposals must be delivered to:

Robert L. Gulley, Ph.D.
Program Manager
Edwards Aquifer Recovery Implementation Program
Texas A&M University
Institute of Renewable Natural Resources
2632 Broadway, South Bldg., Suite 301
San Antonio, Texas 78215
210-222-0711 (W)
979-595-8084 (C)
RLGulley@ag.tamu.edu

No facsimiles will be accepted. **The EARIP work group will hold a mandatory pre-submittal conference at the San Antonio River Authority, 100 E. Guenther St., San Antonio, Texas, from 1 until 3:00 pm on June 4, 2009.** All other questions regarding this RFP also should be sent by e-mail to Dr. Gulley. All responses must be received by 5 pm CDT on June 22, 2009. Proposals received after 5 pm on June 22, 2009 will not be considered.

6. CONTRACT TERMS

The contract will be a time and actual expense contract with a “not to exceed” amount. At a minimum, the selected Contractor shall be required to submit invoices setting out for the Contractor and each Subcontractor the time spent by each person including each person working on each task, itemized statements regarding all expenses and receipts regarding all travel expenses.

7. PRIME CONTRACTOR RESPONSIBILITIES

The selected Contractor will be required to assume responsibility for all services offered in the RFP whether or not the Contractor produces them. Further, the EARIP will consider the selected Contractor to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

8. RIGHTS RESERVED

The EARIP expressly reserves the right to accept or reject any and all proposals 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 and evaluating 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 RFP 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.

Robert L. Gulley, Ph.D.
Program Manager
Edwards Aquifer Recovery Implementation Program
Texas A&M University
Institute of Renewable Natural Resources
The Courtyard at Brackenridge Park
2632 Broadway, South Bldg., Suite 301
San Antonio, Texas 78215
210-222-0711 (W)
979 595-8084 (C)
RLGulley@ag.tamu.edu